



No. 150A

N° 150A

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 30 May 2005

Lundi 30 mai 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Monday 30 May 2005

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Lundi 30 mai 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

VOLUNTEERS

Mr. Norm Miller (Parry Sound–Muskoka): It is my pleasure to recognize the outstanding contributions made by some of the many community volunteers within the riding of Parry Sound–Muskoka.

Last month, three volunteers who have given 20 years or more of service to Fairvern Nursing Home in Huntsville were recognized at the home's eighth annual volunteer luncheon. Violet Hipgrave, Bill McLean and Eileen Baron had their names added to an ever-growing list of volunteers.

Volunteer Doris Gonder also received the Ontario Long Term Care Association Circle of Excellence certificate from Fairvern board chair Sue Dixon. Doris has been a volunteer at Fairvern since 1988. She recruits, trains and coordinates volunteers for her music program.

As well, recently Huntsville hospital CEO Vaughn Adamson recognized over 50 years of volunteering by the Huntsville hospital auxiliary.

The Port Sydney-Utterson and Area Chamber of Commerce named Cyrle Somerset citizen of the year for his dedication to the community. Cyrle retired this year, after 47 years of service with the local volunteer fire department.

In Parry Sound, the firefighters' association has been fundraising to support district children's aid societies so that area children have the opportunity to go to camp. The Gravenhurst Lions Club, Bracebridge Rotary Club and Huntsville Knights of Columbus members have been out in full force helping to clean up stretches of area highways.

These are but a few of the many individuals and groups who have volunteered in their communities in Parry Sound–Muskoka. They are what make our communities so special and bind them together.

I would like to thank the many volunteers who enrich their communities by selflessly contributing their time, energy and talents.

LONDON KNIGHTS

Ms. Deborah Matthews (London North Centre): We had quite a day in London yesterday; in fact, I hear

the party is still going strong. In a stunning 4-0 victory, the London Knights trounced the Rimouski Océanic to win the Memorial Cup, and convincingly proved to the country what everyone in London has known since last fall: that the Knights are real champions. Their record this season was 79-9-2, a record-setting winning percentage in the history of the CHL. Indeed, our Knights set the OHL record for having set the most records: 15 new records in one season. Of course, the crowning glory was yesterday's win at the remarkable John Labatt Centre, a day that some are calling the greatest in London sports history.

I'd like to take this opportunity—I know I'm joined by all the members of this House—to congratulate each and every member of the London Knights team. Congratulations to Dale and Mark Hunter and their support staff, especially the legendary trainer Don Brankley, who actually lives at the JLC. I'd like to congratulate Peterborough native—I'm reminded by my colleague here—Corey Perry and every single player on the London Knights team. You've made us all very proud to have shared in your journey and to have witnessed your fabulous victory. You played like champions all season long, and this win shows the results of your hard work, your determination and, if I may say it, your true grit. Your spirit inspired our city as we showed once again that London knows how to put on a great event.

Thanks to all those who volunteered, sponsored, worked and cheered to ensure that the Memorial Cup was a great success and that our London Knights were victorious. It truly was a fitting end to the greatest season in junior hockey history.

RIDE FOR DAD

Mr. Garfield Dunlop (Simcoe North): I too would like to congratulate the London Knights on a wonderful victory.

On Saturday, May 28, I had the privilege of participating in the first annual Ride for Dad prostate cancer awareness program. It was held in north Simcoe county. It took off from the Ontario Provincial Police general headquarters, and over 500 powerful motorcycles toured throughout north Simcoe promoting awareness and raising funds for prostate cancer research. As I said earlier, they call it the Ride for Dad. I was happy to see participants from all over Simcoe county, as well as a number of people from throughout the province, participating in this wonderful event.

There are a lot of people I'd like to thank. First of all, I'd like to thank Commissioner Gwen Boniface and the people at the general headquarters of the OPP for allowing the facility to be used as the starting point, and all the media, who drew a lot of attention to the event as well. The key point here is that in Simcoe county we're desperately lobbying the provincial government for funding for a Cancer Care Ontario unit. Any funding that will help with prostate cancer research will make this unit even more viable. The county of Simcoe is growing at a fairly alarming rate, and we know that the Royal Victoria Hospital in Barrie would like to be the site of a Cancer Care Ontario unit in the future.

I want to thank all those who participated in the event. On Friday night alone, they raised over \$30,000 from people registering. I haven't heard the final outcome, but I can guarantee that it will be somewhere between \$50,000 and \$60,000. I want to congratulate all those who participated and organized the event.

FEDERATION OF METRO TENANTS' ASSOCIATIONS

Mr. Michael Prue (Beaches–East York): This past Saturday, May 28, I had an opportunity to attend the Federation of Metro Tenants' Associations' annual meeting, held here in Toronto. It was a meeting of tenants from across Toronto, and a few who came from the wider area of the GTA.

I promised them to deliver this message here in the House today: There is a huge level of frustration amongst the tenants and tenants' groups in the Toronto area, and probably across Ontario. They were promised that there were going to be some major changes to the Tenant Protection Act. We all know that act because it does everything except protect tenants. It protects landlords but not tenants. They were expecting some major changes to the rent review tribunal, and at this stage, all they can say is that they have been kept in the dark.

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Two years ago, this government promised them that there would be a new act; there has been no new act. They promised them that there would be some changes made, but we know that has all died in cabinet. All we know at this stage is that the landlord lobby appears to be on the ascendancy, and they appear to be very effective.

The tenants themselves are nervous. In seven more days, we will end this session of the Legislature. By the time we come back, more than two years will have elapsed with them working under laws that are really arcane and outdated.

The tenants ask two things: (1) If you are not going to change the act, can this government at least remove the principle of "costs no longer borne," and (2) if you're not going to change the act, at least change the chair of the rent tribunal review process so that they have a chance. That's what they're asking this government.

STUDENTS IN THORNHILL

Mr. Mario G. Racco (Thornhill): On Tuesday, May 25, I welcomed my colleagues' challenge and went back to school. I visited grade 10 students at Thornhill Secondary and Vaughan Secondary School. I participated in four civics classes and spoke to the students about my responsibilities at Queen's Park and the difference between provincial, federal and municipal responsibilities. I was able to speak with both students and faculty.

My objective was to try to get a better understanding of the student population, what they expect from the education system and what they feel they are getting from it. I must say that the students were very well prepared for my visit and they had a lot of great questions and comments. I certainly feel that I have a better understanding of the young people who live in my riding.

My day did not end there. I also attended the second annual RAV FM charity concert. Vaughan Secondary School houses Ontario's first fully equipped high school radio station. It is heard by the Vaughan Secondary School community and broadcast on the World Wide Web. The concert showcased local bands, and proceeds went to the Stephen Lewis Foundation, a charity dedicated to easing the pain caused by the raging AIDS epidemic in Africa.

It was a great experience to go back to school. I met some of the most motivated and talented young people in my riding.

RURAL ONTARIO

Mr. Robert W. Runciman (Leeds–Grenville): Residents of small-town, rural Ontario are becoming increasingly aware of a sobering fact: This McGuinty Liberal government has little understanding of and no empathy for the rural way of life in our province and the history and traditions associated with it.

In the Liberal government's latest assault on the rural way of life, they've dispatched their troops in district health units to stop the sale of jams, relishes, preserves and baked goods at farm markets unless those products are produced in special licensed kitchens, separate from family kitchens.

While market products are in the gunsights now, these requirements also apply to food prepared for church dinners, potluck suppers and even bake sales held to raise money for school activities.

I've never heard of anyone becoming ill from products bought at a country market or people attending church dinners or potluck suppers. Incredibly, while I was hearing about the assault on market producers, provincial media were blasting reports about 160 diners becoming ill in Burlington after attending a buffet prepared by a professional caterer who prepares his meals in a licensed kitchen regularly inspected by the area health unit.

The Toronto-centric bias of the McGuinty Liberal government is at the root of this assault on small-town, rural traditions. Anger is growing, and I urge the govern-

ment to step back and bring common sense to our laws and their application.

POST-SECONDARY EDUCATION

Mr. Mario Sergio (York West): My riding of York West is host to York University's 50,000 students and 7,000-member faculty and staff. The May 11 budget infused \$6.2 billion into post-secondary education. It therefore gives me great pleasure to rise in the House and share in the elation of this dynamic academic community.

As the third-largest university in the country, its president and vice-chancellor, Dr. Lorna Marsden, welcomed the package: "We would like to congratulate the McGuinty government for honouring the vision of the Rae report and for recognizing the crucial role universities play in building Ontario's future."

The budget's increased accessibility to funding will mean higher enrolment, more graduate spaces, a 15% increase in first-year medical spaces and will dramatically improve student assistance.

More than 135,000 students will benefit from enhanced assistance this year, including 32,000 students who will receive a new tuition grant for those with the lowest incomes. Over the course of this plan, funding available for student aid will double. There is also a reduction in the contribution for parents with dependent students. Tuition fees will be frozen for a second straight year, with more faculty at colleges and universities to accommodate higher enrolment and help students succeed, and 7,000 new annual entrants into apprenticeship, reaching 26,000 by 2007-08.

These are just some of the ways that the McGuinty government is helping our young people prepare for the future and succeed in today's global market.

RESEARCH AND DEVELOPMENT

Mr. Phil McNeely (Ottawa-Orléans): Last week, alongside our Premier, I had the privilege of celebrating the inauguration of the new biosciences complex at the University of Ottawa. This state-of-the-art complex will be on the cutting edge of research and will be the most advanced research and learning facility of its kind in Canada. Leading researchers, educators and students will collaborate under one roof to develop strategies and solutions that will protect the environment and human health.

This type of facility puts Ontario at the forefront of research both here and abroad. This government knows that research and innovation are strong economic drivers that benefit all Ontarians. We also know that being competitive on an international scale requires ongoing government support. That is why we are committed to increasing the research capacity of Ontario, and are doing so by providing \$730 million in funding through the Ontario research fund, as outlined in our budget. A full \$300 million of that funding is allotted for research infrastructure for projects just like this one. When we

provide the best facilities, we attract the best talent from around the globe.

Not only will Ontario be attracting established minds; we will also be ensuring that our province is creating and fostering our own talent, talent that will be among the best in the world. I am proud of the University of Ottawa for this accomplishment. I am proud that our province is providing strong support to research and innovation in Ontario.

CERTIFIED MANAGEMENT ACCOUNTANTS

Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell): It is with pleasure that I rise in the House to extend a very warm welcome to representatives from the Certified Management Accountants of Ontario, who are here with us at the Legislature today to highlight the important work that the members of their profession do not only in communities throughout Ontario, but all across Canada.

Certified management accountants, or CMAs, are strategic financial management professionals who combine accounting expertise with professional management skills to provide leadership, innovation and an integrating perspective to organizational decision-making. As accomplished financial professionals, CMAs bring a strong market focus to strategic management to enhance sector competitiveness. They are found in all areas of the private and public sectors, including the Ontario public service, and even among MPPs themselves, including the Minister of Transportation.

Today, CMAs from all across Ontario are here to meet with MPPs and political and public service staff to learn more about government and legislative processes and to share their views on how CMAs can help all parties in the Legislature strengthen their financial management and performance measurement techniques. CMA Ontario is also hosting a reception here in the Legislature this evening where MPPs will have a chance to speak directly with CMAs from across Ontario and take a look at some innovative displays. I would encourage all members to attend.

SPECIAL REPORT, OMBUDSMAN

The Speaker (Hon. Alvin Curling): I beg to inform the House that I have today laid upon the table a report of the Ombudsman of Ontario, made pursuant to section 21(4) of the Ombudsman Act, entitled *Between a Rock and a Hard Place*.

Reports by committees? Member for Thornhill.

Mr. Mario G. Racco (Thornhill): I move that leave be given to introduce a bill entitled *An Act to revive Acton Disposal Services Ltd.*—

The Speaker: Order. I haven't called introduction of bills as yet.

1350

VISITORS

The Speaker (Hon. Alvin Curling): We have with us in the Speaker's gallery a parliamentary delegation from the Provincial Assembly of the Punjab, Pakistan, led by the Deputy Speaker, Sardar Shaukat Hussain Mazari. The Consul General is also with us. Please join me in warmly welcoming our guests.

Hon. Jim Watson (Minister of Consumer and Business Services): On a point of order, Mr. Speaker: I've never done this before, so it may not be a point of order, but I'd like to point out that my niece Olivia Froislie and her friend Maya English are here all the way from Ottawa.

The Speaker: The minister is so right; it's not a point of order, and I can see you've done it the first time. They are also welcome.

INTRODUCTION OF BILLS

DEVELOPMENTAL SERVICES
AMENDMENT ACT, 2005LOI DE 2005 MODIFIANT LA LOI
SUR LES SERVICES AUX PERSONNES
AYANT UNE DÉFICIENCE
INTELLECTUELLE

Mr. Dunlop moved first reading of the following bill:

Bill 205, An Act to amend the Developmental Services Act / Projet de loi 205, Loi modifiant la Loi sur les services aux personnes ayant une déficience intellectuelle.

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

Mr. Garfield Dunlop (Simcoe North): The bill amends the Developmental Services Act to require the minister, under the act, to operate and maintain the present facilities for persons with developmental disabilities under the following names: Huronia Regional Centre of Excellence at Orillia, Rideau Regional Centre of Excellence at Smiths Falls, and Southwestern Regional Centre of Excellence at Cedar Springs. The bill prevents the minister from establishing any further facilities.

ACTON DISPOSAL
SERVICES LIMITED ACT, 2005

Mr. Racco moved first reading of the following bill:

Bill Pr9, An Act to revive Acton Disposal Services Limited.

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

TORONTO ATMOSPHERIC FUND
ACT, 2005

Mr. Duguid moved first reading of the following bill:

Bill Pr15, An Act respecting the Toronto Atmospheric Fund and the Clean Air Partnership (formerly known as the Toronto Atmospheric Fund Foundation).

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

MOTIONS

COMMITTEE SITTINGS

Hon. Christopher Bentley (Minister of Labour): Mr. Speaker, I believe we have unanimous consent to move a motion without notice regarding the standing committee on the Legislative Assembly.

The Speaker (Hon. Alvin Curling): Do we have unanimous consent? Agreed.

Hon. Mr. Bentley: I move that, in addition to their regularly scheduled meeting times, the standing committee on the Legislative Assembly be authorized to meet on Monday, May 30, 2005, for the purpose of considering Bill 133, An Act to amend the Environmental Protection Act and the Ontario Water Resources Act in respect of enforcement and other matters.

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

HOUSE SITTINGS

Hon. Christopher Bentley (Minister of Labour): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, May 30, 2005, for the purpose of considering government business.

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

All in favour, please say "aye."

All those against, please say "nay."

I think the ayes have it.

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

The division bells rang from 1357 to 1402.

The Speaker: Order. Would all members please take their seats.

Mr. Bentley has moved government notice of motion 376.

All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Arthurs, Wayne	Gravelle, Michael	Peters, Steve
Baird, John R.	Hoy, Pat	Peterson, Tim
Barrett, Toby	Hudak, Tim	Phillips, Gerry
Bartolucci, Rick	Jackson, Cameron	Pupatello, Sandra
Bentley, Christopher	Jeffrey, Linda	Racco, Mario G.
Berardinetti, Lorenzo	Kular, Kuldip	Rinaldi, Lou
Boutrogianni, Marie	Kwinter, Monte	Runciman, Robert W.
Bradley, James J.	Lalonde, Jean-Marc	Sandals, Liz
Brotten, Laurel C.	Leal, Jeff	Scott, Laurie
Brownell, Jim	Levac, Dave	Sergio, Mario
Bryant, Michael	Marsales, Judy	Smith, Monique
Cansfield, Donna H.	Martiniuk, Gerry	Smitherman, George

Chambers, Mary Anne V.	Matthews, Deborah	Sterling, Norman W.
Colle, Mike	Mauro, Bill	Takhar, Harinder S.
Cordiano, Joseph	McMeekin, Ted	Tory, John
Craitor, Kim	McNeely, Phil	Van Bommel, Maria
Delaney, Bob	Meilleur, Madeleine	Watson, Jim
Di Cocco, Caroline	Miller, Norm	Wilkinson, John
Duguid, Brad	Milloy, John	Wilson, Jim
Duncan, Dwight	Mitchell, Carol	Witmer, Elizabeth
Dunlop, Garfield	Mossop, Jennifer F.	Wong, Tony C.
Flynn, Kevin Daniel	Munro, Julia	Wynne, Kathleen O.
Fonseca, Peter	O'Toole, John	Yakabuski, John
Gerretsen, John	Parsons, Ernie	Zimmer, David

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

Nays

Bisson, Gilles	Kormos, Peter	Ouellette, Jerry J.
Chudleigh, Ted	Marchese, Rosario	Prue, Michael
Horwath, Andrea	Martel, Shelley	

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 72; the nays are 8.

The Speaker: I declare the motion carried.

STATEMENTS BY THE MINISTRY AND RESPONSES

HEALTH CARE

Hon. George Smitherman (Minister of Health and Long-Term Care): It is with great pleasure that I rise in my place today to tell my colleagues about yet another important step forward we have taken toward building the kind of health care system Ontarians need and the one that they deserve.

As you know, the government has a plan to reduce wait times in five critical areas: cancer surgery, cardiac procedures, hip and knee joint replacement, cataract surgery, and access to MRI and CT scans. These are areas associated with a high degree of disease and disability, and Ontarians have told us that they're a big priority.

We are investing \$154 million to fund about 67,700 additional procedures in these priority areas in 2005-06. That's 4,300 more total hip and knee joint replacements, 14,000 additional cataract surgeries, 39,500 more MRI operating exams, 7,000 more cardiac procedures and 2,900 additional cancer surgeries. Just to give my friends a bit of context for these numbers, that means 16% more hip and knee joint replacements, 13% more cataract surgeries and a 7% increase in cardiac procedures, the single largest increase in these areas in more than a decade.

As for MRI exams, this year's investment, along with the investments we announced last year for new and replacement MRIs, will yield a 24% increase in the number of MRI exams this year. All of this builds on the extraordinary investment we made last year when we funded a total of 135,200 new procedures. That's more than the population of St. Catharines.

I am sure that members on both sides of this House can see what an extraordinary difference this will make in the lives of thousands and thousands of Ontarians who are going to receive faster access to a procedure that could save their life, improve their vision or their mobility, or perhaps diagnose an ailment in time to make a difference in fighting it. And it is already happening. Many of my friends will have seen the recent reports out of Kingston, where wait times for non-urgent MRIs have dropped from more than four months half a year ago to just a week today. Yes, that's true: just one week today.

Our plan is working and every new procedure we deliver makes a difference of some kind in somebody's life. That's why we've made reducing wait times the priority that we have. But I want to make it clear that our strategy involves more than simply funding new procedures; it means creating a system to deliver them. A critical part of reducing wait times is managing wait times, and until now there really has not been a system in place for doing this.

According to a survey we conducted last summer, MRI wait times varied then from four weeks to 50, depending upon which hospital you were at. That's not a system; it's a roll of the dice. We're changing that. For the first time ever, we're building a system in Ontario to measure and report to patients on a Web site about the state of wait times in this province.

By December 2006, we will have established a comprehensive provincial registry that will regularly post information about wait times in our five key areas to the Web site. Eventually, we will expand this registry to include all surgeries delivered in Ontario. This is hugely significant. With this information, Ontarians will be able to see for themselves how long people are waiting for which services and where. This will allow patients to make informed choices about their health care, and it will make it much easier for doctors to set priorities based on the needs of their patients. It will allow us to set targets so that patients and providers alike will know how long a wait is appropriate for a given procedure and how long is too long.

Because wait times will be broken out and reported for each local health integration network, we will be able to ensure that there are no longer the kinds of discrepancies across the province that we see today. This will be an end to that inequity.

1410

I have often said that wait times are an important barometer in health care. People judge the quality of their health care system by how long they have to wait for procedures that they need. For that reason, we have an obligation to ensure not only that Ontarians are getting information about wait times but also that they know the information is accurate. The new Ontario Health Quality Council, which will be up and running this summer, will provide that reassurance. It will be an independent monitoring council that makes annual reports on how our health care system is performing, including the progress the government is making on health priorities like wait

times. People will be able to judge for themselves whether our health involvements are yielding the results they should be.

The McGuinty government shares a vision with Ontarians of a health care system that will help keep them healthier, provide them with good care when they get sick, and will be there for them and for other generations to come. With the investments we're making in reducing wait times and improving access, we have been taking a very big step forward to make that vision a reality for Ontario's patients.

CLASS SIZE

TAILLE DES CLASSES SCOLAIRES

Hon. Gerard Kennedy (Minister of Education): I rise to speak to the House today about the government's commitment to help our youngest students get the education they need to succeed.

This September, elementary students will get more from this government: more individual attention through smaller class sizes, more specialist teachers and more resources aimed to improve student achievement.

We are delivering on our plan to reduce class sizes in the kindergarten to grade 3 years. Last year, we made our first investment in class size reduction—\$90 million—and 1,100 new teachers were hired, reducing class sizes in approximately 1,300 schools. Our goal is to implement a cap of 20 students in the primary grades by the 2007-08 school year. We can take great pride in the fact that Ontario leads the country in its support for students in their critical early years of learning. I want to note the tremendous work that my colleague Mrs. Bountrogianni, the Minister of Children and Youth Services, has done with the Best Start program as a component of that.

This year, we will make even more progress by committing an additional \$126 million to continue reducing class sizes. This means that by September, 381,000 students—more than 70% of Ontario's JK to grade 3 students—will be benefiting from smaller class sizes.

It is crucial that students have the one-on-one attention with their teachers that they were missing in the past so that they can master the fundamentals, including reading, writing and mathematics. No child should get lost in the crowd, and every child deserves to have these resources and the programs they need to unlock their particular potential. Currently, about 60% of our 12-year-olds are meeting the provincial standard in these key subjects. Our goal is to see the achievement rise to 75% by 2008. Reducing class sizes in the primary years is an important element in meeting this goal.

Il est primordial que les élèves aient droit à l'attention individuelle qu'ils méritent de la part du personnel enseignant pour qu'ils puissent assimiler les notions de base en lecture, en écriture et en mathématiques. Aucun enfant ne devrait se perdre dans la masse. Chaque enfant a le droit de disposer des ressources et des programmes voulus pour lui permettre de réaliser son plein potentiel.

International studies support the fact that students do perform better in smaller class sizes. An inaugural study in Tennessee begun in 1990 and continuing today shows conclusively that primary school students in small classes perform significantly better in reading and mathematics, and gains were most pronounced with some of the most difficult-to-reach students from minority and disadvantaged backgrounds.

This morning, the Premier and I visited Holy Rosary elementary school, in the riding of my colleague the Honourable Michael Bryant. Last year, the school hired an additional full-time teacher as a result of the class size reduction funding and created a new grade 2 class. There was a dramatic reduction of all primary class sizes in the school; the classes went down from 26, 27 and 25 to 18, 16 and 17.

We visited a grade 1 class and spoke with the teacher, Enza Taddeo. Ms. Taddeo said that the small class sizes are giving teachers the opportunity to provide more intensive instruction. She said that this is especially critical when students who are struggling with basic language skills and others who are excelling are in the same class.

Ms. Taddeo is not the only one to share with us her story of how reduced class size is making a difference to her students. I heard from a mother, Julie Hillwood, who wrote to me about the changes she's seen in her son, based in part on the smaller size of his class. Ms. Hillwood said, "A smaller class size allowed my son's teacher to really get to know him. My son is a very bright child who needs an extra boost of confidence to perform academically. Due to a small class size his teacher was able to recognize this and work with us to achieve a learning plan that works for him. I know that had his class been bigger she could not have done this so effectively and he would have struggled to no avail. Now he can look forward to next year with confidence."

One teacher who wrote to me reported fewer discipline problems, another said that it was easier to get to students at all times of the day, and yet another said that there was more time to help students who needed extra attention, not just to develop cognitive and academic skills but emotional ones as well.

L'engagement pris par ce gouvernement au chapitre de la réduction des effectifs des classes produit des résultats et ne représente qu'un des volets de notre stratégie globale concernant l'éducation élémentaire. Nous augmentons aussi le nombre d'enseignantes et d'enseignants spécialisés dans les domaines clés que sont la littératie, la numératie, la musique, les arts et l'éducation physique, pour que les élèves reçoivent une éducation équilibrée et enrichie et que le personnel enseignant ait plus de temps pour se préparer à enseigner en salle de classe, corriger les travaux et rencontrer les parents.

While these teachers are contingent on successful labour agreements, we expect that there will be 600 additional specialist teachers in the arts, music and physical education this fall.

We have also invested \$18 million in local literacy and numeracy projects developed by school boards that

use strategies to improve student achievement. We expect that approximately 295,000 students will benefit from these 160 projects that are being supported.

Another \$7 million is being provided to ensure that teachers have access to the latest current teaching resources and techniques. Last summer, nearly 7,000 JK to grade 3 teachers participated in the government's summer literacy and numeracy training program. We've expanded that program this year so that it includes more sessions as well as training for teachers in grades 4 to 6.

This government has made excellence in public education a key priority. We've put our commitment behind education because we owe it to our students to provide the kind of education that they need in order to succeed. While there is, admittedly, more work to be done, we are making progress. Once again, schools across Ontario will be better this September.

The Speaker (Hon. Alvin Curling): Responses?

Ms. Laurie Scott (Haliburton–Victoria–Brock):

Today the government announced that it is investing \$126 million toward smaller class sizes, but there seems to be a gap between their promises and the real cost of actually fulfilling them. Estimates produced by the Ontario public service put the cost of placing a hard cap on class sizes at over \$1 billion. In fact, the Ontario public service estimated that in the second year of implementation, \$680 million would be needed to have a chance of meeting this target. The government is over half a billion dollars short in their investment.

It's time to come clean and admit this is an empty promise that they have no chance of keeping. If they thought they could reach this target of a 20-student hard cap, why won't the minister provide information regarding class sizes across the province?

Your Premier, the self-proclaimed education Premier, said, "It's time for a government that will keep rural schools open." Can you, as education minister, tell us today how many rural schools will be closed this coming year? Can you tell us, in light of the Premier's statements, how many rural schools will be closed this year?

At the minister's announcement last week at a primary school, there were vending machines of pop, chocolate bars and chips—just another broken promise.

1420

HEALTH CARE

Mr. John R. Baird (Nepean–Carleton): I rise to respond to the announcement made by the Minister of Health. The Minister of Health talks about reducing wait times. This minister's own health care guru acknowledges that the McGuinty Liberal government here in Ontario doesn't even track waiting times, and despite 18 long months in office, they're no closer to tracking wait times than they were when they took office. Apparently, we're going to have to wait 18 more long months before they will be able to track these waiting lists for health care.

We have an aging population. We have a population which is becoming in need of more medical procedures, and this government won't even commit that waiting lists will go down. When Conservatives have asked, "Will you stand in your place and tell us whether waiting lists will go down?" we don't get any commitment, we don't get any guarantee, and there's a reason for that.

This minister gets up and talks about support for Ontario hospitals. Let's look at the men and women who work in our hospital system. Let's look at what they're saying about health care in the province of Ontario.

The Ontario Hospital Association, the committed group of men and women who represent our publicly funded hospitals, say, "Ontario will remain near the bottom of the Canadian pack in terms of its per capita spending on hospitals." And it's getting worse.

Interjection.

Mr. Baird: What did the minister say?

Hon. George Smitherman (Minister of Health and Long-Term Care): Because they're larger.

Mr. Baird: They're larger. What about per capita spending? Ontario's larger, Minister. We need more hospital supports and services.

Let's go on.

Interjections.

The Speaker (Hon. Alvin Curling): Order.

Mr. Baird: I know these folks don't want to hear the truth about their health care record, Speaker, but they're going to hear it.

Here's what the Ontario Hospital Association says: "This means that many hospitals could ... be required to plan reductions to core patient services and for the elimination of up to 4,000 staff positions."

This is what's going on in our hospitals, and all we get is heckling from the members opposite. Maybe they should be fighting for our hospitals instead of just cheering on this minister's cuts of potentially 4,000 more people.

Let's look at what nurses are saying about the McGuinty government. The Ontario Nurses' Association recently put out a news release that said, "The McGuinty government has done a 180-degree turn from its stated commitment during the election to protect patient care and to hire 8,000 full-time registered nurses."

That is not the Progressive Conservative Party. It's not an opposition MPP. It's the head of the nurses' association of Ontario, and I will believe her 100 times out of 100 instead of believing this partisan Liberal government.

Let's go on with what nurses say: "Nurses believe they are being used as pawns.... They no longer believe this government is committed to restoring nursing care, protecting patients and making positive changes."

What does the head nurse in Ontario say? Karen Haslam-Stroud says, "Layoffs will deeply affect patient care." Those are not my words; those are her words.

We know this government has criticized the previous government for cutting nurses. Apparently they didn't cut enough, because this government wants to cut even more

nurses in the province of Ontario, and that is the real disgrace. It has big effects, big consequences for hospitals, like the Queensway-Carleton Hospital, that is desperately trying to provide the same services they provided last year and struggling to do so with the under-funding of this government.

Ms. Shelley Martel (Nickel Belt): I'm happy to respond to the statement made by the Minister of Health. I'm always interested in the contradiction between the government rhetoric about this issue and the probably much more accurate opinion about the wait list matter that has been given by Dr. Alan Hudson. He was appointed by the government to actually deal with the wait time strategy, but he has said very clearly that:

"It will take until the end of 2006 before Ontarians start to see reduced wait times for key medical procedures and, even then, progress will likely be limited to just cataract surgery, the province's new wait-time czar said yesterday.

"Dr. Alan Hudson, the newly appointed chairman of the provincial wait time strategy, said hospital Web sites listing wait times for cardiac, cancer and cataract care, as well as hip and knee replacements and MRI and CT scans, should be available to Ontarians by December 2006.

"There will be improvements (in the data available) but I can't promise we'll get the waiting times down by then," Dr. Hudson said.

"Dr. Hudson's comments raised questions about the Liberal government's ability to fulfill its election pledge to reduce wait lists in the five priority areas before the end of its mandate."

Let's look at what ICES had to say, because of course ICES released its wait time document in April 2005. ICES very clearly said the following: "The findings of this report show that over the past decade there have been substantial increases in the number of procedures for each of the five services studied, yet many patients continue to experience prolonged wait times. This means that demand for these services has risen as fast and in some cases faster than the increase in supply. This increased demand is fuelled by multiple factors including"—it talks about an aging population, different kinds of diseases and advances in surgery.

What is interesting is that ICES made four very clear recommendations to the government about what the government had to do with respect to wait times, and we have yet to hear from the government what their response to both this document and the four recommendations from ICES really is. We await a reply from the minister on that very important issue.

We also know that the system's ability to deal with surgery is very much dependent on a link to the anaesthetists who are available to participate in surgeries. What's interesting is, in Sudbury, for example, in mid-December 2004, the CEO at the Sudbury Regional Hospital said that they were experiencing entire blocks of cancellations of surgeries due to the lack of anaesthetists. What was ironic was that she made that statement on the

same day that the government announced additional funding for additional procedures, so our hospital wasn't in a position to deal with that at that time.

Interjection.

The Speaker: Minister of Health, come to order.

Ms. Martel: I wonder how many other hospitals are dealing with that problem in the face of a lack of anaesthetists.

Finally, the government is aware that as it deals with its priority areas, there have been many concerns raised about how wait lists in other areas are now going to increase. The government received a great deal of correspondence to this effect in December 2004 and February 2005. Angus Maciver, president of the Ontario Association of General Surgeons, said, "Again and again, the needs of our patients have been chronically ignored while other deserving and (more politically appealing)"—

Interjections.

The Speaker: Can I have some quiet, please. I'm having difficulty hearing the member from Nickel Belt.

The member from Nickel Belt.

Ms. Martel: "We ask the government for serious consideration: Make access a key issue."

Finally, Dr. Maciver again, Dr. Kealy and Dr. Barron, the chair of the OMA section on general surgery, wrote to the government in February. "... we cannot support any program that has the effect of increasing already long wait lists for others. Prioritizing some procedures over others has the effect of reducing many of our patients to second-class status and effectively denying them their rights as outlined in the Canada Health Act."

It will be interesting to see what other wait lists now grow.

CLASS SIZE

Mr. Rosario Marchese (Trinity-Spadina): I'm always happy to respond to reannouncements and pre-announcements. In fact, the Minister of Education has reannounced the education money in the budget in four different press conferences since the budget. Today he pre-announced money the government plans to spend in 2009, more than two years after the next election, and reannounced the money. He reannounced the teachers who were hired last year and pre-announced the teachers who will be hired next September. Doubtless he will reannounce his pre-announcements again in September; take my word for it.

The problem with these reannouncements and pre-announcements is that it's very hard to see what's really happening in our schools. We have repeatedly called on the government to build transparency, which the Liberals allege they're big on, by establishing a standing committee on education, something they promised to do before the last election. Unfortunately, they have voted it down repeatedly.

By the way, on the subject of small schools, if the Premier is really interested in quality education and

smaller class sizes, he might want to examine some of the small schools his government will be closing this June. Last week our leader, Howard Hampton, accepted the back-to-school challenge and visited the Fourway school north of Thunder Bay. He saw a small school that was at the heart of the community where students were receiving an excellent education in a caring, communal environment. Unfortunately, neither Dalton, the Premier, nor Gerard could make it, and I suspect a whole lot of other Liberals couldn't make it either. But there is always time—time to correct the mistakes of the previous government and time to deal with the broken promises of this government as it relates to small schools. The students in these schools don't get a photo-op and a game of “go fish” with the Premier. They get two-hour bus rides on dangerous roads and they lose their community schools.

By the way, Gerard—Mr. Kennedy, Minister of Education—talking about the thousands of teachers you're going to hire in the next little while, you might want to create more spaces to train faculty, because at the moment we're hiring a whole lot of teachers who are being trained in private teachers' colleges where tuitions are sky high. You may just want to look at that.

DEFERRED VOTES

FILM CLASSIFICATION ACT, 2005

LOI DE 2005

SUR LE CLASSEMENT DES FILMS

Deferred vote on the motion for third reading of Bill 158, An Act to replace the Theatres Act and to amend other Acts in respect of film / Projet de loi 158, Loi remplaçant la Loi sur les cinémas et modifiant d'autres lois en ce qui concerne les films.

The Speaker (Hon. Alvin Curling): Call in the members. This will be a five-minute bell.

The division bells rang from 1430 to 1435.

The Speaker: Would all members please take their seats.

Mr. Watson has moved third reading of Bill 158. All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Arthurs, Wayne	Gerretsen, John	Peters, Steve
Baird, John R.	Gravelle, Michael	Peterson, Tim
Bartolucci, Rick	Hoy, Pat	Phillips, Gerry
Bentley, Christopher	Hudak, Tim	Pupatello, Sandra
Berardinetti, Lorenzo	Jeffrey, Linda	Qaadri, Shafiq
Bountrogianni, Marie	Kennedy, Gerard	Racco, Mario G.
Bradley, James J.	Kular, Kuldip	Rinaldi, Lou
Brown, Michael A.	Kwinter, Monte	Runciman, Robert W.
Brownell, Jim	Lalonde, Jean-Marc	Sandals, Liz
Bryant, Michael	Leal, Jeff	Scott, Laurie
Cansfield, Donna H.	Levac, Dave	Sergio, Mario
Chambers, Mary Anne V.	Mauro, Bill	Smith, Monique
Chudleigh, Ted	McGuinty, Dalton	Smitherman, George
Colle, Mike	McMeekin, Ted	Takhar, Harinder S.

Cordiano, Joseph	McNeely, Phil	Tory, John
Craitor, Kim	Meilleur, Madeleine	Van Bommel, Maria
Delaney, Bob	Miller, Norm	Watson, Jim
Di Cocco, Caroline	Milloy, John	Wilkinson, John
Dombrowsky, Leona	Mitchell, Carol	Wilson, Jim
Duguid, Brad	Mossop, Jennifer F.	Witmer, Elizabeth
Duncan, Dwight	Munro, Julia	Wong, Tony C.
Dunlop, Garfield	Orazietti, David	Wynne, Kathleen O.
Flynn, Kevin Daniel	Parsons, Ernie	Zimmer, David
Fonseca, Peter	Patten, Richard	

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

Nays

Barrett, Toby	Horwath, Andrea	O'Toole, John
Bisson, Gilles	Kormos, Peter	Ouellette, Jerry J.
Churley, Marilyn	Marchese, Rosario	Prue, Michael
Flaherty, Jim	Martel, Shelley	Sterling, Norman W.
Hampton, Howard	Martiniuk, Gerry	Yakabuski, John

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 71; the nays are 15.

The Speaker: I declare the motion carried.

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

ORAL QUESTIONS

HEALTH CARE

Mr. John Tory (Leader of the Opposition): My question is for the Premier. It's about consistency. In your so-called Liberal election plan for health, you said privatization is a step backward. If you ever believed that, including today, why did your office force the Minister of Health to approve the transfer of a licence for a private hospital in Toronto, instead of just cancelling it to remain consistent with your earlier statements?

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): The Minister of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): As is well known to anyone who has been a student of the Ontario health care system, a significant portion of our universally accessible system is private delivery. This has been the case, of course, for decades in significant portions of our health care system: diagnostics; the provision of some home care services; the provision of care in long-term-care homes. This is long-standing in the Ontario health care system. In accordance with that, we continue to make sure that the patients of Ontario gain access in as timely a way as possible to the highest possible quality of services, and that is as it was.

1440

Mr. Tory: Again to the Premier: Back in 2004, after you became Premier, you said you were going to focus on “publicly delivered, publicly owned and publicly controlled health care.” These were the words of the Premier, not mine. The licence your government has approved

sees the Don Mills Surgical Unit, a private hospital, now owned by the Alegro Health Corp. Their news release trumpeting their great success with your government says, "Alegro's focus is on private payer medical and health-related services." I wonder if I can ask the Premier how he can explain this gross inconsistency.

Hon. Mr. Smitherman: I'm not clear on what the honourable member is getting at in the form of an inconsistency. In fact, approving the transfer of a licence is a status quo arrangement. The Don Mills Surgical Unit that the honourable member is speaking about has been a long-standing niche provider of services to the Ontario health care system. Operating by memory, I believe that that was a grandfathered circumstance that goes back perhaps decades, to the point where our system came into being. So this is a status quo initiative.

Mr. Tory: I'm astounded to hear the minister talking about the status quo.

The Premier was the one who talked about creeping privatization, and yet was also the one whose office forced the Minister of Health to approve this licence going to a company which on its own Web site says it will use an aggressive acquisition program to become a major supplier of private payer medical services. The Premier said over and over again during the election, and has said many times since, that there was no room for this kind of thing.

I would just like to know, when did you change your mind about this and throw yet another section of your election platform overboard, and how will it affect your approach to the rest of the health care system?

Hon. Mr. Smitherman: If the honourable member took a second to study the facts, he would know that there is a circumstance with other environments, like the Shouldice clinic, where we have had private delivery of very niche services.

The honourable member's answer is to be found in his very own question, where he talked about private payer services. That's not what we are talking about here. We're talking about the fact that for decades and decades in the Ontario health care system there have been some very minor services provided by private sector entities—something that was sustained under the operation of all three parties in this House.

In granting the transfer of this licence, we have not granted a new role to any new private sector company. What we've said is that in these very limited niche areas, we grant the transfer of this licence because it's the status quo. As it relates to other matters, I would be happy to talk more to the honourable member.

The Speaker (Hon. Alvin Curling): I would ask for some more co-operation from the opposition side in not shouting while questions are being asked.

New question.

Mr. Tory: My question is again to the Premier. By the way, when you say there is no mention of private payers, look it up on the Alegro Web site. They say here that they're a company that focuses on private payer medical services and that they want to increase their role through

an aggressive expansion program, I assume including this expansion that you approved.

The question to the Premier is on the subject of the Liberal Party's own inconsistency. This licence, as you well know, can only be transferred on the express written consent of the Minister of Health. So you, the Liberals, including the Premier, who have been holier-than-thou about any private payer or private sector involvement in the health care system, had an option, which was that if you wanted to be consistent, you could have said no and cancelled the licence. But you have chosen not to do that.

I ask the Premier, were you involved in this decision and, if so, how do you square it with your repeated condemnation of any kind of private involvement whatsoever in the health care system? How do you square that?

Hon. Mr. McGuinty: To the Minister of Health.

Interjection.

The Speaker: Order. The member for Nepean—Carleton, if you want to speak to the press, you can go outside.

Hon. Mr. Smitherman: I am happy to explain it to the honourable member again, and I mean this in a totally forward way. If the honourable member would like a briefing about this, I'd be happy to provide it. The issue here is that you've read some words from a press release that said "private payer," but the services that we are engaged in and the licence that we are talking about has nothing to do with private payer. It has to do with services of the Ontario health care system being available to people on a universally accessible basis. In this narrow role, this provider happens to be for-profit. And as they have for decades, we have granted a transfer of the licence so that they can, in this very niche area, continue to provide some limited service. There is no impact upon the patient. This is not about two-tier provision of services. It simply is about continuity of a very, very minor role for a unit that required some transfer so that they could continue to provide in our universally accessible, publicly funded health care system some very limited services.

Mr. Tory: That was a very interesting answer. Let's then talk about consistency.

In the case of the MRI and CT clinics operating outside of the public domain, you used precious tax dollars to buy those back and to pay the people who operated them to be in a different kind of business. Will you make public the exact terms of those deals—all the deals you have made and perhaps the state of the negotiations of the ones you haven't made—and explain how buying those clinics back with tax dollars is consistent with giving a licence to a private hospital, to Alegro, a company which aggressively wants to expand private payer health care in the province of Ontario? Explain how that's consistent.

Hon. Mr. Smitherman: I'm very happy to. In the instance of the MRIs and CT scans, which were a specific commitment that we campaigned upon during the election, we found it inappropriate to have the pro-

vision of MRI services disconnected from the provision of MRI services in the rest of the health care system. Take a look at what we have done. We haven't paid for the transfers, beyond a few thousand dollars for the purpose of changing the structure of these to convert them to not-for-profit. What have we done? We've dramatically enhanced the access that Ontarians need and want at these very centres, to the point where in Kingston, in a recent editorial, we celebrate that in the last number of months we've gone from four-month waits for MRIs. As a result of our initiatives in Kingston, those are now one week long. And this is what we are all about for patients of Ontario.

Mr. Tory: I was in Barrie on Friday and they have a 54-week, one-year wait there. I presume if the minister is talking about these deals and sharing little bits and pieces, he will make public all the deals for the MRI and CT scans. They should have been made public anyway.

It's the Premier's words we are talking about here, not my words. He said "publicly delivered, publicly owned and publicly controlled health care." That's a quote. This is, I would argue, yet another flip-flop from a man who said he wouldn't raise taxes, he would freeze hydro rates, he would not run deficits, and he would help families of autistic children get some extra help.

They say confession is good for the soul. My final supplementary to the Premier: Is this the latest broken promise as you abandon your own position on health care delivery and on the involvement of the private sector? Stand up and confess.

Hon. Mr. Smitherman: I am very happy that the honourable member was in Barrie last week. I was there about a week or two before, and as a result of the initiatives that we've taken as a government—which actually for the very first time included asking all hospitals what their starting point was in terms of the list for people accessing MRIs—we came to conclude many, many weeks and months before the honourable member did that Barrie indeed has one of the longest waiting lists for MRIs.

As a result, as part of the \$154-million investment that our government made in wait times this past Friday, Royal Victoria Hospital has been given the most amount of money that they can use to shorten those lists, to the point where the CEO of that hospital recently told me that people are very, very happy. Even though the lights are on at 2 o'clock in the morning and that's when they have to come for their MRIs, they are very, very happy to be part of a province where a government is so focused on reducing the wait times that they have been experiencing.

1450

SERVICES FOR DISABLED CHILDREN

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Minister of Children and Youth Services. Minister, last week the Ombudsman, André Marin, described an awful picture of moral failure and

maladministration by the McGuinty government, a failure that is causing terrible suffering for disabled children and their parents. The Ombudsman concluded that parents of severely disabled children are in crisis and are being forced to give up custody of their children in order to obtain the residential care their children need. To quote the Ombudsman, "The ministry has failed these families. Its conduct is unjust, oppressive and wrong."

Minister, the McGuinty government has been in office now for two years. When will these children and their parents receive action? When will they receive justice from the McGuinty government?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I'd like to thank the leader of the third party for the question and I'd like to thank the Ombudsman for his report and his guidance and advice.

We have already responded to his first recommendation. My ministry has directed the children's aid societies to begin calling the parents tomorrow. Where there are no protection issues, those parents who have temporary care agreements will have their parental rights restored without a change to the service for their children on or before this Friday.

Mr. Hampton: Minister, we'll be watching, because we've heard these promises before.

I'm intrigued by what the Ombudsman said. He said, "Successive governments have said repeatedly that no parent should be forced to give up custody of a child in order to access specialized support." Why is this happening? "It is happening because governments have preferred to study the matter to death rather than solve it. This much repeated sacrosanct principle is the victim of acute government maladministration."

You've been minister for two years. For two years, these parents have been coming to you. For two years, they've been saying, "You're going to provide the services. Why do we have to give up custody of our children in order to access these services?" Can you tell these parents why this has gone on for two years, why they have had to give up custody of their children in order to get the residential services their children need?

Hon. Mrs. Bountrogianni: I'd like to thank the honourable member for the question.

Indeed, it has gone on for far too long, for many years. This was a very complicated issue. I had to do due diligence, because although it is very difficult for all the honourable members here to understand, there are children with severe disabilities in our province who have suffered abuse at the hands of the very people who are supposed to love and take care of them. We had to take due diligence in addressing this issue.

For those parents where protection is not an issue, their parental rights will be restored on or before this Friday.

We have also, as a government, increased funding for these programs by over \$100 million in a year and a half—badly needed funding.

Unfortunately, I'd like to tell the honourable member opposite, these issues don't get solved overnight. I

understand the parents' frustrations. It has taken far too long. But we are taking action.

Mr. Hampton: I'm not sure of some of the things the minister implied in her answer.

I want to draw your attention to Cynthia Cameron, Linda Limon, Connie Covatta, and Nash Kapoor, who are all parents. They're here. They've been here before. They're here today because they got the message loud and clear from the McGuinty government: "You must give up custody of your disabled child if you want them to receive the social and residential services they need."

The Ombudsman points to section 30 of the Child and Family Services Act, which provides for special-needs agreements in cases like theirs. The Ombudsman says you should use section 30 to achieve his recommendations in the short term. I have a very specific question, Minister: Will you order these special-needs agreements now so that these parents finally receive justice?

Hon. Mrs. Bountrogianni: I will do something a lot better than that. The special-needs agreements have issues attached to them. Parents can still lose parental rights under the present special-needs agreements. What we will replace them with is a plan-of-care agreement which will have the exact same end point and goal that the Ombudsman asked for in his report, without sabotaging parental rights in the future. I repeat: Where protection of children is not an issue, parental rights will be restored on or before this Friday.

The Speaker (Hon. Alvin Curling): New question. The leader of the third party.

Mr. Hampton: My question is for the Premier. The Ombudsman's report doesn't inspire confidence in your government. André Marin says that the Ministry of Children and Youth Services is rife with "acute government maladministration." He says that the ministry is being "wilfully blind" to severely disabled children in crisis. He calls the Ministry of Children and Youth Services "the ministry of I don't know," because it had no idea how many parents were forced to surrender their children in order to get them the care they need.

Premier, again, these parents were here many times. You made a lot of promises to parents like these. Some of your members, when they were in opposition, used to bring these parents here to plead their case. Can you tell me why your government has done nothing for two years and why it takes an Ombudsman's scathing report to finally get you to do something?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Obviously I disagree with the premise in the member's question. One of the first things we did was to create, for the first time in Ontario, a new ministry with specific responsibilities for looking out for the well-being of Ontario children. It's never been done before. I appointed, I might say, an individual who is absolutely committed to standing up for the interests of children.

As the minister just mentioned, we have already invested over \$100 million—that's over a 50% increase—in children's treatment centres, children's mental health and autism programs for high-needs children.

Let me take the opportunity, as well, to thank the Ombudsman for his report and for raising the profile of a very important issue. Let me say, not just in my capacity as Premier, but as a parent, I think it is fundamentally wrong for any family, any parents, to have to give up their kids because they can't get the services. So we stand against that occurrence, which has happened in the past. The minister has indicated that she's going to do everything within her power to ensure that we redress that wrong. Again, I thank the Ombudsman for his report, and we look forward to acting on it.

Mr. Hampton: You may have created a Ministry of Children and Youth Services, but the Ombudsman says over and over again in his report that for two years they did nothing. Quote on page 35: "One is tempted to conclude that the six-month reports have been jargon-laden missives designed to create the illusion of progress while nothing concrete was being done." Or again, as he points out, in too many of the responses, he feels not only was nothing happening, but there was a deliberate attempt to mislead.

Premier, again, why did it take an Ombudsman's report to recognize an injustice that these parents were bringing here to the Legislature, day in, day out? Why didn't your government act? Why has it still not acted?

Hon. Mr. McGuinty: Minister of Children and Youth Services.

Hon. Mrs. Bountrogianni: I guess the honourable member can't take yes for an answer. We have acted. Parental rights will be restored by this Friday. I have said before in this House that there was a lack of funding over the last decade from both those governments. His party, when he was in power, cut \$24 million out of mental health in one year alone, period. We put in \$25 million for children's services in our first year, \$38 million in our second year, \$25 million for children's treatment centres, and we are building a system so that this doesn't happen in six months or six years.

1500

Mr. Hampton: My question is, why has the McGuinty government denied justice to these parents for the last two years? The minister floats out the financial reason again. The Ombudsman looked at that. Page 41: "There can be no fiscal floodgates issue. The real question is why must the government insist as a condition of providing funding that capable parents give up their parental rights? ... The bottom line is this is not a financial floodgates problem. It is an issue of the rational allocation of resources within a bureaucracy, and for those who are affected, this has to be galling."

Minister, the Ombudsman looked at your argument that this is about finances. The parents get the services but you force them to give up custody of their kids in order to get the services.

The Premier said, "Choose change." Where was the change when you forced these parents to go to the Ombudsman to finally get some justice from the McGuinty government?

Hon. Mrs. Bountrogianni: Unfortunately, this tragic circumstance has been going on from all the govern-

ments, including the honourable member's government—

Interjections.

Hon. Mrs. Bountrogianni: Absolutely.

This is the first government that is building a system to address this injustice. We had to act with due diligence. It did take longer than it should have; I admit that. But by this Friday every parent will have their rights restored as long as there isn't a child protection issue. I will not act impulsively. I will not return even one child to the wrong family. It's my responsibility to take care of all the children, not just the children the honourable member brings to me.

HYDRO

Mr. John O'Toole (Durham): My question is to the Minister of Energy. I want to read a quote to you from June 6, 2002, and I want you to listen carefully: "We oppose the privatization of Hydro..."

Minister, would you reflect on this and tell me who you think said that in 2002?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): That's a trick question. I don't know if I can answer that. But let me say this: We are undoing eight years of mismanagement of the hydro file. We're undoing policies that flipped and flopped all over the place. We're taking a position on hydroelectricity, and all electricity, that will guarantee supply, that will keep prices low, that will allow us to clean up our atmosphere.

That member and his party failed miserably at that task in the last eight years. This government and this Premier have taken it by the horns and we're fixing the mess that you left, by cleaning up our air, by providing accountability and by ensuring that Ontarians have access to reliable, clean, safe electricity in this province.

Mr. O'Toole: I think the minister confuses an answer with speaking loudly, which convinces no one he is in charge over there.

Minister, it was you who said that in June 2002. It's clear that you and the Premier are breaking promises. This is a classic broken promise. It appears that for the McGuinty Liberals now is the time to privatize Ontario's infrastructure. They believe now is a good time to break yet another promise.

Minister, first you were against the privatization. Now, according to recent comments in the *National Post*—and I'm surprised at this, quite honestly—you say, "In our government's view, most of the exciting work in the energy field is going on in the private sector—on both the renewable and conservation side." What a classic Liberal flip-flop. I just can't believe it.

It's also clear that you really don't have a plan. You think by yelling your answers that you are disclosing a plan. What I want you to do is to stand in your place today and tell the people of Ontario that you have a plan and that currently the ministry is at risk.

Hon. Mr. Duncan: Let me say this softly so that I don't offend the member's sensibilities. The quote he's referring to is hydro transmission. He may not know the difference between transmission and generation, but what we were responding to at the time was our belief—I'm just trying to say this softly because I wouldn't want to offend the sensibilities of the member opposite in this very decorous Rosedale tea party that we're holding here. I'm sorry; I'm getting agitated again. Do you know what? They were going to sell Hydro One. They were going to sell all the transmission lines—I'm getting upset again—and we really were opposed to that. Then they were going to sell 49% of it, then they were going to sell it all again, and then they weren't going to sell any of it.

Whether you say it softly or loudly, they had no plan for hydro. We're cleaning up their mess with cleaner, more affordable, more reliable electricity in this province, and we're committed to undoing the damage they did over the last eight years. Say it softly or say it loudly.

SERVICES FOR DISABLED CHILDREN

Ms. Shelley Martel (Nickel Belt): I have a question to the Minister of Children and Youth Services. Cynthia Cameron had to give up temporary custody of Jesse in July 2004 so she could get the residential placement that he needed to deal with his special needs. Her agreement expires in August of this year. Your ministry told her that her temporary care agreement could be extended for another year. That information was totally wrong. She has a letter from the London-Middlesex CAS dated May 12, 2005, which clearly says that the CAS cannot extend the temporary agreement past August 2005. So if she needs ongoing residential treatment, she'll have to give up custody of Jesse altogether to get it.

Minister, given your announcement today, is Cynthia going to get custody of Jesse by Friday, or is someone in government going to apply this as a protection issue, forcing her to lose custody altogether?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I'll just repeat what I said earlier: Where child protection isn't an issue and there are temporary care agreements, parental rights will be restored by this Friday, if not before.

Ms. Martel: Cynthia Cameron has waited far too long for a response from your ministry. She first contacted your government about her issue in July 2004. She made numerous appeals to your office, numerous appeals to the regional director's office. She even had the child advocate intervene on her behalf with your deputy minister. She was among the 30 families who were referenced in the child advocate's report of February 2005, and despite your allegations in this House that you responded immediately to those 30 families' concerns, the Ombudsman has made it very clear that you did nothing of the sort. I repeat, Minister, because Cynthia is here today: What guarantee can you give her and her family and other families in her position that this will not be

considered a protection issue so she will not get custody of her son after all?

Hon. Mrs. Bountrogianni: Well, I guess this other honourable member can't take yes for an answer. By this Friday, if protection is not an issue and parents have temporary care agreements, their parental rights will be restored. Instead of getting hysterical and trying to grab headlines and stir up emotions in parents who have enough to deal with, she should support the fact that we are addressing this issue today.

CLASS SIZE

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): My question is to the Minister of Education. Creating class sizes that facilitate the best possible environment for student success has never been more important than it is now. Years of research on class size have shown us that there is considerable and compelling evidence that in the early grades, smaller class sizes make a difference. The academic benefits for students continue after they move into larger classes and are especially promising for students with learning disabilities.

Minister, how much money are you planning to invest in your class size reduction strategy, and how will that benefit elementary school children?

Hon. Gerard Kennedy (Minister of Education): While the resources are not inconsiderable, it has taken a great commitment by this Premier, the Minister of Finance and this government under the difficult financial situation left to the government. We cannot, though, in good conscience, leave these kids behind. They deserve the benefit that comes from a further \$91-million investment in teachers this year and an investment as well of \$36 million toward space and other services required. This is made possible because we were planning very strategically. There are 300,000 empty spaces in our schools that are now going to be used, in part by lowering class sizes, so we're making use of existing facilities. We're also tapping into the enthusiasm of elementary teachers that we get simply because we've given them an assignment that they can do. We're adding now up to 2,400 teachers. It is, I believe, every dollar well spent. In fact, the return on that investment will probably be realized in the lower extra requirements for students, the lower costs that we'll have to put into them by the time those very students who get help today graduate.

1510

Mr. Brownell: The issue of class size has been a major concern of public school teachers for many years. I was there; I know. Teachers and parents have been pointing to large class sizes as a barrier to student success for a long time. They've argued that allowing for more individual student attention in the early years leads to higher achievement.

The previous Tory government had the option of doing something about class size and they chose not to. They had eight years to create opportunities for success in public schools, and they failed. While the previous

Tory government cut teachers, we are cutting class sizes. Investing in quality public education is one of the best investments we can make as a society. This government has taken great strides to improve public education in Ontario, but this initiative today is particularly important. Minister, why are smaller classes so effective in helping children to learn?

Hon. Mr. Kennedy: It's something for all members in this House to contemplate: How do we convey an education advantage when it has become so competitive around the world to try to do just that?

Small class sizes follow a number of important ideas. One is that children from JK to grade 3—in roughly that age bracket—develop in different ways and at different times. A smaller class size, quoting again from the teachers we've heard from, allows them to give that individualized attention. It allows them to make sure that that individual level of development—whether it's scaled reading, whether it's the way that certain concepts need to be explained or whether it's just taking note of those special needs—can be attended to. If we can do that during these early formative years, we can make a tremendous difference in the whole academic experience. The support strategies are all based upon that early intervention: on doing things earliest, when they're least likely to turn into expensive interventions later on.

The great thing that I want to report is that we're now in a position, this September, to have 70%—381,000 children, three quarters of those in the primary grades—who will now benefit from this significant educational development.

INFRASTRUCTURE PROGRAM FUNDING

Mr. Jim Flaherty (Whitby–Ajax): My question's for the Premier. Last week, when your government re-announced your infrastructure plan, Minister Caplan said that the alternative financing plan is like a mortgage, where you borrow the money and pay it back over time. At the same time, he said that the public will own the land.

I know that there are new ways of financing talked about in this document, but I don't understand your McGuinty-Caplan mortgage. You know that for all the people in Ontario, when they mortgage their homes, they transfer the title to the bank or credit union, but now Minister Caplan says that's not the way it works in the McGuinty-Caplan world. He says that you're going to keep ownership of the assets but you're going to mortgage the assets. Premier, can you explain how the new McGuinty-Caplan mortgage works?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I think the important aspect of this issue is that we have a five-year, \$30-billion plan to rebuild and to build desperately needed infrastructure in the province of Ontario. A modest proportion of that will be made available to assistance through an alternative financing plan. We have made it perfectly clear through-

out that there are some very specific principles governing the usage of alternative financing, including, for example, that our water and sewer systems, our schools and our hospitals must remain publicly owned.

I look forward to the member's supplementary. If he has any particular recommendations to ensure that we get this right, we are more than willing to listen. But I think what the people of Ontario are very concerned about is the fact that we have such a deficit when it comes to the state of our infrastructure. That's why we're proceeding with a \$30-billion plan.

Mr. Flaherty: Premier, this is funny money now. You used to do real estate law; you studied real estate law. You know that you have to transfer the title in order to mortgage property. Surely you can explain to the Minister of Public Infrastructure and, maybe more importantly, to the people of Ontario what you're talking about. After all, it's their money. It's \$2.3 billion that you say you're going to take from pension plans and from the private sector, and it has an important consequence, because if it's not alternative financing, then what you're doing is adding to the public debt of the province of Ontario and adding to the interest payments. All you're doing is borrowing money and adding it to the public debt.

Have you run your plan past the Auditor General? Will you confirm that you'll do so before you proceed with it?

Hon. Mr. McGuinty: I think one of the most important things we could tell the people of Ontario by way of offering some comfort and reassurance is that we will not do what that former government did with respect to the 407. We will not perpetrate that on the people of Ontario.

We insist that the public interest be paramount. For example, we have specifically said that our water systems, our sewage systems and our schools and hospitals will remain publicly owned. We think that's a very important piece of information for the people of Ontario to understand. Beyond that, we said we will ensure that the public interest is paramount, that we get value for money and that there is a fair, open and transparent process. I can assure you that as a result of those and other principles, we could never, ever end up with the kind of 407 mess that was bequeathed to us and the people of Ontario.

SERVICES FOR DISABLED CHILDREN

Mr. Peter Kormos (Niagara Centre): A question to the Minister of Children and Youth Services: Justin Kapoor is 14 years old, wheelchair-bound, autistic, epileptic, severely handicapped and medically fragile. His parents were here on May 16 and the Acting Premier assured them that parents should not have to give up their children to receive the kind of care Justin needs. When they contacted your office, through mine, the message from your office was, "Don't call us, we'll call you." That resulted in them surrendering their child for custody

four days later. Why did they have to surrender custody of their child to get care after the Acting Premier told them to their face that parents should not have to give up their children to receive this kind of care?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I thank the honourable member for the question. I remember the case. I won't comment on that specific case except to say that where protection is not an issue, parental rights will be restored by this Friday or before this Friday.

Mr. Kormos: Minister, I don't think you understand what surrendering custody means. After the most tortuous and painful weekend of their lives, they went back after the holiday Monday of the long weekend pleading to get their son back, because surrendering custody means that the boy was held incommunicado. There was no contact. They were even denied any information as to where he was. You see, they counted on the Acting Premier when he said on May 16 that parents should not have to give up their children to receive this kind of care. When your office told them, "Don't call us, we'll call you," they felt they had no choice. Their child isn't in children's aid custody any more, their child is back home, but their child needs treatment.

I understand what you said about kids in custody. What are you going to do to make sure that Justin Kapoor gets the kind of treatment he needs promptly—not next week, not next month? Time is of the essence. Every minute counts.

Hon. Mrs. Bountrogianni: I know when we inherited the government and I inherited this portfolio, I saw the gaps that existed and continue to exist in children's mental health and children's treatment centres. We invested, for the first time in a decade, over \$100 million to begin to address this gap.

Mr. Kormos: Tell them, Maria. Stand up, folks.

Hon. Mrs. Bountrogianni: This problem has been developing over years. It will not be solved overnight. One of the reasons why—

Interjections.

The Speaker: Order. Members in the spectators' gallery, please sit down. Thank you.

Member from Niagara Centre, you know better than to agitate such action in the House.

Mr. Kormos: Stand up and tell them.

The Speaker: Order. I'm going to warn the member from Niagara Centre.

Mr. Kormos: Warn me of what, Speaker?

The Speaker: Order.

Mr. Kormos: Tell them, Maria.

The Speaker: Order. I'm going to give you a last warning.

New question.

AGRI-FOOD INDUSTRY

Mr. Phil McNeely (Ottawa-Orléans): My question is for the Minister of Agriculture and Food. Earlier this

month, you responded to a question in the House where you were asked for an update on your progress as we lead up to the second annual Premier's summit. At that time you stressed—and we would definitely all agree—the importance of engaging stakeholders in developing partnerships between producers, processors and governments working together to create a long-term vision for the sector. You also indicated there was a work plan that was being developed by the Premier's summit advisory committee that would be announced shortly.

On Friday, May 20, before the House rose for constituency week, you issued a news release on the progress that the committee and our government have made toward developing a vision for the agri-food sector of this province. Minister, could you please tell us what the committee has reported back and what their recommendations are as we move toward the second annual Premier's agri-food summit?

1520

Hon. Steve Peters (Minister of Agriculture and Food):

I want to thank the member for his question, but most importantly, I thank the advisory committee that is working on behalf of the Ministry of Agriculture and Food and the Premier's office. I think it very clearly demonstrates the commitment this government and particularly the Premier are making to looking at a long-term vision.

Yes, we know that the sector is facing challenges right now, our rural communities are facing challenges, and as a government we have been there to deal with the short term. But as well, unlike the previous government that in nine years in office did everything they could to dismantle the Ministry of Agriculture and Food, we're trying to look ahead. We're looking ahead to the future.

That's why I want to thank the advisory committee for the leadership they've shown in trying to bring together groups and individuals. We have a series of nine regional consultation meetings planned across the province where not only agriculture but the food industry as well will have an opportunity to help shape the direction as to where we go in the future; and again, it's because of the leadership that Premier McGuinty has shown in looking ahead for the future of this industry.

Mr. McNeely: It is truly important that we are able to work with all sides of this unique sector when visioning the long term. As I have been meeting with the constituents in my riding, we have been discussing individual views in the agricultural sector and how we can work toward that sustainability that all sides are looking for.

In meeting with the farmers of Ottawa–Orléans and the surrounding communities, where I grew up and later represented as a city councillor, I have heard some very original ideas and think their input would be truly valuable as a vision is being developed. I know my constituents and area farmers would be very interested in the opportunity to express their ideas as we move toward the long-term vision.

Minister, I understand the regional consultations will be by invitation only. I would like to ask why this is, and

also, how can my constituents and area farmers become involved in the visioning process if they are not explicitly part of the stakeholder meetings?

Hon. Mr. Peters: Certainly everyone has the opportunity to provide feedback into this process. The consultation document will be posted on the ministry's Web site in June. As well, if somebody would like to receive a copy of the discussion document, we will forward that to them. What we want to do is make sure that we have a good cross-section of representation at these meetings. We don't want to see only one particular sector of agriculture or the agri-food industry being represented. We do want to make sure that we have all representation at that table because we want that broad base.

As we know, we live in the most diverse agricultural province in all of Canada. We are home to 40% of the agri-food industry. We need farmers. We need the agri-food industry. We need to continue to work together. We know that we produce some of the safest, highest-quality food in this province. We want to continue to build on the great reputation we have, and this Premier's summit is that opportunity to plant that seed for the future of this vital industry.

ADOPTION DISCLOSURE

Mr. Norman W. Sterling (Lanark–Carleton): My question is to the Premier. Today we found out that there is a proposed amendment to the adoption disclosure bill. We just received 39 pages of amendments at 1:30 this afternoon and we are supposed to deal with these at 3:30 p.m.

The privacy commissioner has commented about the proposal that an adoptee or a natural mother would have to convince a board that there were reasons to allow them to block disclosure of this very sensitive information. The privacy commissioner wrote in her comments, "Privacy relates to one's ability to control the use and disclosure of your personal information. It's all about freedom of choice—making your own decisions about disclosing your personal information—not having to convince someone else as to why they should be protecting it for you." Would you care to comment on her comments?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Speaker, I'm going to allow the minister to speak to this in a supplementary. But first of all let me just say that I always welcome the advice of the privacy commissioner on matters of concern to her and to the people of Ontario.

I want to say that we attach a very high value to the right of children to know where they come from, what their background is and who their parents were. We think it's really important to recognize that right and put it on a very high footing. But we also recognize by way of this amendment that there may be some exceptional circumstances where the right of the parent to privacy ought to prevail. That's what we're trying to recognize by way of this amendment. I happen to think it strikes the right balance. There are others who will have disagreement with

that, but I think the legislation on the whole does strike the right balance and does recognize for the first time the right of children to know where they come from, what their background is and who their parents are.

Mr. Sterling: The other compelling reason is that many of these birth parents have lived their entire lives based on the privacy promises that were made to them. To tell them that they now have the onerous task of going before a tribunal to try to convince strangers that they qualify for the very limited exceptional circumstances that would protect their information is a complete affront to the faith they once placed in government. Mr. Premier, would you like to comment on that?

Hon. Mr. McGuinty: To the minister.

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I'm very happy to address this. As you know, once the bill becomes law—and we hope that it may, after a vote in this House and after these amendments are added in committee this afternoon, and we hope, again, that they will pass—we intend for everyone involved in the discussion of adoption records to have a fair say. We said during hearings we wanted to hear all sides. The opportunity for adoptees to go before this board so that—they may be in circumstances that are extreme. We felt, after hearing what people had to say, that we would extend that same opportunity for birth parents, for those very extreme circumstances. How it will actually work will be determined by regulation: how people approach the board, how they can make depositions to that board. We will deal with all of those details, but first, we need to pass this bill.

It's important to note that children have waited many, many years for access to information. The United Nations, as well, has declared at their conference for the child that the supreme right is for children to know who they are and where they come from, and we support that.

SERVICES FOR DISABLED CHILDREN

Ms. Andrea Horwath (Hamilton East): My question is for the Minister of Children and Youth Services. In the gallery today is Linda Limon from Strathroy, Ontario. Her eight-year-old son Andrew is autistic and very aggressive. He's on a waiting list right now for residential placement in London, but his parents have been told that they won't likely get a placement for Andrew because there's no government funding. They've been told they have a better chance of a placement if they abandon Andrew to the children's aid society.

Minister, thus far, you have denied Andrew his right to treatment. You've talked today about reinstating custody to those families that you've already devastated. When will you put a stop, once and for all, to forcing parents to give up custody and obtain the rights they need for their children's care?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): In my response to the Ombudsman's

report, I addressed his first recommendation. I will be addressing the remaining recommendations, which have to do with the question that the honourable member from Hamilton East is asking, in the very near future.

I would like to reassure the parents in the gallery and across this province that we're working to have a plan and a system in place so that this is not repeated in six months, six years, or ever again.

Ms. Horwath: Andrew is non-verbal, so he can't tell his story by himself, but with the help of his parents and with the Ombudsman's report, Andrew can tell the world that you've denied him the services he needs. He needs adequate funding for care right now, but your ministry has been wilfully blind to his needs. Minister, will you stand here today, as of May 30, 2005, and guarantee Linda Limon, sitting right there, and all other parents who are right now on the precipice of giving up parental rights that they can keep their children and get all of the services they need for their proper care?

Hon. Mrs. Bountrogianni: Again, the honourable member addresses the recommendations of the Ombudsman's report that I have not replied to yet. I will be replying in the weeks to come. It is a very difficult issue. As I said earlier—

Mr. Peter Kormos (Niagara Centre): Tell the moms sitting there.

The Speaker (Hon. Alvin Curling): Order.

Hon. Mrs. Bountrogianni: As I said earlier, this problem has not developed overnight. It's been years of underfunding—

Mr. Kormos: She's sitting right there, Maria.

The Speaker: Order.

New question. Member from Prince Edward-Hastings.

1530

HEALTH CARE

Mr. Ernie Parsons (Prince Edward-Hastings): My question is to the Minister of Health and Long-Term Care. Waiting for a hospital procedure or test can be a very traumatic experience for an individual. For that reason, I and thousands of other Ontarians were thrilled last Friday when the Premier and yourself announced a huge step forward to reduce wait times and to actually fulfill a commitment in the 2005 budget.

I need to tell you, though, that I read an article in the Kingston Whig-Standard a week before your announcement that highlighted remarkable progress in reducing MRI wait times in the Kingston area. According to the article—and I have a copy here—wait times have dropped dramatically in the past six months, both at Kingston MRI and at Kingston General Hospital. Instead of waiting four to six months for a non-urgent MRI, patients are often scanned one to seven days after they're referred. Minister, this is tremendous progress. Can you tell us exactly how this was achieved?

Hon. George Smitherman (Minister of Health and Long-Term Care): Our initiative with respect to reduced

wait times for MRIs deploys a variety of strategies. It deploys a strategy of bringing new MRI sites: The installation of nine MRIs is ongoing in our province. It includes replacing the old MRIs and CT scanners that we had, and we've done that through a bulk purchase which will see approximately 35 new pieces of equipment coming to life in Ontario hospitals. We've also sought to keep the lights on longer at MRI clinics, and in Kingston this includes more hours at Kingston General Hospital and more hours at the Kingston MRI clinic, which we've worked to move from the for-profit to the not-for-profit sector. The effect of these combined strategies is to celebrate the progress that we've made while recognizing that we have more work to do, but I think that it does reflect very well that the community of Kingston has been publicly acknowledging significant reductions in the time that people have to wait for important MRI procedures.

Mr. Parsons: Minister, I've seen ample evidence that our government's investments are bringing results to Ontarians already; indeed, my constituents who heavily utilize Kingston General Hospital and Kingston MRI have remarked to me how fast it is now for them to get an appointment. I understand, though, and I've heard you say yourself, that our strategy is about much more than simply throwing money at increasing volumes, and that one of the challenges we are dealing with is that we're faced with an information deficit. Can you tell me how this deficit came about?

Hon. Mr. Smitherman: The Leader of the Opposition spoke to one of the realities a little bit earlier today, I believe. One of the realities that we have in the Ontario health care system is that sometimes it doesn't perform like a system in the sense that we haven't necessarily got all of the data that we need on a timely basis to be able to make timely decisions. One of the elements of our government's transformation agenda is information management. It's not that sexy, but the reality is that if we're going to run things like a system, then of course we depend upon having timely access to information. That's why I'm so pleased that when we talk about MRIs, we now have a baseline study that our government conducted that tells us where our starting point is. The most important part about this is that through local health integration networks, by consistently gaining information on a geographic basis, we can make investment decisions about new resources in a very sensible way. The result is that where Barrie continues to be a community where the waits are too long, we can make sure that we introduce the appropriate amount of resource to reduce those times and have an equitable health care system in the province of Ontario.

AMBULANCE SERVICES

Mr. Norm Miller (Parry Sound–Muskoka): I have a question for the Minister of Municipal Affairs and Housing. Minister, I've heard from several municipalities that are concerned that the Ontario municipal partnership

fund does not address land ambulance costs. In 2004 and 2005, most, if not all, municipalities in Parry Sound district had their land ambulance costs covered by the old program, the community reinvestment fund. Your new scheme, the OMPF, ignores land ambulance costs. Why have you neglected land ambulance costs in your calculation of the Ontario municipal partnership fund?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): I thank the member very much for his question. As he knows, the old CRF funding model simply was not a fair model. It rewarded some municipalities and penalized other municipalities; there was no sense of fairness to the system at all. So we came up with a system that was heavily weighted toward helping those municipalities that have additional social service costs and police costs, as well as those smaller and rural municipalities that need help from government on an ongoing basis. We are convinced that the system we have in place is fair to the municipalities involved. As a matter of fact, if the member looks at this year's budget, there is an extra \$38 million that we are spending on this program as compared to what we spent last year under the CRF program. The program is fairer all the way around, and municipalities in the long run will benefit from that.

Mr. Miller: The program doesn't address land ambulance costs. I know that you attended the FONOM conference up in Parry Sound and you had questions from the floor asking that very question: "Why doesn't the program address land ambulance costs?" Land ambulance costs will only continue to rise, and it particularly affects small, northern rural municipalities. Will you amend the Ontario municipal partnership fund to include land ambulance costs?

Hon. Mr. Gerretsen: First of all, let me say that we had a very good meeting at the FONOM in Parry Sound with the municipal leadership from northeastern Ontario.

Let's just remind the people of Ontario once again as to who actually downloaded the land ambulance costs. It was that party over there when they were in government, when they did more harm to the municipal sector than has ever been done before by any government.

However, dealing with the land ambulance situation, which I realize is an issue with a lot of municipalities, we are in the process of setting up a table that the Ministry of Health is going to be involved in. We're looking for solutions. But with the kind of situation that party left municipal government in in this province, it's going to take some time to clear up the mess, all the down layering and all the negative things that they did to the municipalities and to the people who live in those municipalities in the eight years that they were in power.

SERVICES FOR DISABLED CHILDREN

Ms. Shelley Martel (Nickel Belt): My question is for the Minister of Children and Youth Services. Bonnie McLaren's son, Jordan, has severe special needs. In December 2003, the Community Services Coordination

Network recommended a long-term placement for him. The family has been waiting for that placement ever since. Bonnie has been told that the only way she is going to get a placement is if she abandons her son to the CAS, and this she has consistently refused to do.

Jordan is due to be discharged from the Child and Parent Resource Institute in the next number of weeks. There is no long-term placement for him to go to. Minister, what will happen to Jordan? Are you going to guarantee that he is going to get the residential treatment he needs when he's discharged from CPRI?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): As I said earlier, this also has to do with some of the other recommendations of the Ombudsman's report.

It's true that we've had a gap in funding for so many years that there are long wait lists for residential services, but we do have a plan. We are putting the final touches to it. We have been working on this ever since the child advocate brought this to my attention in February and March. In the weeks to come we will be announcing our policy direction.

Ms. Martel: This is an issue of political will, and thank goodness Mr. Marin did the report that he did, or all these families would still be waiting for some long time to come. This is what the Ombudsman said: "The bottom line is this is not a financial floodgates problem. It is an issue of the rational allocation of resources within a bureaucracy, and for those who are affected, this has to be galling."

I can tell you that it is galling to Bonnie McLaren because she has not entered into a temporary care agreement. She has refused to abandon her son to the CAS, but her son needs a residential treatment placement and he needs it now. He is due to be discharged from CPRI in the next number of weeks. I say to the minister again, can you guarantee to Bonnie McLaren today that when her son is discharged, there will be a residential placement for him to go to: yes or no?

Hon. Mrs. Bountrogianni: As I said many times today and in the past, we're building a system. We've already invested over \$100 million in this new system for special-needs children. I agree with the Ombudsman's report, I agree with the direction of his recommendations, and I will be coming out very soon with policy directions addressing these recommendations.

ONTARIO ECONOMY

Mr. Dave Levac (Brant): My question is to the Minister of Consumer and Business Services. You are well aware that the strength of Ontario's economy is critical to our ability to finance not just health care and education but all public services in the province. In last week's budget, Minister Sorbara announced that the McGuinty government would be moving forward on legislation reforms to ensure that Ontario maintains its status as an economic engine of Canada. Can you explain

to the House what those proposed changes are and how our government will help Ontario business compete in the global economy? We'd appreciate it very much.

Hon. Jim Watson (Minister of Consumer and Business Services): I am pleased, and I want to thank Minister Sorbara for including a reference to changes and reforms to corporate law in Ontario. The ministry is currently working with stakeholders to ensure that new securities transfer legislation will be available that reduces transaction costs, reduces the risk of litigation and harmonizes Ontario and US law to facilitate cross-border transactions. That's just one aspect to bring Ontario in line with other world economies so that we can continue to grow jobs and economic prosperity in the province under the leadership of our Premier.

1540

PETITIONS

ANTI-SMOKING LEGISLATION

Mr. Jerry J. Ouellette (Oshawa): I have a petition that reads:

"To the Legislative Assembly of Ontario:

"Whereas the current government has proposed province-wide legislation that would ban smoking in public places; and

"Whereas the proposed legislation would also prohibit smoking in private, non-profit clubs such as Legion halls, navy clubs and related facilities as well; and

"Whereas these organizations have elected representatives that determine the rules and regulations that affect the membership of the individual club and facility; and

"Whereas imposing smoke-free legislation on these clubs disregards the rights of these citizens and the original intentions of these clubs, especially with respect to our veterans;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario exempt Legion halls, navy clubs and other non-profit, private or veterans' clubs from government smoke-free legislation."

I affix my name in full support of the legislation.

SCHOOL FACILITIES

Mr. John O'Toole (Durham): I have the pleasure of presenting a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario Street Public School community in Clarington wishes to alert the Minister of Education to a damaging situation with respect to overcrowding and underfunding of this French immersion school; and

"Whereas Ontario Street Public School is being penalized because it is located in the fast-growing urban centre of Clarington, but is part of a larger school board

that includes rural communities with declining enrolments and less access to provincial funding; and

“Whereas, despite its exceptional track record, Ontario Street Public School’s French immersion program is being reduced from a K-8 to a K-6 program, with a cap on K-6 enrolment, and grade 7 and 8 students being temporarily housed off-site for a third consecutive year; and

“Whereas our single greatest need is in adequate housing of a program that has seen superior academic achievement and a unique community culture building on strong values of success; and

“Whereas the entire Ontario Street school community is committed to working with the Minister of Education and all parties to explore fair, practical and effective solutions;

“Therefore we, the undersigned parents, students and friends of Ontario Street Public School respectfully petition the Legislative Assembly of Ontario as follows:

“To grant special consideration for a review of funding options that will protect and develop the existing K-8 French immersion single-track program at Ontario Street Public School in Bowmanville; and

“To undertake the necessary actions immediately, in the context of the current budget, to resolve the urgent accommodation needs of Ontario Street Public School in the shortest time possible.”

I’m pleased to sign and endorse this on behalf of the parents and the community of Ontario Street Public School in Bowmanville.

MUNICIPAL AUDIT

Mr. Pat Hoy (Chatham–Kent Essex): A petition to the Legislative Assembly of Ontario:

“To: the Premier of Ontario, Dalton McGuinty; Minister of Municipal Affairs, John Gerretsen; Minister of Finance, Greg Sorbara; the Attorney General, Michael Bryant; MPP Pat Hoy and MPP Maria Van Bommel:

“Whereas the municipality of Chatham-Kent has never had a complete audit, nor have audits been made available to the public since amalgamation was implemented on January 1, 1998, according to the Ontario Municipal Act, Bill 111, 2003, section 296; and

“Whereas Chatham-Kent citizens and taxpayers are entitled to have access to such audits yearly; and

“Whereas councillors must be assured that all financial statements and property records have been carefully scrutinized by a qualified auditor and endorsed with a proper signature before proceeding with the annual budget finalization;

“Therefore, be it resolved that we, the undersigned citizens and/or taxpayers of Chatham-Kent, request the Premier of Ontario, Dalton McGuinty, and all named above to direct the Auditor General, Jim McCarter, to conduct an official audit of all resources and finances in the municipality of Chatham-Kent to answer all concerns of citizens and taxpayers.”

This petition has been signed by some 7,000 persons.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I’m pleased to sign my name to that.

FABRY DISEASE

Ms. Caroline Di Cocco (Sarnia–Lambton): “Whereas there are patients in Ontario suffering from the rare orphan disease called Fabry’s disease; and

“Whereas Fabrazyme has completed clinical trials and has had measured success for patients;

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

“That a new committee/review be established in the province of Ontario to deal solely and specifically with orphan diseases and that Fabrazyme be covered under OHIP or the section 8 process.”

HALTON RECYCLING PLANT

Mrs. Julia Munro (York North): “To the Legislative Assembly of Ontario:

“Whereas noxious odours from the Halton Recycling plant in Newmarket are adversely affecting the health and quality of life of residents and working people in Newmarket; and

“Whereas local families have lost the enjoyment of their properties for themselves and their children, face threats to their health and well-being, and risk a decline in the value of their homes; and

“Whereas for the 300 members of the nearby main RCMP detachment, as well as other workers in the area,

the odours are making their working conditions intolerable;

"Therefore we, the undersigned, demand that the Minister of the Environment take immediate action to halt all noxious emissions and odours from the Halton Recycling plant, and take all steps necessary to force Halton Recycling to comply with environmental rules, including closing the plant if the odour problems continue."

As I agree with this, I have affixed my signature.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Michael A. Brown (Algoma–Manitoulin): I have a petition that was collected by Aunt Jane Rogers:

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I affix my signature.

HEALTH CARE SERVICES

Mr. Jerry J. Ouellette (Oshawa): I have a petition that reads:

"To the Legislative Assembly of Ontario:

"Whereas the current government has eliminated OHIP coverage for chiropractic services; and

"Whereas the current government has eliminated and reduced OHIP coverage for optometry services; and

"Whereas the current government has eliminated and reduced OHIP coverage for physiotherapy services; and

"Whereas the current government has refused to fund treatment for autistic children even after the courts and human rights commission ruled it should; and

"Whereas the current government has now decided to fund sex change operations, even though the Canada Health Act deems it not an essential health service;

"Therefore, we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario does not fund sex change operations and reinstates funding for delisted health services."

I affix my name in full support.

1550

CREDIT VALLEY HOSPITAL

Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale): This petition is to the Ontario Legislative Assembly:

"Whereas some 20,000 people each year choose to make their home in Mississauga, and a Halton-Peel District Health Council capacity study stated that the Credit Valley Hospital should be operating 435 beds by now, and 514 beds by 2016; and

"Whereas the Credit Valley Hospital bed count has remained constant at 365 beds since its opening in November 1985, even though some 4,800 babies are delivered each year at the Credit Valley Hospital in a facility designed to handle 2,700 births annually; and

"Whereas donors in Mississauga and the regional municipalities served by the Credit Valley Hospital have contributed more than \$41 million of a \$50-million fund-raising objective, the most ambitious of any community hospital in the country, to support the construction of an expanded facility able to meet the needs of our community;

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

"That the Ministry of Health and Long-Term Care undertake specific measures to ensure the allocation of capital funds for the construction of A and H block at Credit Valley Hospital to ensure the ongoing acute care needs of the patients and families served by the hospital are met in a timely and professional manner, to reduce wait times for patients in the hospital emergency department, and to better serve patients and the community in Halton and Peel regions by reducing severe overcrowding in the labour and delivery suite."

I also put my signature on this petition.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities,

many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

Mr. Speaker, I’m pleased to sign this and present it to Luke to give to you.

GASOLINE PRICES

Mr. Jerry J. Ouellette (Oshawa): I have a petition that reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas gasoline prices have continued to increase at alarming rates in recent months; and

“Whereas the high and unstable gas prices across Ontario have caused confusion and unfair hardship to Ontario’s drivers while also impacting the Ontario economy in key sectors such as tourism and transportation;

“Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

“That the Parliament of Ontario consider an immediate gas price freeze for a temporary period until world oil prices moderate, and

“That the provincial government petition the federal Liberal government to step up to the plate and lower gas prices by removing the GST on gasoline products and fix the federal Competition Act to ensure consumers are protected and that the market operates in a fair and transparent manner.”

I affix my name in full support.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): Again, this is one about the Huronia Regional Centre in Orillia.

“To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

Mr. Speaker, I’m pleased to sign my name to this petition and present it to Misha to present to you.

JUSTICE SYSTEM

Mr. Jerry J. Ouellette (Oshawa): I have another petition and it reads:

“Petition: In-Depth Investigation of the Judicial System

“To the Legislative Assembly of Ontario:

“Whereas the Honourable Michael Bryant is minister responsible for democratic renewal;

“Whereas the Honourable Michael Bryant, Attorney General of Ontario, is elected to safeguard our justice system on behalf of the people of Ontario;

“Whereas the ministry of our Attorney General may not be aware of the serious and important issues facing individuals involved in areas of the justice system, even though the Attorney General’s ministry is continually monitoring,

“Therefore we, the undersigned, ask the Honourable Michael Bryant, Attorney General, for his in-depth investigation of the Ontario judicial system and make the public aware of his findings immediately.”

I affix my name.

ORDERS OF THE DAY

TOBACCO CONTROL STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA RÉGLEMENTATION DE L’USAGE DU TABAC

Mr. Fonseca, on behalf of Mr. Smitherman, moved third reading of the following bill:

Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / Projet de loi 164, Loi visant à modifier le titre et la

teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.

The Acting Speaker (Mr. Ted Arnott): I look to the member for Mississauga East to lead off the debate.

Mr. Peter Fonseca (Mississauga East): Once again, I am so proud to stand before you in support of Bill 164. We, as a government, indeed all of us in this House, have a duty to protect Ontarians from the devastating effects of tobacco and second-hand smoke, knowing full well that we lose 16,000 Ontarians to tobacco-related illness every year.

The most important element of this tobacco control plan, the cornerstone of this strategy, is our commitment to making all enclosed workplaces and public places 100% smoke-free in Ontario, ending the patchwork quilt of bylaws we have today throughout the province. This is going to protect workers and the public from the hazardous health effects of exposure to second-hand smoke. If passed, this law will be one of the toughest laws anywhere in North America. The Smoke-Free Ontario campaign, which includes legislation, cessation efforts, our youth campaign and integration with the federal tobacco control strategy, will be the most comprehensive package in all of North America.

After extensive consultation, I had the opportunity to travel around the province and meet with many different stakeholders from municipalities: mayors, councillors, public health units; also with different entrepreneurial organizations: convenience stores, bingo halls, casinos. After our public hearings, in Oshawa and Tillsonburg, I can say that we have listened to and have heard from stakeholders from all walks of life across the province of Ontario.

After that, we decided to amend a number of pieces in this legislation. The amendments that are being made to the Smoke-Free Ontario Act were made to make the law more effective and offer strong protection for Ontarians from second-hand smoke. We heard stories like that of Heather Crowe, who presented here in Toronto. Many of us know Heather Crowe from her tobacco commercials and how she was a non-smoker who worked in the hospitality industry. But after working day after day in a smoky environment, today she is dying of lung cancer. This will no longer happen. There will no longer be Heather Crowes of the world. Here in Ontario we will protect all Ontarians from those effects of second-hand smoke.

Outside of Heather Crowe, we heard from many others who worked in different establishments where they would have to leave their livelihood because they were being afflicted by different diseases related to tobacco, like chronic obstructive pulmonary disease or other cancers. People had to lose their livelihood and leave those jobs. This will no longer happen here in Ontario.

1600

We listened to so many deputations in our travels. Many of them came from the youth of this province.

They spoke with much knowledge and very eloquently to power walls. We had intended, yes, on banning counter-top displays when it came to this legislation, but the youth came forward and said, "Those power walls are affecting us in the choices we're making."

Mr. Mike Colle (Eglinton-Lawrence): What is a power wall?

Mr. Fonseca: Power walls are those walls that you'll find behind the counter, often in convenience stores or in other locations, where you'll see hundreds, thousands, of packages of cigarettes. Then, around those packages of cigarettes, you'll see lighted displays of advertising, decorative panels, promotional panels, pushing non-smokers to start smoking—that would be our youth, getting them started—but those power walls also affect those who have been smokers, have stopped smoking and may fall into a relapse when they walk in at a time when they may be going through a stressful situation and see the power wall in front of them: "Why don't I have a cigarette today?" Once again, it starts that negative cycle.

This amendment now includes power walls, and they will be banned. As of May 31, 2006, you'll see that promotional displays around the cigarettes will be gone. Then, as of May 31, 2008, all tobacco products will be out of sight. So you will not see tobacco products in sight; you'd have to ask for them if you wanted to purchase them.

Moving on, the findings that came forward in terms of these power walls were that they were of billboard size and were having a great effect on youth to start smoking. After hearing all these deputations from public health, from our youth, from smokers who had stopped and restarted because of these power walls, we felt it was the best decision to ban them and not have those as the last bastion of advertising for the tobacco world.

There was another part to this legislation when it came to daycare. Under the previous law, smoking was prohibited in nurseries, but under the new amendments to the Smoke-Free Ontario Act we took further steps, and this bill would ban smoking in any private daycare home whether or not a child is present. All those homes would have to be smoke-free. We got tremendous support from the Minister of Children and Youth Services, Marie Bountrogianni. This means that if a person wants to have a private daycare in their home, they must have a smoke-free home.

There were a number of other amendments made around duty-free shops. We found in this legislation that if there was a ban on handling product before it was purchased, it did not work with a duty-free shop. We also found that purchasers in a duty-free shop who are buying cigarettes by the carton were not youth and were not those who were trying smoking for the first time. So due to the nature of their design and how the duty-free shops are set up, we have excluded those from this requirement.

Showing that this is a very balanced piece of legislation, tobacconists—those who sell only tobacco products, mainly cigars, and nothing else but tobacco products—will be excluded from the restrictions on display and handling.

Once again, Bill 164, the Smoke-Free Ontario Act, will have a huge impact on the lives of so many Ontarians and will be a giant step toward making Ontario a much healthier province.

The Acting Speaker: Further debate?

Mr. Garfield Dunlop (Simcoe North): I am pleased to rise today, and I'll be speaking in a few minutes on Bill 164 myself. But I did want to say a couple of comments on the previous speaker's—I guess that's their leadoff, all eight minutes of it, on third reading. For such an important bill, I thought they would have done their one-hour leadoff and told the citizens of the province how important this piece of legislation really is to the government. But I guess they summed it all up in eight minutes, and now that's how important it really is. I didn't hear anything about compensation in your seven-minute leadoff speech. I didn't hear anything about Legions.

Interjections.

The Acting Speaker: Sorry to interrupt, but some of the members across here were wondering whether it was a two-minute hit. The Chair made an error; we're now in questions and comments. The member for Simcoe North is in the midst of his two-minute hit, just to clarify.

Mr. Dunlop: I'm sorry; I thought we were doing the rotations. We are doing that now?

The Acting Speaker: Yes.

Mr. Dunlop: I guess I've summed up what I was already saying a few moments ago. The bottom line was that I will make some of those comments in a few moments, because there are a lot of concerns with that, in spite of the fact that I support the legislation and I support eliminating smoking. I haven't smoked in my life, and I feel very uncomfortable in places where there is smoking, but I still think the government and the community have an obligation to support people who have made this a history in their communities. I think that certain compensations have to be included. I won't say a lot more on that now, because I've already had a couple of minutes in this particular comment. I look forward to speaking in a few minutes from now.

The Acting Speaker: Further questions and comments?

Mr. Michael Prue (Beaches–East York): It's a pleasure to give a couple of minutes' comments. The member from Mississauga East spoke on the government position and some of the changes that have flowed from the extensive public consultation.

I think most of the changes that have been made have helped to benefit the bill, but I remain skeptical and unconvinced on the government's whole attitude toward the power walls. Although the power walls will come down, they will not come down until the year 2008. If there is a failure to this bill, I would suggest that that is the failure. You have started from a very strong position in which the power walls would come down. The people, the young people especially, who stand in a convenience store and look at those walls are hugely influenced, I would suggest, by what they see: by all of the cigarettes and the

packages; by all of the advertising that flows with them; by the lights, the paraphernalia, the giveaways and everything that is associated with those power walls. It is your choice not to take them down right away. That is the failure of this bill. Had you done this, I could wholeheartedly have told you that I thought the bill was the right thing to do, save and except—I'm going to save that for my speech—how you are dealing with the legionnaires.

The failure of the power walls calls into question who the government is listening to. Why are you listening to the tobacco industry? Why are you listening to a few shopkeepers who have exaggerated fears of what losing these power walls is going to do in terms of their business? You should be there to protect health. This is a health bill. This is a bill to protect children. If you choose, as you are doing, to leave these power walls in place for an additional two years, I hesitate to think how many more young people will get hooked.

Mr. Phil McNeely (Ottawa–Orléans): I was pleased to be part of the process to bring this legislation to this stage. I congratulate the parliamentary assistant to the Minister of Health, Peter Fonseca, for the leadership he showed through the hearings that we had as part of the finance and economic affairs committee.

There were changes made in the legislation. This is a good bill. I was on Ottawa city council when Ottawa brought in much the same legislation. The no-smoking bylaw in Ottawa was one of the best things that we did as a council, and people are continually thanking us for that. It was great legislation that's much similar to this bill.

We would have liked to get rid of advertising at the point of sale. We know that thousands of kids in this province get hooked on tobacco just from the power of these power walls. There's \$88 million that is spent on an annual basis by the tobacco industry to entice our youth into becoming addicts of tobacco. So we knew we would have liked to have done that. We've done that in a transitional way that's going to make it easier. In 2006, we go a long way, and in 2008, it's over. So we are going to accomplish what we wanted to do by getting the point-of-sale advertising out of stores.

It's extremely important to our youth, and 24,000 of the kids from these high schools in Ottawa petitioned the Premier and this Legislature to get rid of those power walls. We listened to those 24,000 kids, the people from the Exposé project in Ottawa. They certainly made a difference, and we're going in the right direction. This is good legislation. In 2006, and then finally in 2008, the advertising will be gone and the health of our kids will be much better.

1610

Mrs. Julia Munro (York North): I want to, in the few moments I have, just highlight what I consider to be one of the institutional problems of this bill—and I use the word “institutional,” referring to the government of the day—because what they have done is taken something that is, without question, a societal good, the notion of reducing smoking and making areas smoke-free, but it

is, as a number of other pieces of legislation undertaken by this government, at the expense of a few.

In this particular case, I'm talking about those restaurant and bar owners who did respond to the number of municipalities that introduced their own smoking regulations. They then undertook, in some cases, quite extensive renovations in being able to provide a choice to their customers. So I guess my concern here is not that I'm against the reduction of smoking at all. I certainly appreciate and understand the societal good that is inherent in this legislation. I'm concerned about the fact that the price has to be borne by those people who, in good faith, conformed with municipal bylaws, made significant financial investments in their own businesses, to find themselves in a position where that isn't going to help them in the investment of their business. In fact, the investments that they have made become a huge burden. This is the unfair part of the legislation.

The Acting Speaker: That concludes the time for questions and comments. I'll return to the member for Mississauga East for his two-minute reply.

Mr. Fonseca: I'd like to thank all the members who spoke.

The member for Simcoe North: I'm happy to hear that the member supports this legislation. When he spoke about our commitment in terms of financial commitment, we honoured our commitment of \$50 million to tobacco growers and their communities.

The member for Beaches—East York: We have, after listening to so many youth and the convenience store owners and other businesses—how they would be affected, what we could do, and what would be the balanced approach—decided to take down all the advertising and promotional material by 2006, and then by 2008 the complete power wall would be taken down. I know many jurisdictions throughout the world are looking at what Ontario has done and are looking at bringing down their own power walls.

The member for Ottawa—Orléans: I can say without a doubt that Mr. Phil McNeely was instrumental in bringing down those power walls. We actually called it the Phil McNeely amendment, as he brought so many youth forward to present to us, and many made the long trek here from Ottawa. So we must thank the member for Ottawa—Orléans.

The member for York North brings up the different people who will be affected by this legislation in terms of some of the hospitality establishments. I can say that we did listen carefully to all of them. We listened to the Legions etc. There are about 700 establishments that have designated smoking rooms in this province, but there are 51,000 hospitality establishments. So they make up less than one-and-a-bit per cent of hospitality establishments in the province of Ontario. Study after study demonstrated that those designated smoking rooms do not work and do not protect workers sufficiently from second-hand smoke, so we've decided to do the right thing and make sure that all of those environments will be smoke-free.

The Acting Speaker: Now it's time for further debate.

Mr. Dunlop: Mr. Speaker, can I have unanimous consent of the House to stand down the one-hour lead-off on Bill 164 until the next time the bill is called in this House?

The Acting Speaker: The member for Simcoe North is seeking the unanimous consent of the House to stand down the lead-off speech of the official opposition. Is there consent in the House for that proposition? Agreed.

Mr. Dunlop: Thank you very much, Mr. Speaker. I'm pleased this afternoon to stand on the first day of the third-reading debate on Bill 164, an Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts, the anti-tobacco legislation.

As Mr. Fonseca had mentioned—I'm sorry, I haven't got the right riding name in front of me here; it's got to be a real issue in this House, trying to remember all the ridings—I want to say initially that, yes, I will be supporting this piece of legislation, because I'm someone who believes that all levels of government should try our very best to eliminate smoking. I think it's been proven enough times that it's a danger to our health. I don't know how many studies have been done over the last number of years—decades, in fact—that have indicated that cancer and heart disease and those sorts of things have had an impact on people's lives. I can tell you that in our community, in Simcoe county, we've had a lot of cases of cancer identified. That's why I continually push in this House for a new Cancer Care Ontario unit in the Royal Victoria Hospital in Barrie.

There are a number of things I wanted to bring up today on the bill and why, although I support it, I do it reluctantly, because there are some things in the bill and some things that it doesn't address that I think we as legislators should take into account. A lot of it has to do with compensation, because when you bring in legislation and change the rules in the game, I think there is a responsibility on whoever's changing the rules to compensate those most affected. I'll get to that in a few minutes and give you a number of examples on that. Second of all, what can be exempted? I know I want to speak a little bit on our military establishments that have had smoking rooms for a number of years, and they will be outlawed in this legislation. Of course thirdly is the economic impact that this bill creates on a number of people who are actually employed in the service sector. I'll give you a number of examples on that as well.

If I could just for a moment, though, on the second-hand smoke and smoking in general: I think it is the role of federal and provincial governments, and of course the municipality has a role to play as well, because many of the municipalities have done a really good job of trying to eliminate smoking in the workplace and smoking in municipalities as well, in public areas. I want to pay special recognition now to the county of Simcoe and the Simcoe County District Health Unit, who I feel have done an excellent job up in the county of Simcoe. Most

of the municipalities already have passed non-smoking bylaws. There may be some exemptions like Legions, etc., but I think overall the folks on that team up there have done an exceptionally good job over the last five or six years trying to reinforce the fact we shouldn't be smoking. The fact of the matter is that there have been a number of jobs created in this province as a result of the tobacco industry. We've had tobacco lobbyists here, and members of the agricultural community, the folks who grow tobacco, have been in this Legislature quite a bit. My colleague Toby Barrett, the member from Haldimand-Norfolk-Brant, has put a lot of time into this and worked with the tobacco industry to try to come up with what would be a solution basically around compensation. I think even the tobacco farmers realize that they're on the decline and that there has to be a point where they need to look at the industry as a whole. But it's an amazing thing: When you're in business and you've got literally hundreds of acres, in some cases thousands of acres, and you've got all the equipment set up to handle a certain product, it's pretty hard to just change your plans midstream and come up with another industry or another way of life for your family and the employees who work with you.

1620

From that area, I continually ask about compensation and how big this industry is to Ontario: How big is the tobacco industry, and what does it really mean in terms of dollars to the provincial government, to municipalities? When you actually end up eliminating the tobacco industry or the growers, how will they change their lifestyle and continue to create the kind of employment and the kinds of dollars they turn over as well? That's a question that certainly the average person wouldn't really care a lot about. But if you're caring about your agricultural stakeholders, I think we have to say, "How are they being impacted? What will the bottom line be? What is the lifespan of this business? What can they change to if they decide to stay in business: some kind of wheat, maybe corn?" or whatever it may be. I don't know the answers to those kinds of questions but I think it's important that we at least acknowledge that they are the agricultural stakeholders who have been most affected by this. I commend my colleague Toby Barrett for his persistence in trying to get equity for the tobacco industry.

I also want to talk a little bit about the fact that we're not making an exemption for our military establishments. I just think there has to be a way around that. I know a number of people who are veterans in our community. I have nine Legions in the riding of Simcoe North and one Army, Navy and Air Force Club, and I know that the bulk of them would like to have some kind of smoking room exempt just for the vets.

With the local trips to Europe lately as a result of the end of the war, I know that the people who belong to the military establishments today who are actually veterans of the great world war are mostly over the age of 80. My comment is that during the great world wars, we as a society actually sent cigarettes to these folks to enjoy

while they were in the trenches defending the world, defending our country, giving us the freedom and democracy we have today, giving us the right to have free votes and the right to have this Legislative Assembly. It disappoints me that there can't be something for those people, because I know that a number of them are smokers and they'll probably smoke until the day they pass on. If you're at the age of 80, you probably don't have an awful lot of years ahead of you.

This is one of the areas of the bill that I am very reluctant to support, the fact that we can't find anything for our veterans in this bill. I think it's a sad day in this country when the people who defended this province, defended this country, defended the world against tyranny and gave us democracy and freedom and all the things we enjoy—that there's not some kind of an exemption, for those folks to have a little bit of say. That is an area I wanted to point out in my time today. I think we, as legislators, have failed these people in that area, because there's no question that I think the bill will likely pass in the form that we have today. On the other hand, we've kind of let that segment of society drift away. Those are the people whom I think it's important for us to thank the most at this particular time.

The third point I want to raise is the economic impact. It's an area where there doesn't appear to be any type of support or compensation for the folks who are in the restaurant and bar business, which has already seen dramatic decreases and job losses.

I'd like to read a few of these into the record, Mr. Speaker, if it's OK with you.

This brochure I've got is called *Smoking Bans Kill Jobs: Facts from Bars with Economic Impact*.

"Pubs, bars and nightclubs in the province ... are reeling from four consecutive years of falling sales, with revenues down more than 20% for the average operator in the first quarter of 2004 compared to the same period in 2000."

"It was immediately a 30% loss (after the smoking bylaw)." That's one of the communities that had the smoking bylaw implemented. "Now, with no hockey"—this is going back to the hockey strike—"it will drop down to 40%. The smoking room will help a little but (the bylaw) is still hurting business—big." That is from Siva Balakaran, the co-owner of a Shoeless Joe's franchise on Eglinton Avenue West, right here in the city of Toronto.

"Chippawa restaurant owner Tracy Stamp pleaded on behalf of 40 Niagara Falls businesses to revoke the anti-smoking bylaw, at least temporarily. She said that since the bylaw was enacted close to a year ago, 18 businesses in Niagara Falls have closed, while another 25 sustained combined losses of \$900,000."

I'm reading these into the record for a reason. I just want to indicate the number of job losses there are and how it will impact the economy, because obviously there's no compensation in this area.

"At the Cameron House ... the pain has also been acute. 'I've had no choice but to take protective measures

to get us through the summer,' said Cindy Matthews, one of the Cameron's owners. 'I've had to lay people off.'"

"Tavern, bar and nightclub operators in Ontario saw their sales plummet ... through the first quarter of this year with another 7.4% drop. In contrast, first quarter 2004 sales for the average restaurant operator increased 7.8%."

"Labatt Brewing Co. Ltd. announced plans in December to cut 20% of its white collar workforce—240 jobs. It partly blamed slumping sales at bars and restaurants, which are also suffering the impact of smoking bans."

"The Hotels Association of Saskatchewan calculates the province's smoking ban will cost more than \$100 million in the first year."

"A recent survey in New Brunswick found that sales plummeted by an average of 24% in the first month of an October 1, 2004 provincial smoking ban, compared to a year earlier, for 71% of liquor-licensed establishments."

"... at the former Bacchus Lounge [Toronto], where co-owner Lisa Sorochan isn't so happy. 'We saw the immediate impact of (the smoking ban).' Once filled to capacity on weekends, the bar's business dropped by half.... The lounge lost hundreds of thousands of dollars and closed a few months ago."

"Thirsty's Roadhouse on Exmouth Street is possibly the bylaw's first casualty, with owner Terri Kavanaugh announcing she has it listed on the market for \$129,000. Sales dropped 20% in September and 25% in October compared to the same months last year."

"'It's something else,' says the bartender at the Consort Bar inside the prestigious King Edward Hotel. 'It's like Prohibition. I have never seen anything like it in the 25 years I have been in the business.' On a normal night, prior to June 1, it would be nothing ... to bring in \$6,000 in sales in an evening. This past week, he's had two shifts where sales have been \$100.'"

1630

These are all quotes from restaurant owners who have had the smoking ban already in place with the municipal bylaw. But the fact of the matter is, this is what we have to look forward to with a province-wide ban.

"Bar and hotel operators in Winnipeg and Brandon"—Manitoba—"have seen their revenues drop by as much as 20% since smoking was outlawed indoors."

"'I would say our business is down 30% to 50%,' said Darryl Fine, owner of the Bovine Sex Club, a dark cave of a bar on Queen Street West."

"Across town, at Boomerang's Bar and Grill ... co-owner Steve Sparks has also lost a lot of business.... Business ... is down between 15% and 20%."

"At Nick's Place" in Moose Jaw, " ... 'Nobody's coming in. Business is down, the VLTs are down, everything is down over there. Major losses; I'd say at least 50%.'"

"The hockey" [lockout] "was the final straw,' said Tony Morra, manager of the Originals bar in Toronto. 'With the smoking bylaw and the hockey on top of it, it's like a double whammy.' Mr. Morra said weeknight sales of his 250-seat bar are down from \$7,500 on nights when

the Leafs were playing last year to \$4,000 in these hockey- and smoke-free days."

"Lisa Kwan, owner of the Rainbow Cafe on High Street, said her business is down 40% since the bylaw went into effect last year."

"Bar owner Patsy Richard of Bas-Caraquet" New Brunswick "says her profits have dropped by 40% since the no-smoking law came into effect October 1st."

"Draft beer sales across the country plunged 14% in October as the NHL hockey lockout and increasingly stringent smoking restrictions encouraged Canadians to stay home."

What I'm trying to say with all these quotes is that when we enact this legislation in Ontario—and it's quite clear that it will be passed, and possibly passed before we adjourn in this session—I think it's important to note that the impact of a province-wide ban will likely result in the loss of many, many jobs in this sector—in the bar, nightclub and dining room sectors.

I guess we've completely eliminated the fact that we will have any separate ventilated rooms that people can use. At this point, it's my understanding that the way the legislation will read will simply be that you'll have to go outside and down the street if you want to have a cigarette. I guess that's the message the government wants to send, but as for the ministers responsible for economic development and trade and tourism, I think the government has to be very concerned about what impact it will have and where the government will fit in any kind of a compensation package for these folks.

It sounds like there's nothing planned. We hear these fancy announcements on tourism and on economic development and trade—how a car manufacturer is coming here or something else is happening over here—but the bottom line is, these are the people who are in the little nightclubs, the little bars and restaurants and dining rooms whom we know right now. We felt that the ventilated rooms would be adequate in a lot of areas, particularly areas like, as I mentioned earlier, the smoking rooms in the Royal Canadian Legions. However, with that said, I understand that the government wants this bill passed and is carrying on, with or without compensation.

As I said earlier, I will be supporting the legislation because I've had people in my family die of cancer as a result of smoking. Every step of the way is a positive step or a first step. On the other hand, as a politician, as somebody responsible to the electorate, somebody who supports tourism and economic development and trade, I have to say that I support the bill very reluctantly knowing that I'm not going to have any way of helping any of those bartenders or any of those jobs that are being lost in that sector. I think it's important that we continue to note that they will in fact be lost. We have given a number of examples from other provinces.

As a country that's trying to promote tourism not only here in Ontario but throughout our whole country as we try to attract people back to Canada, back to Ontario after the SARS epidemic in 2003, there's nothing for these folks who are in that sector, and that does scare me. I

understand that the tourism budget has been slashed by around 21%, I believe. That tells me that they're taking the marketing money out of the Ministry of Tourism, because I don't know where else they'd take 21% unless they just take the marketing money away. Again, it's kind of a double hit. If there's nobody marketing the province for people to come here, and at the same time we're eliminating some of the things people like to do, like the ventilated rooms, etc., I think we have a huge concern as we look down the road.

That being said, if we can stop young people like these new pages we've got here today—by the way, congratulations on your appointments as pages; I hope you really enjoy yourselves here—I think it's important that our whole message is about educating young people not to smoke and, at the same time, trying to find a few dollars here and there to compensate some of the tobacco farmers and the small business community who are going to have dramatic losses with this bill when it's passed.

Again, as I said earlier, I will support the bill but in a very reluctant manner, knowing that some of our key stakeholders are not being compensated by Dalton McGuinty and this government.

The Acting Speaker: Questions and comments?

Mr. Prue: It's always a pleasure to listen to the member from Simcoe North. He talked about a great many things, but I want to just key in, in the two minutes I have, on the comments he has made about businesses.

Whereas I would agree that some compensation may be necessary for some businesses who have rebuilt their businesses according to municipal bylaws that were extant at the time and that might be superseded by this bill, the reality is that for all of the rest of them I fail to see the argument, and I have to be very blunt about this, of businesses saying, "If you stop smoking in Ontario, my restaurant or my bar is going to suffer." Quite frankly, I do not buy this argument.

Having been on the board of health of both the borough of East York, as it then was, and then on the city of Toronto later on, the statistics are overwhelming that bars and restaurants may have a decline in the short term of some of their patrons as patrons readjust their lifestyle patterns, but inevitably they rebound after a very short period of time when people get used to the fact that you can't smoke, you can't drink, the type of food has changed or the entertainment has changed. There are many factors as to why people attend some bars or restaurants, why some are successful and some are not. In fact, if you look at the jurisdictions that came before what is happening in Toronto, Ottawa or Hamilton, you will see in places like California and New York, where smoking was banned in those restaurants and bars, the exact same phenomenon took place there that later took place in Toronto, Ottawa and other municipalities: The number of patrons who smoked went down in the short term but rebounded in the long. There is no real statistical evidence to prove that even one bar went bankrupt because smoking was banned, because bars and restaurants go bankrupt every day.

Ms. Caroline Di Cocco (Sarnia-Lambton): I am pleased to rise to respond to the member from Simcoe North. He made a couple of points with regard to the economy as well as compensation, and I'd like to address those.

When it comes to compensation, we did commit and have provided \$15 million to help with economic development to communities that require it, and \$35 million to tobacco farmers. We did that because—you're absolutely right—there's a transition taking place. We have to be cognizant of that and provide some compensation.

When it comes to the economic argument, in actual fact a number of economists can prove that, long-term, a smoke-free environment actually increases business in many of these locations. Why? Because for places that would not normally bring in families with children, now the parents will bring in their children. It tends to, over the long term, build a larger clientele. That's what economists have found in places that have had smoke-free environments much longer than many other jurisdictions. I would suggest that that argument really is not a strong argument, and certainly there's a lot of evidence to show the contrary.

This legislation is very progressive. As a matter of fact, some people say it doesn't go far enough. I believe it's progressive. I think it has certainly provided a balance so that we could move to smoke-free environments, because, after all, it is a workplace safety issue as well as a health issue, and health issues should not be trumped by very weak economic ones.

1640

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): I am pleased to join in the third reading debate on Bill 164. I would really like to support this bill because there is much about it that I do support. I don't smoke, my wife doesn't smoke and none of our children smokes.

Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell): That's why you're so tall.

Mr. Yakabuski: That's right. We see the value of not smoking. On the odd occasion when I drive my daughter to school—she's going to be 16 in August—and we have to drive by that one portion of the school where all the kids are out there smoking, I say to her, "Emily, what's going on here? We still see all these young kids out there smoking." She says, "Dad, I don't understand it, but I know one thing: you ain't going to find me out there." So we realize that smoking is not healthy.

But there are so many parts of this bill—and I'll have a chance to speak to them a little later—that I have problems with. It's not that we've got a problem with anti-smoking legislation or restrictive smoking legislation. I think the time is right, here in Ontario, to have a bill that controls smoking or eliminates smoking in certain areas, in public places, which this bill is designed to do. But the problem with this bill is what it doesn't do, the things that it doesn't address with regard to compensation factors and other things, not only in the tobacco industry but in the hospitality industry as well. As I say, I will have an opportunity to speak on those further down the line.

I do want to thank my colleague from Simcoe North for leading off this debate. At least we're attempting to make a contribution to the debate, unlike the government side that just wants to push this through in about 11 minutes and three seconds. We believe there is something to be discussed yet, and we will be doing that.

Mr. Colle: One of the difficulties we find sometimes as legislators is trying to do something for which there is never really a clear answer. It was referred to by the member from Simcoe North, who talked about the Legions and the problem we have. As you know, many Legion members have said we should give them an exemption or something. I am an associate member of Fairbank Legion, number 75, at Eglinton and Dufferin, and the really hard thing to do is to tell them that maybe the best thing to do is not to continue smoking.

I had a good friend who used to be a crossing guard and a very active member of the Legion. Her name was June Delorme, a very active community supporter in the city of York and the Fairbank area and a very active member of Fairbank Legion. The one challenge that June had is that she was a smoker and she smoked for decades. Sadly, this winter, June passed away from cancer of the esophagus, obviously directly resulting from the smoking.

When Legion members I know at the Fairbank Legion ask me about the smoking ban, they're divided. Some of them say they would come to the Legion if there were less smoking and some say, "Well, it's the one place where you can smoke." But I reflect back on the loss of my good friend June Delorme at Fairbank Legion, who is no longer with us. She was a young woman who died of cancer.

That's why I think sometimes we have to make the right decision. As I said, it's not easy because the veterans certainly deserve full consideration, but on the other hand, we see people dying. What are we going to do?

The Acting Speaker: The member from Simcoe North has two minutes to reply.

Mr. Dunlop: I would like to thank the members from Beaches–East York, Sarnia–Lambton, Renfrew–Nipissing–Pembroke, and Mr. Colle for his comments on my 20-minute speech.

We could talk about this all day. To the member from Sarnia–Lambton, I have talked to quite a few people who are bar owners, and they have seen a dramatic decrease in their sales. I'm not talking about a bar where you would take your wife and kids out to dinner. You're mentioning places where you go for breakfast that used to be smoky etc. I know some of them. They've recouped and they're doing very well. I know some dining rooms where you have to go right outside; they just made that decision. I don't have a problem with that. They've suffered for only a very short period of time.

I'm talking about the people at the bars where there's a rock and roll band or a country and western band or something on and they're open until 2 o'clock in the morning. Those are the places that are suffering, and those people employ a lot of people in our economy. I'm

saying there is an economic impact in that particular area. Go in and ask them. Just drop into a few of these places and ask them how their business has been. They will tell you that. I'm just saying that there's no compensation factor here.

Finally, a question I'd like to give to the government members, and hopefully somebody in some of their comments can bring it up or respond: If the government likes to collect the taxes on cigarettes and cigars etc., and it's bad for your health, and we're passing a bill like Bill 164 and we want to see smoking eliminated, why wouldn't we just make it illegal over a long period of time? It looks like we're asking for both. We're asking for money from the taxpayer, and at the same time we're trying to outlaw it.

The Acting Speaker: Further debate?

Mr. Prue: The first item is that I am seeking unanimous consent to hold down our lead until either later today or until the next session.

The Acting Speaker: Is there unanimous consent to stand down the leadoff speech of the NDP until later today or the next session—

Interjection.

The Acting Speaker: —or until the bill is called again? Agreed.

Mr. Prue: Thank you, Madam Clerk, for putting the correct word there at the end; not until the next session, of course, but until the next time the bill is called.

In the 20 minutes or so that I have, I'd like to speak to this particular bill and to some of what I think are the good points of the bill—and I think most of the bill is very good—and to some of the failings in the bill. I have to be very blunt at the outset and tell you that in spite of the failings and failures of the bill I'm probably going to support it because it does a whole lot of good things, to the point that I cannot in all good conscience turn around and say that I'm not going to support the bill itself.

Smoking, we all know, is a socially unacceptable thing. It has changed four-square in the last 20 years. It used to be quite common, when I started working for the government of Canada—I guess this is more like 30 years ago—that in all of the offices people were allowed to smoke. The person at the desk next to me smoked and had an ashtray full of cigarette butts by the end of the day. He was a chain smoker. He smoked maybe 40 cigarettes in an eight-hour shift and we all breathed in his second-hand smoke, knowing that it wasn't good for us, but it was just what happened.

I remember council meetings at the borough of East York, where smoking was allowed in the old building, and it was not uncommon during a council meeting to have councillors pull out a cigarette or two and smoke those cigarettes at the council meeting. One councillor even used to bring great big stogies and smoke those great big cigars during the council meeting in East York.

They smoked them at Metro Hall; they smoked them at city hall.

Mr. Colle: Brian Harrison.

Mr. Prue: Yes, Brian Harrison.

It was just commonplace that in your workplaces, in electoral offices—I don't know whether smoking was ever allowed in this Legislature, but it could well have been at some point. People considered it socially acceptable, even if you were a non-smoker, and even from the 1950s and onward when scientific tests started to show you that it was absolutely wrong and that there was some real, grievous harm that would come to those who were breathing in second-hand smoke.

I don't think there is a question today. Apart from a couple of cigarette companies that still belie the scientific evidence and say that second-hand smoke and even smoking won't hurt you, everyone around the world knows it is socially unacceptable, knows that what they are doing not only harms their own person but in reality harms everyone else around them. That is why governments over a period of time have moved to ban smoking in workplaces and enclosed areas.

1650

The province has been pretty slow off the mark. If you want to look at who did it first and who did it best, it was the municipalities and, where they had the jurisdiction, the federal government.

We all remember the time when you went on to a plane—and if there was ever an enclosed space in your life, it was on an airplane—and as soon as the plane took off everybody lit up, except for those people who were in the first few rows. But it didn't take more than five minutes for the entire plane to have all those carcinogens filtered and refiltered and rebroadcast to everyone who was there. The federal government long ago decided that you couldn't smoke on planes, and I guess there's still a warning if you try to sneak into the washroom in the back.

Mr. Yakabuski: They'll throw you off.

Mr. Prue: They'll throw you off—the buzzer will go off and somebody will be waiting for you at the other end. That's a good thing.

Some of the lead municipalities in this province one by one started to look at what was wrong with smoking and determined, in the absence of provincial legislation, that they were going to do the right thing.

Over my political career I had the opportunity to sit on the boards of health of two municipalities, the first one being the borough of East York and the second one the city of Toronto. I was very fortunate, in sitting on both of those boards of health, to have a wonderful medical officer of health who was leading the charge on municipal governance around this. That's the same medical officer of health, Dr. Sheela Basrur, who is now the provincial medical officer of health and who I'm sure has had a tremendous influence on this particular bill. The things we learned about second-hand smoke and about the arguments that are being made against this bill in some quarters I have listened to for many years, and they have very little credibility.

One is that restaurants are going to go out of existence and they're going to be forced to close up and they're going to go bankrupt if you're not allowed to smoke in

those restaurants. The reality of the situation in Toronto is that of restaurants that open today, only about 50% are still there a year later. The failure rate of restaurants is very high. People open them up, there are expectations, there's somewhere new to go, they get clientele at first, but it's very difficult in a competitive atmosphere like the city of Toronto or some of the larger cities like Ottawa, Hamilton or Mississauga to keep them going in the long term. They have to have a catch. They have to have excellent food or excellent entertainment, they have to have extended hours; they have to have something that is different that draws the clientele in. The mere fact that they have smoking or don't have smoking is hardly an edge in today's society.

I will tell the restaurateurs who are afraid of this that the reality is that it's not going to make one bit of difference. If a restaurateur is good at his or her job, then the restaurateur will keep the business coming. If they have to adapt because they no longer have a smoking room, then they'd better adapt by finding something that is exciting, that brings the patrons back. Whether it's a big-screen TV, whether it's entertainment, whether it's a new menu, whether it's bar staff who know what they're doing, whether it's knowing how to mix the latest cocktails, whether it's some kind of new ethnic cuisine, whatever it is, that's what they need to develop, because they cannot succeed on the basis of whether or not you're going to be allowed to smoke there.

In reality, as I said a few minutes ago in my two-minute comment, where smoking has been taken out of the restaurant industry in other places, starting with California, New York and some places in Europe, it has been shown that it hasn't made one iota of difference in terms of whether or not a restaurant is successful. There are so many other factors at play that you cannot simply say, and no one has been able to prove, that the loss of permission to smoke has ever caused a restaurant to go bankrupt or ever caused a loss in clientele. Sure, there are some people who would go from one restaurant to another based on smoking, but I will tell you that over the long term they wouldn't stay at the new restaurant if it was not able to provide the service, the food, the clientele or whatever else they were expecting to have there. The smoking, in and of itself, is quite secondary.

Now to the bill itself. There are a couple of contentious items that are still in the bill, and I want to deal with them.

The first one I want to deal with is the whole concept of power walls. We have a government here that I believe caved in to the tobacco industry and to the small-business lobby that came before them. The reality is that those power walls that exist in small convenience stores are there for a purpose: They are there for the purpose of selling cigarettes, not just for the convenience of being able to turn around and pick them out and turn quickly back to the customer, but actually so that the customers can see the advertising, can see the row on row of cigarette products and can be enticed into trying them, changing brands, trying cigarettes for the first time or doing whatever.

We know that those power walls are particularly insidious to young people. We know that young people who are considering—and I hope not too many do—taking up the habit will see. If you ask them the colour of Players' brand of cigarettes, they can tell you the colour. They can tell you the promotion on Export A. They can tell you who manufactures what types of cigarettes, even though they don't smoke, because they know from the power walls what the advertising is and how that advertising influences them.

I believe that if this government were truly serious about getting rid of power walls, if you were truly serious about wanting to save lives, you would not be granting the extension till the year 2008; you would be doing it in 2006, like everything else. I have to ask the question to the PA, and to Mr. McNeely, who has been credited with being the author of this amendment, how many children between the years 2006 and 2008 are going to look at that power wall, whether it has advertising on it or not, are going to see the row on row on row of cigarettes, and how many children are going to be enticed, how many young adults are going to be enticed, to say, "Give me one of those"? Every time a new person succumbs to that power wall, someone else is hooked.

For the life of me, I do not understand why there is an exemption to the year 2008 for that. I know that the tobacco lobby wanted it and small business owners wanted it. But if you are intent upon protecting the health of young people, those who are easily influenced by the advertising, then you have to do away with the power walls, and you should not be doing this extension. This extension is wrong; this extension is not defensible in any way.

I have some real misgivings about this, I'll tell you, and it has caused me some deep concern about whether or not I can support the bill. But as I told you in the beginning, there are other things in the bill that make me want to do it, because I don't think we can have a hodge-podge in Ontario any more, with some municipalities playing suit and other ones not doing it.

The second problem I have with the bill—and this is where I would have succumbed. I would have said to the Royal Canadian Legion and to the branches of the Royal Canadian Legion, "The people in your branch have an average age, of the veterans"—I'm not talking about associate members. The actual veterans who are in the Royal Canadian Legion have an average age closing in on 84. If you want to ask me whether I think I can protect them or whether they're already hooked or whether the advertising is going to make any difference, I will tell you quite bluntly that that is probably a hopeless cause. I am not going to be able to convince too many members of the Royal Canadian Legion who have smoked for 60 or 70 years that it's now somehow wrong that they continue to do that.

This past couple of weeks we have doffed our hats. We have said wonderful things. We have gone to Legion exercises. We have remembered the end of the Second World War. We have remembered what happened 60

years ago and the brave men and women who liberated Europe, who liberated the South Pacific, who fought on the seas. We have said all kinds of wonderful things about them, and indeed we should. We need to protect what is the last vestige of where they feel safe and at home, where they go for camaraderie.

1700

I am a very proud member of the Royal Canadian Legion, an associate member. That means only that my father served in the Second World War; that's what that means. I am the son of a person who served in the Second World War on behalf of his country. This Legislature, this bill, even the Royal Canadian Legion owes nothing to me other than that I carry on the tradition of my father, who is still alive and who still occasionally goes to the Legion from time to time, even though he too has given up cigarettes. You owe nothing to me, but I think we do owe a huge debt of gratitude to the men and women who fought for us. All they ask in this legislation is that you not grant the tobacco lobby the two years to continue with their power walls to entice young people. They ask that you grant them and their association and their club a two-year window so that they can phase out tobacco. If you granted that to them, till the year 2008, the average age of the legionnaire at that point would be 87 years old. I don't know; I hope they all live to 100 or even more. But I have to tell you, every time I go to the Legion branch, there are fewer and fewer of the actual veterans. If you granted them the three-year window, the problem would take care of itself. I don't mean to be crass and I don't mean to be mean, but it would take care of itself.

I am also mindful of the Legion branches and the problem they have in keeping afloat. At the start of this year, we had five branches in Beaches—East York: There was Branch 22 on Woodbine Avenue; there's Branch 345 on Peard Road; there's a branch on Dawes Road at Danforth, Branch 11; there's Branch 1 at Coxwell, just south of Gerrard; and last but not least, there is—or was—a branch, Branch 42, at Woodbine and Kingston Road. I say "there was" because the branch at Woodbine and Kingston Road has been forced to close because of declining membership—not because of the cigarette or the lobby, but in fact because there are no longer sufficient members of an age who have maintained it over all of these many 60 or 70 years who have the capacity, the wherewithal, the knowledge or the strength to keep it going. So the Legion members, those brave men and women whom we salute, whom we honour every day, are no longer able to attend and are no longer able to keep it up.

I am afraid that if we were to move, as we are here, to ban smoking in other Legion branches, the other four remaining branches in Beaches—East York may come to the same fate. If there is something that's going to cause a decline in their membership, they too are going to have a problem. The problem: Once the branch is gone, it cannot and will not be resurrected. There are simply not enough members who have fought to maintain it. The

sons, the daughters, the associate members and the others who go there do not have the same tradition. We try to honour our parents, we try to honour those who came before us, but it is not our club. I do not feel in the same way that it is my association, the same way as those people who are in their 80s who have spent their entire lifetime in the service of their country and in service of the Legion feel. It is not the same.

So I am telling the government members, if you want to extend something, don't extend the power wall; extend the Legions. You will be doing a service for those brave men and women and, at the same time, you will be making sure that no kids get hooked.

The last item is a difficult one because it has to do with compensation. I applaud the government for compensating the farmers. You did exactly the right thing with the \$50 million to compensate the farmers for getting out of that business. I don't care whether they grow broccoli or asparagus or have a beef farm; they need to do something other than grow tobacco. We no longer need this product, and we should no longer be supporting this product. If money is necessary to get them out of that business, then I think it's well spent.

I also have to say, though, that I think you have a similar obligation, which has not been met, to some of the restaurateurs and bar owners who made renovations under the extant laws of the municipalities in which their operations were taking place, whether it be Mississauga, Toronto, Hamilton or a slew of other municipalities that passed laws prior to this, where there was a time frame given. Some of the time frames end in 2007, some in 2008, some in 2010. Restaurateurs made a decision based on that, and I think if you are to be as fair to them as you have been to the farmers, you have to offer them compensation as well. In the end, they need to be shut down. I have no compunction against that. I think they should be shut down. We need not to breathe the smoke. But in the meantime, you are changing this without compensation. You are going to cause a great many of them difficulty.

I ask the members of the government side—you have your legislation, and I said I'm going to vote for it anyway. These are the three areas: one where I think you went too far, one where you haven't gone far enough, and the third one where I think you have left out some people you should not have left out. If you can find it within yourselves to compensate the farmers, you should find it within yourselves equally to compensate those restaurateurs who in good faith acted under the municipal bylaws.

It is a good bill. I will be voting for it. It could be a great bill if the government had just made a couple of small changes. Thank you very much.

The Acting Speaker: Questions and comments?

Mr. Lalonde: I was listening to the member for Beaches–East York, and let me tell you about one point he made right at the beginning. It used to be socially acceptable to be smoking in a public place. You used to see them on television having a smoke. But today it has become unacceptable. It's not socially acceptable.

I come from a family where my father used to smoke. I never did. My two sons, François and Mario, have never done it. But let me tell you, if restaurant owners are saying right now that it is going to kill their business, they've had a solution ever since the minister brought in the bill to bring your own bottle of wine. If you think you are going to lose business, just accept this new regulation to bring your own bottle of wine to the restaurant.

It's true; I've been talking to high school students just lately. I met them. They were having a smoke at the gate of the high school. After that, I was invited to go and speak to a workshop at the high school on summer jobs. The first thing I told them was, "Don't forget, if you are a smoker, you lose 50% of your chance to get a job for the summer. A lot of people will do an investigation, and if they find out that you are a smoker, the chance of getting a job is not there." You might say it is discrimination, but it is left to the employer. Why are they doing that? Because every time they feel like having a smoke, they become very hyper and they cannot serve the client properly.

1710

Mr. Yakabuski: I thought the member for Glengarry–Prescott–Russell was getting a little hyper. I was going to send him out for a smoke. But, of course, he doesn't smoke.

I just wanted to comment on my colleague from Beaches–East York. He talked about the Legions and how they may be affected negatively by this bill. He's touched on some very important points.

Everyone knows the contributions that veterans have made to this country. My father was a veteran of World War II. He was a smoker. They gave him cigarettes when he was in the trenches, I guess to make it a little easier to deal with the various difficulties they had to deal with over in Europe. Most of those men who came back from Europe and elsewhere were probably addicted to tobacco when they came back, and the government was part of it. At that time, in fairness, I think most people had the idea that smoking was a neutral thing. For some, it felt good and tasted good. I can't imagine why they felt that way.

Having said that, many Legions today, as the member said, are in difficult financial circumstances. I was contacted by a lady just the other day who asked me, "Is there a program out there for the government to assist Legions? We're in big trouble. What about the Trillium grants?" I said that they couldn't help them with their operations. If they were doing some handicapped-accessibility renovations, there might be a Trillium grant available for that, but there's nothing to help them with their operations. The Legions are certainly suffering. We'll touch more on that later.

Ms. Shelley Martel (Nickel Belt): I just want to follow up on some of the comments made by my colleague from Beaches–East York. I want to focus on compensation, because I will have a chance to speak about power walls and other displays later on.

I think the government needs to consider two things. Number one, with respect to farmers, it is true that the

government, in its election platform, promised \$50 million to farmers to help in the transition away from tobacco production into something else, and the government, during the course of the hearings, came through on that. But I have to tell you that during the course of the public hearings, we heard overwhelming evidence from a number of farm families who came before the hearings to say that they are being absolutely devastated by what is happening in this industry right now. That \$50 million to move them into production of something else is not going to deal with all the farm families who are in crisis and who need to move to something else. I really encourage the government to take a very strong second look at the recommendations that were made to the committee for federal and provincial intervention, financial intervention and other intervention, to really help farm families who are in crisis, not just as a result of this legislation, although this legislation certainly promotes their exit out of tobacco production.

Secondly, with respect to those small businesses that established designated smoking rooms, I'm not in favour of the designated smoking rooms. They were not established in my community when the ban went through. However, in a number of other municipalities, bylaws were passed that did allow for the establishment of designated smoking rooms. People, in good faith, following the law, under the current bylaw, made a financial decision to establish a designated smoking room, feeling that they would recoup their income over that period of time in the bylaw where they would be allowed to operate it. That's not going to happen. We have a precedent in this assembly of providing compensation to a number of tourist operators who were affected by the cancellation of the spring bear hunt. I think the government should take a look at those businesses that have been similarly affected and consider compensation for them as well.

Mr. Colle: I just want to say that sometimes we have to put in perspective what this is all about. We talk about the effects on farmers, which is legitimate, but what about the effect on the 16,000 families a year in which a person dies from smoking? What's the impact on those 16,000 families? We're outraged by the fact that there are 60 homicides a year in Toronto. We should be outraged that 16,000 Ontarians—men, women, children, grandparents—die from this deadly killer called tobacco. That's why we need this legislation.

No matter how much we talk about it, it never seems to get through to our young people. I think we should ask our young people to tour West Park Hospital in Toronto, as I did, where they've got a whole floor of people on ventilators. "Before you want to start smoking, go to the hospitals and see people dying from tobacco. It is not a casual thing you're doing. You're killing yourself." That's what we should be concentrating on because, as the member from Glengarry–Prescott–Russell, Mr. Lalonde, said, young people are still not getting it. They're still outside schools and restaurants smoking this deadly cancer stick. They still do not believe the data.

They don't believe it. Perhaps, as I've said, we should let them know about the deaths that are occurring in our hospitals. Let them see the impact of this cancer on people. That's the real impact that this bill tries to deal with: the killing, the maiming—cancer of the tongue and the lips, cancer of the esophagus, cancer of the lungs. Your whole body is basically destroyed by this thing, and that's what bill tries to tell young people: "This is over, folks. We can't afford it and we can't stand idly by while 16,000 Ontarians die from this cancer."

The Acting Speaker: That concludes the time for questions and comments. The member for Beaches–East York has two minutes to reply.

Mr. Prue: I thank the members from Glengarry–Prescott–Russell, Renfrew–Nipissing–Pembroke, Nickel Belt and Eglinton–Lawrence. You all had good comments to make. I only have two minutes and I'd like to concentrate on the last two speakers.

The member from Nickel Belt talked about the compensation that this Legislature had given to people whose businesses were affected by the spring bear hunt. For someone from Toronto, that would not be something that would be readily apparent to me. But when I think back to what I read in the paper about the spring bear hunt, there were a lot of people in northern Ontario, particularly, who had set up camps and had invited primarily American tourists to come for a spring bear hunt. When that was banned, in the wisdom of the Legislature, compensation was made available to them. If an activity that had been legitimate, an activity that had been condoned by the government, was suddenly done away with, it seemed to make sense. I don't see how the same thing cannot be followed here.

The member from Eglinton–Lawrence is absolutely right in what he says, but I have some difficulty—because what is drawing the young people into smoking cigarettes is primarily the advertising. It is the advertising in this bill that is not being done away with at anywhere near the same speed as the other provisions. The power walls will remain until the year 2008. Even though some of the advertising will be gone by 2006, it is the power walls that are going to entice young people more than any other aspect of the cigarettes. If you don't want them to start smoking—and that's where we should be going—if you don't want 16,000 of them to die 40 years from now, then it is the power walls that have to come down. That is the problem.

I thank them for their comments.

The Acting Speaker: Further debate?

Mr. Yakabuski: Apparently the government side has nothing left to say.

Mr. Lalonde: We wanted to give you a chance, John.

Mr. Yakabuski: I appreciate the member for Glengarry–Prescott–Russell giving me a chance.

We've heard quite a bit about this bill. To begin with, let me reiterate that I am opposed to smoking. It's not a healthy habit; in fact, it's an extremely unhealthy habit. It's not only unhealthy; it's dirty, it stinks, and I can't for the life of me understand why anybody who had a choice

would take up smoking. It really baffles me when I see all these young people today beginning to smoke.

I started to talk about driving my daughter to school and her making the comments—and I won't say exactly what she said because I wouldn't want her to suffer any repercussions from any of those smokers at her school. But she didn't have any nice things to say with regard to the decisions of some of those young people to smoke, given the knowledge we have today with regard to the dangers of smoking.

1720

Having said that, I remember—I'm going to say it's at least 10 years ago—when the board of education in my county was allowing students to smoke on school property because they felt it was a danger if they had to leave school property. I remember writing a letter to the board asking them what they were thinking: "How could you be encouraging this by allowing students to smoke on the property of the high school?" I often wondered why kids who were 16 years old were allowed to smoke on school property when you couldn't buy them until you were—what is it?—18 or 19. I'm not even sure how old you've got to be to buy them, but you were allowed to smoke them on school property. So I questioned where the consistency with regard to smoking and young people was, even in our own system. I'm not even sure what the rules are today, but I certainly see students smoking outside schools as I drive by, and it is regrettable because I just don't think they have given much consideration to the risks they're taking. I suppose young people think that they're invincible and that none of this bad stuff can happen to them.

It's not a sure science. My mother died of lung cancer at the age of 50 and never smoked a cigarette in her entire life. I'm not sure that second-hand smoke was a huge contributor because my father, like myself, was a member of this Legislature and was away an awful lot, so I'm not sure she was around it enough, and they both had busy lives even when they were both at home, that that was the biggest reason. However, that was, in fact, what caused her death. She lived in rural Ontario, of course, so there was no industrial pollution that would have led to that.

Suffice to say, the statistics are strong enough. I don't think there's anybody out there who's going to have an argument with the fact that smoking is bad for you and it's unhealthy, but then we see that the government says that this is their motivation for bringing in this bill. I guess the flip side of it could say, "Well, why don't you just simply ban smoking? Just make it against the law, period." That's one possibility. I'm sure that would create a lot of significant consternation as well.

I remember the finance minister making a comment that he would gladly forgo the \$1 billion-plus in revenue that the government derives from the tobacco tax to see the end of smoking. I say to the finance minister: It's easy to make statements like that when you know you're not going to be forced to back them up. I think this government is as addicted to taxation as many people are

addicted to tobacco in this province, so it's easy for the minister to spout those words, which he often does. He's prone to do that: spout words that he doesn't really give a lot of regard to.

I am really wanting to support this bill, but because of the things it doesn't do, I have a real problem with that. But I will say that municipalities in my riding have said to me prior to my election and since my election that they were looking forward to province-wide legislation that dealt with smoking because it is certainly preferable, they felt—and I don't disagree with them—to the piecemeal effect of having one municipality having a bylaw that maybe isn't quite the same as other municipalities and also a municipality having a bylaw when another municipality has no bylaw at all, and the various effects that that might have. So consistency is probably a positive thing, to have that happen.

Last week—not this past week—at the end of the previous week I was doing my nurse-for-a-day bit the week after Nursing Week because I couldn't participate during the week of Nursing Week. I met with a bunch of public health nurses, and they were asking me when this new bill is going to be passed. I couldn't tell them that because, at that time, the bill had left the radar screen, and then during constituency week it came back up, so now we're having the opportunity to debate this. I told them what my problems with the bill were and they didn't seem to have any problems with that, even though they are adamantly opposed to smoking, as every public health nurse should be, and anybody who is in the medical field. You would want them to be opposed to smoking.

One of the things I have problems with are the way that Legions have been treated in this bill. We did talk about the contributions that veterans have made to our freedom, to democracy and to the rights that we have today just to be able to get up and debate this legislation, among other bills. I began to speak about it in one of my two-minute responses, about speaking with a lady last week who was so concerned about the Legion in her town that she called to ask, "Is there any kind of program that you people have to assist us at the Legion? Because we are in dire straits." I have, if my memory serves me correctly, eight branches of the Royal Canadian Legion in my riding, and I can assure you that every one of them is not enjoying prosperous times in this day and age, partially because, as the member from Beaches–East York spoke to, the age of the membership of the Legion is advancing. Obviously, at that age, they're losing members because of death. It's a competitive world out there as well. Many of these Legions have halls that they rent out for various private occasions, weddings etc., but there's a lot of competition for that kind of business out there as well. So they're having difficulty with their revenues.

There's no question that most people would prefer to go to an event at which there wasn't smoking. I know I would. I know that when my wife and I go out—and we go to a number of events, as you would well imagine;

every other member would be doing the same thing—it's actually quite surprising when we go someplace today and it's a smoking event. It is quite surprising and, quite frankly, it's not very comfortable. There are very few out there, but we have been at a few that have been smoking events and, quite frankly, we'd prefer that they weren't smoking events, because they're not nearly as enjoyable. You don't want to spend as much time there. Your eyes get sore, you get stuffed up, and when you leave there, you stink like hell.

There's no question that there are many, many reasons to have smoking eliminated. The government is moving in the right direction, but they've failed to recognize some of the problems they're creating. The Legions are one of the big ones. The member from Beaches—East York said that if they gave that two-year extension to the Legions, that would provide them with some ability to adjust. Some Legions, quite frankly, would choose to go smoke-free. Let them do that, and more power to them. Congratulations to those Legions whose members decide that they want to be smoke-free. God bless them, because I think that's the direction we should be going, but not under the plan that this government wants to force on us at this time.

We talked about compensation for farmers. The government did bring in—

Interjection.

Mr. Yakabuski: How much was that, Lou?

Mr. Lou Rinaldi (Northumberland): It was \$15 million.

Mr. Yakabuski: It was \$35 million, Lou.

Mr. Rinaldi: It was \$15 million, John.

Mr. Yakabuski: Fifteen million went to municipalities, Lou; it didn't go to the farmers, and it was only after tremendous pressure being exerted on the Minister of Agriculture by our critic, the member for Oxford, and other members of our caucus and farmers out there who visited Queen's Park in great numbers, saying that this government was doing nothing for farmers. They repeated that refrain over and over and over again until I'm sure the government asked themselves, "Man, are we going to just keep hearing this every day? We've got to do something." The farmers said, "We're almost two years into the mandate. What about your election promise?"—\$50 million to assist farmers to move out of tobacco and into some other form of agriculture. Finally, under a great deal of pressure—and I'm getting pressure from the minister now; he's pointing his finger at me—they came through with \$35 million for farmers. So it is a step in the right direction. But in general the support for farmers across this province has been very, very poor.

1730

Designated smoking rooms in restaurants: Here's a tough one. Many municipalities brought in anti-smoking legislation or controlled smoking legislation, and, as part of that municipal bylaw, they said, "You can have smoking in your establishment, but you must erect a designated smoking room." Many businesses said, "OK, we're going to do that." Some of them invested in excess of

\$100,000 to do that. I ask the members opposite, if a government said to you, "This is the law. Now, if you want to participate in it, this is what you've got to do"—so you go ahead and you make that huge investment, and then a short time down the road, a government that usurps the authority of the lower tier says, "You know what? We're just going to plow over that municipal bylaw, and those designated smoking rooms are going to be banned." "Oh, but what about my \$100,000-plus investment?" "You know what, buddy? Sorry. Eat it. You're getting nothing from us."

Mr. Ted Chudleigh (Halton): How many beers do you have to sell?

Mr. Yakabuski: You do have to sell a lot of beer to make up \$100,000. They haven't made enough off me yet, obviously.

The question is, is the good of banning them greater for the general population? It probably is. But in a fair-minded society, a lot of people are asking the question: How can you do that without some form of compensation to these operators who did it within the guidelines they had in front of them at that time? So, that's definitely a huge problem.

If you're not going to compensate them—and I know the government is saying it has no money—then you have to grant them some sort of extension or exemption as well, at least so they have the opportunity to recoup that. Because, yes, if there's no smoking, it doesn't mean that people can't come into their restaurant, and it doesn't mean that people can't go into what used to be the designated smoking area, but a smoker is not going to be able to go in there and have a cigarette. That was one of the revenue streams that they were relying on in order to cover the cost of putting in that renovation. So that's something that I think the government has been wrong about. They haven't addressed that with regard to the effect on restaurateurs in the province of Ontario.

Some of the concerns they have—and I'm not sure I entirely agree with them, but there definitely will be some economic effects, at least in the short term. I have talked to people who are talking about getting into the restaurant business and I've said, if you're getting into the restaurant business, make sure your place is smoke-free from day one so you won't have to go through that adjustment period, as opposed to if you allow smoking in your establishment and then it gets banned and you're faced with the adjustment. If you have smoking, you tend to cater to the smoking clientele and then you're the one who has to make the adjustment afterwards, whereas if you don't allow smoking in your establishment from the day you open up, you're probably in a far better position.

We have heard from a number of people in the restaurant business who are very concerned that they will not survive because, let's face it, as the member for Beaches—East York said, restaurants are a difficult business at the best of times, and a high percentage of them fail within the first year. Even if you're an established restaurant and your revenue stream is cut significantly for a short period of time, it's not like they're sitting on

barrels of money and can say, "If our business drops by 40%, 50%, 60% for the next six months, we can weather the storm." Quite frankly, they can't; they can't weather that storm for six months. Most people couldn't weather the storm if their incomes were cut by 60% with no other compensating factors over a six-month period. I'm not sure what the average is, but I think there were some statistics about how long the average family could actually survive if they had no income, and the six-month period sounds pretty close to being around the right amount.

We're expecting restaurants to bounce back. If they survive that period of time, they will bounce back, because eventually things will start to level out with regard to who is going where, etc., and your restaurant will be successful based on the products that it serves, not the fact that it does or does not allow smoking within its confines.

I just want to give a few quotations. "Thirsty's Roadhouse on Exmouth Street"—I don't know where Exmouth Street is; I don't think it's in Ontario because it's someplace obviously where bylaws have been enacted already—"is possibly the bylaw's first casualty, with owner Terri Kavanaugh announcing she has it listed on the market for \$129,000. Sales dropped 20% in September and 25% in October compared to the same months last year." Those are significant drops.

"Bar and hotel operators in Winnipeg and Brandon have seen their revenues drop by as much as 20% since smoking was outlawed indoors."

Let's see here. "Lisa Kwan, owner of the Rainbow Cafe on High Street, said her business is down 40%...."

"Bar owner Patsy Richard of Bas-Caraquet" New Brunswick "says her profits have dropped by 40%...."

So we have to accept these people at their word that those are the true effects on their business. We cannot ignore the fact that this law will have that kind of effect on some businesses.

In balance—I'm running out of time—I would really like to support this bill, but given the fact that it doesn't address the compensation factor, that extension factor, for those who have made those significant investments, and the fact that it does nothing for Royal Canadian Legions in this province, I'm reluctant to do so.

The Acting Speaker: Questions and comments? Seeing none, I'll move on to further debate.

Ms. Martel: It's a pleasure for me to participate in the debate. My intention would be to debate until 6 o'clock. So I would conclude my remarks by 6.

My colleague Mr. Prue has already addressed the issue about compensation. I addressed it fairly significantly on the debate on second reading so I don't want to touch on that again. I expressed also on second reading my concerns about the lack of adequate support for the farm community and agricultural workers; I did that during the course of the hearings as well, so I think that those points have been raised adequately.

What I want to do is focus on my ongoing concern that the government did not use this bill as an opportunity

to do what they promised during the election campaign. The Liberal election document says very specifically, and let me quote, under the section "Tougher controls": "We will ban countertop and behind-the-counter retail displays of tobacco products." It's the section about "behind-the-counter retail displays of tobacco products" that causes me the most grief and the most concern with respect to the bill we are debating here today. At the time that the bill was introduced, the minister was asked about the election promise, and was asked very clearly why Bill 164 did not include anything about banning behind-the-counter retail displays, which we have come to call power walls, although other people have other definitions for them.

1740

The minister, at the time the bill was introduced, said that the government was waiting for the outcome of an appeal in Saskatchewan. Saskatchewan had banned behind-the-counter displays, and that ruling was under appeal. Big tobacco, of course, challenged that. At the time this bill was introduced, we had no ruling. He said very clearly that that issue was essentially up in the air because we didn't know what the outcome was going to be. Well, the outcome in Saskatchewan was very clear: The court upheld the government's right to ban behind-the-counter displays of tobacco products.

Then the minister was asked what was going to happen with this particular bill. He said that he would wait for the outcome of the public hearings, hear what people had to say with respect to the power walls and behind-the-counter retail displays and make a decision from there. I can tell you that through the course of the public hearings we heard overwhelming evidence of the need to ban both countertop displays and behind-the-counter retail displays of tobacco products. I want to read some of them into the record right now. I've just focused on some of the youth presentations, because to a person the youth groups who came before us and spoke on this bill referenced power walls and the need to get rid of them as soon as possible so that they would not serve as an enticement for young people to start smoking.

This is a presentation by Tanya Wagner, who represented the Whitby Youth Council:

"Our goal is to promote opportunities for youth in the town of Whitby. Our interests extend to advocating for healthy environments for youth to grow up in. This is why we would like to talk about tobacco displays in stores and why they should be banned to protect youth...."

"Before preparing this presentation, I thought that about 40% of teenagers smoked and about 75% of adults smoked. I was shocked to learn that only 21% of teens smoke and only 25% of adults smoke. I found out in preparing this presentation that the more we see cigarettes, the more we think it is normal. Obviously, I was fooled into thinking more people smoke than is the case, and we at Whitby Youth Council don't want more youth to be fooled as well, because we know that the more teens think smoking is normal, the more teens will smoke. Making public places and workplaces smoke-free

and banning tobacco advertising will help achieve this goal....

"Tobacco advertising and promotion increase smoking and the number of youth who start smoking. A ban on such advertising and promotion would decrease smoking among adults and youth. That would be a very good thing.

She says at the bottom, "But recently I was thinking about why I smoked in the first place," because she quit. She was 14 when she started and quit at 16. "I smoked du Maurier and sometimes Players. And I noticed the other day that those two brands were the most noticeable behind the counter of my local store. I think that I am living proof that tobacco advertising affects teens. This is why I wanted to talk to you about it today, and ask that you ban retail displays of cigarettes, including power walls."

This is a presentation by Wide Awake: Generation Against Tobacco. It was given by Brian Dallaway. It's comprised of the Youth Centre in Ajax, the Oshawa Community Health Centre, the YWCA in Oshawa, the Durham region health department and Brock Youth Centre. It says very clearly:

"While we applaud the proposed legislation for reducing advertising in retail stores, the language of the act does not prohibit power walls. We would like to see the province capitalize on this opportunity to eliminate this form of advertising which is targeted at children and youth."

He says further on, "We ... don't believe it is morally permissible to market to kids in retail stores using power walls.... It is important that regulations be set in legislation rather than industry self-imposed restrictions." He says at the end again, "Ban power walls."

Then we had a presentation by Olivia Puckrin and Caylie Gilmore, students from Port Perry High School, who said the following: "Today we would like you to consider the last poster, and the line about how the tobacco industry comes up with marketing campaigns to addict youth." They had a number of posters that they brought to the public forum. "You probably know that tobacco companies aren't allowed to advertise their products. But, still, nearly every kid I know can name about five different brands of cigarettes. How is that?"

"Well, it is no mystery. Every time we go into a store, cigarettes are there. Cigarettes are displayed on the counter, behind the counter and even in the counter. We recently learned that the tobacco industry pays stores \$88 million a year to do it. This advertising not only tempts adults to smoke, but it makes cigarettes look like a normal product. But no other product will kill you if you use it as the manufacturer intends. So how can this be normal?"

"Society has tolerated tobacco for far too long. We are starting to realize how dangerous it is, and putting limits on it, like when Durham region went smoke-free in 2004, and we look forward to seeing the province go smoke-free with this new act. It is about time that teenagers can work a part-time job and not be exposed to second-hand

smoke. But if the province allows cigarettes to be advertised in stores with countertop and power wall displays, well now, that would be stupid."

That was a play on the stupid.ca advertising, which they had referenced earlier.

I could go on and on, because in all of the youth presentations there were references to behind-the-counter advertising, and in all of the presentations that were made by health care consumers generally—the Lung Association, the Heart and Stroke Foundation, Cancer Care Ontario, the Cancer Society—and in all of the presentations from public health units. In many of the presentations that we heard just from individuals—a woman who was a smoker in a bar and who got sick—again and again, we heard that behind-the-wall advertising is the last refuge now for big tobacco. Essentially, they have been banned from all other advertising and through the bill will be banned from on-the-countertop advertising. But unless and until we move to ban behind-the-counter displays, we will continue to have cigarettes in the face of young people. That will continue to be an allure and an attraction for them. It will continue to have them try it out just to see what it's all about and get hooked. We heard that again and again from the young people who came to the presentations, who said very clearly, "Get this out of our face. It is the only way that we will not be tempted to start smoking. It will be the only way that we don't smoke and so will not be part of those statistics 20 to 25 years from now about people who are dying of lung cancer and all other forms of cancer from smoking."

This is the reason why—because of the Liberal election promise and because we heard it so much during the public hearings, especially from young people—that I moved an amendment to the bill which would have banned both countertop displays and behind-the-wall displays. Frankly, I was very discouraged, and I remain very discouraged, that the Liberal members on the committee voted against that and instead brought in an amendment that will ban behind-the-counter retail displays, but not until 2008. I have to tell you, I don't think that we can wait until 2008 to ban that form of advertising. I think that we completely undermined the purported goal of this bill, which I thought was to stop young people from smoking in the first place, by continuing to allow big tobacco to advertise behind the counter with power wall displays.

During the course of the clause-by-clause, Mr. McNeely brought in an amendment that would ban this by 2008. The government amendment says, "No person shall display or permit the display of cigarettes in any place where cigarettes are sold or offered for sale unless the cigarettes are displayed in the following manner:

"1. Only individual cigarette packages are displayed."

That, of course, can continue until 2008.

What followed from that was quite an interesting discussion between myself and the parliamentary assistant and some of the legal staff, to say, "Well, what does that mean?" Does it mean we're going to restrict where individual packages are displayed in the retail store? No, it does not. Does it mean that we are going to be able to

restrict many packages appearing together in the same place to give the intent or to give the impression of advertising? No, it does not. As a matter of fact, it does mean that some of the businesses who came before us and said that right now they regularly advertise 250 packs of cigarettes behind the cash register can still continue to do that—no restriction whatsoever. So all of that advertising in the face of young people can continue.

The government tried to say during the clause-by-clause, “We’re getting rid of the bells and the whistles. We’re getting rid of the lighting and we’re getting rid of some of those extras that would really attract the attention of young people.” I have to tell you, with 250 packs of cigarettes behind the counter, you don’t need any lights, you don’t need any bells and whistles. You have all the advertising in the world that you want right there to attract young people to starting to smoke or to attract a smoker who has tried to quit to pick it up again when he or she is doing impulse buying in the grocery store. That’s all you need.

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It’s no wonder that the Ontario Convenience Stores Association was happy with the government amendment to not do anything about this important matter till 2008, and to allow for the continued promotion of individual cigarette packages anywhere in the store to whatever number in the store. I noted when I was speaking on this in committee that the Ontario Convenience Stores Association said very clearly, and this was a quote from Dave Bryans, who represented them, “We have no problem with taking down any of the lights or colours.” I guess not, because that’s the least of the problem. The big problem is seeing all those packages of cigarettes behind the counter and thinking that smoking is normal, and thinking, just because of the sheer volume of cigarettes in that retail outlet, that so many adults and so many young people smoke.

The government has just missed a major and important opportunity to do the right thing in allowing individual promotion behind the counter of individual packages of cigarettes and to allow that to happen until 2008.

There is no doubt that a number of convenience store owners who came before us said that if the government banned over-the-counter and behind-the-counter retail displays, that was going to cause them significant financial hardship, because of course they get money from big tobacco to do that. They got \$88 million from big tobacco in 2003 to advertise cigarettes in retail stores in Ontario. That is why during the course of the hearings, during debate and in a question in this Legislature, New Democrats said the government could do a couple of things to alleviate the financial hardship of some of those retailers, while at the same time getting advertising out of the retail stores as soon as we can, that being May 2006.

We suggested, for example, that the government look at the commission that now goes to retailers who sell lottery tickets and look at substantially increasing the commission that is paid by the lottery corporation to retailers that have lottery tickets in the stores now. That’s one idea.

Second, we felt very strongly, because this has been the case in Saskatchewan, that there would be a number of sales representatives from other products that are in retail stores who would be more than happy to get access to that retail space that’s now being taken up by big tobacco, and that if behind-the-counter retail displays were banned, you would see a number of producers of other products that are sold in retail stores come forward and want that space and be prepared to pay for that advertising space. We suggested that as well.

The third thing I suggested had to do with the government itself spending some of the money it has just brought in on the tobacco tax to pay for promotion in retail stores—promotion with respect to healthy living for young people, eating nutritional food and getting exercise. We have a huge problem in this province with respect to so many youth who are overweight, who are not getting enough exercise and eating improper food. We suggested to the government, “You’ve got kids going into convenience stores every day, buying stuff that’s not so good for them. Why don’t you use some of the tax money you brought in and pay retailers so that you can have government advertising on the walls that promotes healthy living?”

Do you know that the government brought in \$222 million in the last two tax increases alone, not just the recent one that came into effect in January but the last two tax increases that came into effect under this government—more than enough money to replace the money that big tobacco is now providing to retailers in order to advertise tobacco products.

The parliamentary assistant said that the government was going to take that into account, but that they were still going to hold firm on not banning behind-the-counter displays of tobacco until 2008. I regret that. I have to tell you that the government has lost a tremendous opportunity by not acting on this now.

One of the presentations that we heard—I think it was included in Michael Perley’s presentation—talked about a study that had been done in California. Two thousand students regularly enter convenience stores. They were surveyed in terms of what happens when they go into convenience stores, and they were going in on a regular basis, two and three times a week. We heard from that study that over 50% of those young people started to smoke. What got them smoking? It was all about advertising by big tobacco on the counter and behind the counter. Over 50% of those young people started to smoke in I believe grades 9 and 10. That’s a lot of young people getting addicted; that’s a lot of future cancer victims. I don’t know why we wouldn’t take into account everything we heard with respect to the studies that have been done and everything we heard from the young people during the course of those hearings to amend the bill now to say that not only will we ban tobacco products on the counter, but we’re going to do the right thing, deal with the whole issue and ban the advertising that appears on walls or on the counter or behind the cash register. I regret very much that the best that could be done was for the government to put in place an amend-

ment that says that in 2008 that will happen, when the government, frankly, should have supported my amendment that said that in 2006 we will ban all of this advertising in these stores.

I, and I'm assuming a number of other members, received information after the end of the hearings from ALPHa, representing the public health units. I got one from my own, and David Groulx, who is a registered nurse, made it very clear that the Liberal government should revisit the language they used in the bill regarding the display of tobacco products and materials promoting tobacco products and eliminate the display of tobacco products in retail outlets without qualification. David said very clearly:

"Research shows that about 60% of tobacco purchases are impulse purchases, and prominent retail displays behind the cash register significantly encourage such purchases. Add to this the fact that the height and placement of these displays have been carefully calculated to ensure maximum impact on the purchaser. These behind-the-counter retail displays, also referred to as 'power walls,' add to the normalization of tobacco within our society and encourage former smokers to relapse and start smoking again.

"Tobacco industry advertising and promotion must stop now. Power walls increase tobacco sales and therefore contribute to the considerable morbidity and mortality related to tobacco use."

Finally, in the last paragraph, "This is an opportune time for the Ontario provincial government to take a lead

role in reducing tobacco consumption by banning point-of-sale displays, including power walls. Such legislation would also protect our children from the tobacco industry's last channel of advertising."

Because I recognize that it is the end of the day and other people will be sitting tonight as well, I just wanted to close by saying that I indicated during the course of the public hearings that I would be supporting this bill. I think it follows from progressive legislation that we put in place in 1994 when Ruth Grier was the minister. Frankly, it is legislation that has caught up with a number of municipalities like my own that have already in the last two or three years banned smoking in workplaces and public places etc.

As I conclude, I regret very much that the government did not do what the government promised in the last election, which was to ban countertop and behind-the-counter retail displays of tobacco products. It's all well and good that we will ban the countertop displays in 2006, but it is two years too long to wait to ban retail displays of tobacco behind the counter. That just means thousands and thousands more young people are going to start smoking, they will become addicted and they will be our cancer statistics 20 years from now.

The Acting Speaker: It being very close to 6 of the clock, this House stands adjourned until later on this evening at 6:45 p.m.

The House adjourned at 1758.

Evening meeting reported in volume B.

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