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# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 1 March 2006

Mercredi 1<sup>er</sup> mars 2006

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 1 March 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 1<sup>er</sup> mars 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### PERCY DWIGHT WILSON

**Mr. Jerry J. Ouellette (Oshawa):** It is with pride that I rise to inform the House today of one of Oshawa's most distinguished citizens, Percy Dwight Wilson.

On Sunday I attended Mr. Wilson's 105th birthday celebration at Cedarcroft Place in Oshawa, along with family, friends and numerous honoured guests paying tribute and wishing him well.

Mr. Wilson enlisted in the army against his parents' wishes at the age of 15, far younger than the eligible age limit, and he is now the youngest of Canada's two remaining World War I veterans still living in Canada. The teen had felt it was his duty to sign up, and was shipped off to England. When his age was discovered, Mr. Wilson was soon returned home. He also tried to get involved in World War II but was refused as he was too old at 40, and instead rose to the rank of captain in the Perth Regiment.

Following the Great War, Mr. Wilson once performed at Toronto's Massey Hall as a professional singer before going on to work for Bell Canada for some 47 years before retiring in 1966.

Mr. Wilson says the secret to long life is honesty, faith and clean living. He has always tried to be fair and tell the truth, has never smoked, and always attended church on a regular basis.

It's a privilege to rise today to recognize this outstanding gentleman's dedication and the commitment he has demonstrated toward his family, friends, community, province and country. I am honoured to have had the opportunity to meet and speak with him. I would like to ask all to join me in congratulating Mr. Dwight Wilson, on him being 105 years young.

#### OLYMPIC ATHLETES

**Mr. Bill Mauro (Thunder Bay–Atikokan):** I rise today to recognize and congratulate Thunder Bay's winter Olympians who participated in this year's Olympic Winter Games.

Katie Weatherston played for Canada's women's hockey team, which defeated Sweden 4-1 in the finals to

win an Olympic gold medal. Weatherston began playing hockey at the age of five in Thunder Bay, and she now plays for the Big Green at Dartmouth College. As one of two rookies on the Canadian Olympic women's hockey team, she will almost certainly become a leader in women's hockey.

Amber Peterson represented Canada in freestyle skiing aerials. After grabbing her first-ever World Cup medal, a silver, in January 2006 in Lake Placid, she has vaulted into the top 10 in the World Cup standings this season. We look forward to seeing Amber in Vancouver four years from now.

Sean Crooks represented Canada by competing in cross-country skiing. Crooks has been racing competitively for more than a decade. He enjoyed a successful career as a junior, claiming national titles in consecutive years, and twice finished in the top 20 at the world junior sprint championships.

Eric Staal, while not seeing any ice time in Turin, made the Canadian Olympic three-man alternate squad. Staal plays in the NHL for the Carolina Hurricanes and was selected second overall in the 2003 NHL entry draft. He has already scored many points in his first two years and is fast becoming one of the most exciting young offensive hockey players in the world.

Also worth noting is Curt Harnett, who has been chosen to join the Canadian Olympic Hall of Fame and will be inducted at a ceremony in Quebec City on April 29. Harnett is a three-time medallist in cycling, has won over 30 national titles, and has represented Canada in four Olympic Games.

As you can see, there's no shortage of world-class athletes coming out of Thunder Bay. On behalf of Thunder Bay, I'd like to recognize their tireless training and outstanding athletic accomplishments. We are extremely proud of them for representing us at the Olympic Games.

#### HIGHWAY 12

**Mr. Garfield Dunlop (Simcoe North):** I would like to draw the attention of this House to a severe problem that I have in the riding of Simcoe North and another example of the McGuinty government's neglect of municipalities in rural Ontario.

While this House debates the integrity of Transportation Minister Takhar, citizens in my riding of Simcoe North continue to drive over one of the roughest and most unsafe roads in our province: Highway 12 between

Coldwater and Orillia. I can tell you it is simply a disgrace. Whether you are driving a motorcycle, a car, a tractor, a bus or a tractor-trailer, you can be sure that Highway 12 will provide you with the roughest road of any provincial highway in our province.

Last fall during estimates, when I questioned the minister and ministry staff on the status of the redevelopment of this portion of Highway 12, their answer was that the project was ready to proceed this spring, provided the funds are available. Well, when the minister can find time to do his job as Minister of Transportation, I would ask that he take the time to actually travel this portion of Highway 12.

Simcoe North feels neglected by the McGuinty government. While the McGuinty government is slashing more than 680 jobs at the Huronia Regional Centre in Orillia, the citizens of Simcoe North are seeing absolutely nothing to compensate for the economic impact. One first step would be to allow the construction of Highway 12 to proceed this spring. No more studies; no more excuses. We want to see Highway 12 completed. While the Premier has lowered the standards for integrity for his cabinet, the standards for highway safety are also being lowered. It is time, this spring, to proceed with construction. The citizens of Simcoe North are not second-class citizens. They work hard to pay their taxes and they pay for the licensing of their vehicles. They expect—

**The Speaker (Hon. Michael A. Brown):** Thank you.

**Mr. Dunlop:** —it to be completed this spring.

**The Speaker:** Thank you. Members' statements.

1340

#### TOBACCO SMUGGLING

**Mr. Gilles Bisson (Timmins–James Bay):** Well, the wonderful thing is, there is a clock and I am protected.

I want to raise for the members of the House an issue that I think is fast becoming a problem probably for a lot of constituencies out there, and that is the issue of tobacco smuggling. I have been contacted by a number of stores, confectionaries, from across my riding who are starting to note that there is an awful amount of contraband cigarettes that are now coming in on the black market and being sold out of the back of pickup trucks, whatever way people are able to sell these.

What astonishes me is the degree to which there seems to be an inability on the part of this government to deal with this. I understand it's a bit of a complex issue as far as how you deal with it. On the one hand, you don't want to lower the cigarette tax, because you certainly don't want to encourage people to smoke, for all kinds of good reasons, but it seems to me that the provincial government has got to do something about the whole issue of coming at it from the enforcement side to try to find some way to deal with the contraband.

I've been contacted by stores from Hearst to Kapuskasing to Timmins and various places. I've chatted with Guy Monet and a number of other people I know, Ron

Lévesque and others, who are saying it's a real issue. They are noting that sales have gone down by about 30% in competition with the contraband cigarettes. I urge this government to do something on the enforcement side to deal with this issue so that we are able to make sure that cigarette sales are done in the open and that the government takes this issue seriously.

#### MOHAWK COLLEGE

**Ms. Judy Marsales (Hamilton West):** I rise in the House today with wonderful news for Hamilton West and for the Ontario Legislature. I would like to acknowledge and congratulate Mohawk College and their students' association for receiving the Ontario Spirit Tsunami Award, recognizing their outstanding tsunami relief effort. After the devastating 2004 tsunami, several countries were in dire need of assistance. In the spirit of goodwill, the world responded. There was an outpouring of financial and material support that was a testament to Ontario's compassion and big heart.

The Ontario Spirit Tsunami Award was designed to acknowledge an individual or group that makes a significant contribution towards the tsunami relief effort. The award's motto is "Commitment to action and generosity," and that is exactly what Mohawk College and their students' association exemplified in the aftermath of the 2004 tsunami. The collaboration between the Mohawk Students' Association and Mohawk College could not have been better. In an effort to raise funds and awareness, the students' association and the college had a week-long loose change drive, a 12 Hours of Caring marathon on the college radio station, and heavy coverage of the disaster in the college newspaper to gain public support for the initiative.

It was a proud moment when students' association president Kyle Smith presented a cheque for \$4,500 to the Red Cross on January 11, 2005, and it's a very proud moment now for me to pay tribute to these fine young men and young women for their dedication and compassion on behalf of all Mohawk College and their students' association toward this wonderful humanitarian tsunami relief effort.

#### ASSISTANCE TO FARMERS

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** Tractors are rolling once again today to wake this government up to the farm crisis. The tractors are rolling in Huron county along Highway 8 between Clinton and Goderich. The Ontario farm protests are only growing in frequency as this government continues to turn a blind eye.

I've been asking questions for the last five months for action from this government on the farm turmoil that we see represented over in Huron. Even last week, we continued to hear the blame-game answer from the Minister of Agriculture, and I quote: "It would appear that the federal government is not eager to move as swiftly as we

are.” Well, farmers are telling us that they are swiftly receiving the federal cheques. They’re taking the federal money to the bank, to the fertilizer warehouse, to their seed dealer. The question is, where is the Ontario government? The feds are sending out the cheques. The grain and oilseeds deadline is real: March 9, a commitment on risk management. And it’s not just cash crop farmers; it’s beef, horticulture, tobacco, cull cow, dead-stock, export dairy heifer, even the production of honey.

*Interjection.*

**Mr. Barrett:** I’ll make this simple for the member opposite: Farmers feed cities. Farmers require action. Farmers require action now.

#### DEFIBRILLATION EQUIPMENT

**Mr. Bruce Crozier (Essex):** Speaker, as you know, yesterday I introduced a private member’s bill, now numbered Bill 71, that will remove concerns about liability for those who either use or have in their places of business heart defibrillators. I’m told that 80% of the reason for these defibrillators not being placed in public places is because of the concern over liability.

Not so long ago, my colleague Mike Colle, now the Minister of Citizenship and Immigration, introduced a similar bill. In the interim, it was brought to everyone’s attention, I think, by the fact that a defenceman for the Detroit Red Wings, Jiri Fischer, had an event, a cardiac arrest, during a hockey game. Dr. Tony Colucci said, “The AED monitor that was at the scene ... any layperson can apply it; it’s fairly simple.”

Currently, AED monitors are not mandatory in most sports venues. Hockey legend Wayne Gretzky, now coach of the Phoenix Coyotes, said he would like to see that change. So that is the intent of my bill: to allay the fears of those who may use these to save lives in Ontario.

#### PARALYMPIC WINTER GAMES

**Mr. Dave Levac (Brant):** I rise today to speak about an exciting international sporting event taking place in Torino now that the Winter Olympics are done. The Paralympic Games are on from March 10 to 19, and Ontario has another strong contingent of athletes on the Canadian team. These are athletes from Ontario competing in wheelchair curling, sledge hockey, alpine skiing and other events.

In 2002, our Paralympic athletes won 19 medals at the Salt Lake City games. We are all confident that they will be able to build on that record this time around. All Ontarians are proud of the success of the Olympic team in Turin, but now we all have the opportunity to support our Paralympic athletes as well. As the next Olympic and Paralympic Games will be in Vancouver in 2010, this is an excellent opportunity to check out some of the Paralympic stars that we will no doubt be cheering on in favour of our great country.

The Canadian Paralympic Committee recently launched an Own the Podium-2010 campaign, which is aimed

at involving more people with physical disabilities in winter sports and making Canada a top-three medal winner in 2010.

At the recent No Limits dinner in Hamilton, I met Kelly Smith, who won a silver medal in the marathon at the 2004 Athens Paralympic Games. Kelly was certainly an inspiration and a good friend and is an excellent example of the dedication and excellence of all our Paralympic athletes.

I urge all of the members in this House and across the province to support our athletes competing in Torino.

#### HEALTH CARE

**Mrs. Carol Mitchell (Huron–Bruce):** We on this side of the House are committed to revitalizing the public health care system.

In recent debates in this House on local health integration networks, we have heard a great deal of protest from the official opposition. Given the Tories’ record of gutting health care, I question whether their concerns are based on a sincere desire to improve the public health care system. I think they would rather see us sit on our hands, allow the system to deteriorate, and then point to our ailing hospitals and bulging wait times as reason enough to privatize the services altogether.

The third party is not much better, always advocating the most expensive route and paying no attention to the fact that our resources are stretched, needs are high and change is vital. The NDP formula for strengthening public health care by spending more than the government collects in revenue is certainly a recipe for further debt and deterioration.

Our government’s proposed local health integration networks would ensure that taxpayers’ health care dollars are spent in the most efficient and effective way possible, yielding the best results. I am proud of this government’s plan to reach out to local communities, empowering them with the means to identify their own health priorities and recommend the best way to deliver health care. Together with our community-based partners, we are moving forward, seeking new ways to deliver quality care to Ontarians and ensuring that the sustainability of the health care—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that today the Clerk received the report on intended appointments dated March 1, 2006, of the standing committee on government agencies. Pursuant to standing order 106(e)(9), the report is deemed to be adopted by the House.

1350

## INTRODUCTION OF BILLS

CHRISTOPHER'S LAW  
(SEX OFFENDER REGISTRY)  
AMENDMENT ACT, 2006  
LOI DE 2006 MODIFIANT  
LA LOI CHRISTOPHER  
SUR LE REGISTRE  
DES DÉLINQUANTS SEXUELS

Mr. Martiniuk moved first reading of the following bill:

Bill 73, An Act to protect our children from sexual predators by amending Christopher's Law (Sex Offender Registry), 2000 / Projet de loi 73, Loi visant à protéger nos enfants des prédateurs sexuels en modifiant la Loi Christopher de 2000 sur le registre des délinquants sexuels.

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

The member may wish to make a brief statement.

**Mr. Gerry Martiniuk (Cambridge):** Christopher's Law was so named in memory of an 11-year-old boy brutally murdered by a convicted pedophile on parole. Presently, under Christopher's Law, all sex offenders convicted of sex offences by Canadian courts must register in Ontario. My bill addresses two key concerns in the sex offender registry by providing for the first time that (1) sex offenders convicted by courts outside of Ontario and Canada would have to register under the act, and (2) the sex offender registry would be open to the public in addition to the police.

I believe my amendments would definitely provide additional protection to our children and give parents the necessary tools to protect their children.

## SWIMMING POOL SAFETY ACT, 2006

LOI DE 2006  
SUR LA SÉCURITÉ DES PISCINES

Mr. Rinaldi moved first reading of the following bill:

Bill 74, An Act respecting safety around swimming pools / Projet de loi 74, Loi traitant de la sécurité autour des piscines.

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

The member may wish to make a brief statement.

**Mr. Lou Rinaldi (Northumberland):** I'm happy to introduce the Swimming Pool Safety Act, 2006, as a private member's bill.

According to data from the Canadian Institute for Health Information, drowning is the second leading cause of accidental death among Ontario children under the age of five. For every child who drowned in 2002 and 2003 there were six to 10 more almost drowned requiring

hospitalization. Seventy-six per cent of children involved in drowning accidents were playing or walking near water when drowning or near-drowning occurred.

By requiring individuals to build fences around their pools, we can hopefully prevent some of these terrible accidents in Ontario. At the same time, this bill does not seek to create unnecessary burdens through duplication. That's why it includes a provision suggesting that individuals who live in municipalities that already have bylaws pertaining to fences around pools would not have to come into compliance with this bill.

I ask my colleagues to consider this bill as a remedy to many unnecessary accidental deaths among children in this province.

## HOMESTEAD ACT, 2006

LOI DE 2006  
SUR LE PATRIMOINE FAMILIAL

Mr. Hudak moved first reading of the following bill:

Bill 75, An Act to amend the Assessment Act with respect to homesteads / Projet de loi 75, Loi modifiant la Loi sur l'évaluation foncière à l'égard des patrimoines familiaux.

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

The member may wish to make a brief statement.

**Mr. Tim Hudak (Erie-Lincoln):** If this bill, short title the Homestead Act, is passed, here are some of the powers that the bill would bring forward to protect taxpayers: first, a cap on residential property assessment increases for tax purposes at 5% per year, as long as home ownership is maintained; second, the ability of Ontario homeowners to make up to \$25,000 in home repairs, alterations, improvements or additions without facing an increase in their property assessment; third, seniors and the disabled would not pay property tax on the first \$10,000 of the assessed value of their principal residence.

In the gallery, and I want to thank them for their advice and support of the bill, are Barbara Butters, a councillor from city of Port Colborne; Barry Rand, a councillor from the township of North Kawartha; Andy Sharpe, a councillor from Havelock-Belmont-Methuen; Terry Rees from the Federation of Ontario Cottagers' Associations; and Bob Topp from WRAFT, as well as residents of the Sherkston area of Port Colborne.

## MOTIONS

### PARTY STATUS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I seek unanimous consent to introduce a motion regarding the status of the New Democratic Party in the House.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.

**Hon. Mr. Bradley:** I move that, notwithstanding standing order 2, the New Democratic Party caucus be afforded the status of recognized party in respect of all procedural and administrative matters, pending the outcome of the next provincial election in 2007, at which time the terms of the standing order shall apply.

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

#### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** 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 Wednesday, March 1, 2006, for the purpose of considering government business.

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

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1358 to 1403.*

**The Speaker:** Mr. Bradley has moved government notice of motion number 70. All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Balkissoon, Bas	Hoy, Pat	Pupatello, Sandra
Bartolucci, Rick	Jeffrey, Linda	Qaadri, Shafiq
Berardinetti, Lorenzo	Kular, Kuldip	Racco, Mario G.
Bradley, James J.	Kwinter, Monte	Ramal, Khalil
Brownell, Jim	Lalonde, Jean-Marc	Rinaldi, Lou
Bryant, Michael	Levac, Dave	Ruprecht, Tony
Cansfield, Donna H.	Marsales, Judy	Sandals, Liz
Caplan, David	Matthews, Deborah	Smith, Monique
Chambers, Mary Anne V.	Mauro, Bill	Smitherman, George
Colle, Mike	McMeekin, Ted	Sorbara, Gregory S.
Crozier, Bruce	Meilleur, Madeleine	Van Bommel, Maria
Delaney, Bob	Mitchell, Carol	Watson, Jim
Di Cocco, Caroline	Mossop, Jennifer F.	Wilkinson, John
Dombrowsky, Leona	Parsons, Ernie	Wong, Tony C.
Duguid, Brad	Patten, Richard	Wynne, Kathleen O.
Duncan, Dwight	Peters, Steve	Zimmer, David
Fonseca, Peter	Peterson, Tim	
Gerretsen, John	Phillips, Gerry	

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

#### Nays

Arnott, Ted	Jackson, Cameron	Ouellette, Jerry J.
Barrett, Toby	Klees, Frank	Runciman, Robert W.
Bisson, Gilles	Kormos, Peter	Scott, Laurie
Chudleigh, Ted	Marchese, Rosario	Sterling, Norman W.
Dunlop, Garfield	Martel, Shelley	Tascona, Joseph N.
Hardeman, Ernie	Martiniuk, Gerry	Tory, John
Horwath, Andrea	Miller, Norm	Wilson, Jim
Hudak, Tim	O'Toole, John	Yakabuski, John

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 52; the nays are 24.

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

## STATEMENTS BY THE MINISTRY AND RESPONSES

### CONSUMER PROTECTION

**Hon. Gerry Phillips (Minister of Government Services):** I'd like to inform members of the House that today marks the launch of Fraud Awareness Month across the country. Fraud Awareness Month is a Canada-wide campaign designed to remind consumers of the need to shop carefully and be alert to sales pitches that sound too good to be true.

Ontario is joining with more than 70 partners from across the country, including other governments, law enforcement agencies, consumer groups and private sector companies in this campaign. Our partners include such distinguished organizations as the Canadian Chamber of Commerce, the Canadian Bankers Association, the Canadian Association of Chiefs of Police, the Ontario Association of Crime Stoppers, the Canadian Council of Better Business Bureaus, Canadian Security Administrators, eBay Canada, Bell Canada and Tim Hortons, just to name a few.

The campaign's objectives are to educate consumers about fraud, encourage the reporting of fraud and make Canada a hostile environment to the perpetrators of fraud. Although we are focusing on fraud awareness this month, of course consumers should be alert all year.

This government has recently taken a number of steps to better protect consumers, expose fraudulent activities and punish those who try to take advantage of consumers. Remember that we passed a tough new Consumer Protection Act featuring the most sweeping and comprehensive changes to Ontario's consumer laws in more than 30 years. We have strengthened enforcement resources at the ministry's consumer services branch, including hiring three new investigators. We've launched a discussion paper with stakeholders to identify legislative reforms that will combat identity theft and educate consumers of the growing problem.

We have also created the Consumer Beware list. That's an on-line database that lists businesses with unresolved complaints and convictions. We've distributed more than 220,000 Fraud Free calendars, with the help of many of the members of the Legislature, featuring tips and advice for consumers to avoid frauds and scams. We have published seven consumer brochures on a variety of consumer topics—and I might say they're available in eight languages—and created an on-line fraud quiz available on the ministry's website to help consumers avoid being defrauded.

The province's new Consumer Protection Act has made Ontario a national leader in consumer protection. Under the new act, the fine for individuals has doubled to \$50,000 and fines for corporations have more than doubled to \$250,000. Jail terms were increased to two years less a day. The new act also includes a host of greater disclosure and cancellation rights for consumers.

Last year alone, more than 75,000 people contacted the Ontario government's consumer services bureau regarding consumer issues. Many of these contacts led to the successful resolution of disputes between consumers and businesses; others, though, led to charges and convictions. Altogether, the ministry laid 986 charges against businesses and individuals. Charges prosecuted in 2005 resulted in a total of 45 months in jail terms, 675 months of probation, \$600,000 in fines and more than \$300,000 in restitution orders.

#### 1410

Members are aware that identity theft is one of the fastest-growing crimes in Canada. My colleague from Davenport has raised this issue. My ministry is working with its partners in other jurisdictions across the country to identify legislative reforms to combat identity theft and to make it easier for victims to recover from such an experience. The consultation has received helpful feedback from the public and from stakeholders on that paper. I look forward to receiving the final recommendations on how we will prevent these crimes.

The ministry is also involved with its partners in educating consumers and businesses about things we can do to prevent identity theft, such as encouraging consumers to carry only the cards and ID they need, encouraging businesses to collect only essential data, and keeping personal information in a secure location.

The vast majority of business owners in this province are honest. It is the small handful of dishonest ones that we want to put out of business. The best way to do that is for consumers to educate themselves and to report fraudulent activities.

This government is fighting fraud every day through education and enforcement. All our partners will be engaged in action to spread this anti-fraud message. A key proponent of this campaign is PhoneBusters and its "Recognize it. Report it. Stop it." program. We will see posters, media and online reminders to be alert to scams and to report any such activities.

For those in the public and the Legislature who don't know, PhoneBusters is a national anti-fraud call centre jointly operated by the Ontario Provincial Police and the Royal Canadian Mounted Police. I might say it was the Ontario Provincial Police that, several years ago, originated this idea, and I'm very proud of that on behalf of Ontario.

PhoneBusters plays a key role in educating the public about telemarketing scams and other fraudulent activities such as identity theft. We are proud to participate with PhoneBusters and our other partners in this important consumer awareness initiative.

Consumers who have been victimized, know of dishonest activities or just have a question to ask can contact the consumer services bureau at 416-326-8800 in Toronto, or toll free at 1-800-889-9768. Consumers also, of course, can use our online form on the MGS—Ministry of Government Services—website to inform the government about consumer complaints. That address is [www.mgs.gov.on.ca](http://www.mgs.gov.on.ca).

I am proud of this government's work in providing the people of Ontario with consumer protection fit for the 20th century.

## MINING INDUSTRY

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** Last November, I was very pleased to rise in this House to inform members that Ontario's mineral sector was enjoying a boom the likes of which we had not seen since the 1980s, and that our status as a world leader in mineral exploration and development was secure. Mining is indeed still a tremendous success story in Ontario.

Starting tomorrow, our government will lead a dialogue on issues common to the global mining industry and will continue to promote the province as a preferred destination for mining and mineral investment when we join the World Bank in hosting the 2006 World Mines Ministries Forum here in Toronto. Ministers and staff representing mining jurisdictions from around the world will meet to discuss such issues as geological survey activities, environmental sustainability and relationship-building with indigenous peoples.

The World Mines Ministries Forum is immediately followed by the Prospectors and Developers Association of Canada annual convention, which also takes place at the Metro Toronto Convention Centre. The PDAC, as it is known, expects to welcome approximately 13,000 delegates from 90 different countries. Widely considered to be the most important event in the world of mining, there is simply no better place to be than the PDAC to promote our great province as a progressive, preferred destination for investment in mineral development and to highlight the potential of northern mining communities and institutions.

The Ontario pavilion will host the Ministry of Northern Development and Mines, along with our partners including northern municipalities, mining-related colleges and universities, far north First Nations communities, the GO North investor program and the Ontario Mineral Industry Cluster Council. Together with our partners, we will be able to tell the world—in fact, show the world—that Ontario is hands-down the most exciting and inviting jurisdiction in the world.

The numbers say it all. For the first time ever, active mining claims in Ontario have exceeded 200,000 units. For the third consecutive year, exploration expenditures are expected to rise and are projected to reach \$300 million in 2006. The value of total mineral production rose to more than \$7.2 billion in 2005, a 27% increase from the year 2003. We are a top-10 world-ranked producer of nickel, platinum group metals, gold and cobalt, and among the top 20 world producers of copper, zinc and silver. And we are on the verge of witnessing the development of Ontario's first diamond mine on the coast of James Bay, with the De Beers Victor Project, in partnership with Attawapiskat First Nations.

This current boom has only reaffirmed our government's belief that the mining sector is critical to building



a strong and prosperous economy so that all communities, including First Nations communities, can begin to see a quality of life that is second to none.

These are indeed promising times in the world of mineral development. The McGuinty government remains wholly committed to continuing its leadership role in promoting sustainable mineral development and to building on our industry status as a world leader in mineral exploration and development. In fact, the concept of sustainable development is a central theme of our province's first-ever mineral development strategy. I look forward to officially unveiling the strategy in the very near future.

I know all members join me in welcoming the global mining community to Toronto.

**The Speaker (Hon. Michael A. Brown):** Responses?

**Mr. Jerry J. Ouellette (Oshawa):** John Tory and the official opposition would like to welcome as well the world's mining dignitaries to the third annual world mining forum. It's like they say: If it's not grown, it has to be mined. The world forum, as mentioned, first came to be in 1999, holding its first biennial forum in 2000. This forum brings together mining experts from around the world to discuss all aspects of mining, from financial to political impacts.

Mining is one of Ontario's lifebloods, and particularly a lifeblood of northern Ontario. I suspect that all members are being approached, particularly in southern Ontario, regarding concerns about the environmental impacts of mining. I'm glad to say that the Ontario Mining Association is informing people through its teacher's guide, explaining mining impacts and the good work that the industry is doing. Simply click on the website of the Ontario Mining Association to experience the good work the industry is doing. I would hope that the current government aids in informing so many students about misconceptions that they have regarding the mining industry.

As well, we welcome the Prospectors and Developers Association of Canada and its thousands of participants. Personally, previously having owned a prospector licence, I've had a little experience from being in the field, so to speak. As a matter of fact, I had the privilege this summer to show a number of students a calcite deposit which contained several apatite crystals throughout it.

I would hope the minister is able to assist the industry in providing a skills development program, as the industry is seeking skilled individuals to be able to further work in the mining industry.

Lastly, I invite all members to attend the Meet the Miners Day here at Queen's Park on May 2.

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#### CONSUMER PROTECTION

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** Thousands of Ontarians fall victim to fraud every year. To prevent this, consumers need to become more

educated on the types of scams that exist as well as how to avoid becoming another victim.

But what is fraud, I ask. Fraud is defined in the Black's Law Dictionary as a knowing misrepresentation of the truth, or a concealment of a material fact to induce another to act to his or her detriment. An example: telling voters during an election campaign that you won't increase taxes, but after being elected, the McGuinty government brings in a health tax, the largest tax grab in the history of this province. But I digress.

Let's not talk solely about voter fraud, but talk about—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. Order. The Minister of Health Promotion will come to order. We can wait.

The member for Barrie-Simcoe-Bradford.

**Mr. Tascona:** There are three major types of consumer fraud: first, Internet fraud, which involves investment scams, fake business opportunities and fraudulent auctions; second, identity theft, the fastest-growing crime in North America; third, telemarketing fraud, which involves credit card schemes, foreign lotteries and bogus bonds. Now we have the onslaught of virtual gaming. The McGuinty Liberal government has proved inadequate to deal with online gambling, which is undermining our provincial gaming industry and also defrauding consumers.

The McGuinty Liberal government has no plan to stop fraud against Ontarians, whether perpetrated in Ontario or outside of Ontario. Fraud is going up, it's not going down. It's nice to have an announcement today that we're recognizing fraud across this country when it's going up and we have a major problem. So I conclude, and I commend the minister for wrestling this fraud problem up to the ceiling.

**Mr. Peter Kormos (Niagara Centre):** I say to the Minister of Government Services that it's surely some huge amount of chutzpah that permits him to stand up and talk about this government's acknowledgment of Fraud Awareness Month when we don't even have a consumer protection ministry anymore. There isn't one. It has been disbanded; it has been sent home. The furniture has been sold off in a lawn sale. For this minister then to talk about the anti-fraud effort consisting of 220,000 free fraud calendars is in itself a remarkable statement.

I tell you, the scam artists, the Ponzi scheme operators are shaking in their boots. They're leaving town, make no mistake about it. They're lined up at Pearson airport, saying, "There's no room for us in Dalton McGuinty's Ontario. By God, they put out almost a quarter of a million calendars. There ain't room." There ain't room for the fraudulent roofers anymore. There ain't room for the fraudulent basement sealers anymore. There ain't room for the fraud artists who travel from town to town and lay down shabby asphalt, because, by God, this Minister of Government Services is going to take them down with a calendar, and if one calendar won't take them down, it'll be a box of calendars.

I want to tell you, my colleague in the Conservative Party strikes a nerve when he talks about the real fraud that should be addressed. Police forces are still so understaffed in this province that the anti-fraud departments of police forces are barely able to investigate serious crimes, the most senior ones, the big-money ones, never mind the plethora of bad cheques and that type of fraud which land on their desks. There simply aren't the resources to address those.

I say to you, Minister, that the protection for senior citizens who are facing ever-escalating property taxes isn't forthcoming, the protection for folks across this province—homeowners, apartment dwellers, small business people, big business and its employees—who are being gouged and hammered with ever-escalating electricity prices that have destroyed tens of thousands of jobs over the last 13 months, are not being protected.

Nobody is being protected from cabinet ministers who simply won't answer questions in question period. Nobody is protecting students in this province from tuition rates that are skyrocketing through the roof, preventing more and more students from not just low-income but middle-income families from even daring to think of attending college or university.

Nobody is protecting people from the list of broken Liberal promises. Nobody is protecting voters who voted for Liberals because they wanted change and end up getting spare change. Nobody is protecting consumers of health care in this province from the privatization agenda that you are pursuing with Bill 36. Nobody is protecting seniors or their children or their grandchildren from your P3 hospitals that are taking scarce health dollars and turning them into profits for some of the wealthiest international corporations. Nobody is protecting nurses and other health workers from you and your anti-public-health-care agenda.

Nobody is protecting those tens of thousands of workers who have lost good jobs in this province—good jobs that permit them to pay taxes and to buy the things their neighbour builds and send their kids to school. Nobody is protecting them from your anti-job agenda, from your destruction of over 60,000 good jobs, value-added manufacturing jobs, in the course of the last 13 months.

I tell you, there is a lot of room for some anti-rackets investigations and prosecutions here in Ontario. It's not going to come from your non-ministry, because there is no ministry of consumer protection, and the people of this province know full well that they're not going to be protected by Dalton McGuinty and the Liberals, who will promise the world and then deliver zip, nothing, nada.

#### VISITORS

**Hon. Harinder S. Takhar (Minister of Transportation):** On a point of order, Mr. Speaker: I would like to acknowledge the representatives from the Canadian Automobile Association who have joined us today in the gallery, including a former member and cabinet minister,

Mr. Bob Wong, who now represents the Canadian Automobile Association as the chair of the south central Ontario club.

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** On a point of order, Mr. Speaker: I would like to take a moment to introduce all of the students who are here in the House today from Bishop Strachan from the riding of St. Paul's. It's a great day because we're also going to speak about International Women's Day in a moment. Welcome to the House.

#### INTERNATIONAL WOMEN'S DAY

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Speaker, I believe we have unanimous consent for all parties to speak for up to five minutes to recognize International Women's Day.

**The Speaker (Hon. Michael A. Brown):** The House leader is asking for unanimous consent for all parties to speak for up to five minutes to recognize International Women's Day. Agreed? Agreed.

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** I rise in the Legislature today to recognize that this coming March 8 is International Women's Day. March 8 is an opportunity to recognize and celebrate the gains that we have made in gender equality, and I think the Olympic Games in Torino was another great opportunity for the women of Canada to show us those great gains we had with the number of medals they brought back for our country.

The year 2006 marks the 25th anniversary of Canada's ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. The convention is often described as an international bill of rights for women. At last count, 180 countries, over 90% of the members of the United Nations, have signed on. Article 3 of the convention states that these nations, "shall take ... all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."

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I'm proud that my country and my province are committed to guaranteeing full equality for women. I'm proud that our government has a vision where everyone participates fully in all aspects of the province's economic, social and cultural life. I'm determined to make this a reality. Our government understands it's only when members of our society, all of us, can participate fully in all aspects of life that we in this province can call ourselves a democratic and just society.

We understand that women must have equal access to education, that through education they follow a path of full participation in the economy, and that we must

protect and support women at risk of becoming victims of harassment and violence. We understand that the real change will come when young girls grow up believing they have every opportunity available to their brothers, and I know that the young ladies here from Bishop Strachan today believe that as well. They can be captain of the hockey team and be part of the women's Olympic team that leads the country to a record medal count. If they choose, they can be the dean of a university, the CEO of a corporation or the chief of police.

While we remind ourselves that we still have a long way to go, let's move forward by reinforcing our positive vision and celebrating our achievements. I'm pleased to announce that on International Women's Day, I'll be announcing details of the first Ontario government award to honour women who demonstrate exceptional community leadership on behalf of women and girls. This award will give us the opportunity to recognize women across Ontario who help build strong and safe communities. In order to make sure that we reach each and every community where women are making a difference, I'll be asking all members of this House and all members of Parliament to nominate women from their constituencies.

It will be especially appropriate to launch this award on March 8, International Women's Day, because it will give us the opportunity to express that vision, the exercise and enjoyment of human rights and fundamental freedoms so well articulated in the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. It will give us the opportunity to affirm for all women in Ontario that the life they want is possible and achievable. This award will allow us to reinforce our positive message, not just on International Women's Day but throughout the year.

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** I'm certainly very pleased to stand today on behalf of our caucus and recognize International Women's Day on March 8, a day that was established in 1977 by the United Nations. Certainly we welcome the students from Bishop Strachan, who are here. It is most fitting that they would be here for this special day as we celebrate it.

This is a special day that does provide an opportunity for all of us to reflect on the progress that has been made to advance women's equality. It also allows us the opportunity to assess the challenges that continue to face women in contemporary society, and to consider the future steps we can all take together in order to bring about full equality for women in all their diversity. But most important, I think it is an opportunity for us to take a look at the gains we have made and the gains we need to celebrate. The Canadian theme for this year's International Women's Week is Beyond Laws: The Right to be Me. Last week during the Olympic games in Torino, we certainly saw the opportunity for women athletes, particularly those from Canada: "the right to be me." I think we all applauded their achievements, particularly the women who won the hockey gold. I say that because some years ago when I was a teenager, a few friends and I attempted to create and set up a hockey team for girls in

the small town of Exeter. Although we didn't get very far, it's rather gratifying to see how far women have come and then to see our own females take the gold. That was a gratifying day, and it just shows you that women do have "the right to be me."

This is a time when we need to recognize that 2006 marks the 25th anniversary of Canada's ratification of the most comprehensive international treaty on women's rights, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. I have been watching on TV some of the discrimination that is faced by women in Pakistan, and you realize that in countries throughout the world, women have not made some of the gains that we have here in Canada and North America.

We have accomplished much in the way of putting in place legal foundations, such as the Canadian Human Rights Act, pay and employment equity laws, the Charter of Rights and Freedoms and, of course, maternity and parental benefits.

If we take a look at some of the other reasons for celebration, we know that in post-secondary education the barriers women faced at one time have all but been eliminated. In 2001, women comprised 59% of undergraduate student enrolment and 50% of graduate student enrolment.

If we take a look at some of the fields that were traditionally male-dominated, we see that these fields have opened up to women. Women are pursuing careers in growing numbers in the fields of medicine, law, dentistry, business and engineering, so there is growing opportunity for women to pursue these careers.

In business, it is expected that as we look ahead to the century we're in, at least half of the new companies are going to be started by women. The Institute for Small Business noted that between 1991 and 1994, Canadian firms run by women created new jobs at four times the rate of the national average. Women are creating not just jobs but entire companies at double the rate of the national average. So this is all very important.

One of the areas where women need to continue to make some gains is in the corporate field and in the boardrooms of Canadian corporations. We are definitely still lagging. Of course, if we take a look at our own Legislature, we do not hold much more than one fifth of the elected offices in Canada. In Europe at the present time, it's about a third. Today, for the first time, none of the Canadian political parties is headed by a woman, none of Canada's Premiers is a women, and none of the mayors of our largest cities. In the recent election—

**Interjections:** Hazel.

**Mrs. Witmer:** It's not one of the cities.

It is evident that we need to do what we can to continue to be better represented in all levels of decision-making.

Certainly, I will acknowledge Hazel McCallion as being an outstanding leader and role model, not just for Ontarians but I think for all Canadians. I doubt if there's anybody anywhere.

I think the challenge that remains for us, particularly in this House, is that we need to accelerate the progress towards the inclusion of women into formal decision-making bodies, but we also need to increase their impact on decision-making.

Today, we have every reason to be proud. Our Olympic athletes have given us all reason for pride. I have no doubt that as we continue to work together, all three political parties, we can increase the opportunities for equality for all women.

**Ms. Andrea Horwath (Hamilton East):** It's my pleasure to rise on behalf of New Democrats to talk about International Women's Day, which is a day that we all know is a time to reflect on the progress made by women to advance the equality of women in our society. It's a time to assess the challenges facing women today, to set out a course of action to enhance the status of women and, of course, to celebrate women and the gains we've made. Finally, we celebrate the daily struggles that regular women are engaged in to push for change in every aspect of life in Ontario.

**1440**

Recently, I had the pleasure of participating in a play about the Hamilton chapter of the Canadian Club at the Scottish Rite in Hamilton, where I played the role of a woman named Sara Calder, who was an inspirational woman of the late 1800s and early 20th century. She distinguished herself with her leadership in a place called the Wentworth Historical Society. She broke away from the men in that group to establish her own autonomous ladies' society. Long before women were routinely taking charge of decision-making, Ms. Calder was running her own show, raising funds that went to purchase and preserve what are now some of Ontario's most valued heritage sites in the community of Stoney Creek. She was one of those women of her time who was pushing the envelope.

It's ironic that here in the 21st century women are still focusing on winning full rights to participate in society on an equal footing with men. After more than 100 years, barriers continue to impede women's progress. For example, women still earn less in wages than men for similar work. They still take on a greater share of part-time work, contract and temporary employment, and receive less job security, including less adequate pensions. They remain primary caregivers for families, including now aging parents.

The Canadian theme for International Women's Week in 2006 addresses women's rights, women's diversity, and above all, the need to put words into action in the slogan Beyond Laws: The Right to Be Me. Of course, we saw the reflection of that in the success of our women's hockey team with the Olympic gold medal.

Have we, as a society, done enough to ensure that income security is there for women? Not yet. Have we seen enough women in politics? Not yet. We need only to look around this chamber: The diversity of our population isn't reflected here in this House. Have we made it possible for every woman or child confronting violence

in the home to leave the abuse and have a safe, supportive place to go to? Not yet.

This really tells us, as legislators, where the emphasis needs to be. There is much more that all governments should be doing and could be doing on women's issues.

Do we have a law in Ontario that would protect women from violence and harassment in the workplace, harassment that was cited as a factor in the murder of Lori Dupont at her Windsor hospital workplace? Not yet.

As the NDP women's issues critic, I feel, as all of this House must be feeling, that we have to get beyond the time of "not yet." We have to get to a place where there are no more "not yet's."

For example, we have to stop Ontario's clawback of the national child benefit from families receiving social assistance. Women in the greatest financial need are not seeing the benefit that was supposed to help them fight poverty.

A lack of housing and money is one of the prime factors that drives women and children back to the abuser; we all know this. Without money and a place to live, many women remain in violent relationships so their children will be housed and fed. That means governments need to get serious about directing promised funds back into creating affordable housing and second-stage housing, whose base funding has been all but flatlined since 1994.

Let's get serious about implementing the package of emergency measures recommended by the experts that we know, without a doubt, will save women's lives. These measures include second-stage housing; stronger laws around bail, restraining orders, no-contact orders and peace bonds; risk assessment tools implemented in every court before every bail hearing where violence against women has occurred; passage of the bill that would protect women from all forms of violence and harassment by changing the Occupational Health and Safety Act.

Furthermore, women need to see promised provincial and federal investments going into child care. Real Ontario dollars need to be invested in Ontario's child care program.

There are many more issues that are on my list here, things that are practical and implementable today, that can affect the way women see the world, and the way women are able to access justice in our communities.

I want to close with a quote, one that comes from Geraldine Ferraro. What she said was this, and I hope this quote is going to inspire all women, not only today but as we move into the week of International Women's Day: It says, "We've chosen the path to equality, don't let them turn us around."

## ORAL QUESTIONS

### MINISTERIAL CONDUCT

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Premier, why do you feel it is

appropriate for you to suddenly shut down debate on the unprecedented motion surrounding the Integrity Commissioner's report on Minister Takhar, a report that was so critical of his behaviour?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm always pleased to take a question, but I'm sure the leader of the official opposition would understand why I would not agree with his characterization of bringing this debate to a conclusion. I think he would also know that the act governing this particular debate requires that our assembly consider and respond to a report filed by the Integrity Commissioner within 30 days of it being tabled in this House. It was tabled on February 13; therefore, we must respond by March 13. The House rises tomorrow. So we've had good opportunity to discuss this issue in a debate of some length, and we look forward to bringing it to a conclusion.

**Mr. Tory:** Even consulting the people at the Clerk's table, it's not clear—and it's not part of the rules, of course; it's part of the statute—what “consider and respond” means in terms of how long or what a response is. The bottom line is that, regardless of that interpretation, which could only come from the courts, this is the first time in the history of this province that a minister has been officially reprimanded by the Integrity Commissioner. When you talk about the fulsome debate that has unfolded, the fact is that Justice Osborne spent seven months investigating this matter and writing his report, and we've had exactly three days of debate in this Legislature since that time. We find that the minister's story continues to change; new things come to bear on this in terms of interpretations and inconsistencies with his report.

We have put an amendment that would have this go off to committee so it could be further discussed. I think that would be well within the ambit of the section on considering and responding within the 30 days. Would you consider that and allow the debate to continue, rather than choking it off?

**Hon. Mr. McGuinty:** No, that is not something I am prepared to consider. I think the people of Ontario are entitled to have this explored and debated in a fulsome manner, and that is, in fact, what we are doing in this House.

Twenty-four MPPs have spoken to this issue so far during the course of this debate. The leader of the official opposition himself has raised this matter on countless occasions, both during question period and in other opportunities in this House, and outside the House. I think it is important for us to have that full opportunity, which we have. I believe today will be the fourth day of debate, and we look forward to bringing this matter to a conclusion.

**Mr. Tory:** The fact is, today we're debating a time allocation motion so you can choke off the debate. You've only called it three times. If you were really interested in having a fulsome debate—I don't know whether you're suggesting that 24 out of 103 members is

even close to the number. I can tell you, in our case we've had seven members speak to the original motion and four members speak to an amendment that we moved, and there are many more who want to speak on this and be heard.

So I repeat my question to you: If you were really interested in an open debate on this, a full debate so we can all have our chance to have our say on this, as opposed to trying to choke it off because you find it's an embarrassing matter for your government, why wouldn't you find a way to either extend the debate in this Legislature when we come back, rather than time-allocating, or go along with an amendment? We'd be happy to discuss wording with you of an amendment to the motion that could send it to committee for a period of time for some additional debate. Why are you trying to cut this debate off?

**Hon. Mr. McGuinty:** I appreciate the leader of the official opposition's position on this, but it is not one with which I can agree.

Maybe we should take a moment to properly consider what it is that we are debating. The motion that is put forward is pretty straightforward. It reads, “That the Legislative Assembly adopt the report of the Integrity Commissioner dated January 4, 2006, and approve the recommendation contained therein.”

I'm not aware of any member in this House who's going to be voting against this. I think there is unanimity with respect to the outcome of this particular motion. So we look forward to getting on with this, to bringing this to a conclusion, and we do so with the confidence that we have given this a real opportunity for fulsome debate in this House.

**The Speaker (Hon. Michael A. Brown):** New question.

**Mr. Jim Wilson (Simcoe–Grey):** My question is for the Minister of Transportation. Minister, on April 26, your executive assistant wrote to the Integrity Commissioner about a potential conflict that you had regarding new specifications for truck axles and suspensions for trucks operating on Ontario highways. You declared a conflict of interest then and refrained from participating. Today, we now know that you were personally involved in discussions, and your staff were involved in consultations, again on a similar issue, involving discussions around specifications for truck and trailer axles and suspensions operating on Ontario highways. Why did you not contact the Integrity Commissioner about this second issue that we've now learned about?

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**Hon. Harinder S. Takhar (Minister of Transportation):** Let me say this: This issue came from the industry. The Ontario Trucking Association, Procter and Gamble, The Bay, Frito-Lay and other companies approached me. They wanted to have a long-combination-vehicles proposal put forward to the ministry for consideration.

Let me just say what long combination vehicles are. Normally, a truck pulls one trailer, but in this case, they

wanted to have two trailers pulled by the truck, because the freight they carry is bulky and they carry less freight in a trailer. So they wanted to reduce their freight costs and asked us to consider that proposal. So I asked the ministry to look into it.

But before we even did that, the Premier had put a protocol in place, and we asked the ministry if there was even a perceived conflict of interest in this case. The ministry told me there was absolutely none. I, myself, as the minister, ordered to consider the proposal from the—

**The Speaker:** Thank you. Supplementary.

**Mr. Wilson:** Minister, we have the specification sheet from your ministry about this issue, and it clearly speaks about axle requirements and “other equipment, as required by the Highway Traffic Act.” It talks about axle loads, just like in the first instance. It involves trucks on Ontario roads, just like in the first instance.

Your own Premier said in his letter concerning the first issue that you had informed him about a potential conflict “in relation to axle requirements for vehicles.” The Premier also said, “I wish to avoid all conflicts—real or perceived.” The Premier asked your parliamentary assistant to take the file and asked that you and your staff refrain from discussion.

Minister, why did you think it was a conflict then but not now? Why was the Integrity Commissioner contacted last time but not this time?

**Hon. Mr. Takhar:** Let me be clear again: This proposal is about adding another trailer. It talks about the total length of the tractor and the trailers. It doesn't deal with the weight dimensions. The total weight of the truck, the total weight it will carry and the axle weight requirements do not change. There was no change even in the proposal that was put forward by the industry for consideration. All I asked the ministry was to look at what the other provinces were doing, what the industry was asking for and if it ever made any sense for us to do it.

**Mr. Wilson:** According to Livio Luchini, the manager of sales administration at Chalmers, “Chalmers Suspensions manufactures suspensions for all the major original equipment manufacturers, including Kenworth, Peterbilt, Freightliner, Mack, Volvo, and specialty truck chassis builders.” It says their products are “well-received on trucks of all construction and vocational applications—including refuse-collection vehicles.”

Minister, the Integrity Commissioner was very clear in his guidance to you the first time. In his letter back to your executive assistant, he said, “I would suggest that the minister act prudently and not expose himself to the risk of being perceived as having a conflict of interest.”

Minister, it was about axle requirements then; it's about axle requirements now. It was vehicles on Ontario roads then; it's the same now. You followed the commissioner's advice then, but you did not even seek his advice this time. What has changed? Why did you not contact the Integrity Commissioner about this second issue when so many things were exactly the same?

**Hon. Mr. Takhar:** Actually, the member has answered the question himself. He read the statement

from the sales manager of the company, and it said “construction” trucks and “vocational” trucks. These are not vocational trucks, these are not construction trucks and these are not logging trucks. He already answered that question.

Let me state it again: The company that I was involved in made heavy-duty suspensions. These are the lift suspensions used on these trucks and trailers. It doesn't change the weight of the trucks. It doesn't change the axle requirements. So there was absolutely no conflict at any time.

## ELECTRICITY SUPPLY

**Mr. Howard Hampton (Kenora–Rainy River):** Premier, the problems with your \$40-billion nuclear power boondoggle and the Ontario Power Authority's electricity supply mix report become more obvious every day. Yesterday, the Sierra Club pointed out that you have completely omitted conservation and energy efficiency targets in the report. Today, Greenpeace, the Pembina Institute and the David Suzuki Foundation released a legal opinion that concludes that a full environmental assessment of your electricity supply mix plan is mandatory under the Ontario Environmental Assessment Act.

Premier, does your government, the McGuinty government, have any legal opinion suggesting that an environmental assessment is not required for the Ontario Power Authority electricity supply mix report? And if you have it, will you table it today?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm pleased to take the question. The leader of the NDP raises some important issues. I think one of the things I want to convey to him today, and our public as well, is that the Ontario Power Authority has put forward a proposed plan. What we have done is made that public, and we've created opportunities for Ontarians, experts and non-experts alike, all those who are concerned about ensuring that we are meeting our energy supplies in the future, to comment. On the basis of that comment, we will then send instructions to the Ontario Power Authority with respect to how to proceed on this. So we continue to acquire information, to collect the very best advice that we can, and the leader of the NDP should understand that what the Ontario Power Authority put out was a proposal—nothing more than that. We intend to improve upon that.

**Mr. Hampton:** Premier, the Suzuki Foundation, Greenpeace and the Pembina Institute are telling you that your attempt to mask your \$40-billion nuclear mega-boondoggle with sham consultations does not replace the legal requirement for a full environmental assessment of the electricity supply mix plan. The David Suzuki Foundation says that under the laws of the province of Ontario, your government is mandated to undertake a full environmental assessment of that electricity supply mix plan.

My question, Premier, is, when can the people of Ontario expect the McGuinty government to obey the law of Ontario and order a joint Ontario Energy Board

and Environmental Review Tribunal environmental assessment of your integrated electricity supply mix plan?

**Hon. Mr. McGuinty:** We are always most appreciative of advice offered on any matter of public policy, but of course especially in this context, in the matter of our plans to meet our energy needs in the future. I have a particular appreciation for the David Suzuki Foundation. In fact, just a couple of weeks ago, I met again with Dr. Suzuki in my offices here at Queen's Park to get still more advice from him.

We intend to ensure that whatever proposal we put forward does in fact become the subject of a full environmental assessment, and that will once again allow interested Ontarians to provide yet more advice and more input into making sure that we get this right for the future.

**Mr. Hampton:** Premier, here's the reality: Your integrated electricity supply mix plan is one of the largest and most costly decisions in Ontario's history: \$80 billion in total costs and at least \$40 billion for your pet nuclear megaprojects. Yet you refuse to require the Ontario Power Authority to set energy efficiency and energy conservation targets, and now environmental organizations like the David Suzuki Foundation will have to take the McGuinty government to court to get what common sense dictates should happen in the first place: a full and open environmental assessment of your integrated electricity supply mix plan.

Premier, when will you listen to the people of Ontario, when will you listen to the David Suzuki Foundation, Greenpeace and the Pembina Institute and open your backroom nuclear megadeals to the clear light of a joint board environmental assessment? When will you obey the laws of Ontario?

**Hon. Mr. McGuinty:** The leader of the NDP, in his characterization of our energy plan, is nothing if not colourful, and I appreciate the approach that he brings in this regard, but we are charged with a very special responsibility. And while there will be no shortage of advice in this regard, there is only one group of Ontarians who are charged with the responsibility to keep the lights on, now and into the foreseeable future. So we will carefully weigh all the advice that we receive and we'll build on a foundation that was built by previous energy ministers over previous governmental regimes.

In that context, I acknowledge Bob Wong, who is here, a former Minister of Energy who brought into place, for example, the Energy Efficiency Act of 1989. We will build on that foundation. We will be open to, and most appreciative of, advice we get from Ontarians, expert and non-expert alike, but we will also do whatever we need to do to keep the lights on in the province of Ontario.

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#### HEALTH CARE

**Mr. Howard Hampton (Kenora-Rainy River):** Premier, it's not me who takes offence, necessarily, with

your plan; it's Greenpeace, the Sierra Club, the Pembina Institute and the David Suzuki Foundation.

But I want to ask you about your claim that your government is committed to publicly controlled, universally accessible health care. This morning you donned your Captain Medicare cape and railed against the evils of the Ralph Klein government. Premier, instead of railing about what might or might not happen in Alberta, something you have no control over, can you explain why your government, the McGuinty government, is privatizing the Trillium drug plan?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of Health.

**Hon. George Smitherman (Minister of Health and Long-Term Care):** We've had a chance over the course of the last few days to remind the honourable member that during the life of the government he was proud to be part of, there was a significant outsourcing of services in hospitals. What's key is that the actions our government is taking with respect to the administration of the Trillium drug plan are motivated by the desire to enhance customer service.

The circumstances are very clear. We're taking advantage of an opportunity on behalf of the people of Ontario to do a better job of responding to their applications with respect to the Trillium drug plan. Let me give you a couple of pieces of information that dramatically motivate us: In 2004 the time it took to process applications for the Ontario drug benefit, less than five days; for the Trillium drug plan, 22.7 days. The call abandonment, the number of people who hung up on the Ontario drug benefit in 2004, 3%; on the Trillium drug plan, 30 to 50%. This is an opportunity to deliver—

**The Speaker (Hon. Michael A. Brown):** Supplementary.

**Mr. Hampton:** Isn't it interesting that wherever the McGuinty government sees a problem in the health care system their response is, "Let's privatize." Your latest scheme to privatize the Trillium drug plan is just the latest example of the McGuinty government's agenda of stealth privatization. Before the election, the Premier said that privatizing and contracting out of health services resulted in higher costs and less accountability. You promised to protect publicly controlled, universally accessible health care. But now, all the people of Ontario get from your government is lots of empty rhetoric, but more and more privatization of health care by stealth.

I say again, Premier: You can't do much about what may or may not happen in Alberta, but you can stop your own health care privatization scheme in Ontario. Will you abandon your scheme to privatize the Trillium drug plan?

**Hon. Mr. Smitherman:** I think it's a very good indication of the challenge we have with the debate in Ontario so long as the leader of the New Democratic Party thinks that the battle for public health care is being fought over who serves in an administrative function related to a program. The real fight for public health care is on the front line, where people are receiving clinical

services. This is where our Commitment to the Future of Medicare Act and our adherence to the Canada Health Act prevail. We're a government that brought in family health teams and community health centres, that moved forward on the repatriation of MRIs for the public sector. We're proud to celebrate the fact that 13,000 more people enjoy employment in health care today because they're delivering important clinical benefits to the patients of the province of Ontario. We will not apologize for taking actions that will allow people, instead of hanging on the other end of the line, to get the service they require, responsiveness from government, and a public health care system that meets the needs of our patients in a timely way.

**Mr. Hampton:** We have the McGuinty government that thinks if they holler loud enough, they can deny that they're in fact privatizing. In fact—

*Interjections.*

**The Speaker:** Order. I need to be able to hear the leader of the third party. Order.

Leader of the third party.

**Mr. Hampton:** In fact, as I said earlier, this is just the latest episode. For example, soon after the election, you delisted eye exams, chiropractic care and physiotherapy. That's privatization. You brought in privately, profit-driven, financed hospitals, something you say you used to detest. That's privatization. Now you're ramming through your LHINs legislation, which will see hospital services sold off to cutthroat bidders. That's privatization. Instead of improving service at the Trillium drug program, you're simply going to privatize the Trillium drug plan. That's privatization.

Again, Premier, I say to you, before you get on your high horse and rail against what might or might not happen in Alberta, something you have no control over, will you stop your own privatization of the health care scheme in Ontario?

**Hon. Mr. Smitherman:** There goes the honourable member from the riding who's got amnesia about his role. He wants to pretend that the Trillium Health Centre and other hospitals in the province didn't see the outsourcing of services that occurred on his watch.

This is the big challenge with the honourable member. He can't make the distinction between those services that are clinical and those that are clerical. This isn't about doctors. It's not about nurses or radiation technologists. It's not about the recipients of front-line health care services. It is about taking advantage of an opportunity to dramatically enhance our customer service capacity by giving people a much more timely response to their requests for assistance from the Trillium drug plan, a plan that we're proud of. Unlike that government that cut health care spending on drugs by \$29 million in one year, we've increased it by \$660 million. There's evidence of our commitment to a public health care system.

#### MINISTERIAL CONDUCT

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** To the Minister of Transportation: Minister, yesterday your

story evolved once again with your interesting explanation behind your cellphone usage and when you used what phone. We've heard it was your phone you used. We've heard it was your wife's phone you used. Now we hear—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I need to be able to hear the questions being placed.

The member for Haliburton–Victoria–Brock.

**Ms. Scott:** Thank you, Mr. Speaker. I'll try again.

The cellphone usage: We've heard it was your phone you used; we've heard it was your wife's phone you used. Now we hear that you all shared cellphones and, I guess, cellphone numbers. Minister, your story changes with every day that passes. The story you gave the Integrity Commissioner no longer lines up with what you have told the media or us here in the chamber. Why are you not being straight with Ontarians? Why will you not simply tell the truth about your behaviour that day and all the other times you visited your company?

**Hon. Harinder S. Takhar (Minister of Transportation):** Actually, I have been very straight and upfront with Ontarians. It's the interpretation by the member that keeps changing. From my point of view, this issue has been dealt with by the Integrity Commissioner, and I accept his recommendations.

**Ms. Scott:** When hearing your statements to the Integrity Commissioner and the press several months ago, you said that you have never gone to Chalmers before and that you had no involvement in the company. However, yesterday you told the media that you would go there or went there when your wife needed help. You also boast about your involvement in Chalmers in your campaign literature, magazine articles and on your website. Your good friend in front of you, Minister Pupa-tello, has referred to Chalmers as "the second home that he built from scratch."

Again, Minister, why are you not being straight with Ontarians? Why are you continuing to change your story by the minute? What are you hiding?

1510

**Hon. Mr. Takhar:** I think the member doesn't want to listen, doesn't want to read. But let me say this: I used to have the majority share in this company. I used to be the president and the CEO of this company. I dropped my wife off every day in the morning, I picked her up every day in the evening, so I went twice to that company before I got elected to this office. I have said this to the Integrity Commissioner; I have said this to everybody, if you care to listen. This issue has been dealt with, and from my point of view, I accept that report and move on.

#### LOBBYISTS

**Mr. Peter Kormos (Niagara Centre):** I have a question to the Premier. Premier, you know one John Duffy. He's a high-ranking Liberal, and he's your former strategic consultant. We last saw him when he was doing the federal talk show circuit, where he was threatening



broadcasters and saying that parents spend child care money on beer and popcorn. But he's got a new gig now: He's a high-priced lobbyist for Atomic Energy of Canada, a company lining up for some of that sweet \$40 billion you want to waste on nuclear power.

First David MacNaughton and Bob Lopinski; now we've got John Duffy. Sir, how do you explain all these Liberal insiders lined up at the nuclear trough?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Energy.

**Hon. Donna H. Cansfield (Minister of Energy):** Thank you very much for the question. I say to the member: I've never met Mr. Duffy.

**Mr. Kormos:** The Premier sure as heck has. He and Mr. Duffy are one tight pair. It's like Batman and Robin, if you will.

Premier, if pork-barrelling were an Olympic sport, the Liberal dream team of MacNaughton, Lopinski and Duffy would be in the gold. The Premier should know and does know about the Portlands Energy Centre fiasco, where your energy minister short-circuited a bid process, handed a \$700-million deal to OPG and TransCanada Pipelines. Who's lobbying for TransCanada Pipelines? One J. Bradford Nixon, Ontario Liberal MPP from 1987 to 1990, former executive director to the leader of the Liberal Party, long-time donor to the McGuinty Liberals.

Premier, you promised to put the public interest before political insiders and Liberal cronies. How do you explain this?

**Hon. Mrs. Cansfield:** I find this a little amusing. I think it's a bit of a double standard, since I understand that there is a member from the third party who actually invited Mr. Lopinski to their fundraiser. So I rest my case.

## ECONOMIC DEVELOPMENT

**The Speaker (Hon. Michael A. Brown):** New question. The member for Chatham-Kent Essex.

*Interjections.*

**The Speaker:** Order. The member for Chatham-Kent Essex is attempting to ask a question.

**Mr. Pat Hoy (Chatham-Kent Essex):** Thank you, Speaker. My question is for the Minister of Economic Development and Trade. International Truck and Engine Corp., which has a production plant in my riding of Chatham-Kent Essex, has highly skilled workers making an excellent product. This plant is one of the largest employers in the area and is a vital part of our local economy. The plant was threatened by closure, but government action helped to secure the plant's future in Chatham-Kent.

Minister, can you provide us with an update on International Truck and how our government's investment in strengthening the heavy truck manufacturing industry is progressing?

**Hon. Joseph Cordiano (Minister of Economic Development and Trade):** Let me thank the member for

this question; it's an important one. I might say that International Truck has invested \$270 million to expand its manufacturing operations in Chatham. This is good news for Ontario. Our government invested \$32 million to ensure that this would take place, that the jobs there would be secure. In fact, hundreds of jobs have been secured—almost 1,200 jobs. Now there's the good news that an additional 500 jobs are to be created as a result of the success of this investment.

**Mr. Hoy:** Minister, it is good to hear that our investment in International Truck helped leverage this new product. Investments like these show how serious our government is in making Ontario the manufacturing centre of North America. However, Minister, as manufacturers such as International Truck face stiff competition and a high Canadian dollar, what else is our government doing to work with the manufacturing sector as some of them restructure through this period?

**Hon. Mr. Cordiano:** I'd like to thank the member once again. This is very important, because what we're doing with respect to the manufacturing sector is acknowledging that there is a transition taking place with respect to the restructuring that's going on. As a result of that, we've announced a \$500-million loan program which is centred on advanced manufacturing. Our strategy is to ensure that advanced manufacturing is going to take hold in Ontario; that we make Ontario the advanced manufacturing centre for North America.

You already know about the good news in the auto sector: Almost \$6 billion of new investment has resulted from our strategy there; \$30 billion in additional infrastructure spending that this government has committed to; a \$6.2-billion investment in post-secondary education, and the list goes on—capping energy rates for large industrials. This government is investing in Ontario's future. I think there is success that's coming around.

## TAXATION

**Mr. Tim Hudak (Erie-Lincoln):** A question to the Minister of Finance: I want to call your attention to Mr. Dave Diplock, a resident of Sherkston, who has joined us in the assembly today. Mr. Diplock is retired and living on a fixed income. Mr. Diplock's assessment has increased from \$187,000 in the 2003 taxation year to almost \$350,000 in 2005. Minister, that represents an 86% increase. What do you have to say to beleaguered Ontario taxpayers like Dave Diplock, and what are you prepared to do to address skyrocketing property assessments across the province of Ontario?

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** First of all, I'd like to welcome the individual to the House and acknowledge his presence and his concern. I think it's shared by all of us.

I would like to point out that the legislation in place was, in fact, introduced and voted on by Mr. Hudak's party. I'd like to also suggest that Mr. Hudak is attempt-

ing to convey the notion that they can somehow not deal with the whole question of market value assessment, which is frankly not accurate.

There are a number of challenges. I'm looking forward to the Ombudsman's report. We have a group of our caucus that has been looking at this as well. We acknowledge the concerns of the individual, and there have been concerns from many people. The one thing we're not going to do—seven pieces of legislation in eight years—we are not going to just try and get a quick fix to score some political points at the expense of messing the system up more. We take into account the concerns that the individual raised, as well as many others, and we look forward to a fulsome response and discussion—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

**Mr. Hudak:** I think what people like Mr. Diplock can appreciate is one piece of legislation in the three years that you've had. The third year in government, and this issue continues to accelerate: rising property tax assessments across the province of Ontario. This is the third year of your government, and taxpayers want an answer. They're facing higher taxes, they're facing higher energy costs, they're facing higher user fees, and they're facing home heating costs going through the roof, all in Dalton McGuinty's Ontario.

I think the minister very well knows that the Ombudsman had received over 3,500 complaints this year in Dalton McGuinty's Ontario about skyrocketing property assessments. So I say to the minister: What do you say to Mr. Diplock; what do you say to Peter Steele from outside of Parry Sound, Ontario, who sees his assessment go up 350%? You've had three years; surely you can bring forward a bill and help out beleaguered taxpayers—

**The Speaker:** The question has been asked. Minister.  
1520

**Hon. Dwight Duncan:** The first thing I would say is that this government raised the property tax credit for seniors from \$500 to \$625, an increase of 25%, and you voted against it. You didn't support it. You had a chance, and you voted against it. That's the first thing I would say.

I would also like to acknowledge Mr. Hudak's comments in today's St. Catharines Standard. He acknowledged—and this is from the St. Catharines Standard, so it must be accurate—that the problem “is an unexpected result of the legislation his fellow Conservatives pushed through under then-Premier Mike Harris.” The only point I would differ with him on is that we warned him about this problem not in one piece of legislation, not in two, not in three, four, five or six, but in seven.

This government will fix the problem. We'll do it right, and we won't harm seniors—

*Interjections.*

**The Speaker:** Order. Stop the clock. Members are waiting to ask questions. New question.

## NATIONAL CHILD BENEFIT SUPPLEMENT

**Ms. Andrea Horwath (Hamilton East):** I have a very simple question for the Premier. The federal government has announced that starting July 1, they're going to pay \$1,200 to every family with a child less than seven years of age. Will the McGuinty government today commit that none of the federal money will be clawed back from families receiving support from the Ontario disabilities support program or the Ontario Works program?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Let me take the opportunity to talk about a very important plan that we have in place to enhance quality child care for the people of Ontario. It's called Best Start. We worked long and hard with the previous federal government to ensure that we had the necessary funding to bring 25,000 new spaces to the people of Ontario. I wish the member opposite would have encouraged Jack Layton, before he had that election put in place, to take the necessary steps to ensure that we had the protection for that particular program. That would have been in the interest of the people of Ontario.

I ask the member opposite if she will join us and make common cause as we urge, encourage and do everything we possibly can to have Prime Minister Harper continue to support a program that 25,000 Ontario families continue to count on.

**Ms. Horwath:** I certainly didn't hear a commitment from the Premier that they're not going to claw back that money, so I fear we're going to go around this whole circle again: clawing back federal money from the Ontarians who are most in need. Nothing demonstrates the attitude of the McGuinty government more clearly than its broken promise to stop clawing back federal money for the most vulnerable people in the national child benefit.

If you really want to tackle child poverty in this province as you claim, when are you going to have the courage to keep your promise not only on the national child benefit but ensuring that that \$1,200 goes to the children who most need it?

**Hon. Mr. McGuinty:** The member really should take a look at the history of our party. We will not be clawing back that money, to be perfectly clear in that regard. That's not the real issue; the issue is whether or not that member and her party and this party here are prepared to make common cause. In particular, I ask Mr. Tory this: Is he prepared to make common cause on behalf of the people of Ontario?

I can tell you this is a very important issue to our families, but particularly to young working women who are doing their best to get out into the world and to earn an income but they can't do so at present because we don't have in place the necessary infrastructure of good, quality daycare for our children.

This is an important issue and I ask both parties opposite if they might not join our party and ensure that Prime

Minister Harper understands that when it comes to this issue, we are together: We want quality daycare for Ontario families.

### INJURED WORKERS

**Mr. Tony Ruprecht (Davenport):** I have a question for the Minister of Labour. Every day, Ontarians cope with a silent and painful disorder that interferes not only with their ability to work but also with their ability to enjoy life. This disorder has many names—musculoskeletal disorder, repetitive strain injury and ergonomic-related injury.

Musculoskeletal disorders, MSDs, are injuries that can develop as a result of the cumulative effect of repetitive, stressful and awkward movements on bones, joints, ligaments and other soft tissues. Some 42% of all lost-time injuries recorded by the Workplace Safety and Insurance Board are ergonomically related. This is an unacceptable number. The costs associated with this disorder are far too high, in terms of both human suffering and lost productivity.

Minister, what are you doing as Minister of Labour to ensure that Ontario's workers are protected from ergonomic-related injuries and other musculoskeletal disorders?

**Hon. Steve Peters (Minister of Labour):** I want to acknowledge the member from Davenport for bringing this issue forward, because we do need to acknowledge the human suffering out there: in 2003 alone, over 40,000 musculoskeletal injuries in this province, an economic cost in 2003 of over \$1 billion. That's significant to the business of this province.

We know this is an injury that is taking a tremendous toll on not only humans but business as well. We need to do everything that we can, together, to move forward in developing a strategy to deal with ergonomic-related injuries in this province, to prevent pain and suffering of our workers, and to deal with those direct costs to employers.

Last year, in recognition of Repetitive Strain Injury Awareness Day, a committee was struck to look at this issue. Both business and labour were part of this committee, and I want to thank my parliamentary assistant for his work with that committee. They have brought forth a number of good recommendations that we can look at as a ministry to deal with short-, medium—

**The Speaker (Hon. Michael A. Brown):** Supplementary.

**Mr. Ruprecht:** Mr. Minister, it is really gratifying to see that this issue of repetitive strain injury is being taken seriously by our government.

We all know individuals who suffer from the effects of RSI. The numbers are too high. However, we expect you to do more. I understand that the economics subcommittee presented recommendations to you back in September. Are you able to tell us today what recommendations the panel made, and have you taken action in any of these recommendations?

**Hon. Mr. Peters:** Thanks again, to the member from Davenport. I think we've clearly demonstrated as a government that health and safety is a number one priority for the Ministry of Labour, and I think we should all be extremely proud of that.

Some of the recommendations that came forward from the ergonomics subcommittee included raising awareness about ergonomic-related issues, better tracking of ergonomic-related inspections and increasing ergonomics expertise.

In January of this year, the Ministry of Labour launched the Pains and Strains campaign to raise employer and worker awareness of ergonomic issues in a very simple and straightforward manner. By targeting workplace strains and pains, we're protecting Ontario workers and strengthening the economy of this province.

We'll also be giving our health and safety inspectors—and I think this is extremely important—advanced ergonomics training so that they can raise awareness of ergonomic-related issues. We continue to work with our health and safety partners, and we count on the support of all as we move forward. Reducing injury rates reduces human suffering.

### WOODSTOCK GENERAL HOSPITAL

**Mr. Ernie Hardeman (Oxford):** My question is to the Premier. Just after the federal election, you made reference to the newly elected government, stating that you believed the new Prime Minister wouldn't work against the province that mostly backed Liberal candidates. In fact, you suggested the new Prime Minister should honour agreements that the former government had agreed to.

Premier, how is it that you feel federal governments should honour contracts approved by the previous government, yet you don't seem to hold yourself to the same standard? The people of Woodstock have been waiting for two and a half years for your government to give final approval for the new Woodstock General Hospital.

Premier, can you assure the people in my riding that you are not punishing them for not voting Liberal and prove it by giving final approval for the Woodstock General Hospital so we can go to tender?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Speaker, to the Minister of Health.

**Hon. George Smitherman (Minister of Health and Long-Term Care):** It would have been more refreshing if the honourable member repeated the things that he's actually said in his community, which was a recognition that the policies adopted by your party on this file—Mr. Tory has confirmed this as well to the community of Cornwall—were such that you advanced the strategy of rubber cheques, where you ran all around Ontario. What I'm proud of is working alongside that minister, the Minister of Public Infrastructure Renewal, and that our government is making an investment in health care infra-

structure that is greater than the last five governments of this province added together.

On the issue of Woodstock, I will speak to it more directly to the honourable member in his supplementary.

1530

**Mr. Ted Arnott (Waterloo–Wellington):** I hope there isn't a pattern emerging here whereby ridings held by government members have their hospital development approvals fast-tracked, and communities that are represented by opposition MPPs are at the back of the line.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. We're forgetting that I really need to be able to hear a member ask a question and that the member deserves the respect of the Legislature as he asks that question.

**Mr. Arnott:** In Waterloo–Wellington, the Groves Memorial Community Hospital has been waiting two years for approval from the Minister of Health so that hospital staff can move forward with planning for its redevelopment, even though some \$15 million has been raised by the local community for the project. My question to the Premier is this: Why is the government he leads taking two years to give approval to allow our hospital to proceed with this needed hospital redevelopment planning?

**Hon. Mr. Smitherman:** If the honourable member speaks to the person to his left, Mr. Garfield Dunlop, he will find out about a hospital project just being completed and about a new MRI. If he speaks to the gentleman in front of him, he'll hear about a new project in Almonte. If he goes one to the left, he'll hear about a project in Richmond Hill. If he goes forward and two to the left, he'll hear of a project in Kitchener. If he goes two to his left, he'll hear about a project in Newmarket. If he goes one back and to his left, he'll hear about progress in Cambridge. If he goes over to the member from Oshawa, he'll hear about the new regional cancer centre that's coming to life. If he goes to talk to the member for Renfrew, he'll hear about the project in Arnprior.

The reality is that under our government, we're moving forward with the most aggressive expansion of health care infrastructure—five governments added together. The honourable member, if he was just a little more refreshing and a little more transparent, would acknowledge to this House and to the people in his community that it was the policy of his party to run around the province of Ontario and create expectations which no one could possibly meet—

**The Speaker:** Thank you, Minister.

**Mr. Arnott:** On a point of order, Mr. Speaker: After that disgraceful answer, I'm going to be asking for a late show.

**The Speaker:** I want to make this clear: We have had a number of members stand up over the last few days and talk about the standing order that speaks to late shows. If you are going to stand up on a point of order, it is very clear in that standing order that, if you choose to do so, you make that at the completion of oral questions. I'll

repeat that: At the completion of oral questions is the appropriate time to make that announcement.

#### FIRST NATIONS

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. One year ago, with much fanfare and self-congratulation, your government announced a new approach to aboriginal affairs. You said, "Our new approach calls for working with aboriginal people."

Recently, the chief in council of the Big Trout Lake First Nation informed your government officials that they were opposed to a mining exploration company conducting drilling operations in the First Nation's traditional territory without your government first consulting with the First Nation. Instead of your government consulting with the people of Big Trout Lake First Nation, you gave the mining exploration company the go-ahead to begin drilling in the First Nation's traditional lands, and when the people of the First Nation protested this, you sent in the OPP.

Premier, can you tell aboriginal people across this province, what happened to your promise to work with aboriginal people? What happened to your specific promise to respect and observe your legal obligations in respect of aboriginal people?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Northern Development and Mines.

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** In incidents like this, it is always good to ensure that the facts that are given are facts that can be substantiated. Let me tell you that my ministry has been in contact with both the First Nations community and the company in question. We are very happy that the company has chosen to vacate the site and that police levels have returned to normal.

**Mr. Hampton:** This is not about the company; this is about your promise to consult with First Nations. This is about the Mikisew Supreme Court of Canada decision, which says that before you're going to build a winter road on traditional First Nation territory, before allowing a mining company access to their traditional territory, you must consult with the First Nation about their legitimate interests and rights. You didn't consult with the First Nation; you simply gave this mining company the go-ahead to go into their traditional territory and start drilling, and when people protested, in go the OPP.

I'll tell you, Minister, a chief of NAN and the chief of Big Trout Lake First Nation want to know when the McGuinty government is going to start observing the law of Canada as set down by the Supreme Court of Canada. When are you going to start observing the promise that you specifically made a year ago to First Nations to respect not only their constitutional rights, their treaty rights and their legal rights—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. The Minister of Northern Development and Mines.

**Hon. Mr. Bartolucci:** There's absolutely no question that our government is committed, through the Ontario Secretariat for Aboriginal Affairs, to meet our legal obligations with the duty to consult. Ontario is preparing draft consultation guidelines to assist ministries in fulfilling that consultation, and that's being done through the minister responsible and through OSAA.

Let me tell you that when it comes to mining issues, we've very clearly spelled out in our mineral development strategy that the duty to consult will be lived up to as to the Mikisew Supreme Court ruling.

#### WATER QUALITY

**Mr. Lou Rinaldi (Northumberland):** My question is to the Minister of the Environment. Landowners and farmers in my predominantly rural riding have expressed concerns to me that the proposed Clean Water Act legislation may fail to recognize the realities of rural watershed protection. How can we assure the landowners and farmers in my riding of Northumberland and indeed in all of rural Ontario that they will be listened to during the creation of the watershed-based source protection plan?

**Hon. Laurel C. Broten (Minister of the Environment):** I want to thank the member for the question. I think it is important for rural Ontarians to understand that they have a lot of advocates in our government raising issues with respect to the realities of life in rural and agricultural Ontario, among them the minister herself, but certainly the member for Northumberland is a vocal member of our caucus.

Rural communities know how important clean water is and are a leader in water protection. The proposed Clean Water Act builds on the great work they've already done in rural communities right across this province. Agriculture and rural stakeholders were directly involved in helping to develop the proposed act and to ensure that it does not duplicate or conflict with the requirements of managing nutrients. The proposed Clean Water Act would give communities the tools they need to develop and implement local plans to protect vulnerable drinking water. Many of those issues can be addressed through existing activities such as environmental farm plans or new and voluntary partnerships, but we also need risk-management plans, and those risk-management plans will recognize the realities of on-farm initiatives dealing with both nutrient management and environmental farm plans.

**Mr. Rinaldi:** That's great, Minister. I wonder if you can expand a little bit. Landowners in my riding have come forward to me personally—and I've subsequently written to you and they've written to you directly—with numerous questions and concerns about the Clean Water Act and landowner rights. How are landowner rights protected under the Clean Water Act?

**Hon. Ms. Broten:** I think it's very critical. I had an opportunity to speak to this issue recently at ROMA meetings. One thing I wanted to make clear to Ontarians across this province is that if a municipal or conservation authority source protection agent has to come on your

farm, they will be fully trained in the appropriate biosecurity protocol. The first thing they will do is knock on your door and seek permission to come on to your land. We understand it is critical for farming operations across this province to have safe procedures in place, and we will recognize those procedures. Anyone coming to deal with the Clean Water Act will appreciate and acknowledge that importance by knocking on your door as their first step.

1540

#### LANDFILL

**Mr. Norman W. Sterling (Lanark–Carleton):** I also have a question for the Minister of the Environment. This question relates to the Carp landfill site, in the west part of Ottawa, operated by the Waste Management of Canada Corp. This site has been operating for 30 years, and is slated to close in four. I have driven by this mountain of garbage thousands of times, with the windows of my car firmly closed. Over the past 20 years—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Come on. Order.

*Interjections.*

**The Speaker:** We can wait.

The member for Lanark–Carleton.

**Mr. Sterling:** This is a very serious matter for my constituents, and the people of Stittsville in particular, in Mr. Baird's riding. Over the past 20 years, the population of this area has exploded. Many, many more subdivisions have been approved which are very, very close to this particular site. In January, this waste management corporation put forward a proposal to more than double the capacity of this landfill site to provide landfill room for Ottawa, part of eastern Ontario and some communities in the province of Quebec. Minister, don't you agree that this community has done their fair share in accepting the rest of eastern Ontario's garbage in the past, and will you put a stop to this proposal now?

**Hon. Laurel C. Broten (Minister of the Environment):** I want to assure the member that I take the issues that are being raised in this community very seriously. I understand that, at present, the company has expressed its desire to complete an individual EA for its proposal to expand the landfill. My ministry believes that the size of the company's proposed expansion would warrant an individual EA.

To proceed with an individual EA, we will have to have terms of reference and opportunity for the community to come forward and raise a number of important issues. The process is just beginning. In that process, the community will have an opportunity to raise the many issues that I understand are currently being raised in the community with respect to the future of waste management in this area and how they will manage on a going-forward basis. So I do think it is an important issue. My ministry will be paying very close attention.

**Mr. Sterling:** Your involvement and discretion with regard to what will take place in the future is greatest at this moment. After May 12, you will be receiving an application to approve the terms of reference for the environmental assessment to take place. Mr. Eli El-Chantiry and Janet Stavinga, both councillors in the city of Ottawa, have firmly stated their opinion against the location of the landfill at this particular site. Mayor Bob Chiarelli, in yesterday's Ottawa Citizen, said that it is necessary to look at every possible option to deal with waste, including expansion, incineration and the possibility of using other sites for landfill. Will you ensure that the terms of reference are as wide as possible, and will include these alternatives that the city of Ottawa wants included in the terms of reference?

**Hon. Ms. Broten:** You're quite right that I would have to approve the company's terms of reference for the individual EA before it would begin. For the individual EA to proceed, the company would have to evaluate alternatives to its proposed undertaking—which is what the member is asking for—identify the potential impacts on human health and the natural and socio-economic environments, demonstrate that it undertook public consultation and identified any concerns, and propose satisfactory solutions to address those concerns. There is nothing which prohibits anyone from seeking the province's approval with respect to a number of alternatives coming forward, but I do need to be clear, as Minister of the Environment: Those alternatives have to be clean, and they can't discourage the use of waste reduction, reuse and recycling.

#### FOREST INDUSTRY

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Minister of Natural Resources.

Minister, you will know that the forest industry is in a very difficult situation. In fact, most of the companies, including Tembec, are pretty cash-strapped and are having to sell assets in order to raise cash to pay some of their bills. You will know that on the Gordon Cosens forest in the Kapuskasing area, the Moonbeam area, there is a plan by Tembec to sell 76,000 hectares of private land. Seeing what happened just recently in northwestern Ontario with Abitibi, where you allowed an American company to buy 196,000 hectares, what are you prepared to do now and to say in this House today that will make sure, if that land is sold, that it is bought by MNR and that the timber be made available to the local logging companies?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** The company, about three months ago, gave us a heads-up that it was their intention to sell this asset. I've had a full briefing on this. Those lands look very interesting to us—obviously a very important source of timber supply for northeastern Ontario. We are in discussions with the company and getting information from them as to what process they want to embark upon in this. At the

moment, while we haven't made a final decision, we're very cognizant of this and are prepared to work with the company to a successful conclusion.

**Mr. Bisson:** I know as a fact that there are a number of individuals who are interested in purchasing that 76,000 hectares of land and have gone to take a look and are starting to kick the tires. Your ministry has got to be there, ready to say, "We will purchase that land and bring it back into the crown so that we can make that timber available." There are four and a half million conifer trees in that forest. There are a million and a half aspen trees in that forest, trees that can be used in local mills.

I'm going to say to you now that you got the heads-up three months ago. We're asking you today: Are you prepared to commit, in this House, that, should that land be sold, MNR will be the buyer and those trees will be made available to the local mills?

**Hon. Mr. Ramsay:** Our officials are very much aware of this land. In fact, up until about six years ago, this was crown land. It was involved in a swap as part of the previous government's Lands for Life exercise. So we're very familiar with this property. It is very valuable timber. We certainly value the availability of that timber to our resources in northeastern Ontario, and are involved in the process.

#### MINIMUM WAGE

**Mr. Peter Fonseca (Mississauga East):** My question is for the Minister of Labour. We recently announced the third increase to the minimum wage in just three years. That makes three times that this government has increased the minimum wage since it took office. This is an even more remarkable achievement given that the previous government chose to freeze the minimum wage for nine long years, creating hardship and denying support for those most vulnerable. But wait, there's more—

*Interjections.*

**Mr. Fonseca:** Yes, more. The same time next year, there will be yet another increase, raising Ontario's minimum wage to \$8 per hour, in line with the highest rates in the country.

Minister, please explain to those who decry any raise in the minimum wage why this government chose to show compassion rather than contempt for low-income earners.

**Hon. Steve Peters (Minister of Labour):** I thank the honourable member for the question. We made a promise and we kept that promise. For too long in this province, some of our most vulnerable people had not had a raise in the minimum wage. The previous Tories ignored vulnerable people in this province. We're committed to looking after some of the most vulnerable people in this province because we want to allow low-income earners to share in the wealth that is being created by Ontarians in this province. As well, though, we recognize the need for responsible implementation. That's why we made the commitment to phase it in over a four-year period.

The Dalton McGuinty government believes in the people of this province. We believe in investing in our

people, and we want to make sure that our most vulnerable are looked after. That's why this investment is being made. It was the right thing to do, and I'm proud that we've continued on with this.

1550

## PETITIONS

### TAXATION

**Mr. Tim Hudak (Erie–Lincoln):** I'm pleased to present a petition on behalf of concerned citizens of Sherkston about property assessment growth. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the rural community of Sherkston, of the city of Port Colborne, in the Niagara region, sponsored two community meetings regarding the sharply higher market value for their homes; and

"Whereas in Ontario, many young families and seniors find it a financial hardship; and

"Whereas we, the taxpayers, are finding it increasingly difficult to make ends meet, with increasing hydro rates, higher gasoline prices, a new health tax and virtually all costs of running a home and caring for a family; and

"Whereas another tax hike by way of a property tax increase due to spikes in property assessment is unacceptable; and

"Whereas, due to these tax increases in Ontario, many working families and seniors will be forced out of their homes and the community that they love; and

"Whereas the erosion of working families' and seniors' income has become a landslide;

"We, the undersigned, request the province of Ontario to immediately provide relief and remedy to working families and seniors who are hit hard by these unacceptable spikes in the likely property tax increases to come; and

That the province of Ontario be requested to end its continued downloading of provincial programs and use of municipal property tax dollars for the subsidization of provincial health and social services programs; and

That the provincial government work with the Association of Municipalities of Ontario to develop a plan to begin the uploading of provincial program costs back to where they belong.

"We, the undersigned, respectfully petition the Parliament of Ontario to acknowledge our requests and treat citizens of Ontario fairly."

I thank Cathy Diplock and the hard-working volunteers in Sherkston, and I sign it in support.

### LOCAL HEALTH INTEGRATION NETWORKS

**Ms. Shelley Martel (Nickel Belt):** I have a petition that has been signed by hundreds of people from Toronto. It reads as follows:

"Whereas Bill 36, the Local Health System Integration Act, 2006, is currently before the Legislative Assembly and may be passed by March 2; and

"Whereas the bill would lead to the transformation of our public health system; and

"Whereas there are serious concerns in our community about the potential impact of this transformation concerning access to health care services, public delivery of services and central control of local health care services; and

"Whereas there should be broad public understanding of this transformation before enacting such fundamental change; and

"Whereas there is no such broad public understanding;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to delay passage of this bill to allow for wider public consultation to ensure a broad public understanding of the transformation that is proposed."

I agree with the petitioners. I have affixed my signature to this.

### CHILD CARE

**Mr. Tony Ruprecht (Davenport):** I have a petition here that is headed, "The Need for More Daycare Spaces for Ontarians." It reads as follows:

"To the Parliament of Ontario:

"Whereas there is a well-documented need for daycare spaces in the province of Ontario;

"Whereas the former government of Canada and the present government of Ontario recognize that need;

"Whereas the government of Canada committed \$1.87 billion over five years and the government of Ontario continues to commit \$700,000 a year for the purpose of expanding daycare spaces for Canadians;

"Therefore" and finally, "we, the undersigned citizens, call on the newly elected federal Canadian government to live up to the signed agreement between the government of Ontario and the government of Canada to provide thousands of daycare spaces for our children in the province of Ontario."

Since I agree, I'm delighted to sign this petition.

### FREDERICK BANTING HOMESTEAD

**Mr. John O'Toole (Durham):** It's my pleasure to present a petition here that I've been waiting anxiously to present.

"To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead, located in the town of New Tecumseth, is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario

Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

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

“That the Minister of Culture endorse Simcoe–Grey MPP Jim Wilson’s private member’s bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come.”

I’m pleased to sign this and endorse it on behalf of Jim Wilson and the people of his riding.

#### CHILD CARE

**Mr. Khalil Ramal (London–Fanshawe):** “To the Legislative Assembly of Ontario:

“Whereas the people of Ontario expect the government of Canada to honour existing agreements with the government of Ontario;

“Whereas provinces and territories negotiated agreements with the federal government to ensure Canadians would have access to early learning and child care programs that are high quality, affordable, universally inclusive and developmental;

“Whereas parents in Ontario have demonstrated a high demand for greater access to high-quality early learning and child care programs;

“Whereas Ontario’s early learning and child care agreement with the government of Canada would provide Ontario families with at least 25,000 new high-quality, regulated child care spaces in the first three years;

“Whereas Ontario’s early learning and child care agreement represents a \$1.9-billion investment over five years in high-quality early learning and child care;

“We, the undersigned, petition the Legislative Assembly of Ontario to support the government of Ontario in calling on the government of Canada to honour Ontario’s early learning and child care agreement, for the sake of the thousands of Ontario families who would benefit from it.”

I agree with this petition, and I give it to page Ian.

#### LANDFILL

**Mr. Garfield Dunlop (Simcoe North):** “We, the undersigned residents of the province of Ontario, draw the attention of the House to the following:

“That the city of Orillia has two landfills on the shore of Lake Simcoe;

“That in 1991, it was reported that over 78 million litres of leachate, from the operating landfill, enters the waterways, including Lake Simcoe, every year;

“That five municipalities depend on Lake Simcoe for drinking water;

“That in November 2004 the city disposed of contaminated soil at the operating site;

“That this contaminated soil was excavated from a brownfield site where groundwater tests revealed vinyl chloride at 82,600 times the MOE limit and trichloroethylene at almost 15,000 times the MOE limit, as well as several other hazardous compounds that also exceeded MOE limits;

“That selected soil samples, used for testing for waste disposal purposes, were blended and dry and only four samples were used to test over 40,000 tonnes.

“That no order from the minister was provided to the city of Orillia as required in the certificate of approval; and

“That, even though it was reported in the Legislature that the city would store the soil in windrows, the soil was actually bulldozed into the landfill.

“Therefore, your petitioners call upon the provincial government to protect our drinking water supply by requiring the city of Orillia to remove the 40,000-plus tonnes of contaminated soil from the landfill and, further, require the city of Orillia to develop leachate collection and treatment systems at both lakeside landfills.”

I will present this to Marc to take down.

#### LOCAL HEALTH INTEGRATION NETWORKS

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition which I’ve received from constituents in my riding regarding Bill 36. I just wanted to table this with the Clerk today. It’s addressed to the Legislative Assembly of Ontario. I’ll just hand it to page Nicholas.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** I have the same petition as the member for Scarborough Southwest, but I’m going to read it. The undersigned petition the Legislative Assembly of Ontario as follows:

“Whereas Bill 36, the Local Health System Integration Act, 2006, is currently before the Legislative Assembly and may be passed by March 2;”—it will be passed today—“and

“Whereas the bill would lead to the transformation of our public health care system; and

“Whereas there are serious concerns in our community about the potential impact of this transformation concerning access to health care services, public delivery of services, and central control of local health care services; and

“Whereas there should be a broad public understanding of this transformation before enacting such fundamental change; and

“Whereas there is no such broad public understanding;

“Therefore we, the undersigned,” petition the Legislative Assembly of Ontario “to delay passage of this bill” to allow wider “public consultations to ensure a broad public understanding of the transformation proposed.”

I support this petition, affix my name to it, and will pass it to the table through Anindita.



SERVICES FOR THE  
DEVELOPMENTALLY DISABLED

**Mr. Pat Hoy (Chatham–Kent Essex):** “To the Legislative Assembly of Ontario:

“Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

“Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

“Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

“We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community.”

It's signed by a number of residents from Port Alma, Charing Cross, Merlin, and across the river in Paincourt, and I too affix my signature.

Brotten, Laurel C.	Kular, Kuldip	Qaadri, Shafiq
Brownell, Jim	Kwinter, Monte	Racco, Mario G.
Bryant, Michael	Lalonde, Jean-Marc	Ramal, Khalil
Cansfield, Donna H.	Levac, Dave	Ramsay, David
Caplan, David	Marsales, Judy	Rinaldi, Lou
Chambers, Mary Anne V.	Matthews, Deborah	Ruprecht, Tony
Colle, Mike	Mauro, Bill	Sandals, Liz
Cordiano, Joseph	McGuinty, Dalton	Smith, Monique
Delaney, Bob	McMeekin, Ted	Smitherman, George
Dhillon, Vic	Meilleur, Madeleine	Takhar, Harinder S.
Di Cocco, Caroline	Milloy, John	Van Bommel, Maria
Dombrowsky, Leona	Mitchell, Carol	Wilkinson, John
Duguid, Brad	Mossop, Jennifer F.	Wong, Tony C.
Duncan, Dwight	Oraziotti, David	Wynne, Kathleen O.
Flynn, Kevin Daniel	Parsons, Ernie	Zimmer, David

**The Deputy Speaker:** All those opposed, please stand and be recognized by the Clerk.

**Nays**

Arnott, Ted	Jackson, Cameron	Runciman, Robert W.
Barrett, Toby	Klees, Frank	Scott, Laurie
Bisson, Gilles	Kormos, Peter	Sterling, Norman W.
Chudleigh, Ted	Marchese, Rosario	Tascona, Joseph N.
Dunlop, Garfield	Martel, Shelley	Tory, John
Hampton, Howard	Martiniuk, Gerry	Wilson, Jim
Hardeman, Ernie	Miller, Norm	Witmer, Elizabeth
Horwath, Andrea	Munro, Julia	Yakabuski, John
Hudak, Tim	O'Toole, John	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 60; the nays are 26.

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

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

**ORDERS OF THE DAY**

LOCAL HEALTH SYSTEM  
INTEGRATION ACT, 2006

LOI DE 2006 SUR L'INTÉGRATION  
DU SYSTÈME DE SANTÉ LOCAL

Resuming the debate adjourned on February 22, 2006, on the motion for third reading of Bill 36, An Act to provide for the integration of the local system for the delivery of health services / Projet de loi 36, Loi prévoyant l'intégration du système local de prestation des services de santé.

**The Deputy Speaker (Mr. Bruce Crozier):** Pursuant to the order of the House dated February 28, 2006, I am now required to put the question.

Mr. Smitherman has moved third reading of Bill 36. Is it the pleasure of the House that the motion carry?

All those in favour, say “aye.”

All those opposed, say “nay.”

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 1601 to 1611.*

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

**Ayes**

Balkissoon, Bas	Fonseca, Peter	Patten, Richard
Bartolucci, Rick	Gerretsen, John	Peters, Steve
Berardinetti, Lorenzo	Hoy, Pat	Peterson, Tim
Bountrogianni, Marie	Jeffrey, Linda	Phillips, Gerry
Bradley, James J.	Kennedy, Gerard	Pupatello, Sandra

CHILD AND FAMILY SERVICES  
STATUTE LAW AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT DES LOIS  
EN CE QUI CONCERNE LES SERVICES  
À L'ENFANCE ET À LA FAMILLE

Resuming the debate adjourned on February 28, 2006, on the motion for third reading of Bill 210, An Act to amend the Child and Family Services Act and make complementary amendments to other Acts / Projet de loi 210, Loi modifiant la Loi sur les services à l'enfance et à la famille et apportant des modifications complémentaires à d'autres lois.

**The Deputy Speaker (Mr. Bruce Crozier):** The member for Hamilton East has the floor.

**Ms. Andrea Horwath (Hamilton East):** I enjoyed the couple of minutes I had yesterday speaking about Bill 210, and I'm looking forward to continuing to raise some of the issues that New Democrats identified going through the process of clause-by-clause and the public hearings on Bill 210. I want to recap a little bit some of the issues I raised in yesterday's discussion because I think they're important and need to be reinforced in terms of what we saw as being the important pieces.

The very first was that, notwithstanding the need to have some reform of this child welfare system in Ontario, the government initially did not pay due attention to its obligations to engage First Nations in discussion from a

governance perspective on the issues that are related to the care of their children and the way this legislation affects child welfare in First Nations.

I spoke a lot about that yesterday, so I'm not going to belabour the point, but I can tell you that initially the government began a process of very restricted timetables and opportunity for public input. We saw that as a dangerous and inappropriate thing to do and spent some time, both through subcommittee and through the calling around of First Nations—some people may not realize that there are 134 First Nation communities in Ontario. There are a significant number of people this bill affects from the First Nations' perspective. We spent some time talking to some First Nations leaders, asking, "Do you know this bill is coming forward? Are you aware of the process? If you are concerned, or if you in any way want to have a voice, now is the time."

We were actually not surprised, because we had a suspicion the government didn't do its homework in terms of its obligations around First Nations consultation, that, lo and behold, we were assured that was the case when First Nation after First Nation came forward to say to the government, first of all, "This bill is the wrong thing to do. We can't support it in any way whatsoever," that it was not being brought forward in a way that was in the spirit of the federal and provincial requirements for dialogue, from a governance perspective, with First Nations leadership, and that, second, there were pieces of the bill that were absolutely offensive to First Nations communities in terms of their child welfare system.

I want to put two particular pieces on the record that I omitted yesterday because I needed to get on with other issues. One is that the government, in its first draft of the bill, actually decided, in a section that deals with the kinds of regulations that can be set by the Lieutenant Governor, and put in place a clause—I suspect that they did so, although I don't know for sure because I wasn't on that side of the table, but certainly they put a clause in there that basically provided the opportunity for the Lieutenant Governor to simply create regulations for First Nations communities without any consultation with First Nations communities, amending the act by adding a clause allowing them to put together regulations governing "procedures, practices and standards for customary care." "Customary care" is the care of First Nations communities children.

First Nations were appalled that the government would be so ignorant of its responsibilities as to actually put this clause forward. It was through the hearings process that we were able to force the government into longer and more fulsome discussions with First Nations communities, and in fact that was withdrawn by the government. It was replaced by a resolution, a motion, that I brought forward at committee that changed that to say that the regulations would be those "governing consultations with bands and native communities under sections 213 and 213.1 and prescribing the procedures and practices to be followed by societies and agencies and the duties of societies and agencies during the consultations."

So you can see the difference, and it's a very important one. I think that one change really reflects the difference between where the government started in terms of Bill 210 and where it ended up.

**1620**

Having said that, yesterday I did spend some time reading and presenting in the Legislature and getting on the record a resolution that came forward from the First Nations leadership. It's in the Hansard; I'm not going to read it again today because I don't have the time. Again, I feel awkward sort of putting this on the record on their behalf, because I think they've done an excellent job of doing that. Their presentations are in the Hansard, so if anybody is interested in finding out what the concerns of First Nations communities are, in their own voice, I really urge you to look up those Hansards of the four different days that public hearings took place, as well as some of the discussion that went on around the clause-by-clause debate of the bill.

I know other members of my caucus are going to have something to say about Bill 210, and I look forward to those remarks, but the other thing I wanted to say is that there is an overall concern that First Nations have around this government's and other governments' lack of acknowledgement, of the short shrift that they get pretty much in every piece of legislation and every institution that we have in Ontario. So in that vein, what I had done was put forward a motion that was, in fact, not in order because it addressed a part of the bill that was not up for discussion, really. One of the things that the government decided to do was to actually allow for that to be put on the table. It was an important piece, and I want to read that as well because, again, I'm just trying to illustrate the fact that had we not been there voicing these concerns and putting these issues on the table, I don't believe that Bill 210 would be anywhere near where it is now in terms of trying to address the concerns that came forward from First Nations communities.

This is an amendment to the bill that wasn't actually even open for discussion but, through unanimous consent of the parties at the table—the Conservatives had their member there as well—we amended part XII of the act by adding a totally new section that deals with the review of aboriginal issues. It says, "Every review of this act shall include a review of provisions imposing obligations on societies"—that's children's aid societies—"when providing services to a person who is an Indian or native person or in respect of children who are Indian or native persons, with a view to ensuring compliance by societies with those provisions."

So that says that every time we review this act—and there is an obligation in the act that it gets reviewed every five years, but even if it's outside of the requirements of the act—it's done so as to ensure that children's aid societies are seriously taking a look at the way in which, the extent to which, and the failure, in some cases, in which they are meeting the needs of First Nations individuals and children.

I thought it was really important to get those two items on the record, because without the New Democrats doing

our work with First Nations and making sure that they were even aware that this bill was coming down the pike and ensuring that they had the opportunity to have something to say about it, lots of these changes, I don't think, would be before us this afternoon in terms of the revised bill.

I also spent some time yesterday talking about the request that everyone knows came forward from the Ombudsman. It was a very public request. It was a very thoughtful request that children's aid societies come under the purview of the Ombudsman's office for purposes of receiving complaints and doing investigations. I did speak about this yesterday, as I mentioned, but I think it's important to remind members of the community who might be watching that this is a simple situation that was requested by the Ombudsman. It's no different from what happens in many provinces across the country, that there is a completely unbiased, neutral third party that already has all of the training and all of the staffing and all of the structure, if you will, and all the authority and all the understanding of how to go about these things, to investigate complaints laid against children's aid societies.

One final piece to that is: Unfortunately, instead of undertaking the Ombudsman's request and approving the amendment that New Democrats put forward in that regard, the government decided to set up an internal system through the Child and Family Services Review Board, which would hear complaints or appeals of complaints that weren't addressed to the satisfaction of the complainant. The problem with that—it was even indicated by the Ombudsman—is that it's still not a totally neutral external body reviewing the information. The minister will say, "The Ombudsman can review those decisions," but the bottom line is, if you sat in those committee hearings, you would have seen and heard from people who had reached a level of frustration that was off the Richter scale in terms of their inability to get justice within the system. That's not a blame thing; that's simply noting that there is a big, big roadblock for people to get justice within that system.

What does that system do? It removes children from their families where there is a suspicion of abuse or evidence of abuse and sets them into other places of care. If families can't be sure and if children can't be sure that they can get a fair complaint review process internally, which is what they've indicated already, then it's up to us as legislators to do the right thing and make sure that that level of scrutiny is the very highest that we could possibly provide them with. It's too important for the children, it's too important for the families and it's too important for all of those people who came and gave heart-wrenching stories of frustration about how the system dealt with them. I'm quite disappointed that the minister didn't see it to provide Ontario children and families with oversight by the Ombudsman's office, and very disappointed that that amendment did not get passed because the government members voted against it.

There are a couple of other issues that I think are important that need to be put on the record about Bill

210. One is the issue that was raised—and people may recall this. It didn't get a lot of media attention, but there was an article that was published in the Toronto Star. It was about something called the aging-out process. I wanted to just read this again; I did this in the second reading debate on this bill. People say, "What does 'aging out' mean?" Aging out is the time at which a child who has been under the protection of the children's aid society as a crown ward begins to reach the age at which the legislation requires that they no longer receive the support of the children's aid society, the foster home or wherever they happen to be placed.

I wanted to frame this, first of all, by telling you a little bit about some research that was prepared by a woman named Anne Tweddle. It's a discussion around modernizing income security programs overall. One of the pieces that she touches on is "Youth Leaving Care: How Do They Fare?" What she said is that "recent international research examining outcomes for youth after they 'age out' of the child welfare system paints a disturbing picture. The findings show that, compared to their peers, youth aging out of care are more likely to"—and then there are a number of bullets listed:

- "leave school before completing their secondary education;

- "become a parent at a young age;

- "be dependent on social assistance;

- "be unemployed or underemployed;

- "be incarcerated/involved with the criminal justice system;

- "experience homelessness;

- "have mental health problems; and

- "be at higher risk for substance abuse problems."

There are a number of other issues that are outlined in this report. But I have to say, as a parent—and I'm sure anyone else who's either watching or here in the Legislature who's a parent will know that these are not the kinds of outcomes we want to see for our children, so why are they the kinds of outcomes that we're prepared to live with for children who become a part of our child welfare system? That's a question that I couldn't figure out: why we would allow our system to continue to put children at risk of these kinds of outcomes as they age out of the system.

#### 1630

Just as another piece to that story, the story that was in the Toronto Star, written by Carol Goar back in October of last year, says that "no amount of semantic cushioning can soften what, in real life, is a brutal transition.

"At the age of 18, crown wards, whose only parent has been the state for most or all of their lives, suddenly have no parent." They're cut loose. "They're on their own."

The article goes on to describe a number of facts around what that means and what kind of income support is available and issues of that nature. But the reason I'm raising it is because I thought that was a significant piece that was missing from the legislation. I thought that this was the opportunity, in this review—again, remember, this legislation is required to be reviewed every five

years. Five years is too long to wait for five more years of children, of youth, who are aging out of our child welfare system. It's inconceivable that we would not address this issue at this point in time. Unfortunately, the government has chosen not to address that situation at this point in time.

I mentioned earlier that the minister did sit down with me, prior to having the bill called for third reading, to indicate where she thought some of my concerns were and how she thought she was going to deal with those from the broader system's perspective. At that time—and I'll be quite blunt about it and quite fair about it—she indicated that she was concerned about that issue as well because, the first time in debate, people may recall, I likened it to the fact that, even with our children, it's no longer the case where at 18 years old, they're out of the house and on their own. In fact, it's more likely that they are going to be 25 or 30 before they're out of the house and on their own. So why is it that we can expect this level of independence for children, especially youth who have been through some of the brutal experiences that put them in the child welfare system in the first place?

What she said is that they're going to do some things, working with agencies and communities to try to find ways to transition young people from the crown ward system into independent living. That's fine and laudable, but unless it is enshrined in the legislation, there is no guarantee that the children and youth of Ontario can expect, realistically, that not only this government but the next government and the next and the next are going to be committed to providing those resources and, in fact, are going to be obligated to provide those resources.

People can be assured that I certainly did put that on the record. I have many amendments that I have moved at committee—unfortunately, all of them were turned down—around extended care and maintenance, not only in terms of aging out but also in terms of various kinds of arrangements that are made for children in the new system that the government brought forward through Bill 210. I say that because it's not just a matter of the resources as children age out. That's certainly important. It's in the motions that I put forward, but they didn't get accepted.

The other piece is that the government's discussions around Bill 210 and the reasons for it talk about making more permanent placements, more permanent connections, more stable environments for children who become part of the child welfare system. From my perspective and the perspectives of other people who made presentations at the hearings, one of the things that is a barrier to the stability of a placement is resources. So some of the motions that I put forward were around extended care and maintenance agreements and the extent to which the financial and other—financial, yes, but also programming and support—agreements were required to be maintained as, for example, children move into a foster care situation or into the care of a grandparent, or into a situation where they're in the broader community because that's what's determined to be in the best interests of the child.

The bottom line is, unless the resources are going with those children that ensure that they're connected to some of the things that assist them in their ability to cope on a day-to-day basis—whether they happen to be children with disabilities, whether it's an emotional and stress type of trauma that needs to be dealt with, whether there are educational supports that need to be put in place or that are in place, or whether it's simply in terms of financial supports, as these children are transitioned into these other forms of care, there really should be an obligation to support them so that those new, more permanent relationships that we're trying to get in the province of Ontario are backed up by some resources to help them grow and prosper into solid relationships and thereby give those young people and children a chance to have a bright future.

There was one other major piece that I thought was, let's say, an opportunity that Bill 210 brought forward. That was the opportunity for the government to use this discussion about child welfare to acknowledge and bring forward their commitment of about a year ago now, which was to make the office of the child advocate completely independent. I did actually put forward a motion as well in that regard. I have it with me here. It's not a completely difficult thing to do; in fact, the motion itself is barely a page long. It basically suggests that within 30 days of this bill coming into force, the Lieutenant Governor in Council shall, on the address of the Legislative Assembly, appoint a person to be the child advocate, to be responsible for the operation of the Office of Child and Family Services Advocacy, but that the child advocate is an officer of the assembly, which makes them independent. It also talks about the term of office, removal from office and the requirement to report to the Legislative Assembly.

The bottom line is that the previous minister made a commitment about the office of the child advocate last year, that it was extremely important that it be a separate, independent office of this Legislature. It hasn't happened yet. During the clause-by-clause discussion, there was some faint hope because government members did, in turning down this motion, indicate that there was something coming forward. So now we have another promise on record saying that legislation is coming forward to make the office of the child advocate independent. I certainly look forward to that legislation, because it's long overdue and it certainly will help in providing an opportunity for people to have an independent advocate, a voice or basically somebody who children and families can go to, and constantly move up the bar in the way that we as a province deal with children's issues.

There are a number of other smaller pieces to the bill, but I think I've outlined where we agreed with the government and where we disagreed in terms of missed opportunities, in our opinion. I know that my leader, Howard Hampton, has some things that he wants to put on the record in regard to Bill 210. I know that my colleague Peter Kormos, the member from Niagara Centre, also has issues that he was concerned about that

are enshrined in this bill. They'll be speaking to it a little later.

One of those is the use of alternative dispute resolution. Interestingly enough, I had the opportunity to review one of the presenters, the Ontario Association of Interval and Transition Houses. I mentioned yesterday in my discussion a little bit about some of their concerns around the entire system and how at every phase there should be screening for domestic violence. One of the things they highlight in their report is the issue of alternative dispute resolution and the extent to which domestic violence is something that is often not appropriately taken into consideration.

*Interjection.*

**Ms. Horwath:** There you go. The member from Niagara Centre is talking about a particular study from London on mediation. I believe that is actually referenced in this report.

The issue is that abusers tend to be very manipulative—that's the history of the relationship not only with the spouse but often with the children—and to what extent that gets perpetuated through the ADR process and to what extent the type of ADR you're using may not be able to address the power imbalances and the historic manipulation that occurs in situations of woman abuse and family violence.

Having said that, I'm almost finished with my remarks. I'm just going to do one last quick list of some of the concerns we had with Bill 210. The first is the dismal consultation with First Nations and, as a result of the activity of New Democrats, the eventual opening up of the process to get some of those voices to the table but also some changes to the bill that have left First Nations in a position where initially they were saying, "This a terrible bill and we hate it," and now they're saying, in a more measured response, that they see it as a step in the right direction but want the government to commit to the establishment of a completely separate child welfare system for First Nations. So there's that.

**1640**

The independent oversight by the Ombudsman was not dealt with by the government. On the issue of aging out and increasing the age at which youth are able to maintain supports, we suggested that it should be at least the age of 25, to acknowledge that young people need those supports as they try to move on with their lives. The lack of extended care and maintenance agreements, and the lack of an independent child advocate being ingrained in the bill—those are my remarks.

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

**Mrs. Liz Sandals (Guelph-Wellington):** I'm delighted to be able to speak today on this bill to do with the rules around adoption in the province of Ontario. I am a great cheerleader for my local family and children's services in the Guelph area. One of the principles that they have always worked by is that the best placement for a child is an adoption placement, a permanent placement. The second preferred placement is stable foster care, and finally, a group home. They have always stuck

to that principle, regardless of the funding model which the previous government imposed on them. They have always stuck to this model, and I support them and congratulate them on this. This bill will support them in their work, in their priority.

In fact, when you look at the adoption legislation as it is today, it's quite outdated. It's really based on the presumption that children who are put up for adoption are coming as infants into the city, put up largely by young women who have had babies out of wedlock. Of course, that is no longer true. Many of the children who come into the child welfare system today come from very difficult situations, from families which for one reason or another have not been able to take care of the child as well as one might hope. In those cases, unless it's been an abusive relationship, the birth family often maintains a right of contact.

Under the current legislation, if the birth family is allowed contact, then adoption is not allowed. This legislation fixes that. It allows an open adoption in which there may still be some contact with the birth family. It also makes it easier for relatives, including grandparents, to provide permanent homes for kids within their family, and it creates a number of other options which are very helpful to my children's aid.

**Mr. John O'Toole (Durham):** I'd like to compliment the member from Hamilton East, who has worked on this in committee to protect children and also our member from York North. I think, ultimately, the intention here is well-founded. If you look at the preamble of the bill, you see that the key areas of amendment are planning permanency for children, openness in adoption and an alternative dispute resolution process—all very laudable objectives that I believe would benefit children.

There are some issues here with kinship care, trying to arrange adoptions closer to the kinship relationship. There's been input by First Nations, who weren't quite satisfied with that resolve.

I think we all want this to work in the best interests of children, to be placed in conditions of safety—safety first—and to have a process to make sure that happens. But I think there have been a couple of noteworthy inquests in the last year or so of a child having been placed in kinship care where in fact the child was treated poorly and died. That's a case that was just before the courts.

Sometimes in our ridings we get concerns from grandparents and other issues on these children's aid interventions to protect children, the need to demonstrate this, and the really nasty intrusion into families. In many cases, it's absolutely justified, but I find it difficult to get to the children's aid societies sometimes. I know it's a priority area.

What I want to pay close attention to in my remarks later on this afternoon is that the Ombudsman has expressed similar concerns. I don't think it has been addressed in the bill—I think it was skated around—that they should provide a mechanism to resolve some of these concerns of the Ombudsman. That is what's

missing here. We've got to err on the side of the safety of children first.

**Mr. Peter Kormos (Niagara Centre):** I, on behalf of the NDP caucus, want to thank Andrea Horwath for her diligence in working with Bill 210. She has, during the course of second reading, through committee and now at the point of third reading, worked incredibly hard representing the interests of native communities, aboriginal communities, expressing their concerns around the bill and moving amendments that start—start—to address those concerns. She has, in a remarkable way, addressed and advocated for amendments that would provide for independent oversight by the Ombudsman here in the province of Ontario, an incredibly important proposition.

Don't forget: children's aid societies, as we may call them colloquially, are private organizations with their own boards, yet they possess more power than the Ministry of Revenue, than police forces, than the immigration department. I know folks who work in children's aid societies and people who manage them, and they run from very, very good and very competent to incredibly overworked, understaffed and under-resourced. When that happens, people get put at risk—I'm talking about organizations that are understaffed and under-resourced.

I personally and fundamentally have some problems about the lack of public accountability. The children's aid society, in my view, is an anachronism. It predates this century; it predates, at least philosophically, the last century.

But that isn't the focus of the bill. I'm going to have the opportunity, along with Howard Hampton, the leader of the NDP, to speak to this bill later this afternoon. Both of us will be expressing some concerns about the legislation and the failure of the government to get it right when it could have gotten it right.

**Ms. Caroline Di Cocco (Sarnia-Lambton):** I am pleased to stand to respond to some of the comments in regard to Bill 210, which is now before the House. I just want to remind us here in the Legislature that this bill is now stronger. It's stronger because we have gone through committee hearings, and we have adapted and taken on a number of amendments to strengthen some features, which include accountability for children's aid societies.

It's important that we remember that part of the process of good legislation is that one goes to committee, listens to the advice that is provided by those stakeholders and other members of this Legislature, and adapts that to the bill and amends it.

I just want to make a comment about the fact that the Child and Family Services Statute Law Amendment Act, 2006, makes it easier for children in need of protection to find a permanent home. It makes adoption more flexible by allowing more children to be adopted while still maintaining ties to their birth family and community. Again, it makes it easier for relatives, including grandparents, to provide a permanent home for those children and youth who need one.

As a grandparent, I certainly understand the role that grandparents have when it comes to their grandchildren.

To be able to have that opportunity to embrace the responsibility, should the circumstances be such, is great for the children and for those who are providing the care. I'm really pleased to say that this bill is certainly going to make a better place for children in need.

**The Deputy Speaker:** The member for Hamilton East has two minutes to respond.

**Ms. Horwath:** I want to thank the members from Guelph—

**Mrs. Sandals:** Guelph-Wellington.

**Ms. Horwath:** Guelph-Wellington, Durham, Niagara Centre and Sarnia-Lambton for their comments. It's important that people note that what the government members say in their remarks is about all of the things that most people would agree are positive aspects of the bill, positive goals, laudable goals of Bill 210 around ensuring that children who are in need of protection by the state or by the province, by the crown—the crown wards—are able to more successfully be adopted. Certainly, everybody would agree that that's an important goal. Also, the options around what happens to those children through the process of determining where they get placed and where they end up, if you want to put it that way, are certainly positive moves.

**1650**

I guess what I need to reiterate, though, is that this government had some opportunities to do some other really positive and important things with this bill. I don't take too much issue with what they've already done in some ways—although, having said that, there are still issues around First Nations communities that I think they've not done well with—but there are issues around Ombudsman oversight, there are issues around extended care and maintenance, there are issues around the independence of the child advocate, and there are issues still remaining around resourcing, not only of children's aid societies, but of the designation of agencies within First Nations to be able to provide these kinds of services.

So there are a number of pieces that the government needs to think about in terms of moving forward, and it's unfortunate that Bill 210 didn't deal with some of these really quite important pieces. Had they done so, this bill would be absolutely the panacea for children of Ontario. Unfortunately, it's second-best.

**The Deputy Speaker:** Further debate?

**Mrs. Linda Jeffrey (Brampton Centre):** I'm pleased to rise to talk about Bill 210, our government's child protection legislation, which is before us again for third reading.

Following second reading debate, Bill 210 received extensive public hearings from delegations from across the province. I wanted to take a few moments to reiterate some of the comments and suggestions from the various agencies we heard from.

Tikinagan Child and Family Services is one of the oldest and largest aboriginal children's aid societies in Ontario. They provide comprehensive child protection services to a large geographic area north of the 50th parallel, which includes 30 remote First Nations and

several small towns and villages. They have pioneered a process of alternative dispute resolution, Talking Together. It's an innovative form of dispute resolution practised as an alternative to the family court system and is based on traditional circles held in the communities.

During clause-by-clause, we adopted an NDP motion in section 5 of the bill on the issue of alternative dispute resolution. The motion states that where a society is considering ADR to resolve a dispute, the society must consult with a native child's band to determine if ADR, established by the band or under regulation, would help resolve the dispute. As well, we would require the CAS—the children's aid society—to give notice of ADR, which would enable the First Nations representatives to provide culturally appropriate support and input into the process of dispute resolution.

From the time of the announcement of the formation of the child welfare secretariat, the Children's Aid Society of Toronto has been enthusiastically supportive of the new directions being contemplated by our government. The agency in Toronto serves over 33,000 children a year and provides daily care for about 1,000 crown wards. During public hearings, CAS Toronto was optimistic that Bill 210 would promote permanency options which have been unavailable until now for the vast majority of children and youth.

Carolyn Buck, the interim executive director for CAS Toronto, said, "This bill demonstrates that you have heard many issues identified by professionals in this field, as well as those identified by our clients who have received service."

The Adoption Council of Ontario supported this bill. As an umbrella organization with the adoption community, they advocate for adopted persons and all people connected with adoption. Their mandate focuses on four areas: adoption information, adoption education, support and advocacy. Their mission is to provide support to individuals, families, groups and organizations in Ontario that are concerned with adoption. ACO believes that this legislation will lift the existing barriers for children and clear the way for permanency planning that can allow for more flexibility and greater options. They welcome efforts to address the confusing and cumbersome system of adoption in Ontario.

Legal Aid Ontario is also supportive of the direction of this bill and cited that it's a signal of a major shift in thinking in the child protection field. Legal Aid was particularly supportive of the increased flexibility in how children's aid societies can use their funding with the goal of keeping children in their own homes. Of particular interest to Legal Aid Ontario is the introduction of alternative dispute resolution processes in the area of child protection.

In section 10 of the bill we put forward an amendment which would permit parties to an assessment to agree upon an assessor within a time frame specified by the court. We heard from aboriginal leaders who expressed concern about the cultural competence of court-ordered assessments and the lack of input regarding who should

be deemed appropriate to perform an assessment of an aboriginal child and/or their family.

Family Service Ontario is a provincial umbrella organization representing approximately 50 family service agencies in the province, of which the Catholic Family Services of Peel-Dufferin is one. FSO touted 210 as an excellent bill, because it really tries to balance the two priorities that a children's aid society has: first, to protect children, and second, to enhance the wellness of children by supporting their parents. Bill 210 will allow children who come into the care of children's aid societies to have the same opportunities of children who have been placed through a private adoption system.

This is a stronger, improved bill that better protects the interests of children and youth who are in need of protection. I would urge all my colleagues in this House to support Bill 210. Our children cannot wait any longer. Vote to support and protect our children. They deserve no less. Please support the Child and Family Services Statute Law Amendment Act, Bill 210. We need your support.

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

**Mr. Kormos:** I listened briefly to the comments made by the member, not because I didn't listen to all of the comments but because her brevity was in and of itself outstanding.

This is serious stuff. I'm going to have a chance to speak to this a little bit later in the afternoon. I'm going to repeat one more time: Real reform around family and children's services has to take into consideration the fact that the family and children's services agencies, that structure, is an anachronism, that it predates government interest and involvement and participation in this social work approach, this caring and protection of children.

We know, based on the experiences in our offices, how publicly unaccountable child and family services are, FACS are, children's aid societies. We know how difficult it is, from time to time, to get them to respond to concerns. That's why I find it amazing that the government would block Ms. Horwath and her proposal around amendments that would create Ombudsman office oversight. Banks do it: insurance companies do it. Any government agency is subject to the supervision of the Ombudsman. And if family and children's services, FACS, isn't going to be subject to the Ombudsman and its oversight, then maybe it's time that FACS was simply dismantled and turned into a public agency that has accountability through the minister responsible here in the Legislative Assembly. That's not to speak ill of any of those hard-working professionals who work in children's aid across Ontario. It would be to their benefit as well.

**Mr. Ernie Parsons (Prince Edward-Hastings):** The real test for this new legislation is one simple question: Does it make it better for the children of Ontario? Given my years as a foster parent, my privilege to be an adoptive parent, my years on the children's aid board, my involvement, my answer is that it makes it resoundingly better.

It is difficult for us, I think, to imagine being a child of four or five years old and removed from birth parents, sometimes under very difficult circumstances, and then placed in a foster home. I am privileged to know so many good foster homes, yet from the child's viewpoint, being taken from the birth parents is to be sentenced to a foster home, no matter how high-quality it is. What children want is stability and permanence in their life. They do not want to move. They do not want to know that tomorrow is uncertain and there could be a change. For a four- or five-year-old, or even an 11- or 12-year-old, the uncertainty is totally disruptive in their life.

This bill provides for some permanency planning that I think is truly creative and will truly work.

**1700**

Traditionally, becoming a crown ward—and for those who are not aware, when becoming a crown ward, the courts I say that your birth parents are no longer able or willing to serve as your parents, and our government becomes responsible for them. To become a crown ward with access, meaning that there can be contact between the birth parents and the child, has traditionally meant that that child is unadoptable; that child will spend their life in limbo. This bill provides for some creativity that will allow them to be adopted, even if they have access on their order, into families; it will allow for some guardianship; and it will allow for some permanency, so that the child can get up each morning and, even more, go to bed at night knowing what will happen tomorrow and what will happen 10 years from tomorrow. I think the bill is marvellous.

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

**Mr. Gerry Martiniuk (Cambridge):** There's a fight over here as to who wishes to go first.

I'm pleased to spend two minutes on Bill 210, the Child and Family Services Statute Law Amendment Act, 2005, for this really is an important bill. I know that all of us would like, if at all possible, to help children receive a permanent home. The difficulty has been that in the past, because of the act, children were not available, or not attractive, because of constraints or access by former parents. We all join in hoping that this particular bill, which I will be supporting, in fact will expedite and make available for adoption those children who were not available in the past. This is important, because we're talking about children in their vulnerable years, the time of their formation, and without the permanency of an adoptive and loving atmosphere, these children could go astray. We, of course, are ultimately responsible for them.

**Mr. Khalil Ramal (London–Fanshawe):** Thank you for giving me the chance again to speak in support of Bill 210. I had the chance to listen to my colleague from Brampton Centre when she was talking about the bill, about the importance of passing this bill. Also, I was listening to many different members who were talking about many different elements.

I think this bill is very important for the people of Ontario, for the children of Ontario, to make adoption in

general more flexible and allow people to adopt many different children who are looking for parents to look after them and nurture them for the future.

So many elements have been brought up, especially about aboriginal people. To my knowledge, the minister met with aboriginal people many different times, and she spoke with them. Not many people know that they have a different customary care system, which means differences from spot to spot. The minister acknowledged those differences and talked to them on many different occasions to address their issue and deal with it in a professional and legal manner.

Also, for the people who are looking to adopt kids, this bill will allow grandparents and family with a kinship—it's very important—to keep the kids inside the family, if possible, before they send them out to different people to try to look after them. I think this bill gives flexibility to many people in this province. It gives flexibility to the grandparents and to a family member to adopt a loved one in their own families. If this bill is passed, it's going to make a huge difference for many kids in this province.

I was also listening to the member from Hastings, who was talking about it from first-hand experience. This person has experience being a foster parent for a long time, and I have listened to him on different occasions talk about the importance of this bill. He gave me great information. That's why I'm going to support the bill.

**The Deputy Speaker:** Member for Brampton Centre, you have two minutes to respond.

**Mrs. Jeffrey:** I'd like to thank my colleagues from Niagara Centre, Prince Edward–Hastings, Cambridge and London–Fanshawe.

In the remaining time I have, I wanted to talk a little bit about the Ombudsman of Ontario, André Marin. He lauded the improvements to our child care practices being taken in the Child and Family Services Statute Law Amendment Act. He talked about things like increasing the flexibility of dispositions to meet the needs of each child, making the system friendlier for adopting parents and the attempts to reduce the expense and acrimony of litigation by encouraging mediation.

Our government shares the Ombudsman's concern for the best interests of children within the child protection system. We agree with the Ombudsman that the clients of a children's aid society need to have an opportunity to bring concerns to a neutral third party. Children's aid societies must be accountable to the children and the families they serve. That's why we proposed the use of the Child and Family Services Review Board to replace the current director's reviews. Decisions under the CFSRB would be timely, neutral, binding and part of a province-wide complaints process based on best practices. The Ombudsman has authority over the CFSRB, making sure that the decisions made about our children and families are wise ones and are taken with care.

We need to have a system that meets the needs of the child, where the rules fit the child instead of the child



fitting the rules. I believe Bill 210, which is before the House now, is a much better bill than when it first arrived. It's stronger through the amendments the NDP and the government proposed. It's a stronger bill that will protect and provide accountability for all children in care. This is the right thing to do. We need to support this legislation. Our children cannot wait any longer. The clock is ticking. We need to protect children, and this is the bill that will do that.

**The Deputy Speaker:** Further debate?

**Mr. O'Toole:** It's a distinct pleasure to have a few moments to reflect on a very important bill that was first introduced in June 2005 and has had public hearings. For the most part, I believe, we've listened to the member from Hamilton East, and I'd like to commend the work done in the committee by the member from York North, Julia Munro, our critic in this area. It is a very specialized area, and I would quite dismiss any of the insights I have. I attended on a couple of occasions to get some insight into it. I have familiarized myself with the bill. I've listened to some of the debate.

If you go through the explanatory notes of the legislation, you can see that there's quite a bit to it in terms of some of the areas of legislation it affects. What always triggers me to familiarize myself with a bill and what its implications are is to consult with my constituents and ask, "Have you heard of this bill?" whether it's Bill 206 or Bill 36; I've heard lots on those. Bill 210 is a more specialized bill, so I have put the word out, and I've listened to the wise advice from the member from York North.

It says, "The bill amends the Child and Family Services Act to permit courts to make custody orders for children in need of protection and openness orders for crown wards who are the subject of a plan for adoption. The bill makes additional amendments to the act and complementary amendments to the Children's Law Reform Act, the Education Act and the Vital Statistics Act."

Those don't sound that far off base, I suppose, but the general impression I got is that it's a well-intended bill. That's the impression I got listening to the minister speak in the House on it. The current minister, Minister Chambers, of course, would say that was the intent.

I looked at the notes Ms. Munro provided for us, and they say that the three key intentions of the bill are to provide permanency planning for children, openness in adoption and an alternative dispute resolution process. The government says its reforms will expand the range of permanent family-based core options for children in Ontario, enabling more children to move on to adoption. This would reduce court times and divert cases from the inappropriateness, in many occasions, of court. Those are well-intended, so I wouldn't fault that.

In our caucus discussions on this bill, I even questioned what was at risk, what were the things that we should be bringing to the debate to make sure we were addressing the issues of families and the stability of a child's current and future choices, and that someone is there watching out for their needs.

**1710**

The bill broadens the definition of "place of safety," allowing children removed from a home by the children's aid society to be placed—this is important—with family or community members instead of taken into care or kinship care. That's very important. The case that comes to mind is the Jeffrey Baldwin case, which was before the courts. The children's aid, for some reason or another, had assigned the young boy, Jeffrey Baldwin, to a kinship relationship. The family's situation had failed the child, I guess, and the child was taken and placed with, I believe, his grandparents.

I started to become a bit suspicious, just following the court proceedings, not any other decisions. As the reports were in the media, I noticed that one of the grandparents apparently had a prior charge or conviction, I think, on child abuse, or at least there was some suggestion that there was some abuse. I thought, even though it's a grandparent, how appropriate is it to assign a vulnerable child to someone who has had a prior conviction of any sort, for that matter?

I've heard many of those cases being raised as well in aboriginal children's issues that Ms. Horwath spoke about. I think there has to be a process to make sure that any potential risk to the child can be avoided absolutely. That is the government's role at the end of the day. No one would disagree with the expeditious movement of adoption in today's world, where many well-intended young couples, middle-aged couples and couples of all sorts are going to other countries to adopt children when we have children right here at home who want the stability and the care, the love and attention that a family setting can bring to their lives. It can be transformative.

So I want to be on the record as completely supportive, when all the safeguards are in place. That's the condition that is raised by the Ombudsman. The Ombudsman says here that they have no particular role in investigating and oversight of children's aid societies. At this point, I guess my comments are somewhat controversial; I think the member from Hamilton East as well was making the point that there should be completely impartial, independent oversight when necessary, as the Ombudsman does in other areas. I say for the record that I would be personally supportive of that, because at the end of the day the fragility and the emotional situation you're in in a children's aid intervention—there must have been justification for that investigation being assigned to someone.

We've seen, in the inquest into the Jeffrey Baldwin case, that mistakes are made—not intentionally, I'm sure. If somebody doesn't disclose, how does the caseworker or case manager know these things? But if you looked at it, there was no one, and the Ombudsman is saying it didn't seem to him that the CAS, whichever branch of the CAS it was, had an independent process to be self-critical. What better role for the Ombudsman to come in, whether it's a government agency or a public institution, where the Ombudsman has complete autonomy within the law to have an independent review? I don't see why they didn't do it. There are vested stakeholders within

any organization who may not want to deal with the answer or the inquiry in a completely open fashion. I think the Ombudsman—I had a casual look through the Ombudsman's report today—is doing a lot of great work in areas of property assessment and other things. Some might say he is doing too much work, but that's a whole debate for another time.

My concern here is about the children, and we do want that precaution.

I'm just going to put on the record here—this is from the Ombudsman's office, so it's not something from John Tory, our leader. We've discussed this in caucus. It's from the Ombudsman's office. It's dated February 14 and it says the following:

"The Ministry of Children and Youth Services' proposed amendments to Bill 210"—which we're discussing—"the Child and Family Services Statute Law Amendment Act, fall far short of what is needed to ensure independent, third party, investigative oversight of children's aid societies, according to Ontario's Ombudsman, André Marin.

"In a letter sent to the minister on Monday, the Ombudsman wrote: 'The ministry's proposal falls far short of what the citizens of Ontario, in particular, children in need of protection, deserve.'" That's the end of the quote. That's pretty strong language, but his intentions and his general thrust cannot be faulted here.

"Mr. Marin, who has called on the Legislature to extend Ombudsman oversight to children's aid societies, expressed concern and disappointment at the proposal which includes additional internal complaints mechanisms and expanding the mandate of the Child and Family Services Review Board."

I quote again here: "'It's a stop-gap measure, which does not go far enough,' said Mr. Marin. 'All it does is add another layer of bureaucracy to internal processes.'"

This sounds like a typical Liberal solution—I hate to be critical—have an inquiry and more bureaucracy; sort of like the LHINs, actually. I don't want to inflame this, because there are ministers here, but I don't see why they wouldn't take this precaution and agree with Ms. Horwath, the member from Hamilton East. I think it's a well-intended amendment.

This is where the politics are sometimes dysfunctional here. Ms. Horwath or Ms. Munro, in a very well-intended, non-partisan way, moved an amendment that does nothing to embellish our position on it. It strengthens the legislation. Premier McGuinty said he's going to "choose change" and "democratic renewal"—all these soft, fuzzy words. He doesn't listen.

This is starting to enrage me, because I sat here on Bill 206, and he wouldn't listen. They time-allocated. On Bill 36, the LHINs, they time-allocated. They ram this stuff through.

**Mr. Jim Wilson (Simcoe-Grey):** It's shocking.

**Mr. O'Toole:** It's shocking. Really, what's upsetting me—Speaker, you may have to slow me down here. Now they've time-allocated the Integrity Commissioner's report. That's when we're trying to get to the root cause

of how many cellphones Mr. Takhar had, who was using them where, did he report all of the phones, part of the phones, none of the phones, to Chalmers, not to Chalmers—do you understand?

What has it got to do with this? I would say that the Ombudsman, or the Integrity Commissioner in the case of Mr. Takhar, had it right.

**Mr. Kormos:** It could be a health issue.

**Mr. O'Toole:** Exactly.

In the very limited time left, I want to make sure that—it's frustrating. I've got to go back to Bill 210 for a moment, but this has struck me. Here again, Ms. Horwath moved an amendment, in my understanding, supporting what the Ombudsman said in the report that I've read here. It says that it completely fails. It does not go far enough to protect children, he said. It's about protecting children. It's not partisan.

What's this democratic renewal debate all about? Working together. Our leader, John Tory, is always advocating to extend the olive branch, to just go that extra step to try and reach consensus. He tried that on Bill 206. You'll probably recall that. He tried to say, "Let's have some more hearings with Sid Ryan. Let's try to find some common ground here." It was the same thing with Bill 210. We just tried to get this perfect. In fact, we tried to get it right. We had nothing to gain on that, except that the people of Ontario do have it to gain, and in this case, the children of Ontario have it to gain.

Mr. Parsons has done a lot of great work in this particular area. I want to put that on the record. I respect him for that. I would say that the member from Prince Edward-Hastings is well-known for the work he's done. He's received awards and recognition for his role in working with the CAS and with children, and I commend him for that. I'm surprised that he wouldn't stand up and insist, "Let's take every single precaution, listen to the Ombudsman, and have that final check and balance so that this Jeffrey Baldwin situation can't occur again."

You know yourself; you're closer to it than I am. There are those remote occasions where these little errors happen, and they shouldn't be. The Ombudsman's willing to embrace this, the protection of children, by having an independent review of the CAS. These are well-intended boards, for the most part; 99% is a pretty good mark. But that 1% just isn't acceptable, and the Ombudsman says that; I say that; Andrea Horwath says that; I believe Julia Munro says that, and yet they wouldn't agree with that small, non-partisan amendment. I wonder why.

It gets me back to saying right now that, given this reluctance to engage in the full meaning of democratic renewal, and to time-allocate the sensitive issues on Bill 206, Bill 36—even the Integrity Commissioner's report has been time-allocated—it's shutting down the very meaning of democracy. I'd say that in the last couple of weeks, about 75% of their legislative initiatives have been time-allocated—this hasty session.

With that in mind, for the most part, I accept and support Bill 210, under the good advice of our member

from York North, Julia Munro, and the hard work she's done, but I am now going to move adjournment of the debate in protest of the decision to time-allocate the Takhar decision. So I now move adjournment of the debate.

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

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

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

*The division bells rang from 1722 to 1752.*

**The Deputy Speaker:** Members, please take your seats.

Mr. O'Toole has moved adjournment of the debate.

All those in favour, please stand. Take your seats.

All those opposed, please stand.

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 6; the nays are 47.

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

Mr. O'Toole, you have the floor.

**Mr. O'Toole:** I'm somewhat shocked and humbled by the recent defeat. It's not something I'd like to get used to. I think the point I was trying to make was a valuable point. The point was that the debate that we're all anxious to participate in has been terminated. If you look at the number of time allocation motions—that's why I got to the point of frustration and moved that adjournment of the debate.

I think it's important to refocus here on what we were in the midst of debating, Bill 210, which is the Child and Family Services Statute Law Amendment Act. I was lauding or applauding the work done by the member from York North, our critic Julia Munro. She brought to my attention some very startling facts that I think are worthy of further comment.

The CASs serve about 9,000 children in permanent care and in foster homes, who must completely sever all ties to his or her birth family before being eligible for adoption—that's quite surprising—and 70% of children in permanent care can't be adopted because their birth family has a court-ordered right to contact them. So it's a very technical piece of legislation.

Then you look at the plight of the children's aid societies themselves. If you look at the children's aid societies, they're currently running a cumulative deficit of \$70 million. Their boards are cash-flow to keep their employees' salaries in place for child protection in our province. The bill does not address this problem at all. That's been a growing and pressing problem of children's aid.

If they wanted to do the right thing, they would have listened to the recommendations of the Ombudsman. I've

cited his remarks made on February 14: "It's a stopgap measure, which does not go far enough," said Mr. Marin. "All it does is add another layer of bureaucracy to internal processes."

I think those are the points we're making. The member from Hamilton East, from the NDP, in committee made a very valid amendment, which was declined by the government. The government has always pleaded the case of, "Choose change; choose democratic renewal; we're different; we'll listen," but here we've got a bill, Bill 210, where everybody agreed that the Ombudsman should have some role to protect children. We also have the situation where we've got a couple of bills before us—Bill 206 has been time-allocated; Bill 36 has been time-allocated; time-allocating the Integrity Commissioner's report.

I'm just trying to find a point of balance, not just in this debate but in the actual proceedings in this Legislature. On behalf of John Tory, I think we've tried to respectfully make that argument. I think I've passed comments with respect to the member from Prince Edward-Hastings on the great work he's done. The very positive initiative of Bill 210 was to provide permanency for planning for children, openness in adoption and an alternative dispute resolution process. We support that; those are laudable objectives which we support. We'd like to work with you, and yet at the same time you're resistant to a very friendly amendment.

I don't know. I really don't believe it's the minister. I really believe, quite honestly, it's that they're afraid to allow the Ombudsman to have this independent, professional oversight of a kind of inside baseball game. That's my impression, and that would be something I'd have to be briefed on. That's why we need to have more debate on this. That's what it comes down to: It was in committee, it was brought up, it was voted down, and now I'm left pondering why it was turned down.

It's something we'll certainly have to look up in Hansard, and make sure the 9,000 children in the protection services of the children's aid have that final assurance that their safety always takes precedence. That's really why I'm speaking on this bill in the remaining one second I have left. We would like to support that. With that being said, I appreciate those listening to my remarks.

**The Deputy Speaker:** Questions and comments? The member for Prince Edward-Hastings.

*Interjection.*

**The Deputy Speaker:** I gave him the opportunity, and it is 6 o'clock. This House is adjourned until 6:45 of the clock.

*The House adjourned at 1759.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
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Deputy Clerk / Sous-greffière: Deborah Deller

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

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

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