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(Hansard)**

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des débats  
(Hansard)**

**Wednesday 5 April 2006**

**Mercredi 5 avril 2006**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 5 April 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 5 avril 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### EDUCATION

**Mr. Frank Klees (Oak Ridges):** In the wake of Gerard Kennedy's resignation as Minister of Education, Sandra Pupatello inherits his legacy of underfunded program announcements and policy commitments.

After two and a half years, Gerard Kennedy has left Ontario's education system burdened with policy and contractual commitments beyond the fiscal ability of school boards, leading inevitably to deficits in every school board in the province. He leaves in his wake a multi-million dollar funding shortfall that school boards have to deal with as a result of his peace-at-any-cost labour deals.

His only major piece of legislation in two and a half years, Bill 78, robs school boards of a meaningful role, undermines the authority of school board trustees, strips away the independence of the Ontario College of Teachers, does away with qualifying tests for new teachers and downloads numerous responsibilities to school boards without any commitment of resources.

After two and a half years, rather than delivering on his promise to provide services to autistic children, this minister is fighting autistic children in the courts. Rather than improving services to special-needs students, this minister presided over the clawing back of special-needs funding from school boards across the province. And rather than adequately funding transportation for Ontario students, this minister has ignored the appeals of the Ontario School Bus Association and has forced hardship on parents and students throughout rural and northern Ontario.

He has yet to deliver on the promised funding to keep rural and small schools open; he deflects responsibility for the imminent closing of those schools.

This minister mastered the art of the announcement—

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

#### IMMIGRANTS

**Mr. Khalil Ramal (London-Fanshawe):** On Monday, March 27, I had the privilege, alongside Minister Colle, to attend and participate in a conference held by the Minister of Citizenship and Immigration and the Ontario Chamber of Commerce. The conference, entitled

Diversity in the Workforce: Our Economic Advantage, was also attended by several prominent members of the Toronto business community.

Topics of the conference included what employers need to know about Ontario's changing workforce, and how employers can tap into new markets using diversity as leverage.

For too long, immigrants' global education and experience was not properly recognized or appreciated. The McGuinty government recognizes the real benefits that newcomers bring to this province, and the government has worked hard to help newcomers to Ontario through several initiatives, including the launch of the [www.ontarioimmigration.ca](http://www.ontarioimmigration.ca) website, which provides newcomers and potential immigrants with the information they need to get started in Ontario, and signing the first-ever Canada-Ontario immigration agreement, which will result in 920 million new federal dollars over the next five years to help Ontario newcomers settle and upgrade their skills and language.

In fact, the Ontario government invests more in programs and services for newcomers than any other province, and we will continue to work hard to help newcomers reach their full potential and put Ontario in a better position to compete in the global market.

#### AGRICULTURE FUNDING

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** Today in Ottawa, 10,000 farmers are converging on Parliament Hill. Farmers were ignored when they surrounded Queen's Park the week before the Ontario budget. They are hoping to get a better hearing from the Harper government. They certainly can't get a worse hearing than the McGuinty government gave them.

Two weeks ago, farmers across Ontario were angered and disappointed by the fact that the government's "pay more, get less" budget did nothing to address the crisis in farming. Joe Hickson is a grain and oilseed farmer in my riding. He says that farmers in Ontario need \$300 million in relief, or roughly \$100 for every consumer. That's less than \$2 a week. When the opposition asked why farmers had been left out of an \$85-billion budget, they were told to ask the federal government for help. The provincial Liberal government's message to farmers is clear: "You are on your own."

Farmers are not known for sitting around. There's an old saying, "If you want something done, ask a busy person." To this we can add a new saying, "If you want something done right, ask a farmer."

Although the Queen's Park protests were ignored by the provincial government, they did catch the attention of federal politicians. Here is what yesterday's federal throne speech had to say about agriculture: The federal government "will respond to short-term needs, create separate and more effective farm income stabilization and disaster relief programs and work with producers and partners to achieve long-term competitiveness and sustainability."

The McGuinty government thinks that by ignoring farm protests, they have successfully passed the buck to the federal government. They are mistaken. Soon they will be called to the table to participate in securing the future of agriculture—

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

### DOMESTIC VIOLENCE

**Mr. John Milloy (Kitchener Centre):** I am pleased to rise in the House today to highlight an important conference on domestic violence that took place in my community last week. The conference was hosted by Waterloo region's Catholic Family Counselling Centre, or, as it's known, the CFCC. I was pleased to attend the opening dinner with our colleague the Honourable Sandra Pupatello.

The CFCC, with its partner agencies, has taken a leadership role in providing a first-in-Canada one-stop approach to helping eliminate family violence. To highlight their approach, CFCC invited Casey Gwinn, director of victim services for the San Diego county district attorney's office and national director of the President's Family Justice Centre initiative. Casey Gwinn's successful vision of collaborative and coordinated care for victims of family violence has served as an important model for work under way in Waterloo region. I congratulate CFCC's board chair, Jim Hallman, and executive director, Cathy Brothers, for their successful conference. I would also like to thank Staff Sergeant Sean Tout of the Waterloo Regional Police Service and Casey Cruikshank of St. Mary's hospital's domestic violence and sexual assault treatment centre, who helped organize the event.

Together with the elder abuse team of the community care access centre, Women's Crisis Services of Waterloo Region, the Community Action Program for Children, and CFCC's credit counselling program, they have launched this new method of delivering support to victims of family violence.

### COURT SECURITY

**Mr. Garfield Dunlop (Simcoe North):** I rise today to condemn the Minister of Community Safety and Correctional Services for his completely inaccurate comments yesterday in response to my question on court security. The minister had the gall to stand in this House yesterday to accuse our party of downloading court security to municipalities when we were in power.

Nothing could be further from the truth. On January 1, 1990, court security was formally downloaded from the province to the municipality in which the court is located by none other than the Liberal government of David Peterson. In fact, Minister Kwinter sat at the cabinet table during this time and did absolutely nothing to stop this transfer of responsibility.

I can assure the minister that the policing community is not fooled by these Liberal games. The minister has sat on the Thomas report on court security since he assumed his current cabinet position. Instead of acting on this report, which includes several options for sharing court security costs, he has chosen to take any possibility of any funding for court security completely off the table.

I would respectfully request that in the future the minister get his facts straight before attempting to rewrite the history books on the solid Progressive Conservative record on policing in Ontario.

1340

### LONG-TERM CARE

**The Speaker (Hon. Michael A. Brown):** The member for Glengarry–Prescott—oh, the member for Timmins–James Bay.

**Mr. Gilles Bisson (Timmins–James Bay):** I know I lost some weight, Speaker, but not that much.

*Interjections.*

**Mr. Bisson:** I'm glad somebody has noticed; I tried so hard.

I rise in the House today for a very serious matter that I know other members in this assembly have been approached on. I, like many other members, have been approached by the Extencare nursing homes in this province, specifically in my constituency in Timmins and also in Kapuskasing. They are circulating petitions signed by the residents within those particular facilities calling on the government to keep the pledge it made in the last election to refund the money removed from personal nursing care that was there to assist people in those institutions.

Specifically, they are asking the government to fix the oversight in this last budget, where they had a chance to address this and find the \$306 million required to fund the more than 20 minutes of daily care for residents, time that is deeply needed to care for people in our institutions.

There is an old saying that goes, "We judge a society by the way it treats those who are the most vulnerable." I think this government had an opportunity in the last budget to do something that was right for those seniors who have built this province, this country and their communities.

I join with the voices of those who have signed this petition and call on our provincial government to fund the dollars necessary to provide the level of care needed within these particular institutions so that our seniors can be well cared for.

## BORDER SECURITY

## SÉCURITÉ À LA FRONTIÈRE

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** I rise today to express my disappointment about Prime Minister Stephen Harper's inability to stand up for Ontario on the issue of American passport proposals.

Last week, our Prime Minister met with President Bush during his visit to Mexico. I was disappointed to see that the Prime Minister refused to defend the interests of Ontarians and Canadians when he gave in to Mr. Bush's passport plan without a fight.

I'm sure that all members of this Legislature are aware of the important role that tourism plays in the Ontario economy. In 2004, Ontario welcomed more than 21 million American visitors, who collectively spent \$3.3 billion in our province.

Les statistiques demandent que, de nos jours, les voyageurs américains planifient leurs vacances 48 heures d'avance. Je présume que ça prend plus que 48 heures pour l'obtention d'un passeport aux États-Unis. Compte tenu que moins de 25 % des Américains ont un passeport valide, l'industrie du tourisme en Ontario sera sérieusement affectée par ce changement.

The proposed border security plan threatens a key component of our economy in Ontario. I am shocked that the Prime Minister would admit defeat on this issue after only one meeting with President Bush. I call on Prime Minister Harper—

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

**Mr. Bill Mauro (Thunder Bay–Atikokan):** Like many other members in the Legislature, I have had more than a passing interest in the US government's western hemisphere travel initiative.

The requirement to have a passport or a single-purpose travel card can, and likely will, have a very negative effect on tourism, and business owners and communities all across Ontario, including Thunder Bay, which I have the pleasure of representing in this Legislature. Thunder Bay is a mere 30-minute drive from the US border and has a significant amount of cross-border travel at all times of the year, but specifically in the summer months.

Recently, as we are all aware, Prime Minister Harper met with President Bush in Cancun to discuss, among other things, the western hemisphere travel initiative. I think many of us were very surprised by the apparently meek capitulation on this very important issue by our new Prime Minister. While it may not be of significance in Alberta, it is obviously of great importance in Ontario.

If this initiative could be more substantially linked to improving the safety and security of our people and our countries, it would have much more support. Not only is it not supported in Ontario but it is roundly criticized by many public officials in the US itself as having little impact on improving security.

Like many northern communities, Thunder Bay has always faced its economic challenges. The tourist industry has always provided a stable, predictable component to the economic base of Thunder Bay and

northwestern Ontario. Why Prime Minister Harper would not lobby President Bush for at least a delay in its implementation is a surprise to all of us. It is not too late to reverse his stand and begin to more forcefully represent the interests of Ontarians and Canadians.

**Mr. Bruce Crozier (Essex):** Despite the intransigence of the Bush regime and the fact that our Prime Minister is waving a white flag on these border issues, I want to tell the Legislature what state governments and provinces are doing in this respect.

I am co-chair of the subcommittee on security with the Council of State Governments, midwest section. Eleven state governments, three of which are Ohio, Michigan and Minnesota, along with Manitoba, Saskatchewan and Ontario, have met on this issue. We've done something about it. What we have done is to advise the President of the United States and the Prime Minister of our country that when it comes to the United States Western Hemisphere Travel Initiative, we feel it should be delayed. It should be held back until such time as we can agree on an appropriate method of border security.

We haven't given up—not like the federal governments on both sides. We're working to make our borders more secure but at the same time keeping for the citizens of two countries that have lived peacefully together the ability to cross each other's border and not be inhibited in doing that.

We won't quit, notwithstanding what the federal government might do.

## VISITORS

**Mr. Tony Ruprecht (Davenport):** On a point of order, Mr. Speaker. I'm delighted to introduce to you and to the distinguished members representatives of the very successful Portuguese Canadian Credit Union: Mr. Antonio Carvalho, Mr. Rendeiro and Mr. Santos.

**The Speaker (Hon. Michael A. Brown):** Welcome, gentlemen.

## INTRODUCTION OF BILLS

OMBUDSMAN AMENDMENT ACT  
(CHILDREN'S AID SOCIETIES), 2006LOI DE 2006 MODIFIANT LA LOI SUR  
L'OMBUDSMAN (SOCIÉTÉS D'AIDE  
À L'ENFANCE)

Ms. Horwath moved first reading of the following bill:

Bill 88, An Act to amend the Ombudsman Act with respect to children's aid societies / Projet de loi 88, Loi modifiant la Loi sur l'ombudsman en ce qui a trait aux sociétés d'aide à l'enfance.

**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.

**Ms. Andrea Horwath (Hamilton East):** Very briefly, the bill amends the Ombudsman Act to allow the Ombudsman to investigate any decision or recommendation made or any act done or omitted in the course of the administration of a children's aid society. It comes up as a result of some of the discussions around Bill 210.

The government decided not to do this, notwithstanding the Ombudsman's wishes and my own amendment, so I thought it would be appropriate to introduce a private member's bill to ensure that this issue remains top of mind.

1350

KEVIN AND JARED'S LAW  
(CHILD AND FAMILY SERVICES  
STATUTE LAW AMENDMENT), 2006  
LOI KEVIN ET JARED DE 2006 MODIFIANT  
DES LOIS EN CE QUI CONCERNE  
LES SERVICES À L'ENFANCE  
ET À LA FAMILLE

Mr. Jackson moved first reading of the following bill:

Bill 89, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario / Projet de loi 89, Loi modifiant la Loi sur les services à l'enfance et à la famille et la Loi sur les coroners pour mieux protéger les enfants de l'Ontario.

**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. Cameron Jackson (Burlington):** Members would be familiar with this legislation, which I tabled and which was passed unanimously in May 2004. It deals with the issue that when a child dies when in the care of a court-ordered access permit of an abusive parent, there would be an automatic coroner's inquest and the victims' justice fund would allow the family to have standing.

This bill has been named in honour of Kevin Latimer, who was two days short of his second birthday when he died on February 2, 2004, at the hands of his father. It's also named today in honour of Jared Osidacz, who would have turned nine yesterday had he survived the tragic but brave efforts he made to save two women in an abusive situation on March 18 of this year. This bill is named Kevin and Jared's Law in their honour.

OMBUDSMAN AMENDMENT ACT  
(SCHOOL BOARDS), 2006  
LOI DE 2006 MODIFIANT LA LOI SUR  
L'OMBUDSMAN (CONSEILS SCOLAIRES)

Mr. Marchese moved first reading of the following bill:

Bill 90, An Act to amend the Ombudsman Act with respect to school boards / Projet de loi 90, Loi modifiant la Loi sur l'ombudsman en ce qui a trait aux conseils scolaires.

**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. Rosario Marchese (Trinity-Spadina):** The bill amends the Ombudsman Act to allow the Ombudsman to investigate any decision or recommendation made or any act done or omitted in the course of the administration of a school board.

KEEP YOUR PROMISES  
AT THE PUMP ACT, 2006

LOI DE 2006 SUR L'OBLIGATION  
DE TENIR LES PROMESSES  
ÉLECTORALES À LA POMPE

Mr. Bisson moved first reading of the following bill:

Bill 91, An Act to provide for an interim freeze in the price of certain petroleum products / Projet de loi 91, Loi prévoyant le gel provisoire du prix de certains produits pétroliers.

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

The member for Timmins-James Bay may have a brief statement.

**Mr. Gilles Bisson (Timmins-James Bay):** I certainly do have a brief statement. We know that in opposition many Liberal members rose in this House and introduced bills calling for all kinds of measures to deal with gas prices. Speaker, you know that gas prices are again rising. They're up to \$1.05 in my community; about \$1.01 here in Toronto.

This particular bill is actually a very good one that I supported in opposition. It was introduced by Mr. Bartolucci. I introduced this bill and it died on the order paper when the government prorogued the House, so I have to reintroduce it. The bill freezes the price of petroleum products at the price of those products on April 5—today—and the freeze applies for 90 days from the day the bill comes into force. This would give time for the government to put some pressure on the gas companies to lower the prices. I'm looking forward to Mr. Bartolucci's support on this bill.

OMBUDSMAN AMENDMENT ACT  
(HOSPITALS AND LONG-TERM CARE  
FACILITIES), 2006

LOI DE 2006 MODIFIANT LA LOI  
SUR L'OMBUDSMAN (HÔPITAUX  
ET ÉTABLISSEMENTS DE SOINS  
DE LONGUE DURÉE)

Ms. Horwath moved first reading of the following bill:

Bill 92, An Act to amend the Ombudsman Act with respect to hospitals and long-term care facilities / Projet de loi 92, Loi modifiant la Loi sur l'ombudsman en ce qui a trait aux hôpitaux et aux établissements de soins de longue durée.

**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.

**Ms. Andrea Horwath (Hamilton East):** Currently under the Ombudsman Act, the Ombudsman may investigate decisions, recommendations, actions and omissions of governmental bodies and may exercise other powers necessary for an investigation. The bill amends this act to give the Ombudsman the same powers in relation to hospitals and long-term-care facilities. My interest in doing so stems from some issues in my own community around Chedoke Continuing Care Centre and Mr. Malleau and some of the challenges of getting good health care for the people of Hamilton.

#### VISITORS

**Ms. Andrea Horwath (Hamilton East):** I'd like to welcome in the gallery Shereen and Dennis Airth from my riding of Hamilton East. They're the parents of my legislative page, Elyse Airth. For the information of the House, Dennis Airth was the very first firefighter to receive the provincial Medal for Good Citizenship, and we should all congratulate him on that.

#### PAT COATES

**Mr. Tim Peterson (Mississauga South):** I just wish to inform the House that yesterday, Pat Coates, a great Liberal, a great political activist, was buried in Mississauga. Pat suffered from diabetes, lost both of her legs, lost her sight, but never lost her spirit as she continued forward and left a tremendous legacy to all of us.

#### MOTIONS

##### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I seek unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has asked for unanimous consent to put forward a motion dealing with private members' public business. Agreed? Agreed.

**Hon. Mr. Bradley:** I move that, notwithstanding standing order 96(d), the following change be made to the ballot list of private members' public business: Mr. Sterling and Mr. Jackson exchange places in order of precedence such that Mr. Sterling assumes ballot item 33 and Mr. Jackson assumes ballot item 30, and that, pursuant to standing order 96(g), notice be waived for ballot item 33.

**The Speaker:** Mr. Bradley has moved that, notwithstanding standing order 96(d), the following change be

made to the ballot list of private members' public business: Mr. Sterling and Mr. Jackson exchange places in order of precedence such that Mr. Sterling assumes ballot item 33, and Mr. Jackson assumes ballot item 30, and that, pursuant to stand order 96(g), notice be waived for ballot item 33.

Is it the pleasure of the House 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, April 5, 2006, for the purpose of considering government business, despite the fact that I am on House duty.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has moved government notice of motion 90. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1359 to 1404.*

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

#### Ayes

Arnott, Ted	Dunlop, Garfield	Peters, Steve
Arthurs, Wayne	Fonseca, Peter	Peterson, Tim
Balkissoon, Bas	Gerretsen, John	Phillips, Gerry
Bartolucci, Rick	Hardeman, Ernie	Pupatello, Sandra
Bentley, Christopher	Hoy, Pat	Qaadri, Shafiq
Berardinetti, Lorenzo	Jackson, Cameron	Racco, Mario G.
Bountrogianni, Marie	Klees, Frank	Ramal, Khalil
Bradley, James J.	Lalonde, Jean-Marc	Ramsay, David
Broten, Laurel C.	Leal, Jeff	Ruprecht, Tony
Brownell, Jim	Levac, Dave	Smith, Monique
Bryant, Michael	Martiniuk, Gerry	Smitherman, George
Cansfield, Donna H.	Matthews, Deborah	Sorbara, Gregory S.
Caplan, David	Mauro, Bill	Sterling, Norman W.
Chambers, Mary Anne V.	McNeely, Phil	Takhar, Harinder S.
Colle, Mike	Miller, Norm	Tory, John
Cordiano, Joseph	Milloy, John	Van Bommel, Maria
Crozier, Bruce	Mossop, Jennifer F.	Watson, Jim
Delaney, Bob	Munro, Julia	Wilkinson, John
Di Cocco, Caroline	O'Toole, John	Wilson, Jim
Dombrowsky, Leona	Oraziotti, David	Witmer, Elizabeth
Duguid, Brad	Parsons, Ernie	Wong, Tony C.
Duncan, Dwight	Patten, Richard	Wynne, Kathleen O.

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

#### Nays

Bisson, Gilles	Kormos, Peter	Prue, Michael
Horwath, Andrea	Marchese, Rosario	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 66; the nays are 5.

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

## STATEMENTS BY THE MINISTRY AND RESPONSES

### NORTHERN ONTARIO

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** I am delighted to rise in the House today to inform members of the latest actions of our government to strengthen northern Ontario's economy and improve the quality of life for northern residents.

Once again, it was clear in our third budget that this government recognizes the tremendous potential of the north. Our investments in this region are continuing to build a strong foundation for prosperity now and into the future.

Through the refocused northern Ontario heritage fund, for example, we are continuing to work with northern entrepreneurs, companies and business organizations to help create jobs and foster economic development.

Just last week, it was my great pleasure to join my colleague David Oraziotti, the member for Sault Ste. Marie, to announce a \$15-million Northern Ontario Heritage Fund Corp. investment in a tourist attraction that will be part of the city's major waterfront tourism and commercial project. When completed, this innovative development will benefit Sault Ste. Marie and the region in a number of ways. It will create additional synergies with our tourism markets in the northern United States. It will attract more visitors to northern Ontario, and it will generate hundreds of new job opportunities.

Northerners have a vision for achieving prosperity. It is a priority of our government to help them realize that vision.

Few industries in this province demand more vision and long-term commitment than the mineral industry. Fortunately for all of us, Ontario's mining exploration, production and service companies consistently demonstrate their talent for achieving results that benefit the entire province. In 2005, the value of Ontario's mineral production was \$7.2 billion.

For almost a century, Ontario has led metal production in Canada, but the mineral industry is a global one, and on that stage too this province is a leader. Once again this year, Ontario ranked in the top 10 of the world's most favourable mining jurisdictions.

**1410**

The best minds in the industry are constantly working on new ways to ensure that Ontario's mineral industry remains a front-runner. This is an industry with an unrelenting commitment to innovation.

As the minister responsible for mines, I am especially proud of two recent initiatives by our government. The first is Ontario's mineral development strategy, which I released last month at the annual Prospectors and Developers Association of Canada convention here in Toronto. This strategy builds on this government's cur-

rent initiatives, programs and services to help ensure the mineral sector's continued strong economic performance. The strategy outlines a series of key strategic objectives and action items, which we will now begin to implement. An important aspect of the strategy is a proposed engagement process that aims to promote good mineral sector relations with aboriginal communities.

The mineral development strategy benefited from extensive collaboration with key stakeholder groups, whose time and efforts I appreciated very much. I want to thank one group in particular for their contributions; namely, the Ontario Mineral Industry Cluster Council. The members of this council have also been the driving force behind another exciting initiative that will have far-reaching benefits for the mineral industry.

I am delighted to report that the council members' vision for a national centre of leading-edge mineral industry research and development in the north took a giant step forward towards becoming a reality with the news from our government's 2006 budget of \$10 million to help launch the new Centre for Excellence in Mining Innovation at Laurentian University. The centre will build on the considerable industry and academic resources that already exist in Sudbury to harness the skills of the best and the brightest in mineral industry and research institutions around the world. Mere days later, on the strength of the support from our government, Inco Ltd. stepped forward with its own announcement of \$5 million for this mining centre. I cannot overstate the value of this project to the mineral industry nor the level of support from all stakeholders.

I would like to take just a moment to draw attention to two other initiatives in the 2006 budget that will continue the momentum of progress that has been spurred through the northern prosperity plan.

In all parts of the province, roads and highways are vital for development. In the vast north, the highway network is especially crucial as the social and economic lifeline of many communities. This year, our government will invest \$357 million in northern highway rehabilitation and expansion projects. This represents the largest annual investment ever in the history of this province. I am also pleased that as part of Move Ontario, a new infrastructure initiative by our government, northern municipalities will receive \$56.5 million in immediate, one-time funding for road and bridge repairs and up-grading.

Northern Ontario's tremendous potential lies not only in the richness of its mineral wealth, forestry and extensive network of fresh lakes, but in the ingenuity of its residents. I am proud that our government is both responsive and responsible in helping build opportunity and prosperity in this region. Thank you.

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

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure this afternoon to respond to the statement made by the Minister of Northern Development and Mines. First of all, I'd like to talk about tourism. He brought up tourism in his statement, talking about a new project in



Sault Ste. Marie, and I'm pleased to see that. However, I would like to point out that tourism is very important for northern Ontario. It's important not only for northern Ontario; it's important for Parry Sound-Muskoka; it's important for Niagara, for Toronto, for Ottawa. It's important for many different areas of Ontario. So I ask the minister, what happened to the tourism budget in this latest budget that was announced just last week?

Well, I can give you the answer to that, because I happen to have the budget handy here. I see under the Ministry of Tourism that the budget went from \$261 million to \$161 million: a \$100-million cut to the budget of the Ministry of Tourism. So I say, if tourism is so important—I would say in the north especially important—why was the budget cut by \$100 million?

Just a couple of weeks ago I was on a three-day northern loop, and I stopped in the town of Cochrane, a beautiful town. I know they have a world-class polar bear centre there; I think the last government had a lot to do with providing the funding for that. I met with the council. I knew the polar bear centre was there, so on the way up I was looking for signs that would direct me to it. I didn't see any signs. So I asked the council, "How's it going?" and they told me that the first year they were doing pretty well. The first year they had 14,000 visitors, and the second year they had 19,000 visitors. I said, "Where are the signs?" They said, "Well, we only have \$25,000 to market this world-class attraction."

I say that's a real shame. If they had some partnership money with the Ministry of Northern Development and Mines perhaps, or the Ministry of Tourism, then they would be able to promote this world-class attraction and generate some dollars for the province and for the Cochrane area, and it would be a net benefit for the province of Ontario. So I say it's a real shame that the government has cut this \$100 million out of the budget of the Ministry of Tourism.

I'm pleased that mining is doing well in Ontario, and I would say that a new mine doesn't open in one year. In fact, it doesn't open in even three years, the length of time that the government has been in power. The minister mentions that we're in the top 10 in the world for mining exploration. Well, we used to be number one, so we've gone from number one to somewhere in the top 10; he didn't say exactly where. But I say that a lot of the results we're seeing in the mining sector right now are because of all the various programs that were put in place by the past government, like reducing the mining tax rate by 50% and providing a reduction of corporate income tax for resource companies. Mr. Wilson, the past Minister of Northern Development and Mines, had a lot to do with that, and past minister Hudak.

The new remote mines were provided with a 10-year tax exemption and reduced tax rates to encourage mining. I would say that with the De Beers mine at Attawapiskat, that program had a lot to do with encouraging that new mine. We of course have put in place a flow-through tax regime for mineral exploration. When I was up in Timmins at the pre-budget consultations, I heard from

people in the mining business that they want to see Ontario more competitive with Quebec, where they have a more generous program for flow-through share deductions. But also there were some other programs we put in place, like Operation Treasure Hunt, which really paid off. So there were a lot of programs put in by the past government. We're now seeing the benefits of all those programs that were put in place.

Minister, I'm going to run out of time very quickly, but there's a lot more work to be done. I also heard in Timmins there's a tremendous skilled labour shortage in the mining sector, and a lot of work has to be done to address that problem. Your energy policy is really hurting mining. It's certainly very much hurting forestry. Agriculture is a significant industry in the north as well, and agriculture used to be able to benefit from the northern Ontario heritage fund investments. Under the changes this government put in place, they no longer can get investments for capital and infrastructure. I heard that on my recent northern tour.

Look what the province of Quebec just did, in comparison, in their recent budget. They balanced the budget, but they also invested \$1 billion in the forestry sector over the next four years. So Quebec, both in mining and forestry, is doing more than Ontario, and balancing the budget.

**Mr. Gilles Bisson (Timmins-James Bay):** I'm pleased to respond to the comments made by the Minister of Northern Development and Mines both in regard to tourism and mining. I just want to remind the minister that, yes, the mining industry is doing quite well in Ontario, as they are across North America and other jurisdictions, based on the price of base metals and based on the price of precious metals.

**1420**

We went through very bad times for a long period of time where both base metal and precious metal prices were low, and it didn't matter what government did at the time: If the price of metal is low, you're not going to attract the kind of investment you need in exploration, and if you don't attract the amount of money you need in exploration, you're not going to get the kind of developments that are eventually going to happen when it comes to bringing some of the new ore bodies into production.

Here we are today, in this particular year and for the last couple of years, having a pretty good time in mining. I look at the city of Timmins, and certainly the buzz is, when you talk to people in the community—the real estate people, the business people and others—there's lots going on in the mining sector. A lot of people are coming back into the community, and we certainly are grateful for that.

But I don't want this government to think that all of a sudden some policy that the government put in place today, yesterday or two years ago is responsible for that, because the minister will know that it takes six to 10 years before a mine actually comes into production. The prospector goes out in the bush, he finds an interesting

deposit, goes out and raises some money, does some diamond drilling, and eventually somebody options the property. There's a long process before it ever comes to a mine. I'm sure the minister will know that in fact that does take some time.

I would say that successive governments have done a lot to respond to the mining industry. I was part of the government when Minister Martel was Minister of Northern Development and Mines. I know that Mr. Wilson, under the Tories, and now Mr. Bartolucci have done a lot to try to assist the mining industry, because we do understand how difficult an industry it is when it comes to attracting investment, and I think we do what we can.

But I do want to be critical on one point, and that is on the aboriginal front. The minister said in his statement—of course, I can't find the paper when I need it. I don't have my glasses, because Michael is gone with the ones that I borrow all the time. But it does say—and I'm trying as best I can.

*Interjection.*

**Mr. Bisson:** Oh, thank you. Let me see if I can put Yak's glasses on. Yeah, that works.

"An important aspect of the strategy is a proposed engagement process that aims to promote good mineral sector relations with aboriginal communities." Well, you've had an opportunity, Minister, to do that, and for the Premier to do that. I introduced a bill in this House on the issue of revenue-sharing, which was one part of trying to find a way to allow development to happen around our aboriginal communities when it comes to mine development. Your government saw fit to kill that bill when they prorogued the House, and now you've created this whole new process that supposedly is going to be the be-all and end-all when it comes to dealing fairly with aboriginal communities. Well, I'm not as hopeful as some, because, as we're going through this process, you're continuing the same old practices that were in place that have infuriated First Nations communities over the years as you go into these new discussions. I would guess that by the end of November 2007, we will be no nearer to finding a solution to this issue than we were at the beginning of this particular term.

On the issue of tourism, I guess it's the same as mining when it comes to First Nations communities. They hear these announcements and they say, "What does it mean to me?" How much tourism development do we see in First Nations communities? How much mining development do we see that actually benefits First Nations communities? Very little. For example, in the communities of Moosonee and Moose Factory on James Bay, there is a huge opportunity, as there is in other places, to attract tourists in order to benefit not only the Ontario economy but the local aboriginal communities. We don't see the amount of attention being put in place that is needed to support the local business communities, the entrepreneurs and the other individuals involved in tourism to get activities going in that particular part of

the world that would benefit those communities when it comes to tourism.

I put this challenge to the Minister of Northern Development and Mines and I put the challenge to the Minister of Tourism: We have been asking for a long time that a special fund be set up for aboriginal communities so that others in those particular areas, including Moosonee, which is a non-aboriginal community as far as a municipality, are able to draw down funds from the province to help them develop their infrastructure and their marketing plans to be able to benefit from the tourist industry as tourists go into the northern part of the province. I say tourism is a great part of our economy, but it certainly ends approximately north of Highway 11. We need to figure out some way to plug the aboriginal communities into the process so they are also able to benefit.

And I want to thank Mr. Yakabuski for his glasses.

## VISITOR

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my distinct pleasure to introduce the grandfather of page Charlotte Curley from the riding of Bruce–Grey–Owen Sound and the town of Owen Sound, Bill Holmes, who is in the west visitors' gallery today.

## ORAL QUESTIONS

### TRANSPORTATION INFRASTRUCTURE

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. In the budget statement, an amount of \$400 million was announced for road and bridge repairs and upgrading. Can you confirm that every single dollar of this amount will in fact be spent on roads and bridges, as stated in the budget?

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

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** Every dollar.

**Mr. Tory:** I think the Premier and the minister know full well that part of the problem with this year-end March madness spending is that you have no control over the money and what happens to it. The Auditor General has commented on this before.

Your colleague the Minister of Municipal Affairs confirmed in a recent news story in the Kingston Whig-Standard, and I quote from that story, "Kingston's MPP says the city can spend a surprise \$4.85-million grant announced in the provincial budget indirectly on a downtown entertainment centre." The article goes on to quote the Minister of Municipal Affairs as saying, "Maybe it wants to reallocate that money and do other things with it. That's totally up to the city to decide."

My question was to the Premier, but the minister has just said that every dollar of this money was for roads and bridges, no ifs, ands or buts. Can you confirm

whether or not, if these people wanted to take this money and put it into an arena or, frankly, to more of your \$100,000-plus club that you're expanding so fast, they could in fact do whatever they want and that your previous answer was incorrect? Which is it?

**Hon. Mr. Duncan:** The answer is still the same. What differentiates us from them is that we trust our municipal partners.

**Mr. Tory:** I was only quoting your own colleague sitting right back there, who is quoted in the newspaper. I'll read it to you again: "Maybe it wants to reallocate that money and do other things with it. That's totally up to" them "to decide."

The truth of the matter is that you've been going around telling Ontarians that you can guarantee them that there will be thousands of kilometres of roads—by the way, much less than needs to be done—and hundreds of bridges that can be fixed, but your Minister of Municipal Affairs tells quite a different picture. The auditor has previously commented on the fact that one of the problems with this year-end March spending madness you go on is that it has to be unconditional. Can you tell us today, are there any conditions whatsoever associated with this money—the answer must be yes if your previous answer was correct—or in fact are the municipalities able to do whatever they want with it, which means we won't get the kinds of road and bridge repairs that you've said? Which is it?

**Hon. Mr. Duncan:** The money we're providing to municipalities is for roads and bridges, and we trust them to use it for what it's meant for.

Here we have the Leader of the Opposition, who before the budget said that we should balance the budget and cut taxes; that's what he said before the budget. This is a party that left a \$5.5-billion deficit, and we're cleaning up that mess as well. The Leader of the Opposition wants to have it both ways. He wants to say that you can cut \$2.5 billion out of health care—that's what he wants to do—and he wants to say that you can increase spending on programs and services.

We have a clear plan. First, we're eliminating the health care deficit, and we're doing it in a planned and deliberate way. Secondly, we're eliminating the education deficit and the infrastructure deficit. Finally, according to plan, we will eliminate the fiscal deficit, working with our partners, municipalities—

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

#### HEALTH PREMIUMS

**Mr. John Tory (Leader of the Opposition):** My question is to the Premier. It seems it's actually the ministers going one by one, but never mind. That's another subject.

Could you explain why our men and women in the armed forces, who do not use Ontario's health care system, are forced by you to pay the McGuinty health tax? Do you approve of this policy?

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

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** As we've said from the beginning, this is a tax that applies to every citizen of the province equally. It is being used to invest in health care services that serve all the people of this province. All that money is being used to improve our hospitals, add family health teams and provide for more doctors and nurses right across the province. It's money that's being well spent.

**Interjection:** Community health centres.

**Hon. Mr. Duncan:** And community health centres. It is money that is being wisely used to invest in our health care system, not just for today, but into the future. All Ontarians, whether they are in the armed services now or in the future, contribute to that and they also benefit over their life from the services we make available and the improvements we have made to health care in this province.

1430

**Mr. Tory:** Obviously, the minister does feel it's appropriate that we should charge the men and women in the armed forces, who are over there serving all of us and placing themselves in harm's way every day. Their health care is covered by the federal government. You think it's appropriate that, in addition to that, they should pay the McGuinty health tax. They should be treated, as you put it, the same way as all other people in Ontario, notwithstanding the fact that their health care is provided by somebody else.

I just want you to confirm again that you don't think there's anything wrong with this, that there is no inequity here and that it's perfectly fair that these men and women, getting the health care in the circumstances they do, should be charged the health tax just like everybody else. That's your policy. Please confirm that.

**Hon. Mr. Duncan:** I'm sure the Leader of the Opposition is not advocating that they shouldn't pay Ontario income tax either.

What we are saying is that all people in this province benefit from our health care system over the long term. Unlike the Leader of the Opposition—

**Interjection:** What would he cut? What's he going to cut?

**Hon. Mr. Duncan:** That's the question: What would he cut with that \$2.5 billion?

This tax is applied fairly and evenly across all individuals in Ontario. It's invested in services, including, the Minister of Health tells me, a family health team at the Petawawa base. I imagine the Leader of the Opposition would cut that.

It's important that all of us invest in our health care. Our health care system is improving day by day because of the investments of this government, and we're going to continue to make those investments to ensure that the members of our armed services and their families have access to high-quality health care everywhere throughout Ontario.

**Mr. Tory:** The fact of the matter is, what we're hearing here is a lot of rhetoric, because you can't defend the position you've taken. It starts from the fact that the health tax itself was, of course, brought in in direct violation of a promise made by the Premier of this province—then the leader of the Liberal Party—not to raise taxes at all. But worse than that, now that you've brought it in in direct violation of your own promise, you have a situation where you are making these men and women in the armed forces, who are serving us and who have their health care funded and looked after by the federal government—and you know it—you are making them pay a tax that is being paid, yes, by every other person in the province, but those people don't have their health care looked after by the federal government.

You have a chance right now to stand in your place and say this is wrong and that you're not going to treat these people, who are serving us, in this fashion. Why don't you get up and treat them properly, in the manner they deserve, and say you're going to stop charging them the McGuinty health tax?

**Hon. Mr. Duncan:** Like all Ontarians, they pay the health premium. Their parents, their children, their grandparents benefit from the system. This is about a system of health care that serves all Ontarians. It's about a system that we will not cut \$2.5 billion out of, the way you will, Mr. Tory. It is about a system that saw billions of dollars in cuts by the previous government, cuts that have affected everyone, including the families of the men and women who serve in our armed services.

We will invest in health care to ensure that when those young men and women return to Canada, they have a quality health care system that is second to none, that they too can benefit from, the way their grandparents and parents benefit, because I know and believe that they see that as being a priority—

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

#### DUFFERIN-PEEL CATHOLIC DISTRICT SCHOOL BOARD

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Minister of Education. Allow me to congratulate the new Minister of Education on her appointment. I wish her better luck in this portfolio than she had in her last portfolio.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. Order. Order.

The leader of the third party.

**Mr. Hampton:** Your government, the McGuinty government, has asked the Dufferin-Peel Catholic District School Board to make significant cuts to educational programs for students. My question, Minister, is this: Will the McGuinty government be taking over this school board if the trustees refuse to make these cuts?

**Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues):** Let me say—

*Applause.*

**Hon. Ms. Pupatello:** I can't believe you're clapping; I'm enjoying that while it lasts.

First of all, let me say a very special congratulations to my colleague Gerard Kennedy. I am really gratified to be able to step in after the kind of tone he has set in education. A very good example of that is this very board that the leader of the third party is asking about today. I think he has set us on exactly the right track. I have a wealth of experience with this individual named Bill McLean who was sent into that board, an individual whom I happen to have known for many years. I am looking forward to having a look at the report that he has developed, and we're giving that board time as well to look at the report that Bill McLean developed. We're going to be speaking very soon.

**Mr. Hampton:** Minister, your report from Bill McLean calls on the school board to increase class sizes, fire vice-principals, scrap adult education and cut over \$2 million from the reading recovery program for young children who are having difficulty learning to read. The trustees don't want to do this; they want to put children first. My question again: If the trustees refuse to implement these kinds of damaging cuts, is the McGuinty government going to take over the school board?

**Hon. Ms. Pupatello:** I hope this board will take from my comments today the kind of tone that I think the previous Minister of Education managed to extend to all boards in Ontario. We anticipate working with our partners to develop what is our priority as a government, and that is better education for kids. What that means in the end is, we are going to have smaller class sizes, and we are well on the way. We will have a lower dropout rate, and we are well on the way.

This board in particular has seen a tremendous increase in funding for the first time, unlike when you were the government; you did a wholesale, across-the-board cut to all transfer payment partners. We are not operating that way. We are significantly increasing funding to school boards. For that additional funding, we are looking for things in return. We're going to get those things because we will work with those partners. We are prepared to work with this board. I look forward to our very first meeting.

**Mr. Hampton:** Minister, you may call it working with boards, but cutting \$1 million out of adult education, cutting \$2 million by deferring maintenance on school buildings, cutting \$2.6 million from school cleaning, cutting \$2 million from the reading recovery program, which is for those kids who are having difficulty learning to read—that doesn't sound to me like working with the school board; that sounds like draconian cuts.

Minister, in your last portfolio you were either unwilling or unable to do away with the clawback of money from the poorest kids in the province. What are you

going to do to avoid these kinds of damaging cuts to these children, their schools and their futures?

**1440**

**Hon. Ms. Pupatello:** I think we need to set some of the information straight. This particular school board, the Dufferin-Peel Catholic board, has received a 19% increase in funding since we became the government. That school board has seen a 3% increase in enrolment. It has not been an issue of money. I look forward to working with this board so that we can collectively determine what will be in the best interests of these students.

We have set the bar very high across Ontario. My colleague before me and every member of this caucus—we will be relentless. We will have great education, and we will work with our partners in the education sector to make it happen, and that includes working with this board. I look forward to my very first meeting with this board. We will find a way to make it work, because nothing is more important than those students and the services they will have available to them in that school.

**The Speaker:** New question.

**Mr. Hampton:** Minister, do you know what? That sounds like the kind of answer we used to get from Conservative Ministers of Education. They used to talk about working with the board, and then they would read off the list of cuts. Here is the list of cuts again: adult education, \$1 million; deferring maintenance on school buildings, \$2 million; cutting vice-principals out of the schools, \$2 million; cutting cleaning out of the schools, \$2.6 million; and finally, cutting the reading recovery program for kids who are having difficulty learning to read, \$2 million.

Tell me, do these cuts have anything to do with improving education? Do they have anything to do with improving the opportunities for these kids? It doesn't seem to me to be so. How could these cuts possibly lead to better opportunities—

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

**Hon. Ms. Pupatello:** I just want to remind this member what many of us in the House know: Education in Ontario today is a very different kettle of fish than it was when we began this government two and a half years ago. I will use my own hometown as an example: We are building schools finally. We are increasing the number of teachers across Ontario to historic record levels, so that we can provide smaller class sizes from JK to grade 3, and we are delivering on what we said we would do.

This is a very different education system today. You walk into a classroom today and there is hope, peace and stability, and parents understanding that they will have classes every day. There is a four-year contract across the board in an affordable manner for parents to understand that we are serious about education. Please don't for a moment try to compare that to where we were even four years ago. There is a feeling of hope and there is encouragement—

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

**Mr. Hampton:** Minister, five other boards are in a situation similar to this board: the Toronto Catholic

board, the Upper Canada public board, Brockville and Cornwall, the Wellington Catholic board, the Bluewater public board and the Algonquin and Lakeshore Catholic school board, and I can tell you that we've been contacted by many other boards of education.

I want to ask you again: It seems to me that keeping our schools clean and safe is important. How does cutting \$2.6 million out of school cleaning and \$2 million out of school maintenance make our schools clean and safe for these children?

**Hon. Ms. Pupatello:** I think we need to be clear in particular about the board you want to chat about; that is, the Dufferin-Peel Catholic board. There's a 3% increase in enrolment of students; there has been a 19% increase in funding. That causes us to want to ask some questions, which we have done through this individual, Bill McLean from the Niagara area, who is very well respected. I have watched his work for many years.

He has tabled a report. He has asked some questions, and he has been delivered some answers. I think it's fair now that the board look at the report and that I get an opportunity to look at the report. I hope, in the three or four hours I've been the minister, that I will be doing that very soon. I expect to be able to sit with the board and arrive at how we are going to resolve this problem. We have a 3% increase in enrolment and a 19% increase in funding. I think it's fair that we ask some questions. But I will tell you, we will work for the students in Dufferin-Peel. That I guarantee you.

**Mr. Hampton:** Before the election, Dalton McGuinty promised adequate education funding. He also promised a standing committee of the Legislature to review education funding every year and make sure it was adequate. So far, your government has broken both of those promises. So instead of firing custodians and cleaners, instead of firing vice-principals, instead of cutting the reading recovery program and the adult education program in the school system, how about keeping your promise and establishing a standing committee of the Legislature to ensure that education funding is adequate so you don't have to make these kinds of cuts? How about keeping that promise, Minister?

**Hon. Ms. Pupatello:** I am marvelling at what you are saying in the House today, because it is on record. Our finance minister tabled another budget. All of the budgetary documents from the last two years are tabled in this House, and if you read the lines, it will tell you that we have had a 20% increase in per capita funding in education. That is our record as a government. And it isn't just about the money; it's making sure that that money comes back to us in the form of quality. That means we want smaller class sizes, lower dropout rates and enhanced test scores. And guess what? In two and a half years, we are starting to see those results.

I believe that our Premier is the education Premier, and the former Minister of Education has done significant heavy lifting to make this happen. This Dufferin-Peel Catholic board has received 100 million new dollars since we became the government. I look forward to

working with this board. We are going to make it happen together, I guarantee—

**The Speaker:** Thank you. New question.

#### POST-SECONDARY EDUCATION

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** My question is for the Premier. I was pleased to have been involved early in helping to bring a school of pharmacy and a satellite medical school to our community of Kitchener–Waterloo, but I did share the surprise of residents, who learned that they would be paying \$30 million through their property taxes to pay for the construction of the provincial pharmacy school, with no contribution from the province. And they are now being asked to pay \$19 million of the satellite medical school, with the province only contributing about one quarter of the cost. My question, Premier: Has the provincial government changed its funding policy for the construction of post-secondary buildings, and are you now requiring that municipalities pay the lion's share of what is clearly a defined provincial responsibility?

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

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** Thank you for the question. I think all the people in Kitchener–Waterloo owe the member from Kitchener Centre, John Milloy, a great deal of thanks for the work he did. This government committed to increase medical spaces by 15%; we're increasing them by 23%. Jurisdictions from throughout Ontario wanted to be home to those spaces, and who's getting some spaces? Kitchener–Waterloo. For the first time in the history of this province, Kitchener–Waterloo will be home to medical school doctor education. I think that's a fabulous message for the people of Kitchener–Waterloo.

Did we tell everybody at the beginning exactly what capital funding was attached to them? We certainly did, and I'm happy to speak to it in the supplementary.

**Mrs. Witmer:** I would ask the minister, who obviously has no response and has just gone to ask the Minister of Health what he should say, to clarify your policy on this issue of downloading your provincial responsibilities to the hard-pressed municipal taxpayers in the region of Waterloo. They simply want to know if the provincial policy has changed in regard to what is clearly a defined provincial responsibility. Are you now expecting them to pay all or three quarters of the cost, and will future medical schools that are also satellites be asked to do the same?

1450

**Hon. Mr. Bentley:** In fact, the process was simple. We made the budget announcement. We asked who was interested. Jurisdictions throughout the province wanted the spaces. Every space came with an operating allotment and a capital allotment. Everybody knew, in advance, exactly what the province could do in terms of capital,

including the partners in Kitchener–Waterloo. What decisions are made locally may vary from jurisdiction to jurisdiction. This province was clear and transparent. I can tell you, those spaces are in demand everywhere. We could have allotted all the spaces to just one jurisdiction because they wanted them all. The people of Kitchener–Waterloo made it clear: They wanted to be the home of medical education. They know what a great economic benefit it is. They know that doctors stay where they're trained. They knew that, for the first time in history, they had a unique opportunity. Thanks to John Milloy, they're going to have that opportunity, as long as the member—

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

*Interjections.*

**The Speaker:** Stop the clock. I can wait. We have members who wish to ask questions. Order. New question.

#### DOMESTIC VIOLENCE

**Ms. Andrea Horwath (Hamilton East):** My question is for the minister of women's issues. Last Sunday, Francine Mailly of Ottawa and her three children were murdered by her estranged husband. Francine first complained to the Ottawa police in 2002, and as recently as February police were aware of the danger that Francine's husband posed. Following the Hadley inquest, whose recommendations you've never yet implemented, the former government set up the Domestic Violence Death Review Committee. In 2004, the committee reported on the need for better training of front-line workers, specifically for police and child welfare workers. Two years later, funding is still inadequate and a fraction of what you promised. Minister, how many more women must lose their lives before your government takes the necessary measures to fight and prevent violence against women?

**Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues):** I very much appreciate this question. To the people in Ottawa who have had to deal with this tragedy, our government, every member of this House, extends our deepest sympathy, because this is a tragedy, and we need to stop this from happening.

What I am most proud of in our domestic violence action plan, the one area of the four pillars of this plan that will have the most immediate impact on all of us, is in fact the training section. The almost \$5 million we are putting into training is significant and it is the first time in the history of the Ontario government that it is being done by us. We are developing excellence that we know exists in the field, bringing it together and setting a provincial standard for this training of front-line for those who deal with domestic abuse. This is significant. So far, we have launched two panels. I am happy to give more detail in the supplementary.

**Ms. Horwath:** Minister, the bottom line is that there is no shortage of reports, recommendations and ideas that need to be implemented, but the reality is that you're

simply not flowing the funding. You promised \$68 million; you've only flowed \$26 million. In 2004, your own death review committee provided many concrete recommendations that could save women's lives. Now it's 2006. From Brantford to Ottawa, still, more women and children have been murdered. How many more communities across Ontario, from Brantford to Ottawa, are going to have these devastations occur? How many more women and children are going to suffer at the hands of their abusers before you start taking some of these recommendations more seriously and implement them?

**Hon. Ms. Pupatello:** I am always happy to set the record straight, because the information this member is advancing is simply inaccurate. Let me be clear: The death review committee, which this government is continuing the funding of, became the basis for a significant part of the domestic violence action plan. If this member were truly interested, as opposed to just waiting to ask when there is a tragedy, would actually take the time to research what our government is doing in this area—line up the reports and all the recommendations from the death review committee, and you will see it reflected almost in its entirety in our domestic violence action plan. That is important, because we have to stop these deaths.

The most significant way that we will make change the soonest is in the area of training. We have launched our training panels. We have one here, one block away, affiliated with Sunnybrook and Women's College Hospital for front-line workers in health care. We have two additional—

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

#### AGRICULTURE FUNDING

**Mr. Dave Levac (Brant):** My question is for the Minister of Agriculture. For quite some time now, I've been hearing from some of the farmers in my riding about many issues, but more importantly CAIS, the Canadian agricultural income stabilization program. They're saying that it's not working for them.

I understand that during the last federal-provincial-territorial ministers meeting—that's all of the agricultural and farmer representatives—the federal government and the provinces agreed that CAIS programs need to be changed. Yet, yesterday, or actually today during a press conference, it appears that Minister Strahl of the federal government was urging farmers to help him convince the provinces that the program needs to be eliminated.

Minister, a challenge to you: Can you explain our government's position on CAIS and how long it has been going on?

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** I'm very happy to have the opportunity to address what I think is a very important issue. I think it's most unfortunate—more than unfortunate—that the federal minister has decided to play politics with this issue that is so very important in the agriculture industry.

I just want to read for the members what Minister Strahl said two weeks ago. He was part of this statement where ministers are also determined “to move forward on transforming CAIS.” Today he says he wants to scrap it. I am here today very confident in our position. We are committed to working toward programs that work for farmers. That has been our commitment for weeks and months. We want to sit down with the federal government.

This is a diversionary tactic. We need money. We have it on the table, and we want the feds to bring their money to the table now too.

**Mr. Levac:** Minister, I'm glad that you quoted from his very own press release the words he used some time ago, and I know you have been pushing for several months the multi-year strategy to help our farmers, which they have been asking for.

I'm also aware that you have been asking our farmers to support you in your efforts to push the federal government to come to the table as partners, as Chuck Strahl said in his previous press release. During the federal minister's press conference this morning, Minister Strahl said that he needs the provinces onside to make good on the throne speeches to create separate and more effective farming income stabilization and disaster relief programs.

Minister, I know that our farmers have already been in, talking with you, and you have called them in to meet with you as well. I also know that our province has come forward with a \$125-million assistance package before the agreement to help them out immediately. Why is Minister Strahl attempting to divert attention away from his responsibilities at the federal level and putting it back on the backs of the provinces, when we've already stepped to the plate?

**Hon. Mrs. Dombrowsky:** I'm very happy to read from the letter that I wrote to Minister Strahl on March 27, just last week, where I made it very clear that the province of Ontario is committed to working with the federal government and our counterparts on a new agricultural framework that will support the agriculture industry. This is an industry that's stressed, and Ontario is willing to move forward with a strategy to support them.

I have written to the minister. I've made it very clear that Ontario is prepared to roll up its sleeves. We're at the table; we have money there. It's time for them to come to the table with money for an agreement that's going to support farmers in Ontario the way they deserve to be supported. This tactic to divert attention and say, “Go back to the province”—we are there; we are at the table, and we want Minister Strahl to come. I'm going to be meeting with him on Monday. This is the point I will make to him again when I see him on Monday.

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#### WASTE DISPOSAL

**Mr. Norman W. Sterling (Lanark-Carleton):** My question is to the Minister of the Environment, about

solid waste disposal. In your platform, you said, "We will divert 60% of waste from landfills within five years." One of the first acts of your government was to close down a landfill site which had been through the environmental process, the Adams mine site. Our province is facing a looming garbage crisis. What steps will you take to dispose of waste from the greater Toronto area when the US border closes?

**Hon. Laurel C. Broten (Minister of the Environment):** I'm pleased to have a chance once again to speak to the issue. It has been a long time that I have spoken on behalf of our government, indicating that it is not acceptable that waste from this province travels across the border. We are working closely with municipalities that currently do ship their waste to Michigan to develop the tools that they need. Each and every day, municipalities come forward with very good diversion plans. That is key. We need to reduce the residual waste that we have in this province. I have been working with those municipalities, and I very much look forward to having a chance to talk about the good communities across this province that are increasing waste diversion, developing wonderful facilities like the Peel integrated waste facility that I recently had an opportunity to work with. The community of York-Durham has a very good plant. Communities right across this province will meet that challenge, and we look forward to being their partner in that battle.

**Mr. Sterling:** But you made the promise that you were going to reduce the waste by 60%, and you're not going to do that. You're going to break that promise, like many other promises.

Waste Management corporation is about to apply for the right to triple the size of their landfill site at Carp Road, in the west part of the city of Ottawa. Waste Management and the city of Ottawa say that the existing and expanded landfill site does not and will not take garbage from the greater Toronto area. The thousands of people who live within smelling distance of this site don't believe the city or the Waste Management corporation. Crisis or no crisis, will you guarantee that you will not alter the present permit or give a future permit to allow this to happen: GTA garbage to come to the landfill site at Carp—

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. Ms. Broten:** It is very rich to be asked this question by a member who was part of a government whose plan was to dump waste in a lake.

Since we have taken office, in October 2003, the Ministry of the Environment has approved the environmental assessment for the expansion of Ottawa's Trail landfill, which was a very good environmental assessment. Perhaps you were asleep when that landfill was expanded. The terms of reference for EAs of seven other landfills in this province, including Niagara-Hamilton, Sault Ste. Marie and Algonquin Highlands, have all been approved. Certificates of approval for five waste transfer facilities, including one in Toronto, have also been approved.

With respect to the Carp Road landfill, that EA has been acknowledged by the Waste Management corporation. They have requested that the minister enter into an agreement to make the EA apply to the proposed expansion of the Carp Road landfill. That is good news for the residents of your community. We will have a full examination of the issues associated with landfill—

**The Speaker:** Thank you. New question.

#### ONTARIO HUMAN RIGHTS COMMISSION

**Mr. Peter Kormos (Niagara Centre):** A question to the Attorney General: Today, here in the Legislature, we have the former chief commissioner of the BC Human Rights Commission, Mary-Woo Sims. She's here in Toronto today, at Queen's Park, because she, like so many others, is so greatly concerned about the proposed changes to the Ontario Human Rights Commission. You see, similar changes took place in BC, and the results have been disastrous, incredibly negative consequences for people who had real need for human rights protection. Attorney General, will you retreat from these proposals and work with the groups that rely upon your commission to produce reforms that work for everyone, and not just a few?

**Hon. Michael Bryant (Attorney General):** I welcome our guests from Ontario and from out west to the Legislature.

I want to assure everybody of the good news, that in fact for the first time in a very long time, a provincial government in Ontario is going to be making changes to our human rights system that are going to improve access to our human rights system and improve the ability of the human rights commission to do its job, not only of bringing those who don't observe the human rights code before the human rights tribunal, which is a power they would retain, but also of promoting human rights. That's why people like Mary O'Donoghue, Chair of the human rights section of the Ontario Bar Association, has said that the changes proposed are timely and well-designed to solve current system problems.

Ontario will reap long-term benefits from these changes. That's why Cynthia Wilkey of the Income Security Advocacy Centre said that this initiative marks the first time in almost two decades that a government has stepped up to address the long-standing dysfunctional plague of our Ontario Human Rights Commission.

**Mr. Kormos:** It's real nice to hear that the lawyers are onside. The problem is that the victims of discrimination aren't onside. You are slashing and burning, and you're going to dismantle the commission with your direct-access proposal.

Since your announcement six weeks ago, group after group, individual after individual who works out there on the front lines, on the street, on the ground with victims of discrimination and racism, amongst other things, has been condemning your proposal. Why won't you back off, sit down with these folks, consult in a way that you



haven't consulted, and develop reforms that are going to work for everyone, not just your lawyer friends?

**Hon. Mr. Bryant:** I want to assure all members of this House that the last thing this government is going to do is follow the model that was set by the NDP government. What the NDP government did, firstly, was to say they wanted to reform it. They had an entire commission put in place, and Mary Cornish put forward a number of recommendations, which this government is finally going to implement.

But what we're not going to do is what that government did during the last three budgets when they had carriage of the human rights commission. In the third-last budget, they cut it by \$1.5 million; in the second-last budget, they cut it by another \$800,000; and then in the last budget Laughren got his hooks in one more time and cut it again—more than \$3 million in cuts. We won't take any advice from that party when it comes—

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

#### NORTHERN ONTARIO

**Mr. David Oraziotti (Sault Ste. Marie):** My question is for the Minister of Northern Development and Mines. As you know, the recent provincial budget is providing more resources than ever for northern Ontario communities to meet the challenges we face. My riding of Sault Ste. Marie was starved of new high-paying jobs and new opportunities to grow and prosper under the past two governments. The Conservative government's dismal election results in northern Ontario are a clear indication of how northerners feel about the poor job they did in our region. When the NDP had the chance to help our region, they took \$60 million from the northern Ontario heritage fund and put it into general revenue.

One of our greatest tools for creating jobs in the north is the northern Ontario heritage fund. In Sault Ste. Marie, thanks to the support of our Premier and the Minister of Northern Development and Mines, the NOHFC has provided \$3 million for the new wind tower, \$2 million for Flakeboard expansion, \$3 million for the Sutherland Group and, most recently, \$15 million toward the—

**The Speaker (Hon. Michael A. Brown):** I'm sure there's a question. The Minister of Northern Development and Mines.

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** That is a very, very good question from a very, very good member.

I am pleased to say that again this year our government will be contributing \$60 million to the northern Ontario heritage fund. So far, our government has approved over \$126 million from the northern Ontario heritage fund toward 532 projects that have resulted in the creation of 4,768 new jobs in northern Ontario, something we should all be very, very proud of.

In fact, just last week, as the member was saying, I was in Sault Ste. Marie to join him as he made a \$15-million announcement in a new tourism attraction in

Sault Ste. Marie. This project will ensure that there are new synergies created in the industry, that there is co-operation with the northern United States and that there will be new job opportunities created in Sault Ste. Marie, thanks to the member for Sault Ste. Marie.

**1510**

**Mr. Oraziotti:** The city of Sault Ste. Marie enthusiastically welcomes the waterfront development, known as the Gateway project, and here's what the Sault Star had to say about the project:

"The \$54-million development, supported by a record \$15-million provincial grant, should be a major drawing card to Algoma and northern Ontario...."

"When it is completed, Borealis expects to attract 200,000 visitors every year.

"Borealis is an idea whose time has come, finally."

Minister, as you mentioned, this new attraction will be a huge tourism draw for northern Ontario. There's a concern, however, that the project will be completed the same year that the US Western Hemisphere Travel Initiative is set to be implemented. Despite the fact that many visitors who will enjoy this new attraction will be travelling from within Canada, many other potential tourists from the United States would face having to possess a passport to get back into their own country. It seems our own federal government is not being as helpful as it might be to keep our borders open. What is our government doing to alert Ottawa as to the implications of acquiescing to the US passport proposal?

**Hon. Mr. Bartolucci:** To the Minister of Tourism.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** To all members who live along the United States-Canadian border, this is a very important question. Indeed, according to the Canadian Tourism Commission, it could cost us 7.7 million US visitors between 2005 and 2008, \$1.8 billion and as many as 7,000 jobs in Ontario. So I am directing a letter to the Prime Minister of Canada asking him to reconsider the position that he announced after his meeting with the President of the United States.

The good news is that there are people on both sides of the border—elected representatives I suspect, of all political stripes and business people from both sides of the border whom I've spoken to and others have spoken to—and we're going to try to convince the Prime Minister that indeed he should change his position on this particular issue and stand up for Canada.

#### BEAR HUNTING

**Mr. Norm Miller (Parry Sound-Muskoka):** I have a simple question for the Minister of Natural Resources: Are you in favour of reinstating the spring bear hunt?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** No.

**Mr. Miller:** Minister, in the 2003 campaign, you provided an interview to the Northern Daily News in Kirkland Lake on Monday, September 29, 2003. You were asked the same question, "Are you in favour of

reinstating the spring bear hunt?" and you gave a very different answer to the question. Your response was, and I have it here in writing, "Yes. The decision to cancel the spring bear hunt was arbitrary, whimsical and entirely political. It was done without consultation with the industry and without sound scientific data.... Since the cancellation, we have seen an increase in nuisance bear complaints in the north and now we are being told that the study of nuisance bears won't be made public until after this election."

This is also now a public safety issue. Minister, you made a campaign promise. Was this just another of the many broken promises made by your party to get elected?

**Hon. Mr. Ramsay:** This must be a sheep in bear's clothing, I think, who is asking me this question today, and it's interesting. I think the member should note that as the bears begin to wake up now, as the winter is over, so do the bear hunt questions that come in the spring. It's an annual thing with the opposition.

It is kind of rich that this question comes from the party that decided to cancel that spring bear hunt. As the member knows, and as I've learned more about this, the simple fact is that the people of Ontario do not accept hunting down a mammal when the mammal is rearing its young. It's as simple as that. As we all get more informed about that, we understand that hunting is a great cultural and sport activity, but people don't like hunting down a mammal when it's rearing its young. That's why we have seasons for it. We harvest just about as many bears now in our extended fall hunt as we would do in the spring.

#### GASOLINE PRICES

**Mr. Gilles Bisson (Timmins–James Bay):** That was interesting.

My question is to the Premier. Many of your caucus members in opposition introduced various bills in this House to deal with rising gas prices at that time in the province of Ontario. I've reintroduced a bill again today, one of the bills that was introduced, I believe, by Mr. Bartolucci that would freeze the price of gas at today's rate. It would allow it to go down, but it would freeze the price so that it wouldn't go up for at least 90 days, to give your government the power you need to look into why prices are going up and to do something about it. Are you prepared to allow this bill to pass speedily today, so that we can at least make sure the price of gas doesn't go up any higher than it is now?

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

**Hon. Donna H. Cansfield (Minister of Energy):** Thank you very much for the question. It's quite understandable that people are concerned, because the gasoline prices are rising.

When I looked into the issue, I discovered that at one time there were actually 40 refineries in Canada, and we're down to 17. The other issue that we've got is that we import about 30% of our gasoline from Quebec. So

we end up in a very tight supply-and-demand issue. There's no question that we have to make some very significant changes as we move forward to deal with this issue.

There are challenges also within the supply. There's no question we've got challenges with dealing with supply just in the US. They have increased by 1.3% over the 5.4 billion barrels that they use daily. It's a huge issue that we all need to get behind and deal with in a constructive way. Certainly—

**The Speaker (Hon. Michael A. Brown):** Thank you. There may be a supplementary.

**Mr. Bisson:** Premier, you had a lot to say in opposition, along with all of your backbenchers at the time, on solutions to deal with this issue. Now you've been the government for three years. You had an opportunity to pass these bills when you became the government. None of your members decided to put them forward. So I decided to help; I reintroduced them. Then you killed them when the House was prorogued. Now I'm reintroducing.

The price is going up. You have an opportunity to do something. Your members had some good ideas. They said, "Freeze the price of gas for 90 days. Don't allow it to go any higher than it is now so that we can, as a government"—at that time you being the Liberals—"do something about it." Well, you've got the limo. You're in the driver's seat. Are you going to do anything about it, or was this just more rhetoric from you in opposition?

*Interjection.*

**Hon. Mrs. Cansfield:** I think my colleague in environment said, "Isn't it rich?" I guess it must be a rich day today, from the comments coming from across the floor, because in their time they actually increased the taxes by 30%.

I would like to think that as we deal with this there are some actual things that folks can do to make a difference. For example, in the city of Toronto you no longer can idle beyond three minutes. Even the weight that you carry in your car can have an impact upon the amount of gasoline that you use—I mean, the start-up. There are so many things that you could do. You would think that the member would be very interested in helping to look at how you can conserve, as opposed to how you can exploit, your use of gasoline.

**Mr. Bisson:** On a point of order, Mr. Speaker: I do believe she's reading the Tory briefing book.

#### COMMUNITIES IN ACTION FUND

**Ms. Monique M. Smith (Nipissing):** My question is for the Minister of Health Promotion. This winter, I had the privilege of announcing funding through the communities in action fund of \$9,500 to the Laurentian Ski Hill Snowboard Club to run their Experience Our Hill program. Our funding allows the club to provide 200 North Bay youth from low-income families with an opportunity to try skiing or snowboarding as a healthy and fun physical activity. Last winter, I had the oppor-

tunity to attend the North Bay Nordic Ski Club, as it received communities in action fund grants of \$10,000 to increase physical activity and sports participation rates in North Bay by assisting in the purchase of cross-country ski equipment to make it easier for teachers to take their grade 5 and 6 classes out to the North Bay Nordic Ski Club. With the purchase of 50 new sets of rentals, the Nordic club can now accommodate an entire class at the same time, and is contributing to the fitness of our youth as well as the long-term sustainability of the club.

Minister, can you tell me how the communities in action fund grants are helping the youth and adults in the north?

**Hon. Jim Watson (Minister of Health Promotion):** I want to thank the member for Nipissing very much. As members of the House know, the communities in action fund was created a couple of years ago under our government by my predecessor, Mr. Bradley, to increase levels of physical activity within Ontario. The fund helps to remove barriers, particularly from children, youth and low-income families. Under Premier McGuinty, the north is no longer relegated to second-class status. It is given a priority and, in fact, the ratio of funds in the north per capita is 10 times greater than in any other part of the province. In the northern region, 44 of the 145 CIAF grants for 2005-06 were awarded, including one to North Bay. I congratulate the honourable member. The North Bay Canoe Club introduced 565 children to war canoeing. It's a great program to get young people physically active in our province.

1520

**Ms. Smith:** Minister, I know that my community is certainly benefiting from the CIAF program.

Another example of the great work we're doing locally has been undertaken by NADY and has contributed, through the YMCA, to the total wellness for disabled youth and adults project. We have contributed \$22,500 through a grant that has allowed the project to engage disabled adults and youth in active living through fitness and aquatic activities. The project reduces the inequities and barriers to participation and has helped the Y in its recent purchase of fitness and conditioning equipment specially modified to serve the needs of people with disabilities.

Minister, I'm sure there are community leaders across the province with great ideas for programs designed to increase physical activity right now. Will the CIAF program be continuing into a third year?

**Hon. Mr. Watson:** I'm very pleased to announce that the McGuinty government is committing another \$5 million to the CIAF program in this fiscal year. We are expanding the program to include colleges and universities, conservation authorities and municipalities who partner with not-for-profit organizations. In over two years, more than 300 organizations have benefited.

I have to say, two days ago, the honourable member for Lanark-Carleton called the program "useless," "a charade," and said, "Grants are handed out on a very partisan basis." Maybe the member from Lanark-

Carleton could explain to the Lanark County Therapeutic Riding Program why their grant was useless or why the Lanark Health and Community Services for low-income families grant was useless. When the member for Lanark-Carleton talks about "useless," he certainly knows what he talks about, because his riding received \$114,000.

This is not a partisan project; it's an opportunity for young people—

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

## BORDER SECURITY

**Mr. Ted Arnott (Waterloo-Wellington):** My question is for the Premier. The Premier is aware that a new American law requiring a passport or secure pass card for cross-border travel to the US is, to quote him from today's Globe and Mail, "not a good thing" for tourism. Does the Premier think it's a good thing for his members to engage in gratuitous attacks on the Prime Minister of Canada which mischaracterize his position when he's been the one who's been representing all of Canada to seek a solution to this problem?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** This is a serious issue; so serious, in fact, that we will be very serious in our approach to this. We think the Prime Minister is sadly mistaken with respect to the approach that he's taking. We think this has the potential to cost us thousands of jobs and hundreds of millions of dollars.

I can tell the member opposite that I've had the privilege, in my capacity as Premier, to speak with some of my counterparts south of the border recently—including Governor Jennifer Granholm—at a meeting of the Great Lakes state governors in which I participated. I raised this issue as well. I can tell you that those governors on that side of the border are also very concerned about this issue. They understand that on their side of the border, it means jobs and dollars as well.

It is important that we aggressively approach the federal government in this regard and shake them, figuratively speaking, so that they better understand the economic consequences and the job consequences to this province. For that, we will never apologize.

**Mr. Arnott:** Does the Premier seriously believe that the Prime Minister of Canada didn't push the issue as hard as he could with the President of the United States last week?

We would all hope that a solution can be found before the end of the year to ensure that our tourism industry isn't harmed by this new US law. I've called upon the provincial government to try to help in this regard. However, if we're not successful and the US government will not grant Canada an exemption, what then? What is the government's contingency plan? Why did the government ignore the tourism industry's request for marketing dollars through the Ontario Tourism Marketing Partnership Corp. in the most recent provincial budget?

**Hon. Mr. McGuinty:** I know the member opposite understands that the principal responsibility for addressing these international issues lies with the federal government. Our job is to make sure that we are being clear, that we are being unequivocal, in expressing to the federal government the potential consequences of this new US policy.

What we will continue to do is work as actively as we can—together with our tourism authorities and those employed generally in the tourism industry in our province—with our counterparts on the other side of the border, and therein, I refer to my colleagues, the governors, and their economic interests as well, so that we can, together, make the federal administrations on both sides of the border better understand the potential devastating consequences of proceeding with that policy.

Maybe we have a different view on this side of the House, but as far as we're concerned, this is not over; this has just begun.

#### AIR QUALITY

**Ms. Andrea Horwath (Hamilton East):** This question is for the Minister of the Environment. Yesterday, you expressed grave concern about Hamilton's airshed, yet the McGuinty government has failed to reinstate the air quality monitoring station that the Mike Harris government got rid of several years ago. Given your stated concern yesterday for Hamilton's air quality, will you immediately commit to reinstating an MOE air quality monitoring station in the east end of Hamilton?

**Hon. Laurel C. Broten (Minister of the Environment):** I am pleased to talk about the efforts this government has made with respect to improving air quality in this province. We closed the Lakeview generating facility and we are going to be the first government in North America that is saying no and stopping burning coal. That is a significant issue to improving the airshed right across Ontario and for your community in Hamilton. I can also tell you that the community in Hamilton, as I indicated yesterday, is severely impacted by transboundary air pollution, and we are tackling that serious issue head on.

With respect to the issue you raised yesterday, I understand that my ministry was in contact with you yesterday afternoon and early today, and that you have received the information you required with ABP Recycling. I am very concerned with respect to that issue.

#### PETITIONS

##### LONG-TERM CARE

**Mr. Frank Klees (Oak Ridges):** I have petitions here, presented to the Legislative Assembly of Ontario, submitted to me by Extendicare, Speciality Care Bloomington Cove and Leisureworld. The petition reads as follows:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I submit these petitions. I will affix my signature and present it to page McKenzie to deliver to the desk.

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** I have a petition to the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned"—these are from Sandfield Place and Versa-Care in Cornwall—"who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I send this with Mark and affix my signature.

1530

**Mr. Jim Wilson (Simcoe-Grey):** I want to thank Jack Cronin, who's a family member at Bay Haven Nursing Home in Collingwood, for presenting these petitions to me.

"To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging

seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

Once again, I know the residents of Bay Haven are watching. I say hello and thank you, and I agree with your petition.

**Mr. Gilles Bisson (Timmins–James Bay):** I know that Zacharie Fogal, the page from Timmins, is going to be here in a minute, as soon as we have room in the aisles. I’ll introduce this petition. I have a petition that’s signed by many residents from the Extencare nursing homes, from the Schumacher nursing home in Timmins and also from the Kapuskasing Extencare nursing home. It’s signed by many people—Zach, I know you’re going to love delivering this—and it reads as follows:

“To the Legislative Assembly of Ontario:”—I do know how to read. Again, I need my long arms of the law, because the Speaker has gone with my glasses again.

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors”—boy, this is hard without glasses—“and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best”—which is true—“there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I’ve signed that, and I’m giving it to Zacharie Fogal to deliver on behalf of the constituents of Timmins–James Bay.

**Mr. John O’Toole (Durham):** It’s my pleasure to present a petition on behalf the Community Nursing Home in Port Perry, where Joy Husak, Heather Cooper and Karen Sansom—John Dodds is the president—and Liz Hobson and family council members Eric Timms, Mrs. Murdock, Mary Malloy and Perry Grandel presented me with a number of petitions, which many members have read and I will read as well.

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years ...”

I present this to Meghan to present to the table.

## BORDER SECURITY

**Mr. Jeff Leal (Peterborough):** I have a petition today. These were citizens from Ontario who had an opportunity to witness the summit of America just recently with Presidents Fox and Bush and Prime Minister Harper.

“Whereas the United States government, through the western hemisphere travel initiative, is proposing that American citizens require a passport or single-purpose travel card to travel back and forth across the Canadian border; and

“Whereas a passport or single-purpose travel card would be an added expense and the inconvenience of having to apply for and carry a new document would be a barrier to many visitors; and

“Whereas this will mean the loss of up to 3.5 million US visitors in Ontario, losses of \$700 million, and the loss of 7,000 jobs in the Ontario tourism industry by the end of 2008; and

“Whereas many of the northern border states in the United States have expressed similar concerns regarding the substantial economic impact of the implementation that’s planned; and

“Whereas the safe and efficient movement of people across the border is vital to the economies of both of our countries;

“Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to support the establishment of a bi-national group to consider alternatives to the proposed border requirements and inform Prime Minister Harper that his decision not to pursue this issue with the United States is ill-advised.”

I’ll affix my name to this petition.

#### LONG-TERM CARE

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** “To the Legislative Assembly of Ontario:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

This batch of petitions was presented by Bon-Air nursing residence.

#### COMMUNITY MEDIATION

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly. I’d like to recognize the efforts of Habib Ramzan and Naveed Khokhar in collecting the signatures on it. It reads as follows:

“Whereas many types of civil disputes may be resolved through community mediation delivered by trained mediators, who are volunteers who work with the parties in the dispute; and

“Whereas Inter-Cultural Neighbourhood Social Services established the Peel Community Mediation Service in 1999 with support from the government of Ontario through the Trillium Foundation, the Rotary Club of Mississauga West and the United Way of Peel, and has proven the viability and success of community mediation; and

“Whereas the city of Mississauga and the town of Caledon have endorsed the Peel Community Mediation Service, and law enforcement bodies refer many cases to

the Peel Community Mediation Service as an alternative to a court dispute; and

“Whereas court facilities and court time are both scarce and expensive, the cost of community mediation is very small and the extra expense incurred for lack of community mediation in Peel region would be much greater than the small annual cost of funding community mediation;

“Be it therefore resolved that the government of Ontario, through the Ministry of the Attorney General, support and fund the ongoing service delivery of the Peel Community Mediation Service through Inter-Cultural Neighbourhood Social Services.”

This is an excellent petition. I’m pleased to sign and support it, and to ask page Jenna to carry it for me.

#### LANDFILL

**Mr. Norman W. Sterling (Lanark–Carleton):** This is a petition regarding the Carp landfill site.

“Whereas there is currently a proposal to more than double the size of the Carp landfill in west Ottawa; and

“Whereas this site has been in operation for 30 years and had been expected to close in 2010; and

“Whereas the surrounding community has grown rapidly for the past 10 years and is continuing to grow; and

“Whereas other options to an expanded landfill have yet to be considered; and

“Whereas the municipal councillors representing this area, Eli El-Chantiry and Janet Stavinga, and the MPP, Norm Sterling, all oppose this expansion;

“We, the undersigned, support our local representatives and petition the Minister of the Environment not to approve the expansion of the Carp landfill and instead to find other waste management alternatives.”

I have signed it.

1540

#### COURT ORDERS

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** I have a petition to the Queen’s Park Legislative Assembly of Ontario.

“Whereas law enforcement is the constitutional responsibility of the provinces; and

“Whereas no police officer in Ontario has ever enforced any court order for access to a child; and

“Whereas no court in Ontario will enforce, or has ever enforced, any court order for access to a child; and

“Whereas court orders are the law of the land; and

“Whereas the province of Ontario enforces court orders for the support of children; and

“Whereas, unless court orders for access to children are enforced, parents will continue to be illegally not allowed to see their children; and

“Whereas lawyers in private practice refer non-custodial parents to the political arena;

“We, the undersigned residents of Ontario, petition the Legislative Assembly of Ontario to act immediately to ensure that court orders for access to children are respected and enforced by the province of Ontario.”

I affix my signature to this.

#### LONG-TERM CARE

**Mr. Ted Arnott (Waterloo–Wellington):** I have a petition to the Legislative Assembly of Ontario, and it reads as follows:

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

This is from the Caressant Care long-term-care home in Fergus. I support this petition as well.

#### ORDERS OF THE DAY

##### ACCESS TO JUSTICE ACT, 2006

##### LOI DE 2006

##### SUR L'ACCÈS À LA JUSTICE

Resuming the debate adjourned on February 14, 2006, on the motion for second reading of Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2006 / Projet de loi 14, Loi visant à promouvoir l'accès à la justice en modifiant ou abrogeant diverses lois et en édictant la Loi de 2006 sur la législation.

**The Acting Speaker (Mr. Michael Prue):** On the last occasion, Mr. Delaney, the member from Mississauga West, had finished his speech. It is now time for questions and comments.

**Mr. Gilles Bisson (Timmins–James Bay):** I remember quite well the comments made by the member in regard to his particular dissertation to this bill. I had a couple of questions with regard to the justice of the peace provisions of this bill, because I'm one who has always believed that it was a good thing, especially in smaller communities in rural and northern Ontario, to allow for part-time JPs. What we've seen is a shift to full-time JPs, but this bill really entrenches that. It's going to basically say that once all of the non-presiding judges—that means those who are part-time JPs—are gone, that's it. They're not going to be replaced. We'll only have full-time justices of the peace, and they're going to have to have a minimum amount of education and a minimum amount of experience to be able to practise as a JP.

I want to remind the member that JPs are not only used for court proceedings. I can understand why you want some of them to be full-time in order to deal with

the actual court proceedings, but as we all know, in rural and northern Ontario, JPs do some of the basic work that needs to be done for police officers and others in small communities where there is no access to a justice of the peace. For example, in a community like Moosonee, where you need to have an order signed by a JP in order to do a number of things in order for the police to carry out their work, there are no part-time JPs. They're having to do things like tele-warrants, which really don't work very well for that particular community because of the nature of the work that they do and the place where they find themselves.

So I want to ask the member what he feels is positive about only having full-time JPs. It seems to me you want to have a mix. Yes, you want to have full-time JPs who are properly qualified in order to hear cases as they're brought before the court, but certainly there is a role to play, I think, for part-time JPs to do some of the other work that needs to be done, such as marrying people or helping police with court orders and other things. So I would like to hear his comments on those.

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** I'm pleased to have a few minutes this afternoon to speak on Bill 14, the Access to Justice Act. Certainly, it's a bill that will see the modernizing of some of the aspects of our justice system. There's been a long cry in Ontario that there are areas of the justice system that need some tuning. It's also improving people's access to the justice system. We'll certainly see that through such activities as the regulation of paralegals—I'll comment on that in a moment—and it will provide greater openness and transparency.

If I could just make comments about the regulation of paralegals: Certainly this will increase access to justice by giving consumers—I've heard from a number of consumers in my riding—the choice of qualified legal services. A number of constituents have approached me with regard to how safe it is for what they have done in the past, and how safe it is for what they intend to do in the future when it comes to requiring legal advice. They have certainly indicated to me the need for qualified legal service. This certainly will protect people who require and get advice from non-lawyers.

Also, with regard to the Provincial Offences Act, the allowance here of permitting witnesses to be heard by video conference or other electronic means will give police officers in our large rural ridings the opportunity of doing just that, at a distance. In some of these areas, especially in remote northern Ontario and in my area of eastern Ontario—it is a large riding—this would give the people who service those large ridings that opportunity.

**Mr. John O'Toole (Durham):** It's a pleasure to comment on this bill, which has been before this House since October 2005. In fact, this is rather an omnibus bill, and that's the problem; there are so many aspects to it. If you look at it, it changes a lot of schedules and functions of very complex and technical areas. I just want to put on the record a couple of concerns I have, and I believe I can speak on behalf of this party.

The Attorney General has rejected government studies and expert opinions that regulating paralegals through the Law Society of Upper Canada would not be appropriate. In typical Liberal arrogance, no reason has been given. Not now a profession, legal experts say that consumers as well as the profession of paralegals would be enhanced if it was made a self-regulatory body. I think the agreement here is that it should go to the law society to be regulated initially, with the ultimate goal of trying to move it toward a self-regulatory profession, as many professions are.

I'm also surprised at the amendments to allow the law society to disclose information on bad lawyers to police if there is significant risk of harm to anyone. I believe that this section should be toughened up. If anything, it needs to be strengthened, because in many cases—indeed, my son is a lawyer—the lawyers themselves, as a profession, need to have more disclosure in terms of those who are in some kind of conflict with their profession, for the protection of citizens and for the court system itself.

Again, it's a very large bill. The member is trying to put on the record some of the notes of the government. But clearly, if you look at this, introduced in 2005 and here it is in 2006, this bill has a lot of amending to do. I'm sure the Attorney General knows that. There are many more arguments that will be made, bringing up those points on this bill.

**Mr. Dave Levac (Brant):** I appreciate the opportunity to speak briefly about the bill. Contrary to the characterization that was just left with us, that we do nothing but use speaking notes and that we are not in contact with the people this most affects, I will take this opportunity to dispel some of the myths that have just been presented.

"People need to have confidence in their justice system. The proposed reforms to the Justices of the Peace Act would ensure that the quality of justice of the peace appointments is high, given the increasingly important role they play in the justice system." This is given to us by Louise Botham, president of the Criminal Lawyers' Association. So the member opposite has got it wrong.

"The regulation of all paralegals will benefit paralegal operations and ensure that the public can more easily access justice services." This is from Stephen Parker, president of the Professional Paralegal Association of Ontario.

1550

Let me offer another one: "Protection of the public is of paramount importance for the law society. We welcome the proposed legislation to set standards for the delivery of all legal services." That is from George Hunter, the treasurer of the Law Society of Upper Canada.

It goes on and on. Quite frankly, these are not our words; these are words from the very people that this will be affecting.

It's important to point out that the type of legislation that we see before us today, along with many other pieces of legislation—and, I dare say, from the previous govern-

ment and from the government of the third party—are fluid types of legislation, which continue to need to be improved as we go through. For the people that are lawyers in this place, they know as well as I do—and I do not profess to be a lawyer—that there needs to be this fluidity that creates a new way in which the laws are applied and improved upon.

To characterize it as simply something that the government throws out there haphazardly is unfortunate. Quite frankly, it's just not becoming of the member opposite, because he knows better than that. I would recommend that he not continue to do that, for the sake of all of us in this place.

**The Acting Speaker:** The member from Mississauga West has two minutes to respond.

**Mr. Bob Delaney (Mississauga West):** Certainly, it's been a very edifying debate. I thank the members from Timmins–James Bay, Stormont–Dundas–Charlottenburgh, Durham and Brant for their very helpful comments.

The member for Timmins–James Bay continues to make very interesting points, and speaks as forcefully for his constituents in rural Ontario as I hope I do for mine in Mississauga West. I thank him very much for his comments.

The member from Durham continues to refer incorrectly to Bill 14 as an omnibus bill, I think probably confusing it with some of the ominous bills from the former government that this bill aims to amend and update.

The members for Stormont–Dundas–Charlottenburgh and Brant both focused on paralegals. This bill allows paralegals to specialize in very narrow vertical market applications of the law—specialty areas such as, for example, being able to draft very narrow, specific types of contracts—and allows people who practise this particular brand of paralegal work not only to be regulated but to give consumers some idea of what it is they're buying when they undertake their services.

One last point that isn't often made is that under this particular bill, e-laws can now be used as the official version. That means that for many of us who are looking up laws on the Internet, we know that what is on the Internet, what we can research electronically, is in fact the official version, and will certainly cut down on some of the expenses and what would otherwise be unnecessary printing that people who practise either a paralegal specialty or law itself would have to spend on doing.

I thank you very much for the time to sum up.

**The Acting Speaker:** Further debate?

**Mr. Gerry Martiniuk (Cambridge):** It's my pleasure to rise to make a few comments over the next 20 minutes in regard to Bill 14. Bill 14 is an omnibus bill, as it has been referred to, and consists of 176 pages, not including the front and back covers. It comprises a number of schedules of matters which deal with the law, and that is probably the only similarity.

What I'd really like to discuss when I rise in the House is a concern with the lack of integrity on behalf of this government. I would like to talk about their broken



promises in regard to increasing the health tax, which I and many other citizens have just paid recently, and will be paying over the next couple of months. I'd like to talk about some of the individuals who come into my office who are finding it difficult to live on the Ontario disability pension. There doesn't seem to be much help for these people in regard to the budget.

I've talked to parents of autistic children whose cause is now mired in the courts, which brings us back to Bill 14. When I say "mired," it means exactly that. Our courts are so overloaded that justice is delayed in some cases for such a long period, and justice delayed is in fact justice denied. That is happening right now in our province, in our justice system, with autistic children who are not getting help and will soon outgrow the need for the help. It's their last chance.

I've had many people in my office lately about long-term-care facilities, which are underfunded. I think we will be reading about it in the paper, unfortunately, because it's resulting in lack of care, not just delays for meals and not just infrequent bathing. It is going to result in something considerably more serious, and I am concerned about that.

This bill is a big mishmash. Rather than trying to deal with schedules A to F, because everybody can take a piece of it, I am going to start out discussing schedule C. By the way, the title of Bill 14, which I did not read, is, An Act to promote access to judgment by amending or repealing various Acts and enacting the Legislation Act, 2006.

Schedule C deals with the law society and what we know in our society as paralegals. They've been known as paralegals for many a year. In case there are persons who are not familiar with paralegals, there are many in various fields. Some paralegals appear on behalf of individuals charged with minor offences, such as the Highway Traffic Act, or even possibly sometimes impaired driving, though I think that's very infrequent because that is a criminal offence. But dealing with highway traffic offences, everyone has seen various shops of retired police officers peddling their services as individuals who could assist you in defending an offence under the Highway Traffic Act. That's one part.

There are a number of paralegals who deal with immigration and citizenship courts. Now, immigration and citizenship in Ontario is a federal jurisdiction. They're rather busy tribunals and many of the individuals who appear in front of them are not lawyers, though many lawyers do practise in front of that court or tribunal, but they are in fact paralegals.

Then there are a number of paralegals whom one does not see in public because they do not appear in court. They could be individuals who would attempt to incorporate a company to set up a small business. They could be individuals who draw wills for individuals. They could be individuals who assist in real estate transactions in various parts of Ontario, not necessarily in the big cities but in the smaller areas.

So we have the paralegals who emulate what I would call solicitor's work, because it's non-public, they work

out of their office. Then we have the paralegals who emulate a barrister, who practises in front of courts or tribunals.

The paralegals up to date in Ontario have been totally without regulation. Individuals merely have to set up an office or obtain a telephone listing, advertise in the Yellow Pages, and they're in business. No licence is required from the municipality or from the province of Ontario.

#### 1600

There have been a number of prosecutions brought by the law society against various paralegals, some of which have been successful and some not so successful. The law society has found it somewhat difficult to pursue these prosecutions to a successful end in many cases.

The law society has an interest in protecting the public against individuals who may conceivably be carrying on the practice of law, whatever that might be. That's the difficulty of defining that process. The law society is there to protect the public against unscrupulous lawyers and also to protect the public against individuals, as they see it, who are practising law without the sanction of the law society, which, in effect, has a monopoly on governing the practice of law in Ontario. As I say, on some occasions they've been successful and on some they have not, but a considerable amount of energy and money have been spent in pursuing these prosecutions by the law society.

The problem is simply that we have a group of individuals who are ungoverned and unlicensed. I think everyone agrees that there has to be some governance on this group of individuals whom we call, colloquially, paralegals. I've tried to describe some functions that they carry on.

One of the difficulties might be that governments in the past would set up regulations financed by the government, especially for smaller enterprises or groups that really couldn't afford to carry on self-regulation. That continued up until, I would say, 15 to 20 years ago, when it became more sensible to have professional groups govern themselves and, in fact, finance their own governance. That's what we call self-regulation, and it certainly does seem to make a lot of sense. The end result is a profession that acts properly. The public receive the benefit and the protection of that regulation but do not have to pay for it directly through their taxes.

We now have a number of new organizations that are coming in under self-regulation, not that self-regulation has not been around for many a year. The Law Society of Upper Canada itself is a prime example of self-regulation, which has been around for, I guess, over 100 years. We have the college of physicians, which, again, has been around for a considerable length of time.

One of the difficulties with the paralegal group possibly is that there are many small enterprises and it's difficult to organize them into a self-regulating group. So, as a compromise, and possibly as a temporary measure, the law society has been chosen to, in effect, regulate the paralegal groups.

There have been many studies dealing with paralegals in Ontario, two within the last 15 years, and the use of the law society to regulate paralegals has been frowned upon. There is an innate conflict with lawyers, who in fact run the law society by election, because the paralegals—at least some of the paralegals—compete in the same territory as the lawyers in carrying on their practice of law. So we have a difficulty in that we are going to choose a group of individuals who have a potential conflict, especially when it comes to who does what. “Who does what” is very simple. If there are overlapping jurisdictions where some paralegals are in fact competing with some lawyers, how are we to resolve that overlap? That overlap should not be there. The practice of law is one jurisdiction and the practice of paralegal should be another.

So here we have those two jurisdictions, and one would think that the government—that’s the government of Ontario, the Liberal government, Mr. McGuinty’s government—would decide who does what. It seems sensible. They are the protectors of the people. That is our job. But no, in this case they chose to hand—wow—this big mess about who does what to the very people who may have a potential conflict, i.e., the law society of Ontario, which is composed of lawyers.

So that’s what they’ve done, and many groups are taking offence at that. Not only does this act have to go to committee, but I can imagine that the committee hearings could be somewhat lengthy with a view to the complexity of the various schedules contained in this act and the individuals who might wish to come forth to propose changes or amendments to the act. A couple come to mind almost immediately as to individuals who have an interest in taking a look at the act and suggesting amendments.

If I may, I’m going to read from the Lawyers Weekly, the March 3, 2006, issue, an article by Arnold Ceballos. I will start at the second paragraph—the first paragraph just details what we’re dealing with—“The bill would require paralegals in Ontario to be licensed and would create classes of so-called ‘licensees,’ including those licensed to practise law as a barrister and solicitor, and those licensed to provide legal services. A lawyer would be referred to as ‘a person licensed to practise law as a barrister and solicitor.’ The precise scope of activities authorized under each class of licence would be set out in bylaws passed by the provincial law society.”

**1610**

So we have two licensees: One will be practising law as a barrister and solicitor, and the other, very carefully worded, will be providing legal services, but they are not identified by any name. We know them as paralegals, but we’re careful to ignore that designation.

“Not everyone is happy with the proposed bill.

“Although supportive of the regulation of paralegals, the Ontario Bar Association has raised concerns about the proposed bill. According to President Heather McGee, consultations among the organization’s 34 sections identified three areas in need of clarification, and

the group has suggested that the amendments deal with these areas of concern.

“First, the organization says that the two proposed classes of licensees will be confusing to the public, who will not be able to distinguish between those licensed to ‘provide legal services’ and those licensed to ‘practise law.’ Secondly, the OBA maintains that the precise substance of the regulatory scheme should be set out in the legislation, rather than devolved to the law society to articulate. The OBA is specifically concerned with clarifying what paralegals can and cannot do. Finally, the group also objects to the law society having the responsibility of determining which professionals should be exempt from licensing. The OBA’s citizenship and immigration section has also expressed concern with the exclusion of immigration consultants under the proposed scheme, arguing that there is no effective regulation of immigration consultants in Canada.

“‘Lawyers are very concerned about the potential confusion between lawyers and paralegals,’ said McGee, stating that ‘the harm that can result from that is just unfathomable.’ McGee added that she believes this potential confusion was unintentional. She says that the group has received indications from officials in the Attorney General’s office that they will meet with the OBA to discuss their concerns.

“However, the Law Society of Upper Canada points out that the legislation will, for the first time, give the law society authority to regulate advertising by paralegals, and a basis on which to help the public understand the difference between lawyers and paralegals. The law society supports the bill, which gives it the mandate to regulate the provision of legal services, including those provided by paralegals.... He noted that the bill is reflective of recommendations made by the law society in September 2004 to deal with an issue that has been around for more than 25 years.”

So we can see from that article that the Ontario Bar Association has a number of concerns dealing with schedule C.

As my time is almost up, it’s fairly obvious that I will not be addressing the remainder of the schedules in this bill.

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

**Mr. Bisson:** I am so glad to respond and make comments to the, I thought, not a bad speech, actually. The member, Mr. Martiniuk, really went through the various schedules of the bill in a very thoughtful way, and although I don’t agree with all of his perspective on the bill, I thought he did a pretty good job.

My problem with this bill is that the government is doing some stuff in here that, quite frankly, I support and I like—for example, the paralegals section of the bill. I think we both agree that paralegals need to be regulated, but unlike you, I think the only place to do that is with the upper law society. I don’t know. I’ve gone through this whole discussion with a bunch of different people in my community who are paralegals. I’ve talked to the legal community. I’ve talked to the upper law society. I

had an opportunity to really discuss this issue at length, and I've come to the conclusion that that's probably the only place you can put them for now.

You need to know that, at one point, the upper law society is prepared if their numbers increase—

*Interjection.*

**Mr. Bisson:** I always get that wrong, but I know where the restaurant is—that's another story.

Anyway, I was just going to say—you know, you get badgered in the Legislature, Mr. Speaker, by people when you speak, and it really throws you off, from my good friend Mr. McNeely.

Anyway, I just say that at one point I don't think the lawyers are averse to allowing, then, the paralegals to move on, on their own, as other professions have done, to be able to run their own organization when it comes to being self-regulated or—what's the word I'm looking for—having their own college. We know at this point there is no such mechanism to put them into and they don't have any kind of association to put themselves with in order to do this work, so you've got to start somewhere.

The other thing, which I've really got a huge problem with—and I think on that basis, it's really hard to support the bill—is what the government is doing with JPs. You need to have part-time JPs. You can't just go to a full-time system. I will get an opportunity a little bit later in the debate to talk about that in more detail.

**Mr. Jeff Leal (Peterborough):** Indeed, I had the opportunity to listen carefully to the member from Cambridge on Bill 14. I would like to say at the outset that amendments to the justice of the peace system to ensure a more open and transparent process—I think those are important. From what I've learned over the years, talking to the justice of the peace of Peterborough, His Worship Michael O'Toole, who I believe will be retiring this spring as a justice of the peace, having served since about 1987—when I've had a chance to talk to him about the role of the justice of the peace, he sees the justice of the peace, of course, as having a very significant role in the judicial system in the province of Ontario. Any time we can make that process of those individuals who become justices of the peace in the province of Ontario—it's very important, because of their significant role, to make it transparent. Of course, it is an appointment process. The more that we can open that up and let people have a better understanding of the process, particularly for those individuals involved in the legal system, I think it's to the benefit of us all.

I know I've had the opportunity, as probably you have, Mr. Speaker: You chat with paralegals who come into your constituency office. Many of them are quite excited about having the status of their positions elevated and having a consistent requirement for those individuals who have become paralegals in the province of Ontario. Often, they're involved in such things as defending individuals who have received tickets for a variety of things. Any time that we can bring some consistency to

that job, I think it's very important, and those provisions of the bill are something that need to be supported.

**Mr. O'Toole:** I'm pleased to respond to the member from Cambridge because, as a practising lawyer prior to joining this august assembly here, he knows of that which he speaks.

I was quite impressed with the comments he made with respect to the evolving role of paralegals. He would know, as I said, as a practising lawyer at one time, that the role of the paralegal today is emerging and it needs to be regulated, for the very reason that he mentioned: to bring credibility and integrity to this emerging profession. The definition of the profession, of course, is that they are by nature self-regulating, and the self-regulation, as he has described, is really what this is about.

As I mentioned in my earlier comments, the ideal state is that that profession would be organized to the extent that they would have their own governance. In this case, they are subordinated under the law society, which, in some of the dealings I've had—and I've read petitions on this—is the integrity of the profession itself. In many cases, it does provide, as he's described the role of the solicitor, who is doing much of what I would call administrative work, more consultation work, providing what would be termed “professional advice”—for a fee, of course; hopefully at a fee that's less than what is currently available.

Really, access to the courts is what this is about at the end of the day. Whether it's in terms of simple mediation or reviewing contract situations, whether it's real estate or more commercial ventures, it is extremely important that they have standards and bring the profession up to a certain degree. In many cases, I said that this bill is a very large bill. That's one of the reasons I believe there are some frailties in the bill, and—

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

**Mr. Phil McNeely (Ottawa–Orléans):** This bill is very important to Ontario and to the problems that we have in our court system. It will address many of them: greater openness, transparency and accountability. It's frustrating for people trying to access the courts in our province, and certainly anything that's going to make it easier and make it more transparent is going to be of help.

I'm an engineer and there are 60,000 engineers, I think, in this province. Under the engineers act we supposedly have a self-regulating body, so we have to be careful when we get into these groups of professionals, because I think the engineering association has taken our government, the previous government, to task for something that started under the Harris government, where we were starting to get involved in the self-regulation. I really believe in self-regulation in these bodies. I think they'll do a good job and I think the 60,000 engineers in this province really deserve that. Sometimes, of course, the legislation has to be changed, but within that legislation we should be looking at self-regulation as much as we can. They'll do a good job if the legislation is in place for them to do so.

The changes in the justice of the peace legislation are important. That was before this House before and I think recent appointments show that. I think we're going to require a higher degree of education. I know a recent appointment at our end had a degree from a university. He was a municipal clerk, he was a parliamentary assistant in Ottawa, he was a councillor for nine years and he was chairman of the police services board. These are the types of people that we want to be justices of the peace, that have that broad experience, have that educational background and are going to do a good job in our courts. I just appreciate the opportunity to speak to this bill and support it.

**The Acting Speaker:** The member from Cambridge has two minutes for a response.

**Mr. Martiniuk:** I would like to thank the members for Timmins–James Bay, Peterborough, Durham and Ottawa–Orléans for their comments. One thing I did not deal with, because we didn't have time, I might just deal with: the justices of the peace. This bill had first reading in October 2005. At that time, the newspapers were full of the problems with the lack of justices of the peace. Things like the region of Niagara—58 court dates were scheduled for closure between January and August because of the lack. This bill doesn't give us more justices of the peace, which are sorely needed, not just in the city of Toronto, but in the region of Waterloo, for instance.

**Mr. O'Toole:** Durham.

**Mr. Martiniuk:** And Durham also. Seventy-five per cent of Waterloo region's intake court dates were cancelled. That was October 2005.

The lack of justices of the peace not only applies to courts, but there is a hidden cost to municipalities, because if police cannot easily get search warrants, various orders that they require to carry on investigations, not only does it take longer, not only does it cost more from a police standpoint, which the municipality ends up paying for, but the quality of the investigation suffers and no doubt there are cases where the guilty go unpunished or unapprehended—and that's not right.

**The Acting Speaker:** Further debate?

*Applause.*

**Mr. Bisson:** I want to thank my colleagues for welcoming me again to the Legislature today, for having an opportunity to give you my thoughts, my views, my comments, share my—

**Mr. Levac:** Wisdom.

**Mr. Bisson:** Well, I wouldn't say wisdom. It would be very presumptuous to say I'm a wise person.

**Mr. Levac:** No, I said it.

**Mr. Bisson:** Oh, you did. But I don't say that. The member from Brant says I'm wise. I don't know. That might be put in a leaflet somewhere and get me in trouble.

Anyway, I want to go through the bill. I want to go through a number of sections of this bill. I want to say up front that I'm a little bit torn with this bill, because there are sections of it that, quite frankly, I support. There are

parts of it that I say are things that need to be done, but there are other parts of it that I really oppose. I'm put in a position where I want to support the parts of the bill that I like, but there are some bitter pills in here that I don't like. I'm going to ask the government at the end of this debate, when we get into committee, if they're willing to maybe sever part of this bill, and we can give speedy passage to those parts, and then maybe those parts that we're not so happy with will go through the regular process.

I know that my good friend the member from Brant is a whip, as I am—we are reasonable people. I know Mr. Miller, the whip for the Conservative Party. We can all get into a room and agree on this, I'm sure, as long as we leave the House leaders out. I just said that for the record; I knew the whip would enjoy that.

Let me go through this. Part of what the government is doing in this bill is trying to find a way to speed up access to justice. We know that the current court system is backlogged, and we know that some years ago there was a real problem with court cases being backlogged, to the point where the Attorney General of the day had to basically dismiss a number of charges that were brought because they had been in the queue for so long and had not been heard. He had to basically dismiss the offences that were before the courts. At the time, it was called the Askov decision. I know that the government is trying not to put itself in that situation again, and I understand that. But there are some parts of this bill that I have a problem with.

For example, one of the things this legislation is going to do is say that if you've been charged with a traffic violation and you decide that you want to go to court and plead your case before the judge, the police won't have to come to court; they will be able to give their testimony by way of teleconference or other such means. I am not a big fan of teleconferences, especially in court. There's a huge difference. The dynamics of the court are such that people have to be in it. It would be like trying to have a debate where members are in their ridings and they do it by teleconference. It doesn't have the same effect, and at the end of the day, it doesn't give you the final effect of what you're trying to do. I think it's important—it's one of the fundamental parts of a court—that if I am charged with something, I have the right to face my accuser, in this case a police officer.

I want to put on the record that this is not meant as a diatribe against police officers. Like you and other members of this assembly, I really believe that police officers work hard. They are overworked—and in some cases, you could even argue, underpaid—and are having to deal with trying to find the time within their busy day to do the policing on the street that needs to be done and also do their job of going to court to testify when somebody says, "I want to face this particular charge and bring it to court," and dispute that the person was in the right.

I've had an opportunity to speak to plenty of police chiefs across this province—a number of them in the city

of Timmins and others—and they tell you the same thing: Part of the problem, as everybody knows, is that police resources are stretched to the limit. That's part of the issue here: Police departments are stretched to the limit when it comes to the amount of cash they've got to operate, and having to send an officer into court is a very expensive thing. I understand that. When a police officer is sent to court, that means that somebody has got to pay the bill and that officer is not available to be on the street. That's a real issue, and we need to deal with that. We need to find some way of being able to give the resources to police departments so that we have the proper resources to put on the street. I think part of this can be dealt with. It's not the testimony issue.

As far as having police officers going to court to accompany people, I think we can use other people to do that, and it has already started, using retired police officers and others as part-timers who come into the system in order to take up some of that slack.

But I think the basic thing of the legal system is that if I'm charged with whatever the offence might be, I have the right to face my accuser. And I don't like the part of this bill that basically says that if I'm charged with a traffic offence, a police officer could give testimony electronically and I get to watch the video replay. How am I going to dispute that? It just seems to me that that takes away from what is one of the most fundamental rights an individual has when they are accused: the chance to face their accuser.

**1630**

I understand that there are manpower issues and I understand what the government's trying to get at and I have some sympathy for it, because police officers in our area and our police departments have the same problem. That being said, that's a basic thing. We need to figure out another way around this. I think it would be good to refer this bill back to committee. If the overall objective is that we're trying to free up police officers' time so they can do more policing work, let's bring that back to committee and have the discussion, because I think it's a discussion we have to have. I know that our critic, Mr. Kormos, the member from Niagara—

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Centre.

**Mr. Bisson:**—Centre; I've never been good with the riding names, even though I've been here for 16 years, but that's another story—is going to have lots to say on that, as will other members of the assembly. But I think we can deal with this in a more effective way, still giving the right to the accused individual to face the person who is their accuser.

The other thing that this bill does—and this is one that I have a great problem with, and it seems that we have a bit of a difference of opinion. I'm going to want to hear from the minister to clarify this. When it comes to justices of the peace, what this legislation says, from what I've read, is that we are going to move, as we have been, towards a full-time-JP system. The only way we're going to have JPs in this province is if they are full-time

bench JPs, which means they will have to have university degrees; they're going to have to be trained to a certain standard; they're going to have to have a certain amount of experience. It is all laid out in the legislation under the section on the JPs.

Again, I have two feelings on this one. I argue that anybody who sits on the bench, first of all, doesn't have to be a lawyer. We have lay judges in this province, as many people know, who do quite an effective job. We decided, when we created our legal system, that there was room to have lay judges in the system for a number of reasons, which I can't get into in the 12 minutes of debate that I've got, but there is a precedent of lay judges. To say that the only way we're going to have JPs is that they can't be lay JPs, I think, is a mistake. We need to look at those people in our society who want to apply for these particular positions. If they happen to be full-time, it shouldn't be excluded because they're not a lawyer. It shouldn't be excluded because you don't have a certain degree in university.

I know a number of JPs whom I've worked with over the years who have not been lawyers, who are not legally trained, who are excellent justices of the peace. I look at Judge Blier, for example, out of Hearst, who was appointed by the Conservative government. Judge Blier, as a full-time JP, is doing a great job in that area. Are we saying that Judge Blier shouldn't have been appointed because he didn't have university or didn't have the required training? We need to deal with that.

I accept the government's argument that we want to increase the level of qualifications and the quality of those people we appoint. I agree, but you can't exclude everybody else. The other issue is, it closes the door on part-time JPs. I've got to say it again. If I'm wrong, I want the Attorney General to get up and tell me so. If the Attorney General is saying to me, "Yes, we will still have part-time JPs," I applaud that. But as I read the legislation, it says that there will not be part-time JPs; they will all be full-time.

What does that mean for a community in rural southwestern Ontario, rural northern Ontario or rural eastern Ontario, wherever it might be? The population in some of those areas isn't great enough. In fact, there's no court for the JP to have a hearing. There are not going to be any JPs in those areas. What does that mean for the carriage of justice in those communities? If you're a police officer in Moosonee, which the Ontario Provincial Police is responsible for policing, and the police need to have a warrant signed, what do you do? We don't have JPs now. We're having to do telewarrants and all that kind of stuff. It's not the best way of dealing with things.

What do you do in a community where a JP is allowed to marry somebody through a civil ceremony? You can't get a JP to do a marriage anymore. There was a point where you couldn't get any civil ceremonies done. Thank God, there has been some movement where we've allowed clerks and certain appointees within municipalities to do that. In fact, in our community my neighbour at the cottage, Lisa Damini, is the one who does the

marriages for the city of Timmins. That has helped a great deal, and she does a great job. But in many communities across Ontario, there isn't that ability. The ability to notarize documents—a very basic thing.

I have to tell you, I represent the James and Hudson Bays. In the communities that I represent, from Peawanuck to Moosonee, you have nobody who is a signing authority, in some cases, to notarize documents. A simple thing like a birth certificate: You can't get a birth certificate in those communities. If you can't get a birth certificate, the child is not registered. If the child is not registered, they don't get a health card. If they don't get a health card, the NIHB program, the non-insured health program, doesn't pay when they're brought into the hospital. That creates a deficit for the operating hospital, which means that the bad old federal government then comes after the hospital and says, "Look at you; you've got a deficit." If they don't have a birth certificate, the band doesn't get funding because they're not registered because they don't have a status card. You can't get a status card unless you've got a birth certificate, and until recently you couldn't do that unless it was notarized in some way. So you didn't have the ability to apply, because there was nowhere to apply, and once you did apply, if you happened to get the form somewhere, there was nobody to sign to say you are who you are. For example, Chief Mike Metatawabin, in Fort Albany, the chief of a community: His son—I think his name is Meshan—who is about eight or nine years old, is not registered because until recently chiefs couldn't sign a birth certificate attesting to who the person is.

I think this idea that you're only going to have full-time JPs is wrong, because it doesn't work in all communities. Do we want to increase the level of qualifications on the bench? Certainly we do. Do we want to raise whatever standards there are? Of course we do. I don't want to stand in the way of that. But what I'm telling you is that it's not in every community that you have the ability to provide full-time JP services. I think part-time justices of the peace played a really good role in the justice system and allowed a number of things to happen within the justice system that were much more conducive to access to justice, especially in smaller communities.

The other thing this particular bill does—I'm looking at my notes, and I just noticed that I already said that, and I don't have to say it again, so I'm moving on.

The other issue is the whole issue of provincial offences. I talked about that quickly, but I just want to come back to it for a second. We're going to make it possible for testimony to be given other than in person. I get back to that point: That's really, really a bad idea. I really feel strongly that if a person has been charged, they're presumed innocent until proven guilty. We have to make sure they have a fair trial, and part of a fair trial is making sure that they have an opportunity to see the people who are testifying against them—whoever is the accuser and whoever brings testimony against the person who has been charged—so that the cross-examination

can be done properly. If you don't have good cross-examination, there are going to be a lot more innocent people going off to jail.

I know some of you are going to say, "Oh, yeah, all those who go to jail are innocent." Listen, I know as well as you that of course there are crooked people out there. There are criminals out there who, with their lawyers, want to take advantage of the legal system. But I propose this: If you have a system that is so restrictive that it puts the defence in a position of not being able to adequately defend the client, well, one day it might be you who are charged and doesn't have an opportunity to properly defend yourself. There have been cases—the Milgaard case and others—where people have been charged with things as grave as murder and in fact were innocent. Because of a failed investigation or a failed court process, the person ended up being charged, and in some cases, when there was capital punishment, was executed. In the United States, it still happens.

So we need to make sure that we provide an adequate opportunity for people to defend themselves. If you can't defend yourself adequately, there is a risk that innocent people will be charged, and I don't think that is the right thing to do, not only for the person who has been charged but, I think, for society.

The other thing, and I put a question mark here, because I really wanted to try to figure out where the government was going with this: Under the reforms to the administration of the courts, there was a section that I think makes a lot of sense. It requires the publication of standards of conduct for deputy judges and case management masters. Basically, they would have to post what they have done, how they have done it and what the results have been, so that the public, if they're wondering why their court case is not moving ahead or there's some sort of bogging in the system, has access to that information in order to determine what's going on. "Is it because the system is prejudiced against me, or is it because the system is backlogged?" We've had it in our constituency offices, where people have come to see us and said, "I've got a matter before the courts, and they just don't want to hear me. I don't ever get my case forward." Is it because the courts are backlogged? Probably. Or is it because somebody hasn't done their job? That happens as well. I think one of the positive parts of this particular legislation that I can support is a mechanism that would make it more transparent for individuals to ascertain, is it a backlog or is it because somebody has not done their job? I think that's good.

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But there's a question here, and I put a question mark. It says, "Under the current Courts of Justice Act, every change to a court rule ... must get cabinet approval." One of the things we're going to do with this is we're going to say that all those changes to the administration of courts are now only going to have the Attorney General's approval; no longer the cabinet.

I guess you're okay if you've got a great Attorney General. But do you know what? I'm going to propose

that not all ministers are equal and not all of them are great. That could be a problematic issue. If you have an Attorney General who is an activist Attorney General, who decides he or she wants to make a number of changes, they could be done without even cabinet, the government, knowing about it, and by the time you find out, it's too late because you're back into a backlog of courts or you have problems. The point being, nobody has had a chance to vet it other than the Attorney General at the time.

People are going to say, "Somebody is going to say something to someone in cabinet about it." Not always. I've been in government, as have other people around here, and we know how government works. Governments have a large agenda. There's lots of stuff going on, and some of the administrative stuff that we're talking about here probably is never going to see the light of day. So saying that the Attorney General is the only one who is going to have the authority to make changes to how the courts are administered, without cabinet approval, I think could be dangerous, depending on the Attorney General.

I want to end on the paralegals. I want to say upfront that I support the initiative of licensing paralegals and making them self-regulated. I share some of the comments that were made by a previous speaker who said it would be really nice to have paralegals have their own college where they would be self-regulated within their own entity. As I see it, the problem is that there's no entity for them to go into at this point. They're not even properly identified.

We need to start somewhere, because what's clear is that you've got good paralegals out there and you've got some really bad ones. We need to have some mechanism that deals with making sure that there are codes of conduct, that there are standards they must follow, making sure that there is quality for those people who are accessing paralegals.

I believe paralegals can, do and should play a larger role in our legal system, freeing up lawyers from having to deal with things that could be better dealt with by paralegals. I support the initiative to make them self-regulating. I support the initiative, to a degree, of putting them under the auspices of the upper law society, if I'm correct, right? I always get it wrong.

**Mr. Yakabuski:** The Law Society of Upper Canada.

**Mr. Bisson:** The Law Society of Upper Canada. I never get it right. I know where the dining room is, though. It's quite good. There's a nice little white wine, if you go there. Anyway, I won't go there—that's another story. Maybe the Speaker will know what I'm talking about.

**Mr. Yakabuski:** He would know.

**Mr. Bisson:** He would know, I'm sure.

But the point is—I want to put this on the record because it's important—that at one point they need to be totally self-regulating. We need to move this away from the lawyers at one point and we need to give it to the paralegals themselves. I understand why we're doing this at first. I've got a bit of a problem with it, but I under-

stand it. But we need to move it off to them and I think we need something in the legislation to make that happen. Don't make it open-ended, because once the lawyers have got it, they won't give it up, right? We need to sunset, at one point, where it is that we draw the line to where the paralegals play a much larger role in their own regulation.

The other thing I'm happy about, and this part I can support, is that we're going to grandfather paralegals who are there and doing a good job. I think that's good. I think we need to do that, because certainly we've not done that with the Electrical Safety Authority when it comes to the licensing of electricians, of which I am one. They've turned around at the ESA and decided to create a master electrician's licence and they have said, "We're not going to grandfather those people who have been in business for 20 and 30 years." We're going to have to go back and write a test. Well, excuse me, I think it's a bit of an insult to those people who have been doing this business for a lot of years. So to the paralegals out there: Thank God you're not under the ESA and you're going to get grandfathered, because if you were under the Ontario Electrical Safety Authority, you would be like me, scratching your head, saying, "To heck with it. What is up with these guys?"

We're going to have a bit of a problem with this bill in the sense that we need to get it into committee. We're going to have to sever parts of the bill. I see a nod in the affirmative from the chief government whip—well, the deputy House leader. The minute the House leaders get into this, they're spoilers. We need to get rid of House leaders. That's the next motion I want to bring into this House.

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

**Mr. Mario Sergio (York West):** I hear very well what the member from Timmins–James Bay is saying with respect to the content of this bill, but as he himself was saying, something has to be done. So the thing to do is, yes, let's debate it; yes, let's see how we can make this better where it needs to be improved; but let's move it on so we can bring it to a stage where it is indeed much, much better for the public to access the justice system. This is indeed the intent of the bill. As the member himself was saying, a number of changes are being proposed, and one of those is with respect to legalizing paralegals, who do a lot of work on behalf of a lot of our constituents and Ontario taxpayers.

There is nothing more fearful than for normal constituents, taxpayers—there is not a lawyer who is not familiar with the intimidation that courts may have on a particular person. This is to make it much easier, much more accessible, and to make them feel much more comfortable to access our justice system. It is the intent of every member of the House to accomplish whatever we can do to better the lives of everyday users, our constituents and so forth, and this would go a long way.

I have to say to the members—all members of the House, as a matter of fact—that this has received extensive consultation with the legal profession, with the

various groups, with community leaders, and therefore we feel it should move on. So I think we should all realize the benefits emanating from the bill, and I would say to the members, let's move it on. Let's move second reading so that we can do a much better job for our people in Ontario.

**Mr. Yakabuski:** I want to thank the member for Timmins–James Bay for his comments on this bill—very informative. He has clearly been doing his homework, as he usually does.

I'm going to have the opportunity to speak to this bill shortly. So I'm going to use a bit of this time to, first, congratulate the member for Sarnia–Lambton in this House, who was recently appointed to the cabinet as the Minister of Culture, and also to congratulate the former Minister of Community and Social Services, who is now the Minister of Education, and the Minister of Culture, who is now the Minister of Community and Social Services and retains the portfolio for francophone affairs.

While I never agreed with him too often when he was the Minister of Education—we have some differences—I do congratulate and commend the former Minister of Education, the member for Parkdale–High Park, for making the decision to seek the leadership of the federal Liberal Party. As fellow colleagues in this House, we know that those decisions are not easy, and while we disagree on many matters of substance in this House, we certainly respect the amount of consideration and thought that goes into that kind of decision. I wish him the very best. Having said that, I will continue to challenge just about everything he's ever done in this House.

As I said, I will have the opportunity to speak to this bill in short order, and I will be doing so at that time.

**The Acting Speaker:** Questions and comments? The member from Brant.

**Mr. Bisson:** I want to hear what you have to say about getting rid of House leaders.

**Mr. Levac:** No, I'm going to leave that alone, because he's my seatmate, and he's going to take care of Brant.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I'm all in favour.

**Mr. Levac:** The member from Timmins–James Bay brings us some challenges. One thing I want to suggest to him—and it's not an excuse or a rationale or rationalizing it; it's something that I also read in the bill—is that it said that they're going to have provisions in the bill to allow retired justices of the peace to act on a per diem basis. So that's a partial answer to some of his concerns raised about the availability of part-time JPs. But I do want to assure him—and I know he appreciates this—that this will go to committee and that we will be able to discuss. That's what I was nodding about when you suggested that it go to committee. It's going to go to committee, and we're going to be able to hear some of those concerns. I appreciate the fact that you're bringing up those legitimate concerns.

On the paralegal side, in my conversations with some of them, there's one thing that I think—and maybe you

can correct me in your two-minuter. I think they have an association. It's just that not all of them are members of it. That association is actually looking forward to the progress that we are making in this particular field, and I do tend to agree with him that, somewhere down the line, I too would like to see this profession treated as such and not be seen as a lesser lawyer, because that's not the purpose.

**1650**

People misunderstand sometimes exactly what paralegals do. In terms of putting themselves into the system, where they rightfully belong, and the performance of their duties, they are far underappreciated. I would respectfully suggest that some day—and I agree with the member's observations—they too receive their own professional organization and a college-based self-regulating body. I also suggest to you that I agree with your observation that this is the first good step and that we will move on to the next steps to get them there.

Thank you very much for the opportunity to speak.

**Mrs. Liz Sandals (Guelph–Wellington):** I'm pleased to comment briefly on the bill. A couple of issues: First, the whole issue around the appointment of the justices of the peace. I know that in the past, there have been some criticisms in my community around the qualifications of people who have been appointed. Certainly the process in the past has been seen as very much a political appointment, an award for belonging to the right party.

I was very pleased with some of the appointments that were done earlier in our term. Looking at the individual who was appointed in my community, actually to serve in the neighbouring community of Kitchener–Waterloo—she was a member of the Guelph community—I know she was highly qualified in terms of her background.

What we are doing here with this piece of legislation is ensuring that all justices of the peace, as they are appointed in the future, will have certain minimum qualifications. As the legal system has evolved over the years, we are seeing that justices of the peace are having more and more weighty decisions put upon them than perhaps justices of the peace did 30, 50 or 60 years ago. As the system has evolved to justices of the peace making more critical and more difficult legal decisions, it's important that they also evolve in terms of their qualifications, so that they are qualified to make those decisions that we are asking of them, and I'm very pleased that this bill will support that.

I would also like to say that I know the legal community in my riding is quite supportive of the changes we are making with respect to paralegals.

**The Acting Speaker:** The member from Timmins–James Bay has two minutes for a response.

**Mr. Bisson:** I want to thank all the members for their comments. I do stand corrected by the chief government whip. He is right: There is already an association of paralegals. I didn't get into that debate for reasons that you both understand, but, as I was telling the government whip, I didn't want to elaborate on what the issue is.



I think it's important that we recognize that paralegals are professionals and that we need to make sure there is a regime there to regulate the profession so that it's transparent, it has all of the checks and balances that are necessary, and that we—I was going to say legitimize, but I don't think that's right—take away this notion that some, especially in the legal community, have tried to demean paralegals. We need to accept them for who they are. They are professionals and we need to find a way to support their activities within the community, because clearly they are able to deal with a lot of issues that quite frankly shouldn't be dealt with by lawyers and they're in a better position to do it: everything from immigration law to representing somebody at a tribunal or whatever it might be.

Again, I support the sections that say we're going to grandfather some of these people. I think it's a good idea.

**Mr. Yakabuski:** Some of them are grandfathers.

**Mr. Bisson:** Exactly. Some of them are grandfathers and grandmothers.

**Mr. Yakabuski:** Is that a different idea?

**Mr. Bisson:** That's a different idea.

I say to the chief government whip, yes, it's got to go to committee, but we need a little bit of time to debate in this House. There are some things that need to be said. I know my leader, Howard Hampton, and other members of my caucus have some thoughts they want to put on the record. I hope we're not indicating we want to truncate debate. I think we need to have adequate debate in the Legislature to allow people to put their thoughts forward so that when we get to committee we have some direction.

I'll just end on the JP issue. I don't have enough time, but the point I made, and made over again, is that we need to recognize it's not one size fits all. Full-time JPs work in many communities, but in many communities we don't have them because there are not enough people and there are not the court facilities. There's where part-time JPs can come in and augment the system.

**The Acting Speaker:** Further debate?

**Mr. Mario G. Racco (Thornhill):** I'm pleased to speak in favour of Bill 14. During the last election, one of the commitments made by this government was that we were going to make some changes in how JPs were going to be chosen. One of the reasons for that is that in the past there have been some, what I would consider, mistakes made by JPs, who not only seemed to have made some decisions which were not, in my opinion, what the community expected, but, at the same time, there seemed to be inconsistency in rendering some decisions. Therefore, we committed that change would take place, and Bill 14 is attempting to deliver on that. I think we should be applauding and supporting it because of this and because it certainly makes sense.

This bill will replace cabinet approval with giving authority to the Attorney General to do the approval. That will promote more efficient and streamlined rules for the system to carry on.

Also, in regard to medical malpractice tort reform, it will reduce the amount paid to subsidize malpractice insurance for doctors. I think that is certainly what the consumer—the taxpayer, I should say—will benefit from.

As I said, the changes in Bill 14 will make for a more open and transparent appointment process for justices of the peace. It would amend the Justices of the Peace Act by establishing minimum qualifications. Many members of the community have expressed that concern. It would require a university degree or a community college diploma or an equivalent, including life experience and at least 10 years' work experience. We want to make sure that those people who have a significant influence on people's lives have a base that would allow them to render an opinion in the proper way.

Also, it would establish a new justices of the peace appointments advisory committee. That would make the appointment process more open and transparent, as I said earlier, and incorporate community and regional input to the appointment process. In the political arena, we always try to be consistent and represent all areas and all potential interest groups. I think that would go, to some degree, towards doing exactly that.

It would also expand the power of the Justices of the Peace Review Council to allow it to conduct hearings and make dispositions, including recommending removal. That recommendation would be made to the Attorney General. So it's an independent body that would be able to give advice to the Attorney General, a politician, which means that the community, through that committee, would have significant influence.

It would also phase out non-presiding justices of the peace, make all new justices of the peace full-time presiding and allow retired justices of the peace to continue to serve on a per diem basis. We know how important that is in Toronto, in the 905 and probably in other communities in the province where there are a number of cases that need to be addressed and unfortunately, because of the shortage, that has not been possible. Again, that would certainly allow for the changes that are taking place and at the same time would allow the court system to have enough JPs to do what needs to be done.

As you know, since 2004, 23 justices of the peace have been appointed. That is certainly a reflection of the high need of the Toronto and 905 courts, and I suspect that is all over the province.

**1700**

One of the proposed amendments to this act would permit regulations to be made providing that witnesses to a proceeding under the Provincial Offences Act may be heard by electronic means such as video conferencing. I think that's very important, because we should modernize our procedures. In the social policy committee that I was chairing, we used that technology and it was very efficient. We were able to communicate, to see the person, to talk, and the person could make a deputation. We got quite the service, and yet it's very inexpensive. Instead of having people travelling from many parts of

the province, they can go to a location where they can speak to us and see us, and we can do the same. It's very important to modernize our system.

It also affects the administration of justice by permitting alternative procedures to be developed for resolving municipal bylaw disputes, such as parking, without having to go to provincial courts. Again, all these changes will modernize our system. It would regulate paralegal reforms, streamline the justices of the peace system and amend the Provincial Offences Act.

It is the right way to go. Bill 14 deserves support. I trust that when the second reading vote takes place, the House will support it.

**The Acting Speaker:** Questions and comments.

**Mr. Levac:** My colleague outlined some of the important aspects of the bill, and I thank him for that. I wanted to point out that he also brought some concerns up, and I think he's supposed to do that. Quite frankly, his constituency has talked to him and made some points that they wanted him to bring to this place, and he's done that, so I compliment him for that. I think that's what this place should be doing a little bit more of in terms of trying to make sure that the voice of your constituency is heard. I compliment the member for doing that.

In one of the points I spoke of a little earlier, I talked about the JP system. I do want to indicate that there's a new sheriff in town, if you will, in terms of bringing that quality up, with no judgments on those previous JPs who have served with distinction, I would say. The fact is that they've taken those roles very seriously, but there were some concerns expressed out in the community about whether or not we should be looking at some type of elevation of where those qualifications should come from and, perceived or not, whether we're just simply making appointments for the sake of appointments.

We've established something—and you're probably going to hear this for the first time—the JPAAC, which is an advisory council that is going to make sure they follow these outlines and guides. The new JPAAC is going to be struck in order for us to follow those qualifications. We're talking about the establishment of minimum qualifications: a university degree or community college diploma or some type of equivalency—I think that's an important point to make—in terms of experience in life, including life experience and at least 10 years of work experience. I think those types of qualifications speak well for trying to move that forward. In committee, we may find somebody offering something to the effect that 10 years of work experience might eliminate somebody who might have great opportunities. I would challenge us to maybe bring that point up at committee.

**Mr. Yakabuski:** I'm pleased to respond to the comments from the member from Thornhill. It's clear that he's very supportive of the bill, and he appeared to be supportive of the bill in every way. Fortunately, other members, like maybe the member from Brant, agree that there are some improvements that can be made to the bill.

This is a huge bill. It's so big that I had to actually get help here—176 pages, one of the bigger bills we've had

brought forth in this House since the new government was elected in 2003.

**Mr. Bisson:** The new sheriff got to town.

**Mr. Yakabuski:** Yes, the new sheriff came to town.

There's a lot of stuff in this bill. Most people would find it pretty dry, because if you're not a lawyer—but then again, they'd find that about most bills. Except I remember one bill from this session, Bill 3; it was actually a bill introduced by myself. It was a very thin, short bill, but it was a very, very exciting bill. I hope that the government will see fit to support that bill and bring it back to the House for third reading.

As I say, there's a lot of stuff in this bill with regard to regulation of paralegals, appointment of JPs, changing the way people have a trial in a courtroom. There are many things that I believe the government, in many ways, is on the right track on. There are many things in here that we believe we should be supporting, and they're probably long overdue. But there are some issues in this bill that I think can be improved, and we hope that as this bill goes to committee—because we all know it is going to receive a positive nod on second reading—we will be able to make some substantive changes to it.

**The Acting Speaker:** Before I recognize the member from Timmins–James Bay, it has become apparent that many people are not speaking, in questions and comments, to the actual speech that has been made. That is the intent of the two-minute hit. That is what's supposed to be done. I would request that members pay attention to what the person has said in debate and comment on what he has said, rather than making a mini two-minute speech of their own. Having said that—

*Interjections.*

**The Acting Speaker:** That was the intent when this Legislature set up the program: to improve the quality of the debate, not to allow people to make two-minute speeches.

I recognize the member from Timmins–James Bay.

**Mr. Bisson:** Mr. Speaker, you're so right, and I couldn't agree with you more. I would never do that. In that light, in the spirit of your comment, I want to ask the member a question, which is what this is supposed to be all about, and that is on the whole issue of allowing electronic hearings when it comes to witnesses presenting testimony when somebody is charged.

You would know that in my debate I responded to that issue, and I have not heard anybody from the government benches come back and talk about that, and I'd like to hear a bit more. I worry that one of the basic things in our society is that, if a person is charged, there are two things: One is that we presume them innocent until proven guilty, and the way we decide if they're innocent or guilty is supposedly by a fair trial. I wonder how fair a trial is—this is what my question is—if a person who has been charged doesn't have a right to face their accuser or people who are bearing testimony against the individual. This legislation is going to allow, under provincial offences, an ability for the crown not to produce witnesses in court, but rather to have testimony done electronically,

so that the person will sit in front of a camera and give their dissertation as to what the facts were, and that will be the evidence that will be given to the court.

One of the things is that you have to be able to refute the evidence, and part of refuting the evidence is having the person who is giving testimony against you in the court. I want to hear from the member what his thoughts are on that, because I think that's a bit of a slippery slope. I understand why the government is trying to do it: a big part of the issue is freeing up police officers from being in court. I understand that, but the issue still remains that you have to give people the ability to defend themselves. My question to the honourable member is, does he support that provision of the bill, and if so, why?

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

**Mr. Sergio:** Mr. Speaker, I have to say that I'm delighted by your attention to the speaking orders in the House, especially when it comes to particular bills. I think it's very appropriate.

**Mr. Bisson:** Oh, quit sucking up.

**Mr. Sergio:** Well, I think we have to commend the Speaker for addressing the issue himself and straightening out the member from Timmins–James Bay, who usually does a very good job himself addressing the various laws. I have to commend the member from Thornhill for his contribution in his statement on the bill.

*Interjection.*

**Mr. Sergio:** Absolutely. I think the members of the House know very well that the process we use in the House allows members only so much time; in our case, two minutes. For the others, even 20 minutes would be impossible to dwell on all the intent of the bill and do a good job, a thorough job, so we have to pinpoint the most important parts. That is why we are saying to the House, something is being done to improve it and to improve access to the justice system at the same time; improve it and make it easier to access the justice system. We are saying that it's a very slow process. We're going to go through second reading and we're going to go through some more hearings. That's when we get input from members of the opposition and the public again. Hopefully, we're going to make it even better so that when it goes to the public and goes to the courts, and especially to the justices of the peace area, it will be much better for the public. I hope that they will support it and we can see expeditious approval in the House.

1710

**The Acting Speaker:** The member from Thornhill.

**Mr. Racco:** Let me thank the members from Brant, Renfrew–Nipissing–Pembroke and York West for their comments.

In regard to one of the questions, certainly the Attorney General will be considering the comments that have been made by all the members in this House. When the bill goes for comments from the public, comments can be received and, hopefully, more clarification can be provided. The issue that the member from Renfrew–Nipissing–Pembroke raised was a good one; it's a valid one. I see merits. Certainly, proper justice will take place

when the party involved has an opportunity to ask questions, to feel and perceive. Therefore, I'm sure that the Attorney General is aware of this and will take into consideration the comments that any of us have made, or will be making.

I believe that at this point, what we are trying to do is get some comments from members in this House and make sure that they are taken into consideration when changes will be made to Bill 14. Therefore, I again thank all the members for making their comments, in particular the member from Renfrew–Nipissing–Pembroke, for raising what I said and I believe to be very valid questions, which we all should be very much concerned with, because at the end of the day, our objective is to make sure that justice will always prevail and that anyone who is accused of anything has an opportunity to ask questions and have proper answers given in a proper forum, where the end decision will be the proper one.

**The Acting Speaker:** Further debate?

**Mr. Yakabuski:** It's a pleasure to join the debate here on Bill 14. I want to put everybody on notice: You have to be paying attention now, because those two-minute hits, as we call them, will have to be very pertinent as to what I was saying. So I hope you understand it, and, quite frankly, I hope I understand it myself. I'm going to work hard to do my very best to say it in a way that I can understand it.

As I said, this is a very, very large bill that covers a lot of ground.

**Mr. O'Toole:** An omnibus bill.

**Mr. Yakabuski:** An omnibus bill, absolutely—it covers a lot of ground. As I said, people in TV land out there, the general public, would find this pretty difficult reading, from the point of view of it being exciting. However, it is our responsibility as legislators in here to in fact do just that, to look at these bills and try to make a reasonable, significant and relative contribution to make that bill better, and thereby support it, or come to the conclusion that it is beyond repair and not support it.

As I've said, there are many, many things in this bill that I believe the government is moving in the right direction on.

**Mr. Bisson:** Do you mean to the right politically?

**Mr. Yakabuski:** Not likely. But then again, you people always accuse them of doing exactly that, of being the new Conservatives with a red ribbon or something.

With respect to paralegals, there's no question that I think the association of paralegals themselves—I think I've actually got the gentleman's name here. Stephen Parker of what was the Professional Paralegal Association of Ontario said, "The regulation of paralegals will benefit paralegal operations and ensure that the public can more easily access justice services." I would agree with that. I would agree that the regulation of paralegals is a very positive component of this bill. Clearly, I think the association and the profession themselves would share that, because it gives the public more confidence in the services they would receive from paralegals. I myself have dealt with paralegals in the past and I have also

dealt with lawyers in the past, on different matters. For certain matters, there's no question that the service can be provided and received from paralegals every bit as efficiently and as well as lawyers, because they are matters that paralegals probably deal with on a more regular basis. I'm sure they believe absolutely that having a regulatory body will in fact increase the public's confidence in the services they provide, thereby making it more likely that a person would have the confidence to seek the services of a paralegal in a case where they felt that the services of a lawyer would probably be more expensive and out of their reach for certain types of services.

The question does remain as to what is the best way of regulating that body. As I understand it, the recommendation is that the Law Society of Upper Canada would regulate the paralegals. My colleague from the third party from Timmins–James Bay felt that that's a temporary measure, that at some point it should be turned over to the paralegals themselves, that they would be their self-regulatory body. I wouldn't oppose that. Certainly, it would have to be clearly shown that they have reached the stage where they are prepared to do that and have the necessary tools to ensure that that would be done efficiently and properly.

Another issue talked about is the appointment of JPs. There is no question that we have a dire shortage of justices of the peace in this province. I know there have been a number of people from my riding apply for the position of justice of the peace since this new government took office. None has been appointed. I don't know if this is window dressing or an excuse for not appointing new justices of the peace—that we don't have this, that this bill has not been proclaimed—but it was talked about for months and months and only brought to the Legislature last October. The minister has talked about this bill, the Access to Justice Act, since October 2003. So more than two years later, he finally brought it to the Legislature. If he felt there was an absolute, paramount need for this bill to be brought to the Legislature and debated and passed as quickly as possible, why did he wait two years? That was totally unnecessary. We could have been debating this bill some time ago.

Having said that, it is our privilege and our responsibility as the opposition to do just that, to debate this legislation to ensure that at the end of the day—and I agree with the member for Thornhill when he says that at the end of the day we share one common goal and that, ultimately, the legislation that is passed will indeed produce a better justice system than we currently have. That is our goal as legislators: to constantly look to ways that we can improve a system we currently have. And if a system is in need of replacing entirely, as legislators we do that as well. But we do tinker with things, we do enhance, we do improve, and that is part of the role we have as well, because there will be amendments to some acts and the repealing of other acts as a result of this legislation. That is part of what we do, and we have to continue to do that. So I agree with the member for Thornhill and his position on that, that at the end of the

day, that is ultimately what our goal is and what we're searching for.

**1720**

Having said that, we have a tremendous or a terrible—"tremendous" is a positive word, and we don't want to use a positive word in this instance because it's not a positive situation. We have a terrible shortage of justices of the peace in this province, particularly in my area of eastern Ontario. So when you talk about access to justice, we are in fact denying access to justice for that very reason.

The member for Timmins–James Bay spoke about the Askov decision where, because you couldn't get a trial quick enough because of the backlog, cases had to be thrown out. I think that is a section 11 or something today. That is an injustice as well, if we have to throw out cases because of the injustice of not being able to get justice or a proper trial. I know that may sound a little bit crazy, but it is an injustice that we couldn't bring those cases to trial because of our own doing or our own failure to ensure that the system could do that.

**Mr. Jim Wilson (Simcoe–Grey):** Some were drunk-driving.

**Mr. Yakabuski:** Many of them were, of course; and I appreciate the member from Simcoe–Grey bringing that to my attention. A number of those cases were impaired-driving cases where the evidence was very strong and clear and there was no doubt in the mind of the police that they had a strong case, but those cases were thrown out. That is an injustice for all of us when those things get tossed out for no other reason but the fact that we couldn't provide the justice at that time.

Having said that, the job of the police today gets harder and harder. They lay a charge and their evidence is good and we don't have the system to back them up because we don't have enough JPs to do it or we don't have enough judges. We have enough lawyers. There's no shortage of lawyers. I'm not picking on lawyers. But we don't have enough judges and our court systems are clogged up, and that is a terrible thing.

But the flip side of that is something that I would absolutely oppose. I support the police completely and strongly in the work they do, but I don't believe the police or anyone else should be giving videotaped testimony in a court of law. I think it is absolutely a bedrock of our justice system that if you are accused of breaking the law, you have the right to face your accuser and you have the right to cross-examine the witnesses who are giving evidence against you.

They ask, "What about speeding charges?" I would say that in the vast majority of speeding charges in this province, when a person is charged with speeding they know they've been caught. They know that they most likely have no chance of not being convicted because the evidence is usually a radar gun or something—

**Mr. Wilson:** Is there a confession coming here?

**Mr. Howard Hampton (Kenora–Rainy River):** Do you speak with some authority here?

**Mr. Yakabuski:** —but the vast majority of those people never go to trial. They don't go to trial because,

quite frankly, they know, “Yeah, I was guilty. I’m one of the unlucky ones who happened to get caught in that situation.”

I’m not saying myself personally. I’m saying the person might say they might be one of the ones who get caught in that situation—I want to clarify that—so they’re not going to court. However, if that person, on something as minor as a speeding ticket, decides they want to go to court, I believe they have the right to cross-examine the police officer or anyone else who is giving evidence in that case. I believe that’s a fundamental principle of our justice system.

While it may seem like a small matter, I am worried about it being the thin end of the wedge, as they say. So if today we can improve from an efficiency point of view our court system by allowing videotaped testimony in the cases of those people charged with speeding, maybe tomorrow, as that guy on the cooking show would say, we’re going to kick it up a notch. We’re going to kick it up a notch and today—

**Mr. Wilson:** Emeril.

**Mr. Yakabuski:** Emeril Lagasse, yes, my wife likes watching him.

Maybe we’re going to expand that to some other minor charge or sort of the bottom of the pile, the new bottom, above the speeding ticket of today sort of thing. That’s something I certainly would have serious concerns about. I believe our critic has spoken on that as well. But there are many other aspects of this bill.

I want to read into the record a letter that was sent to the Premier, the Honourable Dalton McGuinty, from a group of people, just to indicate clearly that there’s not universal support for this legislation. It speaks to what I say is the absolute need that this be sent to committee for discussion and amendments, and for the opportunity for people to make their positions known to the government.

“Dear Premier McGuinty:

“We are writing as a group of industry and professional associations who are concerned about the potential impact of Bill 14 on our operations and ultimately the consumers of Ontario. We represent thousands of Ontarians who are employed in the financial, insurance, and real estate sectors in every municipality of Ontario.

“Included in Bill 14 are amendments to the Law Society Act that provide the Law Society of Upper Canada with the authority to regulate paralegals in the province of Ontario. While the regulation of paralegals is laudable and a welcome initiative, the powers being provided to the law society are so broad as to encompass the business activities of our industries, employees and members, and the responsibilities of our regulatory bodies.

“Currently we are regulated by the province through such provincial authorities as the Financial Services Commission of Ontario and the Real Estate Council of Ontario; by the federal government through the office of the superintendent of financial institutions; and under a number of acts and regulations. The powers granted to

the law society encroach on these regulatory spheres, as the definition of legal services proposed in Bill 14 encompasses a broad range of documents and activities that our members and employees use in everyday business practices.

“If the powers granted to the law society are used to the extent provided, the law society could impose professional oversight by a lawyer or additional licensing or regulatory requirements on those working in our industries and professions. Consequently this could ultimately increase the costs to those purchasing a home or an insurance policy, borrowing money, attending a hearing, obtaining a release, or granting consent.”

It’s quite a long letter.

“For the first time in Ontario, a very broad definition of legal services is included in legislation to which the law society is granted complete regulatory authority. Schedule C”—I guess if I start it, I better finish it—“of Bill 14, subsection 1(6) specifies that ‘a person provides legal services in Ontario if the person does any of the following:

“(1) Gives a person advice with respect to the legal interests, rights or responsibilities of the person or of another person”—I do that every day and could be in trouble.

“(2) Selects, drafts, completes or revises’ (and then provides a long list of documents that includes those related to a person’s interests in or rights to or in real or personal property, including family property; documents related to a person’s legal interests, rights and responsibilities, and documents used in proceedings.)

“(3) Represents a person in a proceeding before an adjudicative body.

“(4) Negotiates the legal interests, rights or responsibilities of a person.’

“Our members and employees do not engage in the practice of law as currently defined through case law. However, they do regularly select, complete and in some cases revise the aforementioned types of documents. As well, they regularly engage in some activities that may be construed as providing advice, representing another person’s interests or negotiating on their behalf.

“As currently drafted, the only way to obtain an exemption from the proposed legislation is through a bylaw of the Law Society of Upper Canada. The law society is not a body elected by our peers, or Ontario citizens. As such, it is not truly representative of the Ontario populace. Rather, the province must retain the final word on who is exempt from provincial legislation.

“While it may not be the intention of the current administration of the law society to regulate our professions, we cannot be guaranteed that future administrations will not take a different approach or that future court decisions will not make a broad interpretation of Bill 14.

**1730**

“As such, we are formally requesting the following exemptions to subsection 1(6) of Bill 14:

“(1) For work that is performed for the person’s own use or to which the person is a party. All other provinces have this exemption in their legislation for legal services.

“(2) For work that is performed by a third party with no fee transacted. Again all other provinces have exemptions in their legislation for legal services performed without a fee.”

That’s the kind of legal work I do. I never get anything for it, but advice is usually worth what you’re paying for it, I suppose.

“(3) For persons or employees of organizations, who are licensed or regulated by a government body or act, but only in respect of the activities so regulated.

“(4) For documents that are insured, such as a mortgage with the protection of title insurance policies.

“We would also recommend that a regulation-making authority be retained by the province in the legislation to ensure that the province, rather than an unelected body, has the authority to make exemptions as it sees fit.

“As such we urgently request a meeting with you to ensure that the bill does not receive third reading without the appropriate exemptions in place. Otherwise there may be negative long-term consequences for consumers of Ontario on the basic costs of a home, mortgage, lease, insurance policy etc., as well as our members and employees.

“We look forward to meeting with you at your earliest possible convenience. Please have a member of your staff contact Wendy Rinella at 905-287-3379 to coordinate the meeting participants and arrangements.

“Yours sincerely,

“Randy Bundus, vice-president, general counsel and corporate secretary, Insurance Bureau of Canada

“Tim Lee, chair, government relations committee, Ontario Real Estate Association

“Rita Minucci, corporate secretary, Association of Canadian Financial Corporations

“Jim Murphy, senior director, government relations and communications, Canadian Institute of Mortgage Brokers and Lenders

“Wendy Rinella, director, government relations, First Canadian Title

“Vince Brescia, president and CEO, Federation of Rental Housing Providers of Ontario

“Steven Offer, executive vice-president, business development, Chicago Title Insurance Company.”

As you can see, there are a number of people who feel quite differently about this bill. My wife is a real estate agent, and there would be implications with regard to the advice they give, for no fee whatsoever, in the normal course of their duties.

I think there are some amendments that would justify being taken into account in the revision of this bill. I hope the government, in committee, will listen carefully to the submissions of those who provide that advice.

Hopefully, as we go forward with this bill, we will achieve the goal that the member for Thornhill and I share: that we’ll see an improvement in justice at the end of the day.

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

**Mr. Hampton:** I listened intently to the content of the speech by my colleague in the Conservative Party. I especially listened when he warned us of the trials and tribulations of dealing with provincial offences; namely, speeding offences. I want him to know that he is not the only member of the Legislature who has had some experience with this, so he should not feel he has some special knowledge or special access to knowledge. He is probably not the only member of the Legislature who has chosen to represent himself when charged in respect of one of these provincial offences. He is probably not the only member of this Legislature to have lost the case when he chose to represent himself on a charge of speeding. I want to commend him for his first-hand knowledge. I want to commend him for the experience he brings to this place, for the wisdom and judgment he has acquired over time. But I say to him, don’t feel you are unique or special in having some access to this knowledge.

More seriously, I think my colleague in the Conservative caucus has outlined a number of difficulties with this bill. I will have more to say on this in a minute, but there are aspects of this bill that are specific and particular, and probably could move through the House relatively quickly, because I think there is widespread agreement on the general concepts, if not the details. But for some reason, the government chose to pick a number of unrelated legal areas and jam them all together in this bill. That’s why it’s going to require some debate and some discussion.

**Mr. Delaney:** The member from Renfrew–Nipissing–Pembroke begins by incorrectly referring to Bill 14 as an omnibus bill. As I said earlier in a response to the member from Durham, perhaps he confuses Bill 14, which is a focused bill dealing with specific amendments to the legal system, with the previous government’s propensity for true omnibus bills, consisting of ominous volumes of substantive changes to legislation across ministerial boundaries, something that Bill 14 does not do.

That said, it’s pleasing to see that the member concurs on the need to regulate paralegals, which the bill does. It’s also gratifying to hear the member concur on the need for more justices of the peace. In fact, I had hoped he would recognize the effort the Attorney General has invested in organizing and documenting the job requirements and qualifications to become a justice of the peace. Why was this necessary? Because prior to the reforms in Bill 14, just about anybody could be appointed as a justice of the peace on just about any basis.

But I’m especially concerned that the member for Renfrew–Nipissing–Pembroke either doesn’t understand the proposals in Bill 14 on video conferencing for witnesses in court or other proceedings, or chooses not to understand them. Video conferencing is not the same as videotaping. The member expresses the concern that witnesses giving evidence via video conference would not be subject to cross-examination, but provides nothing to substantiate this concern. Video conferencing is inter-

active. It allows lawyers, justices of the peace, judges or even mediators to ask questions, live and in real time, of witnesses. Video conferencing simply affords a mediator, a judge or a justice of the peace access to someone who might otherwise not be in court at all or for whom the expense or inconvenience of being in court would make the exercise infeasible, and in fact provides for better quality of justice.

**Mr. O'Toole:** I believe the member from Renfrew–Nipissing–Pembroke quickly revealed his comfort in dealing with court issues, and I respect that. But I think one thing that always sticks in my mind is that justice delayed is justice denied. What this bill does, in the five sections of the bill—a very, very comprehensive omnibus bill that was hastily drafted. In fact, one of the commentaries in the media says that the minister, the Attorney General, should be charged with speeding because he was drawn to bring this bill in rather hastily. As such, we all understand here that it will have to go to committee to be seriously modified.

If you look at some of the comments in the media on this—and what the member from Renfrew–Nipissing–Pembroke was trying to point out is that, as I said, justice delayed is justice denied—what they're saying is that in many cases where there's no JP available to deal with a case, it's a cost that's being shifted down to the municipality, because police officers and others are delayed because there's no JP.

In fact, if you look at Robert Benzie's article from October 31, 2005, probably one of the better ones, the bill introduced—

**The Acting Speaker:** Honourable member, you may not have been present in the room when I clearly enunciated that you have to speak to the what the member spoke to in his speech. Stop the clock. You just can't wander on. He made no such reference to such writings by Mr. Benzie or others. I would request that you comment on his debate and either say that you like it or you don't, but on what he had to say, not on what you have to say. This is not an opportunity for a two-minute speech; it is an opportunity for questions and comments.

*Interjection.*

**The Acting Speaker:** I have just been reminded; I also do not believe you are in your seat.

**Mr. O'Toole:** Actually, I am.

**The Acting Speaker:** Well, I think you will be. Please continue.

1740

**Mr. O'Toole:** Actually, the Speaker took more time than I did, and I mean that respectfully. And that's fine.

The member from Renfrew–Nipissing–Pembroke knows full well the proceedings that occur in court; I won't go down that road. But I was trying to make the point, with due respect, Speaker, that with the insufficient number of JPs, which this government has failed to do, it's denying justice. That's really the point. Whether it's in highway traffic court or a hearing for some kind of restraining order, that's really the very substance.

I agree primarily with many of the comments the member from Renfrew–Nipissing–Pembroke made.

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

The member from Renfrew–Nipissing–Pembroke has two minutes in which to respond.

**Mr. Yakabuski:** That speech of mine must have been so acceptable that the government only wanted to put up one speaker towards it. But I thank the members for Kenora–Rainy River, Mississauga West and Durham for their comments.

I did want to speak to the comments by the member from Mississauga West. I don't think that at any time did I say that I support exactly what the government is doing with regard to JPs. I said that we have a severe shortage in the appointment of JPs and that the government has not done enough to speed that up and that the minister has delayed this bill far longer than is necessary.

On his comments on video conferencing for testimony, when we debate in this House, we face the people across the floor, across the aisle. We face them. We deal with them on a person-to-person basis. Whether we want to call it videotaping or not—the member from Mississauga West is Mr. Technicality. He likes to have all the t's crossed and the i's dotted. But the point I'm making is very clear: The person should have the right to face their accuser, not a television or some kind of monitor—to face their accuser. That, to me, is the fundamental basis of our justice system. You should have the right to face your accuser and your witnesses, not by television, not by video, but face to face in the kind of justice system that we have.

The member for Durham of course clearly indicated that he agreed with, almost point by point, everything that I said in my speech. I want to point out to you that on that basis I agree with everything the member for Durham said as well.

**The Acting Speaker:** Further debate?

**Mr. Hampton:** I'm pleased to be able to participate in this debate this afternoon, although I must admit I do not bring the level of personal experience that my colleague from the Conservative Party brings to a number of these issues. Nevertheless, I shall try to muddle through with the limited experience that I have had.

Let me say at the outset that I think the government has made a mess with this bill. A number of us in this Legislature have had the opportunity, over and over again, to think about and discuss a number of the issues that are raised in this bill. In fact, there is probably near unanimous agreement on a number of the measures that are contained within this bill, and if those measures had been brought forward in separate bills, they probably could have been dealt with fairly quickly by the Legislature. But for some reason, the Attorney General and the government have chosen to jam together in one bill a number of unrelated issues, unrelated topics and unrelated legal legislative provisions. They have taken what should have been a relatively simple and straightforward process and turned it into one which I think has the potential to become quite complicated. In fact, there are

some provisions contained within this bill that are likely open to constitutional challenge, will be constitutionally challenged and will be the subject, I predict, of some fierce debate before committee.

Let me just give you an illustration of the illogic that has happened here. The government has jammed together amendments to the Courts of Justice Act, the Justices of the Peace Act, the Public Authorities Protection Act, the Law Society Act and related amendments to other acts, amendments to the Limitations Act, the Provincial Offences Act and the Legislation Act, 2005. What could have been relatively straightforward debate and discussion on a number of these topics has, in effect, been turned into a much more complicated process.

Let me give you an example of something which I believe could have been proceeded with with relative speed: the Limitations Act. It's clear that the Limitations Act was subject to—

*Interjections.*

**The Acting Speaker:** Order, please. I wonder if the honourable minister would mind taking his seat. There's a lot of noise. I'm having difficulty hearing. Please continue.

**Mr. Hampton:** The Limitations Act was last revised in 2002, and was subject to some debate and discussion. We understand that what is being presented here is simply a housekeeping amendment. Well, a housekeeping amendment probably could have been whistled through the Legislature in relatively short order and not subject to ongoing discussion.

Similarly, I think there is widespread agreement that there needs to be some form of regulation of paralegals. I think even paralegals would like to see some form of regulation so they know where they stand in terms of their own practice, where they stand vis-à-vis lawyers, and in terms of whether or not they can be prosecuted and otherwise punished for engaging in certain types of practice. I think there's widespread agreement on that. If the government had proceeded simply with a paralegals bill, that bill likely would already have been passed by this Legislature and would have been the law of the province. But once again, the government chose not to proceed with something which has, I believe, consensus, if not unanimity, and they chose to make the process much more complicated. All of those folks across the province who were hoping to see some concept of paralegal regulation, whether they be paralegals themselves, consumers, lawyers or simply interested in an orderly extension and provision of legal services, I think have been disappointed by the process the government has chosen.

I want to deal with what I think are some of the more serious issues that should have been addressed by this government. Anyone who has been in Ontario's criminal courts knows that our criminal courts in this province are increasingly backlogged. On an almost daily basis now, fairly serious criminal charges are being withdrawn or dismissed because the government is increasingly having trouble providing trial within a reasonable time, which is

required under the Constitution of Canada. This has become a real problem. I was hoping that, with a bill that is 176 pages long and deals with a number of legal topics, this would have been addressed by the government, that we would have seen some provisions in this legislation to address the increasingly serious backlog in our criminal courts. Yet there is nothing. There is virtually nothing in this bill that will address the increasingly serious backlogs in our criminal courts.

What the government has chosen to do, however, is to focus on the Provincial Offences Act and provincial offences court. For people at home who don't know what provincial offences court is and what the Provincial Offences Act is, for example, the Highway Traffic Act is a provincial offence. Someone might say, "Oh, well, that's not very serious." In fact, it is serious. If someone is charged with careless driving, they can lose their licence, they can receive a substantial fine, they can have their insurance rates go through the roof, and it can become a very serious financial experience for them that could actually result in someone losing their job, because in many places in Ontario, if you do not have a driver's licence, that shuts you out of a number of possible occupations. And if you lose your driver's licence, you can also lose your job. So it's the Provincial Offences Act and the Highway Traffic Act.

**1750**

It's also the Occupational Health and Safety Act. This is a serious matter because people die in our workplaces. In my own constituency, in the last four or five years, a number of construction workers went to work at the Dryden paper mill. They were involved in a construction project. It now turns out that literally dozens of these workers are very, very sick because of some of the toxic substances that they inhaled while they were in the workplace. In fact, some of them now are physically disabled and others have died. On the record so far, at least two or three have died, and there is evidence that their deaths are connected with the toxic substances that they inhaled or that were otherwise consumed by their bodies while they were working in this workplace.

So the Occupational Health and Safety Act is fairly serious legislation. Indeed, someone convicted of a serious offence under the Occupational Health and Safety Act can go to jail, or a corporation can experience very severe and hefty fines, or someone can have their professional career ruined. This is serious legislation.

One would like to think that something like the Occupational Health and Safety Act or the Highway Traffic Act was being addressed in a most serious way by this government. I think people would, in that context, be disturbed to see that what the government—the McGuinty government, which likes to pat itself on the back and promote itself as being all about fairness and justice—is actually promoting and wants to see as a result of this legislation is that someone could present evidence, not in the full presence of an accused person or an accused person's lawyer, but by videotape or even over the telephone. It's a fundamental hallmark of our



justice system that when you are accused of something, the accuser must stand in court and present evidence that is available to everyone in court, where the judge or justice of the peace or trier of fact can assess the credibility, the honesty, the accuracy and can not only look at the spoken words but can also assess the body language and the nuances of what is being presented in evidence. That's a fundamental hallmark of our justice system.

The McGuinty Liberal government that often pats itself on the back and says that it's all about fairness and justice would now remove that fundamental hallmark of our justice system in the case of these very serious offences. So someone could stand accused of a serious offence under the Occupational Health and Safety Act and never be able to confront the accuser in open court; never be able to subject the accuser to the direct observation of a judge, to direct examination, to direct cross-examination. The body language, the nuances, the level of voice, the willingness of the accuser to look someone straight in the eye or not look someone straight in the eye, these things would now be absent.

I say to people at home—and let's be clear: Most people in Ontario will never end up in criminal court. The vast majority will never have an experience in criminal court. But I think I can say with equal certainty that many people will be charged under the Provincial Offences Act. For most people in this province, their experience with the law and especially with the punishment aspect of the law will come under the Provincial Offences Act. Whether it be speeding tickets, as was spoken about so eloquently by my colleague in the Conservative caucus a few moments ago; whether it be the Occupational Health and Safety Act; whether it be in a landlord and tenant dispute, for example; or whether it simply be in terms of a parking fee and the fairness of that, that's where most people will have their experience with our provincial offences and with our court system. To deny people the capacity, the ability to directly confront an accuser and to test, not only the accuracy of the accuser but the credibility of the accuser and the nuances, the body language, the clarity of voice, the willingness of the accuser to look a questioner, an examiner or a cross-examiner in the eye, I think is to deny fundamental justice.

It also creates a very bad precedent, because if you can create this precedent in this context, let me tell you, somebody who is interested in saving money in the criminal justice process or in our justice process generally will very soon come along and say, "Why don't we expand it to something else? Why don't we add it on to something else?" Very soon, you have one of the fundamental hallmarks of our justice system being erased by a Liberal government that wants to promote itself as being about fairness and justice.

There is a very fundamental problem here. People at home who may be listening tonight should think seriously about what the McGuinty government is attempting to do here. I want to be very clear with people on what this is all about: This is all about the McGuinty govern-

ment saying, "We'll sacrifice some of these fundamental hallmarks of our justice system because it will give us some money over here." I don't think we should ever, ever sacrifice the hallmarks, the fundamental principles of our justice system in order that the Minister of Finance can say, "I found a few bucks." It is far too precious for that.

I want to give an example of another situation where I'm sure the government would say, "Oh, this is just an administrative measure and there's nothing serious happening here," but it is a serious measure and I want to put it on the record. The government says—this is what I also find annoying about these omnibus bills. Some of the government members say this is not an omnibus bill. Look, there's a schedule A to this bill, schedule B, schedule C, schedule D, schedule E and schedule F. These schedules all deal with different bills that have nothing to do with one another. Some are private law issues, some are public law issues. They're not even more or less in the same category of classification of law. I think that's why these issues become complex and why they have to be subjected to detailed debate and discussion.

"Schedule A, Amendments to the Courts of Justice Act": The government's trying to say, "Oh, nothing fundamental here. This is just administrivia; this is just housekeeping." I want you to know about one of the housekeeping measures. I refer to section 76 in schedule A. I want people at home to know what section 76 does. What section 76 essentially does is that it leaves it up to an officer of the court—maybe I can actually turn to this section; I want to be quite accurate here—to decide what should happen to documents that may have been entered into evidence in a court. It's entitled, "Destruction of documents, etc."

"76. Documents and other materials that are no longer required in a court office shall be disposed of in accordance with the directions of the Chief Administrator, subject to the approval of,

"(a) in the Court of Appeal, the Chief Justice of Ontario;

"(b) in the Superior Court of Justice, the Chief Justice of the Superior Court" etc.

You're essentially putting a court administrator in the position of saying, "I don't think these documents are very important anymore." So what may have been evidence or what may have pertained to evidence in a serious trial can then, by an almost administrative decision, be destroyed.

I want to read what those of the Association in Defence of the Wrongfully Convicted have to say about this. And who are the wrongfully convicted? We've had several examples in this province; we've had several examples internationally: Hurricane Carter, now a citizen of Canada, a resident of Ontario, wrongfully convicted in the United States, many feel because he was a black man and it became convenient under the circumstances to charge and convict a black man at that particular time in that part of the United States. He spent many years in jail—many, many years in jail—before it was finally

recognized that he'd never received a fair trial and that the police officer who testified may have had an animus towards him unrelated to the actual events that took place.

So Hurricane Carter was released after many years, after people—volunteers—did a great deal of work uncovering the evidence. This is what the Association in Defence of the Wrongfully Convicted say: “The court files often contain critical documents which may not be available from other sources. In some cases, the court file may contain biological exhibits, which could be used at some future time for DNA analysis or other scientific testing. For these reasons,” the association “believes that it is entirely inappropriate to leave the disposal of court file materials to the ‘discretion of the chief administrator,’ whether or not that discretion is subsequently approved by a judicial officer.” The association “submits that discretion has no place whatsoever in this context.”

What they're saying is that sometimes the only way you can prove someone who has been wrongfully convicted has been wrongfully convicted and is innocent

is by going back to court documents, court files and things related to court documents and court files, and going through those with a fine-toothed comb. Yet we have the McGuinty government saying, “Oh, it should be all right for an administrative officer of a court to simply order that these documents, this evidence be destroyed.” I think before this provision is allowed to proceed, we should ask people like Hurricane Carter to come here to the Ontario Legislature and present their view, present their evidence. I can think of many others who have been wrongfully convicted whom we should invite here to the Ontario Legislature and ask for their evidence, for their view, because I'm quite convinced that if they were able to come here and present their evidence, we would find that what the McGuinty government thinks is just administrivia is a very important and fundamental legal issue.

**The Acting Speaker:** The time now being 6 of the clock, this House stands recessed until 6:45.

*The House adjourned at 1803.*

*Evening meeting reported in volume B.*

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