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Thursday 20 April 2006

Jeudi 20 avril 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Thursday 20 April 2006

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Jeudi 20 avril 2006

The House met at 1000.

Prayers.

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

**CHRISTOPHER'S LAW
(SEX OFFENDER REGISTRY)
AMENDMENT ACT, 2006**

**LOI DE 2006 MODIFIANT
LA LOI CHRISTOPHER
SUR LE REGISTRE
DES DÉLINQUANTS SEXUELS**

Mr. Martiniuk moved second reading of the following bill:

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

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Mr. Martiniuk, you have up to 10 minutes.

Mr. Gerry Martiniuk (Cambridge): I'm here to debate second reading of my private member's bill, Bill 73, An Act to protect our children from sexual predators by amending Christopher's Law, 2000.

I'd like to begin by recognizing and expressing my condolences to the families of all persons who died in the violence in the state of Maine this week. This terrible incident was tragic but isolated.

The bill I'm proposing allows the innovation and open debate on the type of information that should be disclosed to the public to ensure safety for all. This information should not just be another government secret. The purpose of this bill is to protect Ontario families from sexual predators. My private member's bill amends Christopher's Law to give residents in Ontario greater access to information on convicted offenders in their community by opening the Ontario sex offender registry to the public. It is increasingly important in the year 2006 that we give parents the tools necessary to protect their children from child molesters.

Another element of my bill is to include persons convicted of sex offences outside of Canada. Under our cur-

rent registry, this is not the case. To ensure public safety, we need to be aware of who is coming in and out of our province. Our neighbouring states, Michigan, Ohio and New York, have opened their sex offender registry to the public, and this makes Ontario a safe haven for sex offenders from those locations. In the US, you can view online where sex offenders live, what they look like and what offences they have committed. Most states have very user-friendly websites. Ontario and the rest of Canada are on the brink of becoming a place of refuge for these predators and molesters, as Ontario jurisdictions introduce more public access to protect their neighbourhoods while Ontario's registry remains a secret.

My riding of Cambridge had an incident recently where a child molester moved into the community unnoticed. This particular sexual predator had served 14 years in an Ohio prison for rape and gross sexual imposition that he committed on two young brothers. The sex offender lived in Cambridge unobserved until he breached his probation twice. Needless to say, he has returned to jail to serve an additional 18-month sentence. It should be noted that Ohio's sex offender registry is open to the public and is not a secret as in Ontario at present. This experience caused great distress to many of my constituents, who were outraged that they were not made aware that he was living in their community. If a parent knows a sexual predator is living down the street, they can better protect their children.

It is important to know that some US registries also have a search by name as well as neighbourhood. If your child is traveling with a person, or a person is going out on a date, they can take a few minutes to do a name search to determine their safety.

The safety of Ontario's families is first and foremost in this bill. We are presently surrendering our children's right to safety by protecting the identity of sexual predators. I'm standing up for those who cannot speak for themselves. Child molesters steal the purity and innocence of the children they prey on. Those children who have been violated will never be the same. Parents of those children who have been victimized will never be the same. I believe the rights of the children and their protection is paramount.

As our registry stands today, police can issue community notification for high-risk offenders. They have done an admirable job, but the system is simply not good enough. Our police officers are already overworked, the force is understaffed, and whether the information is issued to the public depends on an opinion and a

prediction. There are unfortunately no guarantees in this important matter of public safety.

Since I introduced my private member's bill I have received many e-mails, phone calls and letters regarding the current sex offender registry and the amendments proposed. I would like to quote a couple of my constituents: "As a mother of two young children, I cannot express to you how important it is to be armed with this information. I have never understood why this information is not available to parents in Canada when it is so readily available in the United States. It has been so frustrating to continually see the Liberal government protecting the rights of criminals and neglecting the basic safety and security of law-abiding citizens." Another constituent said, "I have never really understood the benefit of having a sex registry for police etc. and not accessible by the public. Nor do I understand the fight for rights of convicted sex offenders. My parents moved to the US 12 years ago and I have thought the sex offender registry is a great tool after seeing the US website. This would protect citizens and sex offenders from themselves as repeat offending is quite common."

As elected officials, we have a duty to protect our constituents and the residents of Ontario by giving them the resources and the tools necessary to protect their family. We post people's names in the paper if they're bankrupt and also have public access to credit and financial information, but not information on sexual offenders. At present, all courthouse records are open to the public and the names of the accused and convicted are in the media each day. The information is public already and removing the secrecy around the sex registry won't really change that. I was on a website today which promises to provide Canadian police reports, jail and prison records and criminal records for a fee, so it isn't even much of a secret.

In 2002, there were 27,000 sex offences reported to the police in Canada. The government has to recognize sex offenders as a problem, not as victims. We can no longer ignore this problem. Of the 27,000 sex offences reported in Canada, almost 9,000 were in Ontario. With an open registry, predators will know that if they commit a sex crime against children, they will be on the sex offender registry. Furthermore, this public sex offender registry will deter convicted sex offenders from re-offending.

1010

My bill would give parents peace of mind to know that they can access the registry to find out if there are offenders in their neighbourhood or possibly involved in the everyday lives of family members.

The format and scope of information available regarding sex offenders, including the level of conviction and access, are matters that we can deal with at committee if this bill is passed. The debate for this private member's bill should be about the best way to give the public access to the registry, not whether or not it should be done.

We must get the public more involved in their responsibility for their family's safety. There is a disconcerting

and dangerous trend of disconnect between the public and the police. Crimes are committed and no one comes forth with information. Crimes without witnesses, though hundreds of people are present, should give us all reason for concern. As the founder of modern policing, Sir Robert Peel, said, "The police are the public and the public are the police." The system doesn't work if that link is broken.

I hope all members will support this initiative to place more responsibility with the members of the public in Ontario so that they can protect themselves and their families. Thank you very much.

The Deputy Speaker: Further debate?

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I'm pleased to join the debate on Bill 73 put forward by the MPP for Cambridge, Gerry Martiniuk, An Act to protect our children from sexual predators by amending Christopher's Law, which of course is the sex offender registry of 2000.

We've just heard the comments made by the member for Cambridge and certainly he feels very passionately about the need to do everything we possibly can in this province in order to protect the safety of our children. If we take a look at Christopher's Law, which this is going to amend, I think we can all remember that that initiative was a very bold measure in community safety. It had been sparked by the very brutal 1988 murder of 11-year-old Christopher Stephenson at the hands of a convicted pedophile on federal statutory release. It was at the inquest into Christopher's death in 1993 that the coroner's jury at that time recommended creating a national registry for convicted sex offenders, requiring them to register with the local police service. Christopher's death highlighted the need to provide police services with greater ability to monitor sex offenders in our communities.

Our government at the time agreed with the jury's recommendations. Our government moved forward and took the initiative and we introduced legislation which is seeking to be amended today, which created Canada's first provincial registry of convicted sex offenders. Obviously it was done with the support and the encouragement of the Stephenson family, victims' groups and law enforcement organizations. Christopher's law was proclaimed on April 23, 2001, making the Ontario sex offender registry a reality. It has provided a vital step in fighting crime and protecting vulnerable children and adults and certainly acting as a safeguard to our communities.

What we have today is a request for an amendment that has been put forward in a way that the sex offender registry would now be made available to the public and it would also extend the registry to include persons convicted of sex offences outside of Canada. Again, this is an issue which obviously needs to receive some public debate and people need to have the opportunity to discuss their support or their concerns regarding the proposal here. The proposal would include making available to the public the name, the address, the photograph and the sex offence for which the offender is responsible. Obviously,

these are all issues that are vitally important to the protection of our children from sexual predators, and it is important that the public have an opportunity, if this bill were to be passed and go to committee, to give their input. We need to do whatever we can in this province to ensure that our children are protected. Certainly, the example of what happened to Christopher Stephenson should remind us all of the consequences.

I took a look, and the Washington state sex offender information does allow public access to the sex offender registry; the New York state sex offender registry does, as does Michigan state; the province of Manitoba has public notification of high-risk offenders; and in terms of sexual offenders, the Florida sex offender registry allows for community notification, an on-line searchable sexual offender database and an on-line browsable directory of sex offenders.

We have before us at this time in the province of Ontario this amendment to Christopher's Law. Again, it is asking this province to take another bold measure in community safety. Obviously, it will be up to the public to provide input and make a decision as to how they see us being able to move forward in a way that is going to best protect our vulnerable children from the sexual predators who live in our midst. It is an issue that is going to warrant some very serious discussion, and I am pleased to put these comments on the record today.

Mr. Peter Kormos (Niagara Centre): I'm pleased to be able to speak to the bill today. I'm going to indicate at the onset that I'm quite eager to support it here and now today, at second reading. I think it's an incredibly important proposition that it go to committee. I think it warrants thorough consideration and debate, and debate with the participation of expertise, of the experiences of people in other jurisdictions.

I want to put my reasons for supporting it. I speak primarily to what I suspect is the most contentious part of the bill, and that is the publishing of the names of sex offenders as defined in the legislation. Look, I come from smaller-town Ontario—you know that—and I'm blessed. I live in an incredible neighbourhood: Bald Street, Maple Street. It's one of the older parts of the city. It's a mixed neighbourhood in terms of the ages of the residents. There are at least three generations: There's senior citizens, retirees; there are people like Mr. Martiniuk and myself, middle-aged men, and our households, as they be; and then there's young families. You see, when you have an old neighbourhood like that, there's turnover. You know what I mean. People move out of their homes, young couples move into more modestly priced homes, like they are in the neighbourhood, with their kids.

We interact a lot in our neighbourhood. It really is very old-fashioned. When there have been families with young kids, the kids wander from yard to yard, from veranda to veranda, from patio to patio. If my neighbours, the Wightmans, and I happen to be barbecuing some hot dogs and drinking some grape juice, the neighbourhood kids think nothing of dropping by to get a hot dog and, "Here's a hot dog." I think that's good. That's a

healthy neighbourhood. People look out for each other. Seniors who are retired have thought and think nothing of keeping an eye on a neighbour kid who's wandering around or roller skating on the sidewalk, what have you.

1020

But, as I say, there's turnover. I think we want to encourage healthy communities and healthy living. I don't think some of my colleagues who perhaps live in those more sterile, newer subdivision types of places, where the trees have only just barely been planted and where community hasn't begun to grow, enjoy the same old-fashioned lifestyle that I'm blessed with down on Bald Street, Maple Street, Hooker Street—yes, it's called Hooker Street, from the old Hooker Brick factory, please—which was where most of the bricks came from for our older, 90- and 100-year-old homes; the Hooker Brick factory, just two blocks over on Hooker Street.

I'm sensitive to the charge of the prospect of vigilantism. I'm a little less sensitive to the privacy issue, because let's understand this: A conviction for a sexual offence is a matter of public record. Thank goodness. Our criminal justice system requires that it be very, very public. There is literally nothing stopping people from canvassing their local newspapers and scanning newspaper articles about persons convicted for anything, for that matter, and publishing it on a website. Sorry, that's one of the tragic outcomes of a criminal conviction. Be forewarned.

The court record itself is public. The courtroom is accessible to the public. A person can sit there and make notes all he or she wants, as long as they're not sitting in the jury box. The newspapers can go there and report, and those newspaper reports remain alive in newspaper archives or on film in the local library.

Ms. Andrea Horwath (Hamilton East): Microfiche.

Mr. Kormos: Microfiche, Ms. Horwath reminds me. As I say, the court records themselves can be accessed. This can be published without any fear of libel, attack, or without any repercussions, without any restrictions.

I believe families have a right to protect their children from predators. That's the bottom line. And if and when there are conflicting rights, like the right of a person who has done his or her time to move on with their life, I think the right of a child to be protected from predators prevails.

I think we have to be very careful. When the Conservative government was developing the sex offender registry, I participated on behalf of New Democrats in the committee process. All of us participated here in the chamber in terms of debate. I was concerned about the limited scope of persons on the registry. Nobody who had been convicted prior to the enactment of the legislation is included in the registry, so there's a false sense of security. It's not accurate. We wanted that information to be there. We wanted to see some means, some way of at least addressing, from the point of view of the federal government, the need to have at least a senior tier of young offenders, those 16- and 17-year-olds who are convicted of these offences and are protected by the

Young Offender's Act in terms of not publicizing their names. For the life of me, why a person who commits an offence which demonstrates them to be a danger to the general public, who is at least 16, wouldn't have their names published just boggles the mind. I find no rationale for it. We're not talking about a shoplifting charge, which kids do, or puffing on marijuana from time to time, as kids do, and I suspect maybe one or two members of this assembly have done in their youth. We're talking about people who do serious crimes that demonstrate and prove them—it's no longer speculation—to constitute a real risk to children.

The reason we take extraordinary steps is because you, Mr. Hoy, myself, Mr. Leal, Ms. Horwath—we're adults, and in most circumstances we can defend ourselves. I'm not talking about a brutal physical attack necessarily, but in terms of being lured or conned, being seduced. Kids can't, which is why kids are preyed upon and why pedophiles, as we know increasingly when we read about tragically notorious cases and we read the academic literature, are incredibly skilful manipulators. They not only manipulate the kids they target as victims, they manipulate their parents, as often as not, as well. Of course, they manipulate themselves into organizations, groups, activities that actively involve children, like Boy Scouts and similar sorts of things. I want to be very careful. I have the highest regard for Boy Scouts, Big Brothers, Big Sisters, but those organizations themselves have become increasingly aware and cautious about the fact that—it's like asking why robbers rob banks. Because that's where the money is. Why do pedophiles join these organizations? Because that's where the kids are.

So I say, yes, a community has a right to protect itself. A community has no right to engage in vigilantism. The rule of law must prevail. But I ask any of you, as a parent or a grandparent or an aunt or an uncle or simply somebody who treasures and values the young people in our province and in our country, and the great potential that they have to take this country further and make it greater, do you not believe that you should have the right to know enough about a new neighbour that you tell your kid, "No, you will not accept Mr. Doe's or Ms. Doe's invitation to come into their House," end of story? Don't you have that right? I think you do.

Again, when there are conflicting rights—there may well be. We'll hear that argument from the opponents of the bill who are squeamish about the publication of names. I say that someone who has committed a sufficiently serious offence to demonstrate themselves to be a danger to the public, especially children, forfeits, from a pragmatic point of view, from a day-to-day-living point of view, some of the rights that other people in this society have.

I know that from a hard and fast civil libertarian interpretation of the law, that may not be the case. Mr. Tascona may well chastise me for having suggested it. But at the end of the day, when you have to balance interests, surely the interests that we have in ensuring kids are not viciously, brutally attacked, and I say to you

that—dare we grade sexual assaults on children?—even the most passing of sexual assaults can be as violent—and, I say to you, is as violent. Not to diminish the incredibly tragic and horrific crimes against children, but to try to grade them is a no-win situation. The scar of that victimization—a scar is a scar is a scar and operates as adding an incredible impediment.

Do we become obsessed with one journalized incident, which still has more questions than answers, to somehow suggest that the proposition around publication of names is inappropriate? One of the things I say we've got to do is ensure that any sex offender registry, whether it's a private one for the police only or a public one, has to be scrupulously accurate.

Interjection.

Mr. Kormos: Think about it, Mr. Leal. If there's anything more harrowing than knowing that a child has been victimized by a sexual offender, by a pedophile, it's knowing that an innocent person has been labelled a pedophile. We raised this during the initial discussion, the initial debate around the creation of a sex offender registry. I say that procedures—and that's why this bill should go to committee.

Think about this, Mr. Martiniuk. When a person is going to be put on the public sex offender registry, perhaps there should be forenotice so that person has an opportunity to challenge their name being placed on the registry. I think that would protect people who have names that are similar or identical to actual convicted persons—a requirement for a notice prior to the public publication. There are other variations that can be used. Various police services use their discretion, especially after the Jane Doe case here in Toronto. Remember that, Ms. Horwath? Metro police acknowledged their liability and paid out an incredible amount of money for being less than bang-on when it came to notifying the public about a danger to women—a serial rapist. Jane Doe, of course, since then has revealed her own identity, very bravely, very courageously. So again, if there is sufficient evidence to rebut the proposition here of a wide-open publication, then surely to goodness, if there is only to be a private police-accessible registry, we need clear and consistent guidelines about when the police have a responsibility to notify people in a community of the presence of a dangerous sex offender in their midst.

1030

I would regret it very much if this bill were not allowed to go to committee. I'm not talking about some brief half-day session where it's then sent off into legislative orbit and put into the big legislative black hole by the government. Let's make one thing very clear: Should this bill pass today—and I fervently hope it does—it then in effect becomes the government's bill. Mr. Martiniuk, the author of the bill, no longer has any control over its progress. It's the government; it's Dalton McGuinty and the Premier's office that decide its future. Don't be calling and bothering Mr. Martiniuk about why his bill isn't being called for committee hearings or for third reading; call the Premier's office. I'm serious. It's Dalton

McGuinty and his office that will decide the future of this proposition. And should this get quashed, should this get buried in that legislative black hole by Mr. McGuinty and the Premier's office, I say shame on them, because it's too sound a proposal that begs too much debate and too much public consideration for it to be shelved by a Premier's office that's more focused on pit bulls and pot than it is on some of the real dangers that lurk out there in communities across Ontario, and in the context of this consideration, the incredible danger and threat to young kids by predatory pedophiles.

Mr. Khalil Ramal (London–Fanshawe): I'm pleased to join the debate on Bill 73, Christopher's Law (Sex Offender Registry). I was listening carefully to the member from Cambridge when he was introducing this bill. There's no doubt about it, it's our duty as a government, as elected officials, to protect our children and to create a mechanism to protect them. I believe the member from Cambridge has a good and great intention to protect our youngsters.

I was listening also to the member from Niagara Centre when he said that the ultimate and final decision is for the Premier of this province. I agree with him. We are privileged and honoured in this province to have a Premier like Dalton McGuinty who believes in children and youth, who believes strongly in protecting our children and youth in this province. That's why we have so many programs across Ontario to protect our youth—youth at risk, children. We've invested more money for child care spaces than the past three or four governments. That's why it's our Premier, as the member from Niagara Centre mentioned, who is responsible for protecting our youngsters in this province, and I believe him. I strongly believe it's our duty as a government, as elected officials, to protect them.

I want to commend the member from Cambridge for bringing this bill and opening the debate and creating awareness about very important issues. But the bill, established and published in 2001, I think, gives the police the authority and the right, if they think it's important, to publish and to put on the website a picture of the sex offender in order to protect the community where he lives or where he is going to be living. From that time, what we noticed is that 95% compliance—

Mr. Kormos: All it takes is 5%, Khalil. It takes 1%.

Mr. Ramal: I agree with the member from Niagara Centre. But I want to tell him that I was listening to him carefully when he was talking about older neighbourhoods where the community lives together, generation after generation, and the kids move from neighbour's house to neighbour's house to eat barbecue in this house or go to play in a different backyard without even paying attention or without thinking about a sexual offender living next door to them, because they've lived as a community for years and years and years, and they enjoy the atmosphere. I want to tell the member from Niagara Centre too that sexual offenders travel from place to place. Some of them live in cities where we have no idea who lives on the second floor or the fifth floor or who

lives next door to us, or who is going to come from neighbour to neighbour.

I'm not saying that's not an important issue. It should be debated openly. It should be talked about. It's very important to all of us to protect our youth in this province, because our youth are our future. I think it's our responsibility in the end to find a way to protect them.

We look at the bills, whatever bill is in front of us or that we've passed in the past. If they don't protect the kids, we should open them up and talk about them. We should create a new mechanism in order to protect our youth.

When we go back to Bill 73, Christopher's bill, from our records from the past, we see a compliance of 95%. When we compare it to the jurisdiction of the United States, where they are publishing all the records of the names and they disclose to everyone, in the United States we see the compliance rate way below the rate we have in Ontario.

I also believe it's not just publishing the names; we have to create a task force. We have to invest in a special task force to protect the youth and to protect the children. That's what we need in the province of Ontario. Our government gave \$700,000 to the police force in Toronto in order to enhance their ability to protect our youth in this province. We also invested \$1 million in the OPP to look after the sexual offenders who are trying to use kids for sexual exploitation and as people they can make money from or who can be abused.

That's why I think it's important to us, before we talk about issues, that we have to create a way to protect them and to follow it, to implement it. That's what we're doing in the province of Ontario. I'm very honoured and pleased to see our government taking all the measures in order to invest in this area by hiring 46 police officers to look after this file, to continue to look after this file. It's not just about talking, not just about passing laws, not just about passing bills, but also about following those bills and thinking how we can implement it by professionals and in a professional way.

I listened to all the speakers in this House. I think it's important to open it up and talk about this issue. But I'm not sure that by changing it or amending it, it's going to solve the sexual offender situation in the province of Ontario.

As the member from Niagara Centre mentioned, those people tend to develop very high skills to move from one area to another area and to manipulate not just the youth but also the parents. I think it's very important not just to study it, to pass bills, to open up the discussion, but also to create a mechanism, to create a way, some kind of task force, to follow it all the way to the end: to study why that happens, how we can solve it, and, if that happens, what we're supposed to do as a government, as a community. Since the police in this province have a right to publish and notify the public about the serious sex offenders, I think the bill, the past bill, is very flexible and gives the right to the police to act if they want to act. If they see it's important to publish a name, if they see

it's important to publish a picture, they have a right to do it. I've seen it. Where I live beside the water here, just in downtown Toronto, the police published and put a poster and a picture of a sexual offender in the neighbourhood.

1040

Mr. Kormos: Are you over at Harbour Castle?

Mr. Ramal: No, Harbourfront, down at the other side—not Harbour Castle.

I want to mention this because I think the police are playing a pivotal role in this area, in telling people that we have a serious criminal among us here. We should get some help from all the neighbours for the people, and that's why I think this past bill gives the flexibility to the police to protect the youth and protect the community where the sexual offender might be living, or might be passing or might be visiting.

But in the end, I want to commend the member from Cambridge for bringing forward such an important issue, to create awareness, to give us the chance and the time to debate this issue in order to find a solution, if that solution in the past didn't work. I was very pleased to listen to many speakers in this House talking about this issue. I think it's important, but I'm not sure that we'll solve the problem by changing or amending the bill. Anyway, thank you again for allowing me to speak.

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join in the debate to support my colleague the member from Cambridge, Mr. Martiniuk, with respect to his bill. Mr. Martiniuk is demanding safety for children against pedophiles. I think the two principles of what we're dealing with here are very simple. The first principle is that the public has a right to know, a right to know what's going on within their community, of any dangers or risks, so they'll have knowledge and they can deal with the situation—the public's right to know. The second is the principle of children's safety and how that's balanced against the rights of individuals to be in a community, but to balance that against whether the children are at risk in terms of the individuals who do have some history with respect to dealing with children in a way that has breached the criminal law.

I think this is a serious bill. Certainly it would be viewed more seriously by the government if the Attorney General and the parliamentary assistant was here, but I know they're listening. I just want to say that we take it seriously here on the Conservative side. I know my good friend from Niagara Centre has spoken about this. We want this to go to committee.

It's nice for the members opposite, who will talk and say, "Oh, we've done this, we've spent money on this." What does that mean? You're spending money. We've got a problem here. We've got a problem with respect to community safety, and Mr. Martiniuk has got a solution here that can be looked at to deal with protecting the community, and children and enhancing the public's right to know.

To be clear, there already is a current sex offender registry in Ontario. It was brought forth by the Progressive Conservative Party. It's currently being looked

at, I understand, at the federal level by the Conservative Party in terms of extending all across Canada, which would be positive in terms of coming up with a system across the country. I know Mr. Martiniuk has put into his bill measures that will deal with individuals who come into the province, who have committed sex offender crimes, and they would be put into the registry. I think that's important from our point of view, because we need to have a seamless system. We need to have a relevant system. We have to have a system that actually does something, actually functions, as in other jurisdictions that they're looking at in terms of making sure this works. It's in Michigan right now, and it's in Washington state. My colleague has done a lot of research in terms of other jurisdictions. They've basically put up a sex offender registry for public access, for the public right to know.

I don't think that's too much to ask of this Legislature, to support Mr. Martiniuk's bill, to put it in committee. I'm positive it's going to receive second reading here today as a private member's bill. What I'm less confident of is the government's will, based on what the member from London-Fanshawe has talked about in terms of what he sees as what's important here. This is not a symbolic gesture by Mr. Martiniuk. This is a real-time solution to dealing with a serious problem, and it's going to be followed up in terms of issues that the member from Burlington has with respect to his private member's bill, which is going to be happening a little bit later today.

We have some problems in our community. People want to know that their communities are safe. People want to know that their children are safe. People have a right to know what's going on in their community. It cannot be a situation where people—the police make a decision. Everybody knows of the case in Toronto where there was a rapist in the community and the police decided in the public interest that nobody should know. Yet the rapes continued, and unfortunately there were more victims because the public didn't know what was going on in their community in terms of risk, and the public didn't know how to take action to protect themselves.

This is all that this bill is about: the right of the public to know, the right of the public to protect itself, the right of parents and families to protect their children. I would think it's incumbent upon the government to take this bill seriously and to make sure the Attorney General and the parliamentary assistant are aware that this is a serious issue and send a message to the government that we want some action.

Mr. Jeff Leal (Peterborough): I'm pleased to have an opportunity to get a few remarks on the record today with regard to Bill 73, Christopher's Law, an amendment to the sexual offender act in the province of Ontario.

I come from a perspective that the most precious thing that I share with my wife is, God blessed us with two small children. My son is eight years old and my daughter is six years old. To me there's no more heinous

a crime than people who have played upon children and exploited them in a sexual fashion. I mean, it's beyond description when those kinds of crimes take place. I think I have a responsibility not only as a parent, a father, but the responsibility that I have now as a legislator to make sure we do everything we can to put in place legislation to protect our folks who are most vulnerable in our communities.

The member from Niagara Centre touched upon how communities and neighbourhoods functioned many years ago. You know, as a seven-, eight- or nine-year-old, I never thought much about it, because I experienced a similar situation to that of the member from Niagara Centre. I grew up in the south end of Peterborough, where there were no fences and you would just go through the neighbourhood and you were on everybody else's property and that's the way one experienced one's childhood.

But today I think my perspective has changed somewhat. As I said, being a father of a young son and a young daughter, I'm much more protective and much more observant of what is going on in one's community and where you take your kids—the hockey arena and other areas of recreation, and other involvements that you have with your children.

Last night I happened to catch the Fifth Estate. There was a program on the Fifth Estate last night that looked at kind of an interesting relationship between a hockey coach and hockey players. It certainly brought to the forefront some interesting issues with regard to possible exploitation of young people and how somewhat maybe questionable relationships do come about.

I also had the opportunity some years ago to meet with a father whose son had been a victim of sexual exploitation. The father shared with me details that were revealed to him by his son, who went through a situation that is very hard to describe. Certainly, that experience left me with the need to address this particular situation.

I do commend the former government of Ontario under the leadership of Mr. Harris, who in 2001 brought in the first sex offender registry in Ontario.

1050

I think it's important that this bill get the opportunity to go to committee, to have hearings. Obviously, there will be people who come forward to provide both pros and cons with regard to this amendment. I know there may be some issues, if this particular legislation goes forward, that may bring about some charter challenges, and I think it would be an opportunity to go to committee to hear legal opinions of experts who are familiar with the Canadian Charter of Rights and Freedoms and how this bill might fit in with regard to that.

The other issue I'd like to talk about for a moment—I think it's certainly related—is the issue of initiatives and how we approach that curse in society called child pornography. The exploitation of children by whatever means is certainly appalling and unconscionable. Collectively, this government and other governments have gone to some lengths to try to address that very serious problem. Through the initiative of hiring 1,000 additional

officers in the province of Ontario—I know some of them, particularly in the GTA area, are dedicated solely to address the issue of child pornography.

Mr. Speaker, I know you've taken the opportunity to visit classrooms in your riding, and you know how proficient children are today in grades 1, 2 and 3 when it comes to embracing computer technology and how familiar they are with using it, certainly more familiar than my generation. So we have an opportunity to make sure we provide funding to reduce the potential exploitation that can occur through computer technology.

I know that in 2005 we had the introduction of CyberCops, a new software package that was targeted towards grades 7 and 8 students in the province of Ontario to be safe online and protect themselves from Internet stalkers. I know that our colleague the Minister of Community Safety and Correctional Services, along with my colleague the member from Scarborough—Agincourt, is having an event today to talk about software in classrooms in order to protect children.

So I'm prepared to support this bill, move it on to committee and have some in-depth discussions on this very serious matter.

Mr. Frank Klees (Oak Ridges): I'm pleased to participate in this debate. I want to commend my colleague from Cambridge for bringing this important piece of legislation forward. Certainly, I will be supporting it. I agree with other members who have spoken who suggest that it should have the appropriate time of hearing in a standing committee, and I look forward to the government giving much more than empty rhetoric to the principle of ensuring that our children are safe, that our communities are safe. We only do that by ensuring there is proactive legislation in place that helps us achieve that end.

I am participating in this debate from the standpoint certainly as a member of this Legislature, but also as a parent, and to allow my discussion to be informed by my role as the education critic in this Legislature. To that end, I want to point out to the Legislature that we have a significant problem in terms of allowing the issue of sexual abuse to simply not be given the attention that it should be.

I want to refer, for example, to decisions that have recently been made by the College of Teachers' disciplinary committee. I want to read into the record some of these decisions, because I'm sure that it will be shocking to many members of the Legislature and perhaps encourage them to support Mr. Martiniuk's bill, because these are issues that not only do not get public exposure, and I believe they should; in fact, it is issues such as these that should be added to that registry. Let me give you an example.

In the case of Julia Ann Webb, a teacher, 34 years of age, she admitted sexual relations with an 18-year-old student who had been in her class, and here were her consequences: The college asked for a revocation of her licence, and the panel suspended her for one year. That was her consequence.

Dale Fisher, a teacher and former Ontario Secondary School Teachers' Federation activist, was found guilty of possessing child pornography, and here were the consequences: The college asked for a revocation, and the panel suspended him for 22 months—22 months and he's back in the school system.

A-Miron Kurczak, teacher, pleaded guilty to uttering threats and assault against a police officer and physical assault of a 13-year-old male student: suspended for 18 months.

John Domenic Di Pasquale, coach of a 14-year-old girls' soccer team, held question-and-answer sessions on sexual matters and his preferences in hotel rooms at away games. The result was a reprimand. That's it.

Kenneth Hammond, boundary violations with two female students under 14, received a reprimand; very few details in the decision.

We have another circumstance of a Philip Louis Roy, also known as Philip Louis King. He pleaded not guilty to the allegations but the panel found King's arguments to be without substance and indeed found him guilty in January 2003. This is an individual who faced seven allegations of professional misconduct related to accessing and viewing websites containing child and adult pornography on computers on school property. This is an individual who is now in a position of being reinstated into our school system. That's what's happening in our school system.

It's simply because society is taking the position that we can't be too hard on these people. There's so much discussion about the rights of the criminals in our society today that we forget the rights of the victims. We forget the responsibility we have as legislators to ensure that the rights of our law-abiding citizens are upheld and that our communities are ensured to be safe. So anything we can do to send the message to those who would abuse that freedom that there is a risk to doing that, I support, and I support Mr. Martiniuk's bill for that reason.

The Deputy Speaker: Mr. Martiniuk, you have two minutes to respond.

Mr. Martiniuk: I'd like to thank everyone who spoke to this matter: my good friend Elizabeth Witmer, the member from Waterloo, who has worked tirelessly with children and the education system in Waterloo and in this House; Joe Tascona, the member for Barrie-Simcoe-Bradford, who brought his thoughtful and legal background to bear in regard to this issue; Frank Klees, the member for Oak Ridges and our education critic; Khalil Ramal, the member for London-Fanshawe; Jeff Leal, the member for Peterborough; and of course Peter Kormos, the member for Niagara Centre.

I believe that my Bill 73 is a safety issue. If we, as legislators, can save one life by altering and expanding the scope of this bill, then we have done our job in protecting our children. It also would extend the registry to those convicted outside of Canada. I am concerned, because of the openness of the registries in the United States and the closed registries in Ontario and other provinces in Canada, we might become a safe haven,

where sexual predators would be coming to this jurisdiction to escape what they see as the onerous registries in theirs.

I would ask you to consider supporting my bill, and we'll have it referred to committee. Thank you.

1100

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 second 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 Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Mr. Jackson, you have up to 10 minutes.

Mr. Cameron Jackson (Burlington): In 2002, Jenny Latimer of Burlington fled with her sons Kevin and Liam to Halton Women's Shelter after suffering constant verbal, emotional and physical abuse. When Jenny first made application to the courts to protect herself and her children, the father was granted supervised access. Within a few months, however, this order was changed to grant unsupervised access outside of the jurisdiction where the mother and the children lived. Kevin Latimer-Campbell died just three days short of his second birthday, five months after he plunged from a three-storey window in his father's apartment. According to the media, his father was completely unaware that Kevin was missing. He was charged with criminal negligence causing bodily harm.

This is the second time that I have read that testimonial into the record of this Parliament and it is also the second time that I have tabled this particular piece of legislation. It was exactly two years ago next month that this House unanimously passed legislation in those days known as Kevin's Law. There are several members in the House with us today who participated in that debate, and I know they're going to participate again. At that time, we said that we really needed to proceed to make this a law because then and only then will we have the knowledge as legislators as to how we can ensure that these kinds of tragic deaths do not repeat themselves. That bill did get passed, but it died on the order paper. Here we are today, reintroducing this bill.

It's a very simple bill. It basically says that when a child in the province of Ontario dies while in the supervised or unsupervised access of a parent who has demonstrated violence—and it's been documented—to the

family, and that child dies, then there should be an automatic coroner's inquest in this province. During that inquest, the victimized family should have standing so they can cross-examine the system, the very system which, in their opinion and the coroner's and the coroner's jury inquest's, may have contributed to the death of their child.

The purpose of a coroner's inquest is to give the departed a voice. The motto for the coroner's office, as we all know, is, "We speak for the dead to protect the living." That's what we were trying to achieve two years ago.

In the last two years, a lot of tragedies have occurred. On March 18 in Brantford, Ontario, eight-year-old Jared Osidacz died at the hands of his father, Andrew Osidacz, who died a few hours later. On that day, three other individuals, by a miracle, did not surrender their lives. The lives of Paula Ferrell and Sarah Ferrell were spared because of Jared's courage. Julie Craven, who sat with her husband with a knife to her throat, endured 40 minutes, pleading, "Will someone please find out if my son Jared is alive? Will someone please phone the police? Will someone please phone the paramedics to save his life?" No call was made. And we will never know the degree of the distress that Jared, in his last hour, his last minutes, endured and whether we could have saved his life. The only way we will know is through a coroner's inquest.

Two weeks later in this province, outside of Ottawa, the entire Maily family was killed under almost exactly the same circumstances: Jessica, 12; Brandon, 9; Kevin, 6; and their mother, Francine, all died at the hands of an abusive father and husband, and the father, Frank, lost his life as well that day.

Now, what's significant about these tragic deaths is that we will never know if they could have been avoided, because we have no road map to determine just exactly how these incidents occur and why they occur. But to listen to the families who are here in the House today—the Craven family is here and the Latimer family is here; the Latimer family is here for the second time to listen to this debate. They are here to appeal to the Parliament of Ontario not just to pass this in second reading, something that you did two years ago and will undoubtedly do again today, but that you understand what these families have gone through and determine that it is essential that we empower the coroner to automatically call for these coroners' inquests.

There are a lot of things that need to be dealt with and changed. If I had more time—and if this bill goes forward, as I hope it will, to the justice committee, we'll have time to look at the issues. This is not about being critical of the children's aid society. There are several elements common to each of these stories which require review. The whole issue around supervised access in this province—we have two separate forms of supervised access: one is court-ordered through the Attorney General's office, where there is violence; and there is a second stream involving the children's aid societies.

They are funded differently; they are regulated differently. One has specific guidelines; another one has no guidelines whatsoever. The CASs indicate they don't really get paid by the government to do that, and we need to fix that. I have been standing in this spot for over 21 years fighting for changes to the two pieces of legislation which I think cause difficulty for women and children who are the victims of abuse: the Support and Custody Orders Enforcement Act and the Children's Law Reform Act.

Basically, I argued 20 years ago in this Legislature that our courts should make their decisions when it comes to supervised access for children who are the victims of abuse, and should rule in the best interests of the child. What the law says is that it's in the best interests of the child to have access to both parents. Those do not reconcile themselves when you're dealing with violent and abusive partners. Those are the stories that, if Jared were alive today, if Kevin were alive today, if the Maily children were alive today, they would be able to tell you about how the system failed them.

So we need to look at that. But a police report will never deal with supervised access. A coroner's report, which is separate from a coroner's inquest, which will be handed to the Latimer family for Kevin, which will be handed to the Craven family because of Jared, does not include any information about the issues that they face going forward in court. And we know that history will repeat itself if we're not careful here.

1110

Jenny Latimer is in the House with us today. Not only has she lost her youngest son, Kevin, but her surviving son, Liam, is now in a supervised access program with the man who, in her opinion, is responsible for the death of her child. She has to participate and do that supervision, and yet his rights are upheld to access his child, even though he's not current with his support payments for Liam.

The system's wrong. The system is wrong. That story repeats itself. Andrew Osidacz was behind in his support payments, but he certainly wasn't behind in getting access to his child, whom he murdered. When the courts determine that a child shall be sent to a parent with a known history of abuse and that child dies at the hands of that parent in this province, there should be an automatic coroner's inquest.

The Deputy Speaker: Further debate.

Mrs. Christine Elliott (Whitby–Ajax): I'm honoured to have the opportunity to speak to private member's Bill 89, Kevin and Jared's Law, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario, for several reasons.

First of all, I'm honoured to speak to a private member's bill in the Legislature for the very first time as an elected representative. I'm also honoured because the protection of and advocacy for children and vulnerable people have always been important to me, both in my professional career before I was elected and also in my personal life.

I've been fortunate to have grown up in Durham region, specifically in Whitby, and to witness what can be done when private citizens work together to make better lives for their most vulnerable community members. The Grandview Children's Centre is an amazing facility for children with special needs, offering physio and occupational and therapy, speech therapy and psycho-educational assessments. The centre is generously supported by communities throughout the region, as is Durham Mental Health Services, which is another community agency serving people with chronic mental health problems. The Carly Centre for Grieving Children has recently been started in Whitby for children dealing with the death of a parent. So you can see that the people in Whitby and Ajax have demonstrated a commitment to helping children and vulnerable people. I'm honoured that they've placed their trust in me to represent them at Queen's Park and to continue that commitment. I want to thank the people of Whitby-Ajax for giving me this opportunity and wish to assure them that I will work hard to bring their concerns forward and to advocate on their behalf.

Finally, I'm also honoured to be able to speak to this bill on behalf of my colleague the member for Burlington, who's advocated for many years for victims' rights. He's worked very hard on this bill and deserves to be commended for his integrity and dedication to these issues.

At the outset, let me express my deepest condolences to the Latimer, Craven and Osidacz families. Your losses are unimaginable to us. All we can do is try to prevent other families from having to suffer the grief and loss that you have, and that is what Kevin and Jared's Law is intended to do.

I know that we share this common purpose and, if I may, I would like to read a statement from Mrs. Marjorie Latimer, Kevin's grandmother, who has stated:

"The past two years, since my grandson Kevin's death, have been a series of emotions during our time of grief. We deal with grief on different levels, and often it is difficult to understand one another's feelings. We try to smile and we try to carry on with our lives, but there will always be someone missing from the family gathering and we can't bring him back. What we must do is move forward and be an advocate for the safety of women and children who live with abuse and violence and neglect."

Jenny Latimer, Kevin's mother, has also said, "Kevin and Jared's Law will help protect many vulnerable children, and hopefully will provide security to the abused parent who has custody of the children."

We owe a duty to these families, to honour and respect their children by supporting this bill. To not do so would be doing them an injustice after they have shown such incredible courage and resolve in the face of their grief and loss.

As you know, the bill provides for an automatic inquest when a child dies from a Criminal Code offence while in the care of a parent who is or has been subject to

supervised access. The bill will also specifically permit the use of the victim's justice fund to cover the cost of legal counsel for the crime victim's family at the inquest.

This bill is elegant in its simplicity and resolves the specific issues that we're faced with today succinctly. I support this bill wholeheartedly and urge my colleagues in the Legislature to do likewise.

Ms. Andrea Horwath (Hamilton East): It's my pleasure to join in this debate on Bill 89. I have to say, unfortunately, I wasn't here when the member first brought this issue to the Legislature back in 2004. In fact, I was in the process of getting here, I think, when that debate was happening. It's really, truly tragic that the bill had gotten to such an extent in the process, only to die on the order paper and have to be once again raised. In the interim, there have been a number of other tragedies in the province of Ontario. So I certainly am supportive of this bill. I'll be voting in favour of this bill. I think that it's absolutely incumbent upon us to make sure that, when circumstances like this arise, a coroner's inquest is an automatic thing that is undertaken, that the questions are appropriately asked, and that family members have an opportunity to participate in the process that will shed light on why these tragedies occur.

The children that the member has mentioned in his preparation of the bill will never be brought back to us, but their memories can be honoured through our doing the right thing and moving forward with this legislation. The tragic losses that the family members have undergone in the process of these unspeakable tragedies are something that none of us, I don't think, will ever be able to understand: their anguish, their devastation. So again, it's incumbent upon us to make sure that we do the right thing and move forward with legislation that will address the frustration and the anger that I'm sure they all feel in the way the system has failed them and their loved ones.

I want to thank the member for providing some information to the rest of us in the preparation of his bill so that we could also understand all of the details that he thought were necessary for us to have direct access to. In reading through some of those materials, I thought it was appropriate to quote back some of the correspondence that the member for Burlington has provided to the Attorney General's office and to others who he thought were responsible for seeing these issues move forward. I wanted to quote in particular a couple of sentences, because I think they encapsulate very well the motivation and the reasons why the member is moving forward with Bill 89.

He says: "Through an inquest, we can determine why the courts routinely grant unsupervised access to violent, abusive parents and have in place no program to monitor and follow up on these cases. An inquest will lead to a review of how supervised access programs funded by the Ministry of the Attorney General are resourced and enforced differently than access programs supervised by the children's aid societies.

"Through an inquest, we can determine why no one monitors compliance with court-ordered anger manage-

ment programs. Through an inquest, we can determine why children's aid services are routinely willing to monitor the in-home safety of a mother who is herself a victim of abuse yet fails to inspect and monitor the safety of any child who would be under the sole supervision of a violent parent who has been charged and convicted of assault against his wife and children."

I thought it was important to also bring voice in this Legislature to a quote that I read from Jared's grandfather, John Craven. So I'm going to do that, because I think one of the things I would like to discuss in my remarks today is where I see other issues needing to be addressed that will perhaps prevent these deaths from taking place in our communities. So it's not a matter of only the inquest and the aftermath, but it's preventive, proactive measures.

1120

Coincidentally enough, Bill 88 is a bill that I brought forward that would ask that the Ombudsman be responsible and be given the authority to have oversight into children's aid society complaints. Interestingly enough, Bill 89, the very next bill, is this bill that we're debating today, which addresses similar issues but from a different perspective.

Before I do that, though, I want to raise this issue in the words of Jared's grandfather. He's speaking about the person who murdered his grandson:

"This man violently and viciously beat my granddaughter, broke his probation and walked out of a court-ordered anger management program. All of the signs were there. This abusive man should not have been allowed unsupervised access every weekend with my grandson. I blame the system that paid no attention to my daughter's safety concerns. If they had, I believe that my dear grandson Jared would be alive today. Someone needs to hold them accountable."

That's what we we're trying to do in regard to this particular bill brought forward by the member from Burlington. But I have to say the experiences of the mother of Jared are also a failure of the system. Unfortunately, they're a failure of the inquest system, because there have been many coroner's recommendations coming from inquests into violence against women that have not been acted upon by all governments. Yes, inquests are important, but so is the implementation of the recommendations that come from those inquests. So I thought it appropriate to raise the comments of Mr. Craven, because I think that while we need to do the right thing by these children who have been murdered, we also have to acknowledge that inquest recommendations sitting on shelves gathering dust will never solve the problems that we see in our communities and in these families. We have to redouble our efforts to make sure that when these recommendations come forward, they are acted upon, and that we do everything we can do to make sure those recommendations are acted upon so that the system no longer fails.

I spent some time looking at the coroner's role and found a document called Aid to Ontario Inquests. It's a

document that's available; it was published in 2005. It basically goes through the process of what needs to happen in the undertaking of an inquest, what are the processes and the reasons behind the various stages that are undertaken. I found a very interesting thing on page 3, after the cover page and the contents page. It says:

"History

"The inquest has its origins in 11th-century England. When a body was found, a representative of the crown had to decide five things:

"Who was the deceased?

"Where did he or she die?

"When did he or she die?

"How did he or she die?

"Who was to blame?"

Then there's something I've highlighted with my highlighter because it says "(NOTE: blame can no longer be assigned by inquest)." That caused me some concern because it seems to me that one of the things we're trying to get at with this bill is exactly those issues. It's not necessarily blame for the sake of blame, but identifying what went wrong and which system or which part of the system was to blame for the result that eventually occurred.

Interestingly enough—and I think the member mentioned this, if not in his remarks, certainly in some of the information he provided—it's frustrating that in Ontario right now, mandatory inquests are conducted into deaths arising from accidents, particularly in construction, mining, pit or quarry sites, and occurring when someone who has been detained dies in custody. Automatically there's an inquest into those situations. I think it's really obvious to all of us here why it's important to add the situation that the member brings forward today to the list of automatic inquests that occur in Ontario.

I have to say that there is work that needs to be done in advance of getting to the stage where there is an inquest required. In other words, there are things we need to change with the systems before we get to an inquest. We need to do some preventive work. We need to change the systems. We need to provide opportunities for change to take place, particularly within the child protection system, particularly within the oversight of children's aid societies being provided by the Ombudsman. I raise this because I think that not only do we need to do the inquest work, but we need to do the work that prevents us from being in a situation where inquests are required. We need to make sure that we're doing everything we can to protect children before they're in a situation of being in harm's reach.

It's difficult to believe that the coroner doesn't have more powers to determine what led to these deaths and why these deaths took place. I found that out myself in a situation in Hamilton when I asked the coroner to review some deaths that occurred after the transfer of patients from a facility called Chedoke continuing care centre. Interestingly enough, the coroner at that time told me that his particular scope, his focus, was too narrow to be able to determine whether, in fact, all of the issues that we

thought were important and that family members thought were important surrounding these moves in any way could be related to the fact that deaths occurred. That, to me, sent out warning signals that said there need to be other ways of looking at systems and looking at decision-making processes where we can get at some of these issues outside of the inquest process; and that, in the case of children, is giving the Ombudsman oversight into children's aid societies. Again, it's not an issue of blame, but it's an issue of having an opportunity for systemic review, for proactive activity, for proactive recommendations to come forward to prevent children's deaths from happening.

In fact, I took an opportunity to look at the outstanding list of the chief coroner's schedule of inquests for April of this year. There are two pages of inquests that are outstanding where recommendations still have not come forward. Any time that lapses between the beginning of the process and the end, more children are put at risk. That is why I think it's important to acknowledge that we need to do some other work in these systems.

The Ombudsman, André Marin, said this in a letter that he sent in the debate around Bill 210, the amendments to the Child and Family Services Act, which we recently passed in this Legislature. He sent it to the minister and he sent it to a coroner's office. He said:

"During the public dialogue over the lack of oversight of the children's aid societies, my position has been consistent and shared throughout the last 30 years with all six Ombudsmen since the tenure of Ontario's first Ombudsman, the late Arthur Maloney, QC. Whereas various bodies, including the office of the chief coroner, contribute through the exercise of their function to having the CASs revisit from time to time established practices or approaches to their work, sadly, there does not exist in Ontario a general oversight function vested in an independent, impartial investigative body tasked with taking complaints from citizens. For a province which prides itself on the importance of accountability in the exercise of public functions, this gap is glaring, especially since the CASs are entirely funded with public funds to the tune of \$1.5 billion a year."

He goes on to state his case again, and again, much of this was brought to light around the Jeffrey Baldwin case. He goes on to say, near the end of the letter: "The horrific death suffered by Jeffrey Baldwin after two murderers were handed his custody aided by the CCAS should make us all explore ways to make the system proactive"—proactive—"in investigating complaints instead of reactive once a death has occurred."

I absolutely support the member from Burlington. I think that his bill is long past due. I think taking the action that he describes in regard to the situation where we have lost young lives in our province at the hands of people who were entrusted with their care is extremely important and needs to be done absolutely. So Bill 89 is certainly something that I will be supporting, not only now, but as it goes through the process and hopefully becomes legislation.

1130

I hope the members in this chamber also acknowledge that Bill 88, the one prior to that in this book of bills before the House, is also taken with serious consideration. We not only want to investigate and bring recommendations on the death of a child, but we want to act proactively. We want to change the systems to be sure that children are not put in situations where their purported loved ones, the people who are supposed to be caring for them, are in fact doing the opposite and putting them in harm's way, and in these tragic situations, taking their lives.

The Deputy Speaker: Further debate?

Mr. Khalil Ramal (London–Fanshawe): Thank you for giving me the chance to speak on a second bill, Bill 89, brought by the member for Burlington. I want to commend the member for bringing such an important issue. I believe strongly that the death of a child under any circumstances is tragic. It's our duty, as people who get elected to this position, to protect children and bring bills and talk about these issues and try to implement whatever will be passed in this House in order to protect our young ones.

When I look at Bill 89, I see he's talking about two sections. One section is about the Child and Family Services Act and the other is the Coroners Act; two different ministries.

I will start with the Child and Family Services Act. I believe strongly—I listened to many speakers, I listened to the member who brought this bill. I think it's very important to create some kind of mechanism to protect our young ones who are considered vulnerable, especially young persons or children being placed in a place that abuses them and, in the end, those children die as a result of the abuse of their parents or someone in whom the children's aid society placed trust and put them in an environment that cost their lives.

I think it's important to study this issue. That's why our Minister of Children and Youth in this House, Minister Chambers, has brought many different bills in order to reform the child act in this province. One of the most important ones was Bill 210, which talks about the role of the Ombudsman, the role of children's aid societies, the role of kin, family etc. to protect youth and make sure, when we place any loved one, we're going to place them in a safe environment. It's very important to recognize the importance of our young ones in order to create an environment for them to live safely and be productive in the future, because we depend on them in the future.

That's why I believe strongly that the best start for kids is when we place them in a loving environment, an environment that nurtures them to be good citizens in the future. So it's important to open this topic, it's important to talk about it, but it's most important, as the member for Hamilton East says, to not just talk about the issues; we have to implement them.

In the case of the coroner, the coroner's work is arm's length from the ministry and I think, as a government, we cannot interfere in this issue. The member for Burlington,

who was a minister in the past, knows very well we cannot force or put our wish and will and order the coroner to do whatever. I think it's against the law. We have to respect his jurisdiction, his ability and his or her judgment when they ask for an inquest or do not ask for an inquest. It's an inquest. I think the coroner and his or her staff have the ability to ask for inquests.

But the most important thing, and I want to go back to it, is not after the person dies but before; what we have to do to protect our children before they die; how we can create an environment for them to live and be protected. This is very important to us. I think this bill should focus on how we create and clean up the act and the agencies and boards which govern this issue, to be more sensitive, more flexible, more open to protecting the children, not just give them out because we have to dump the responsibility on other agencies or other boards.

I think it's important, and I want to thank the member from Burlington for bringing this issue forward. Hopefully, we can see some kind of resolution as a result of it.

Mr. Jeff Leal (Peterborough): I'll take this opportunity to say a few words this morning on Bill 89. There's nothing that shakes the foundations of a community, of a neighbourhood more than the death of a child. Lord Balfour once remarked that those who fail to learn the lessons of history are doomed to repeat them. One of the objectives of this bill is, through a coroner's inquest, to look at the tragic circumstances that surround a death, particularly the death of a child, and use that information to provide a framework for the future, an opportunity to change government policy.

I note this morning the late Dr. Morton Shulman, who in the 1960s was a renowned chief coroner here in Toronto. One of the reasons he sought and was elected to become an MPP of this body was that he was always concerned that the government of the day did not listen to his recommendations when he would review cases in his role then as the chief coroner for Toronto. When he got to this august place, one of his main focuses was to make sure recommendations that were made by coroners were implemented in government policy.

I did learn that in Ontario, the Coroners Act requires an inquest when death results from an accident on a construction project, a mining plant or a mine, including a pit or quarry, while detained by or in the actual custody of a peace officer or while an inmate on the premises of a correctional institution or lock-up in the province of Ontario.

We did learn in the past few days that the Office of the Chief Coroner advised on April 7, 2006, that the pediatric death review committee, the PDRC, will review all deaths involving children who were under the supervision of children's aid societies in the province of Ontario. The committee will also produce an annual report detailing the findings and recommendations of the reviews. Previously, only those deaths that were considered suspicious were reviewed. The purpose of the review is to provide assistance in determining the cause, the manner of death, provide recommendations or other

investigative initiatives or to make recommendations for systemic changes. This committee is chaired by the deputy chief coroner, Dr. Jim Cairns. The PDRC examines child deaths and makes recommendations in preventing future deaths.

I do believe that is a positive initiative and, coupled with the objectives through Mr. Jackson's bill this morning, will lift the veil, shed light on circumstances and provide a pathway for the future of how these are to be handled. Indeed, it will be my pleasure to support Bill 89.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I certainly would like to confirm my support for Bill 89, Kevin and Jared's Law. First and foremost, I extend my sincerest sympathies to the Craven, the Latimer and the Maily families, and all families who have endured such tragic events.

As we know, in 2004, Mr. Jackson's bill, Bill 78 at the time, did receive unanimous support in the Legislature. It was a setback when Kevin's Law died on the order paper. Fortunately, my colleague from Burlington has reintroduced the legislation, Bill 89, Kevin and Jared's Law, An Act to amend the Child and Family Services Act and the Coroners Act.

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Like its predecessor, this legislation calls for an automatic coroner's inquest when a child dies in the care of a parent or a family member who has been the subject of court-ordered supervised or unsupervised access. As we know, the Coroners Act already extends an automatic inquest when a worker dies in, for example, a mining accident or a construction accident, and we also know that this is also extended when a prisoner dies in custody. So by passing this law, we have the opportunity to give our most vulnerable children a right that we already give to criminals.

I have recently learned that John Craven, grandfather of Jared, is circulating a petition in the Brantford area. I'm pretty sad to see the necessity for that, and I look forward to the opportunity to help distribute that petition and continue to rally support for this initiative.

Really, what this law comes down to is accountability. How can we, as legislators, continue to accept the status quo that gives, in a sense, prisoners more rights than our most vulnerable children? In this case, making reference to one victim, a victim who was a hero and at eight years old, Jared died defending two other people. We know that he died at the hands of a violent man, and we know that he died at the hands of a criminal. We also know that he died while on an unsupervised parental visit, despite his father's parole violations and refusal to attend court-ordered anger management classes. Now, if this man had died in jail, there would have been an automatic inquest. Indeed, an automatic inquest would help us to better understand the shortcomings in the system, equipping us to make any revisions that would be necessary.

The law will not bring back people like Jared or Kevin, but it will tell us where the system goes wrong and why it went wrong and how we can better prevent these kinds of tragedies. I personally will be supporting

this legislation, and I again look forward to unanimous consent among members present.

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford):

I'm pleased to join in the debate with respect to Bill 89, Kevin and Jared's Law, An Act to amend the Child and Family Services Act and the Coroners Act, which I had already debated in a more limited form when it was brought forth two years ago by the member from Burlington.

There's no doubt that—and I share the comments from the member from Hamilton East—I have a great respect for the office of the Ombudsman and the current Ombudsman and what he put forth in terms of dealing with oversight powers with respect to the children's aid societies. That's something that I think the government has made a big mistake on with respect to not following his recommendations to deal with this particular area.

Obviously, there's a shortfall with respect to how children's aid societies are dealing with these types of situations, and the proof is, unfortunately, we have family members today of children who have been killed. What we're looking for here in this bill is something that is the end of a tragic situation, a coroner's inquest where what we should be looking at—not only in addition to this—is the Ombudsman's powers in terms of making sure something like this does not happen. But the government decided that they knew better, and they went forth with their bill. That's where we are today. I know that the members here who really feel for this issue are not going to stop pushing with respect to the Ombudsman having an oversight role.

The other part of what we're dealing with here today is the coroner's inquest. As the members correctly pointed out, the Coroners Act already provides automatic inquests with respect to deaths on construction sites, with respect to mining and deaths of prisoners in institutions. What we're asking for here today is very simple: that there be a coroner's inquest in situations where there's court-ordered and supervised, directed access by the children's aid society who have the responsibility for the safekeeping of these children.

I'm going to share my time with my other colleagues. I support this bill and I commend the member for bringing it forth once again. I hope the government decides to act on this bill and not put it into cold storage, which it did two years ago.

Mr. Dave Levac (Brant): I usually express my appreciation for being able, and my desire, to positively speak about something. In this case, I have to say from the outset that this is one of the toughest moments of my life, talking about this particular bill and the associated tragedies that are attached to it.

I will start by offering my sincere sympathies and my heartfelt prayers to the families, as I have done in the past. I will continue to support the member's bill, as I did two years ago, and explain that as an educator for 25 years I was exposed to some horrific abuse and find it to this day unacceptable that we abuse our children. I would challenge all of us out there to keep in mind that a

coroner's inquest is to start something positive after, and unfortunately, we're talking about it as if it were after the fact.

What a coroner's inquest does is make those recommendations for the future. I would suggest respectfully that the government did not fail the last time the bill was introduced. The House prorogued, and that's what happens with all bills unless governments carry them forward. So it's very delicate for me to say that we need not to talk politics, but we need to talk about correction and doing what's right. I will stand before you to tell you clearly that I support the bill. I support the member's intention. I support the member's desire to see an injustice turned into justice.

There are times when we have opportunities in this place called private members' time to step forward as a collective group of legislators who have the authority and the ability to suggest bills that governments, throughout history, have not set as a priority or have not picked up on or not recognized as issues. So we take these very sincerely from our constituency. I would suggest and recommend very respectfully that we've now seen what communities in our province have to suffer. I can't put into words the pain and suffering that these parents have gone through. We can't put it into words. We don't understand their anger. We don't understand their distrust. We don't understand their passion. But we can take action about it. I respectfully suggest that all members in this House will be supporting the bill to get it to committee.

I would also suggest to you that there are times in which we need to hear our constituents. I would say respectfully again that, in an article that was printed in the press, John Craven collected over 20,000 signatures and growing, and had plenty of disturbing stories that were relayed to him about domestic violence just in a week. Here is his quote:

"You wouldn't believe the horror stories I've been hearing," Craven said. "I haven't heard anything that compares to what we've experienced, but still there are a lot of stories of abuse out there."

"I really had no idea how rampant it was until I started with this petition. There are so many women out there in similar situations."

"Craven is the grandfather of Jared....," an eight-year-old boy "who was killed by his father, Andrew, in a domestic dispute on March 18.

"Jared died defending two other people, Paula Ferrell and her eight-year-old daughter, Sarah. Both suffered stab wounds and were hospitalized following the attack....

"Julie"—the mom—"was the custodial parent of Jared but her estranged husband had some weekend access to their son....

"Craven has been surprised by the reaction to the petition.

"The support we've been getting from people has been terrific," Craven said. "The number of people who have signed ... it's astronomical.

“I really didn’t know what to expect when we started this. I’ve never been involved in something like this before.’ ...

“‘We need to get some changes,’ Craven said. ‘This isn’t something that will help us but it might help other families.

“‘No family should ever have to go through something like this.’”

That’s what I want to talk about. That shows me the “bravery” word that’s been bandied about, the amazing bravery of this family to step forward and talk to many members, including the member from Burlington, myself and others, to bring their story forward and ask us, “Don’t let this happen to somebody else.”

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That’s why I’m challenging us to support the bill—not because it’s political, not because it’s government versus the opposition. That’s not what we’re doing here this morning. What we’re doing this morning, and every Thursday morning in private members’ business, is to bring those kinds of issues forward and ask us all collectively to change some things that would make it better for our children, in this case.

I’m proud of the moments we have like this, where collectively we all stand up and have our say, with no shackles. The member from Burlington wasn’t told by his opposition leader, “Tackle this one.” We weren’t told by the Premier, “Reject this one” or “Pick this one up.” This is private members’ business. This is members’ business that is coming to us from the opposition. In my mind, I’m not talking to a member from the opposition. I’m talking to an honourable member who has brought us this issue and wants us to deal with it. That’s the challenge.

We should remember that this is not about politics, believe it or not. I’ve been chastised once already in this place for saying it shouldn’t be like that. I say to all of us, forget those shackles. This is the time to shine, to listen to the 20-some-odd thousand people who have signed those petitions, to the family members who have offered us an opportunity to do something. I still have a hard time understanding how they find the strength to do this, which is to leave their own personal grief aside and ask us to do something so that it doesn’t happen again to somebody else’s baby.

I say to the member from Burlington, as I did two years ago, I thank you for bringing this forward. I fully support what you’re asking us to do. I challenge us all to set aside any shackles you may have been given or want to use and to say, “Let’s just do the right thing.”

Mr. Gerry Martiniuk (Cambridge): I’m most honoured to be able to support my good friend the member from Burlington in his continuing efforts to represent victims and families in our society.

I met the member from Burlington 12 years ago, I think, for the first time. I was not a member then. He was at that time advocating on behalf of French and Mahaffy through that tragedy. As a lawyer, even though I did not do criminal work, for the first time I had an inkling that our adversarial, common-law system, as it presently

stood, really had no place for victims or their families. We had the Queen or the state on one side, we had the accused on the other side, and lawyers, judges and crowns talked about the rights and obligations of the accused. I can’t remember in the little criminal work I did 30 years ago any discussion, ever, of “How about the victim?” or “How about their family?” There were no impact statements from families; there was none of that. Through the efforts of my good friend the member from Burlington, among others, we are coming to realize more and more the deficiencies in our court system in not recognizing the rights and obligations of our society to not only the victim but their families.

My condolences to the families who are present in the House. I believe that this bill will give us the very important answers that will in the future prevent tragedies of this kind.

Really, the bill asks for very little. We already have an automatic coroner’s inquest in the case of construction accidents, and so we should. We already have an automatic inquest where a prisoner dies in custody, and so we should. And here we’re asking for an automatic coroner’s inquest where a child dies in the custody of a person who was or had been under supervision. It’s a simple request and it’s not an expensive matter. More important, just think of the lives that we can save.

I was most pleased to hear the comments of the government whip. I think he showed a great deal of understanding and became an advocate for victims too in his comments that this is not a matter of partisan politics; this is a matter of recognizing that the victims and their families must be recognized by our society as having certain inalienable rights. We have an opportunity here to prevent a repetition of these tragedies.

The Deputy Speaker: Further debate?

Mr. Jackson, you have up to two minutes to respond.

Mr. Jackson: First of all, I want to thank all the members of the House for their heartfelt condolences to the families and for their contribution, as I did two years ago. Today, we have more families here, tragically and unfortunately.

To the families: As has been said earlier, I’ve been advocating for victims’ rights in this province for over 21 years. In fact, I’ve been defeated three times on the floor of this Legislature to bring in Ontario’s first Victims’ Bill of Rights. But I was successful and we now do have an Office for Victims of Crime; we do have a victims’ justice fund; we have criminal compensation, victims’ impact statements. All of those flowed from those rights.

But we still do not give victims a voice when it comes to a coroner’s inquest. When the murderers of these children died, the book closed. They didn’t have the opportunity to go to court and reveal all that happened. Our only court of public concern is a coroner’s inquest. That’s the message the families are trying to give us today.

We admire their courage. We admire their strength. One can only imagine their grief. I come from a family where my mother has buried three of her children, and I

only was alive for the loss of one brother. I've seen firsthand what it does to families, and I've spent countless hours with these families. They are pleading with this government, not to pass this bill today—we've been here. They want this government to refer it to the justice committee, to take a week of public hearings so that Jenny Latimer and Julie Craven can come forward and talk to you today and pass this bill in a day and make it a law in Ontario, make it safer for our children. They deserve it. This is Ontario.

The Deputy Speaker: The time provided for private members' public business has expired.

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

The Deputy Speaker (Mr. Bruce Crozier): We'll first deal with ballot item number 29, standing in the name of Mr. Martiniuk.

Mr. Martiniuk has moved second reading of Bill 73, An Act to protect our children from sexual predators by amending Christopher's Law (Sex Offender Registry), 2000. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

We will, after dealing with the next order of business, call in the members for the vote.

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

The Deputy Speaker (Mr. Bruce Crozier): We'll now deal with ballot item number 30, standing in the name of Mr. Jackson.

Mr. Jackson has moved second reading of Bill 89, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

We will now call in the members. This will be a five-minute bell.

The division bells rang from 1200 to 1205.

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

The Deputy Speaker (Mr. Bruce Crozier): Mr. Martiniuk has moved second reading of Bill 73. All those in favour, please stand and be recognized by the Clerk.

Ayes

Arnott, Ted	Kormos, Peter	Rinaldi, Lou
Brownell, Jim	Leal, Jeff	Ruprecht, Tony
Dhillon, Vic	Levac, Dave	Tascona, Joseph N.
Horwath, Andrea	Marchese, Rosario	Van Bommel, Maria
Hoy, Pat	Martiniuk, Gerry	Wilson, Jim
Jackson, Cameron	Mitchell, Carol	Yakabuski, John
Klees, Frank	Ouellette, Jerry J.	Zimmer, David

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

Nays

Patten, Richard

The Clerk of the Assembly (Mr. Claude L. Desrosiers): The ayes are 21; the nays are 1.

The Deputy Speaker: I declare the motion carried.

Mr. Gerry Martiniuk (Cambridge): Could I request that the bill be referred to the standing committee on regulations and private bills?

The Deputy Speaker: Shall the bill be referred to the standing committee on regulations and private bills? Agreed.

The doors will now be opened for 30 seconds before the next vote.

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

The Deputy Speaker (Mr. Bruce Crozier): Mr. Jackson has moved second reading of Bill 89. All those in favour, please stand and be recognized by the Clerk.

Ayes

Arnott, Ted	Kormos, Peter	Patten, Richard
Barrett, Toby	Leal, Jeff	Ramal, Khalil
Brownell, Jim	Levac, Dave	Rinaldi, Lou
Dhillon, Vic	MacLeod, Lisa	Ruprecht, Tony
Elliott, Christine	Marchese, Rosario	Tascona, Joseph N.
Horwath, Andrea	Martiniuk, Gerry	Van Bommel, Maria
Hoy, Pat	Mitchell, Carol	Wilson, Jim
Jackson, Cameron	Munro, Julia	Yakabuski, John
Klees, Frank	Ouellette, Jerry J.	Zimmer, David

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

The Clerk of the Assembly (Mr. Claude L. Desrosiers): The ayes are 27; the nays are 0.

The Deputy Speaker: I declare the motion carried.

Mr. Cameron Jackson (Burlington): I would respectfully request that this bill be referred to the justice policy committee.

The Deputy Speaker: Shall the bill be referred to the standing committee on justice policy? Agreed.

All matters relating to private members' public business having been completed, I do now leave the chair.

The House will resume at 1:30 of the clock.

The House recessed from 1210 to 1330.

MEMBERS' STATEMENTS

LOWELL GREEN

Ms. Lisa MacLeod (Nepean–Carleton): Tonight, the unofficial leader of the opposition—to all levels of government—will be roasted, after 50 years of broadcasting.

Like him or lump him, Lowell Green is a staple in Ottawa politics. His talk radio program, the Lowell Green Show, is listened to by everyone political. His show is provocative. Elected officials who represent ridings in the Lowell nation know he has single-handedly been able to reshape public policy—and public perception—at times by using the power of the people.

Lowell has been a great Canadian and has been recognized with the Royal Canadian Legion's Friendship Award, the Chief of Defence staff medallion and the Queen's Golden Jubilee Medal.

As a former commentator on CFRA, I have worked with Lowell and with his wife, Deborah, from my days at the Canadian Cancer Society. They're ordinary people, but Lowell manages to do extraordinary things. He has played a significant role in the nation's capital. He's a founder of the Help Santa Claus Parade and the Big Brothers of Ottawa and, thanks to the Save Centennial Flame campaign, that flame is still blazing on Parliament Hill.

Lowell is an international award-winning journalist and best-selling author, and tonight, from all walks of life, friends will roast this gentle talk show giant. And like most things Lowell does, proceeds will go to benefit charity: Food Aid 2006, to help the Ottawa Food Bank and the struggling beef industry.

On behalf of this Legislature, I would like to wish Lowell Green, the man with tough-mindedness, humanity and an unusual sense of justice, and his wife, Deborah, best wishes for 50 more years in broadcasting.

QUEEN'S BIRTHDAY

Mr. Lorenzo Berardinetti (Scarborough Southwest): I rise today in the House to mark a momentous occasion. Tomorrow, Her Majesty Queen Elizabeth II will celebrate her 80th birthday.

Since assuming the crown in 1952, the queen has served the people of Canada and the whole Commonwealth with an unwavering sense of duty and grace. At an age when most have long since retired, Her Majesty continues to perform her duties with the vigour and enthusiasm of someone half her age.

During her reign, she has presided over major events in the history of this country, from the opening of the St. Lawrence Seaway in 1959—attended by my seatmate, a young Jim Brownell—to the celebrations of Canada's 100th birthday in 1967. Most recently, she was here for the 100th anniversaries of the entries of Saskatchewan and Alberta into Confederation.

In the 80 years since the Queen's birth, we have witnessed dramatic changes around the globe. An individual who lived at the turn of the last century would surely find this one unrecognizable. Through all these changes, the Queen has been a source of stability and comfort to many. Her presence has connected us to the heritage of our past, and her decades of knowledge and experience have served all the countries of the Commonwealth well.

Throughout her reign, Her Majesty has lived a life of discipline and dedication to public service. The Queen's focus has never been personal; rather, it has been one of tolerance of the needs and interests of others. Queen Elizabeth II has served as an example and an inspiration for us all.

I join all Ontarians, Canadians and people around the world when I wish Her Majesty good health, a happy birthday and best wishes for many more years to come.

HEALTH CARE FUNDING

Mr. Robert W. Runciman (Leeds–Grenville): I wish to express my concern with health care cutbacks and the lack of governmental support for the operation of diagnostic equipment at the Brockville General Hospital.

As you know, Mr. Speaker, the Liberal government's decision to break their key campaign promise on taxes by bringing in the largest tax increase in the province's history was justified as being necessary to improve health care. Shortly after that tax increase, chiropractic care, eye exams and physiotherapy were removed from the public system. Ontarians were confronted with the "pay more, get less" health care policy of the Liberal government. In Brockville, we saw the physiotherapy clinic close, and recently the hospital announced staff layoffs and a number of cutbacks, including the closure of its outpatient lab in Prescott. The Prescott community is justifiably upset by this closure, pointing out that it will create undue hardship on the ill, seniors and their families.

The Prescott lab and other health services could be saved if the Liberal government would do the right thing and fund the operation of the Brockville hospital's CT scan. The CT scan's \$400,000 annual operating costs are now picked up completely by the hospital. This is an important service, relieving wait time pressures in larger centres, and the province should be funding it. If this

occurred, Brockville General would be in a position to continue operating its Prescott lab and retain other important services that are now on the chopping block. I urge the Minister of Health to ensure operational funding for the Brockville CT scan.

IMMIGRATION POLICY

Mr. Tony Ruprecht (Davenport): I rise to discuss the status of undocumented workers in the province of Ontario, many of whom work in the construction industry in the riding of Davenport, which I'm very proud to represent.

Members of this House are aware that the status of undocumented workers has garnered significant media attention in the last two months. While the federal government is ultimately responsible for deciding who stays in Ontario and who goes, the McGuinty government and Ontario's Minister of Citizenship and Immigration have been proactive in their approach. Our government has recognized that undocumented workers are a manifestation of a federal immigration selection system which fails to address labour market realities in the province of Ontario. This disconnect resulted in a backdoor immigration system which has been ignored for too long.

This immigration selection system is broken and needs fixing, and for this reason I was delighted to see the signing of the first ever Canada-Ontario immigration agreement last November. This historic agreement will provide \$920 million in new federal money for Ontario's newcomers over five years, and for the first time, Ontario will have the opportunity to be at the table to offer constructive suggestions to the ongoing issues related to immigration.

Finally, we are willing as a province to ensure that the federal government works with us. There's a real demand for people with all kinds of skills in cities and towns across Ontario, and we need to make the immigration system work for the social and economic—

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

ELECTRICITY SUPPLY

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): Recently, the Minister of Energy has been out making a plethora of wind farm announcements, a total, in her calculations, of 201 megawatts. However, let's bring that into perspective. According to the IESO, using the 10% reliability factor that they say has to be used, that totals 20 megawatts. To bring that into perspective, you would have to repeat those announcements 25 times in order to replace just one operating unit at Lambton—just one operating unit.

What I'm trying to say is, what a disjointed, incoherent energy policy. They're jumping up and down about these announcements, which are not amounting to anything when it comes to replacing and bringing on new supply in the province of Ontario. What about the trans-

mission situation in this province? Nothing has been said about that and the challenges you have there. What about the OPA report that the minister promised an answer to in 60 days? It is now 132 days.

They don't have a plan. They don't have any idea where we're going in energy. They're digging us into a bigger and bigger hole. It is time to admit that you have mismanaged and brought disaster upon this file. Step out of the way and let somebody run this file who can.

POVERTY

Ms. Andrea Horwath (Hamilton East): I rise today to pay tribute to an exceptional individual who's doing Hamilton proud with his extremely important work on poverty issues. Craig Foye is a young lawyer from McQuesten Legal and Community Services, an organization that I used to work for at one time, in fact. It exists in Hamilton East, actually. He is heading to Switzerland shortly. There he will address a key United Nations committee on Canada's failure to live up to its obligation to provide an adequate standard of living for all. With the support of Hamilton city council and the board of directors of McQuesten Legal Clinic, Craig will be presenting his research to the UN committee on economic, social and cultural rights on behalf of the income security working group in Hamilton.

Thirty years ago, Canada committed to end poverty—Craig's report tells us how—but today, there's more poverty than ever and it targets women, seniors, newcomers, aboriginal persons, people with disabilities and racialized groups. In Hamilton, over 20% of people live in poverty, but 44% of people with aboriginal status and 52% of recent immigrants are living in poverty in that city.

Craig's report proves that the right to an adequate standard of living is not being acknowledged or protected by either the provincial or federal governments. In Ontario, despite promising to end it, the McGuinty Liberal government continues to claw back the national child benefit supplement for the lowest-income families in this province. This has to stop.

My deepest hope and the hope of all New Democrats is that the UN visit will spur real action from the McGuinty government to end the punishing policies like the clawback that keep people in poverty in this province.

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HOWARD WU

Mr. Tony C. Wong (Markham): This morning I had the great pleasure of welcoming Minister of Health Promotion Jim Watson to my riding of Markham to present the Heather Crowe Award to one of this year's recipients: a long-time local tobacco control advocate, Dr. Howard Wu. The Heather Crowe Award recognizes the efforts of individuals and organizations in promoting a smoke-free Ontario by eliminating second-hand smoke in the workplace and in enclosed public places. A champion in

educating Ontarians on the harmful effects of smoking and second-hand smoke, Dr. Howard Wu exemplifies how one individual can make a profound difference in a community.

Last year, Dr. Wu opened the first smoking cessation clinic in York region to help determined smokers quit the habit and help promote a smoke-free environment in the community. Through his volunteer work at the Heart and Stroke Foundation and his own vocation, Dr. Wu has helped prevent youth from starting to smoke and helped smokers quit.

Smoking is the leading cause of preventable disease and death in Ontario, causing 16,000 deaths a year. I'm proud of the McGuinty government's Smoke-Free Ontario strategy and our efforts to recognize the hard work and dedication of people like Heather Crowe and Dr. Howard Wu. I wish to thank Dr. Wu for his accomplishments towards making our Smoke-Free Ontario strategy a reality.

REPUBLIC OF CROATIA

Mr. Bob Delaney (Mississauga West): Of Canada's 97,000 citizens of Croatian descent, some 62,000 live here in Ontario. Sitting on the eastern Adriatic Sea, where western and eastern Europe meet, the still-young Republic of Croatia is open for business to Ontario.

I would like members to join me in welcoming Croatia's ambassador to Canada, Mrs. Vesela Mrden Korac, who is in the west members' gallery. She is joined by Mr. Mario Livaja, Croatian Consul General in Toronto; Mr. Ivan Grbesic and Mr. Mike Yelavich, members of the board of directors of the Canadian-Croatian Chamber of Commerce.

In 2005, Canadians exported some \$25.7 million of goods and services to Croatia, mainly telecommunications, pharmaceutical products, metal and electrical products. In 2005, Canada imported \$11.4 million worth of product, principally food, textile products and pharmaceuticals.

Some 19,500 Canadians visited Croatia on vacation in 2005, seeing some of the most stunningly beautiful scenery in Europe. Croatia needs Ontario investment, and Croatia makes it easy for Ontarians to do business there. Croatia is growing its business sector and infrastructure even as it protects the environment and uses its natural resources sustainably.

Croatia needs what Ontarians do well in infrastructure. Croatia hopes to join the European Union before 2009 and to host Ontario businesses, for whom Croatia will be one of their gateways in eastern Europe.

TRILLIUM HEALTH CENTER

Mr. Tim Peterson (Mississauga South): I am pleased to rise today to inform the House of an award given to the Trillium Health Centre. Earlier this morning, the Trillium Health Centre received Ontario's first Innovation Award for Improving Quality and Patient Safety.

This award was given by the Ministry of Health and Long-Term Care. They won over 620 other submissions.

Trillium won the Innovation Award for its breakthrough work with the Trillium order sets system. Order sets are used by physicians to order medications, treatments, procedures and consultations for each patient; in effect, the detailed instructions for today's complex treatments. With the Trillium order sets system, the physician uses a sophisticated checklist that is adjusted to the patient's medical history and diagnosed condition. The system maximizes efficiency, improves safety and enhances quality of care.

The Trillium order sets system is a component of Trillium's groundbreaking THINK initiative. THINK, which stands for "transforming health care into integrated networks of knowledge," is the technological enabler that will allow Trillium to fulfill its mission of transforming the health care experience.

Today's award honours Trillium's commitment to innovation and to THINK.

On behalf of myself and the other members in Mississauga and Etobicoke—Minister Broten, Minister Takhar, Peter Fonseca and Bob Delaney—we are pleased to acknowledge Katherine Decaire, a nurse practitioner, Zelia Campos, a registered nurse, and Dr. Chris O'Connor from the Trillium Health Centre. They were supposed to be in the gallery today, but unfortunately the logistics didn't work, so I would just ask the House to give a nice round of applause in recognition of their terrific work.

LEGISLATIVE PAGES

The Speaker (Hon. Michael A. Brown): I would like to ask all members to assist me in thanking the good hard work of our pages, who have served us admirably and with great aplomb during the last few weeks.

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): 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. Miller and Ms. McLeod exchange places in order of precedence such that Ms. McLeod assumes ballot item 38 and Mr. Miller assumes ballot item 77.

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

STATEMENTS BY THE MINISTRY AND RESPONSES

EARTH DAY

JOUR DE LA TERRE

Hon. Laurel C. Broten (Minister of the Environment): As environment minister for this great province, it is my privilege to draw the attention of this Legislature today to Earth Day, this Saturday, April 22.

For 36 years, Earth Day has catalyzed people around the globe to be more aware, to care and to act more consciously to protect our environment, but as we all know, the environment needs much more than a day.

Awareness about environmental protection has been growing steadily since the inception of Earth Day.

No single action captured our imagination more than in September 1971, when a small group of men started to sail from Vancouver to Amchitka Island in Alaska on a fishing trawler that they had just rechristened the Greenpeace. The late, great Bob Hunter was on that boat. With his actions and writings over the ensuing 35 years, he was a catalyst and a symbol of a globe-spanning environmental awakening.

The first voyage of Greenpeace, then known as the Don't Make a Wave Committee, revealed that there was much more public concern about environmental issues than anyone had realized.

This week, we're not just marking Earth Day; we've declared it a week in which to focus our attention on our planet and our environment.

Earth Week 2006 is the first without Bob Hunter, though. He passed away late last May. This week, we remember and celebrate the courage of a man who was guided by his conscience and who did everything in his ability to leave the world a better place than he found it.

While most of us may never take the type of action that Bob did to fight for his principles, we do have the potential to effect real change for the better. Twelve million Ontarians look to us to protect their health and quality of life and to preserve our province's enormous resources.

Douze millions d'Ontariens et d'Ontariennes nous font confiance pour protéger leur santé et leur qualité de vie, et pour préserver les ressources et le potentiel énormes de notre province.

1350

I am proud to say that this government can stand proudly on its environmental record. We can say to the public, yes, we meet our promises; yes, we are tackling the environmental threats to your health and the health of your families. We've imposed tougher standards on industry. We have clear new water rules for municipalities. We have engaged communities, businesses and other levels of government in innovative new partnerships for action. And there is new funding for scientific research on environmental issues.

Is Ontario on course to be healthier and better positioned for prosperity? We believe wholeheartedly that this is the case. Is our work completed? Of course not.

We have accomplished a great deal. We've made the commitment to clean drinking water because there is nothing more fundamental to our health or our communities than a supply of safe water.

Nous avons pris l'engagement d'assainir l'eau potable parce que rien n'est plus important pour notre santé ou celle de nos collectivités qu'un approvisionnement en eau sûre.

Today in Ontario there are more drinking water inspectors. There are rules for drinking water systems in our communities that make sense for their needs and their budgets. There are new training requirements for the professionals who treat our drinking water, and our communities have already received millions of dollars in funding as part of our \$67-million commitment to scientific research on water protection.

Right now, our most significant step forward for safe water is being considered by this House. We intend to give Ontario what it has needed for so long: a Clean Water Act, a bill that will let our communities prevent water contamination before it happens.

Nous entendons donner à l'Ontario ce dont il a besoin depuis si longtemps : le projet de loi sur l'eau saine, un projet de loi qui permettra à nos collectivités de prévenir la contamination de l'eau avant qu'elle ne se produise.

We can't go a day without clean water, and we can't go a single minute without clean, breathable air. The challenges we face to protect our air quality are tremendous and they extend beyond Ontario's borders. This Earth Week, I am proud to say that we are making real and tangible progress on this front. Poor air quality is hurting Ontarians right now. Our own studies and those of the Ontario Medical Association tell us that air pollution is responsible for up to 5,800 deaths a year and almost \$10 billion in health and related costs.

But the numbers don't tell the whole story. We need to look at air pollution's impact on people. More children are developing asthma. Thousands of vulnerable seniors and people with heart conditions are losing their freedom of mobility on smog days. As summer approaches, and with it the increased risk of poor air, all of us need to remember our responsibility to the health of the people of Ontario.

Our government has updated or set new standards for 40 air pollutants, including carcinogens and toxic chemicals like chlorine, ammonia and vinyl chloride. We have regulated seven large industrial sectors to lower their emissions in a series of increasingly stringent steps. We have tightened standards to cut pollution from cars and trucks and refocused the program on the vehicles most likely to pollute. To protect our children, we have set high standards for school buses. By investing in transit, we are giving people greener options. By adding ethanol to gasoline, we are cutting emissions and supporting a new source of fuel that is cleaner, domestic and renewable. And of course, we are closing our province's coal-fired electricity generators.

No other government in the history of this province has ever contributed as much to cleaner air as we will with this single action. We will cut pollution and greenhouse gas emissions by up to 30 million tonnes a year. The Greenbelt Act, Places to Grow, and the creation of the Bob Hunter Memorial Park are helping to preserve green space and slow down urban sprawl so we can spend less time in our cars and more in our communities.

Another step in clearing Ontario's air is the challenge of transboundary air pollution. We're delivering on our promise to take on the pollution crossing our borders. In February, Ontario lent its voice to the growing chorus of jurisdictions that oppose changes to US air regulations—rules that would negatively affect our air here north of the border. We will continue to work with our neighbours to fight transboundary air pollution.

Every year during Earth Week, it is important to make our voices heard, to mobilize Ontarians and to work diligently to protect our environment.

Chaque année, durant la Semaine de la Terre, il est important de se faire entendre, de mobiliser les Ontariens et les Ontariennes, et de porter notre attention sur la protection de notre environnement.

But it is far more important to live by those words throughout the year for a cleaner, greener Ontario in the 21st century.

Bob Hunter achieved great things through acts of raw courage that few of us would attempt. We may not use the same techniques as those environmental pioneers, but the stakes are just as high now as they were then. We must never lose sight of the link between the quality of our air, water and land and the future health of our province. We must remember this both to honour the inspiring heroes who led us this far and as part of our duty to the next generation.

During the course of Earth Week, and this Saturday on Earth Day, I urge all Ontarians and every member of this House to live out this commitment—to be more aware, to care, and to act consciously for a cleaner, safer and healthier environment.

CHILD PROTECTION

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I'm pleased to rise in the House today to talk about Ontario's leadership role in making children safer on the Internet. I was pleased to visit a Toronto school today where a new interactive tool is being used to help teach children about the dangers of the Internet. The CyberCops software gives teachers an innovative way to help kids learn to be safe online.

The Internet is part of the daily lives of many schoolchildren across Ontario. In fact, Ontario and Canada have one of the highest Internet usage rates in the world. A 2004 survey by the Media Awareness Network indicated that 94% of Canadian children are now online and 40% have their own Internet high-speed access. So more and more, our children are using the Internet to learn about their world, but at the same time many are putting them-

selves at risk. A survey of thousands of young Canadians showed that a quarter of them have been asked by people they've met online to meet face to face, and 15% of all young Internet users have met at least once an individual they first met online. In addition, half of youth in secondary schools, especially girls, say someone has made unwanted sexual comments to them online.

With so many children using the Internet, educating them and making them aware of the dangers of the Internet is a challenge. In Ontario, we're up to that challenge. Our government is fulfilling its commitment to keep our children safe. In fact, protecting children from Internet crime is one of the six key areas identified in our government's fight against crime. I'm very proud of the fact that Ontario is a Canadian and world leader in the efforts to cyberproof schoolchildren. Ontario students now have access to an innovative program called CyberCops to help educate themselves against the dangers of the Internet. The McGuinty government provided \$1 million from the victims' justice fund for the creation of CyberCops and the development of a training program for teachers. The program and its two main components were developed by LiveWires Design in collaboration with the Ontario Provincial Police's crime prevention and electronic crime section. Their collaboration has given us a valuable tool, and I thank them for their hard work.

The first component of CyberCops is called Mirror Image and deals with the issues of cyber stalking, Internet luring and child pornography. It will help counter the fact that many predators use the Internet to mask their identity and pass themselves off as teens or young adults to lure children into situations where they could be sexually abused. Mirror Image is currently being introduced to the grade 7 curriculum in Ontario.

The other component is called Air Dogs and deals with credit card fraud, software piracy and bullying. Air Dogs is going to be provided to schools in the province in the fall.

The strength of CyberCops comes from its interactive nature and the easy way children can use it. CyberCops is based on facts from actual criminal cases. The Ontario Physical and Health Education Association developed the training for teachers and manages the program for the Ministry of Education. I would like to thank the association and all of the teachers who use CyberCops for a job well done.

Combating Internet crimes against children, as I said earlier, is one of the six key areas identified in our government's fight against crime. The fight against crime will be strengthened by our Safer Communities—1,000 Officers Partnership program. Half of those 1,000 new officers will be assigned community policing duties, such as school visits and working with youth groups. The other 500 will be assigned to six priority areas, which include the fight against Internet luring and child pornography.

1400

Our government has invested an additional \$14 million this year to allow municipalities to hire their full complement of new officers under the Safer Commu-

ities—1,000 Officers Partnership program. In addition, we are working with our justice sector partners—the Attorney General, the OPP and the Ontario Association of Chiefs of Police—to implement a comprehensive strategy to fight Internet luring and child pornography. We have earmarked up to \$5 million in funding to support this strategy. We want to ensure that all Ontario communities and police services have the resources they need to protect our children.

Since June 2004, we have also invested \$1 million a year in additional funding to the OPP's child pornography section, Project P, to increase its capacity to fight child pornography. The additional funding allowed the OPP's child pornography section to increase its number of detectives and acquire technology and specialized training. We have taken these initiatives because we want the Internet to truly be a great learning tool—a tool free of those who prey on children.

This initiative is just one of many the McGuinty government is taking to improve opportunities for school-aged children. We are delivering on higher student achievement, higher test scores, smaller class sizes and lower dropout rates. For once, there is peace, stability and a positive environment in our schools. Older schools are being repaired, while new ones are being built. Our most successful schools are sharing their best practices, and our struggling schools and our struggling students are getting the support they need to succeed.

Our plan is working, and I'm positive that CyberCops will improve the learning environment for our children. It will keep our children safe and help them learn about the world around them safely.

The Speaker (Hon. Michael A. Brown): Statements by the ministry? Response?

Mr. Frank Klees (Oak Ridges): I'm pleased to respond to the statement made by the Minister of Community Safety and Correctional Services. I want to say at the outset that the official opposition supports the initiative announced today. Anything that can be done to ensure the safety and security of our children in this province, we will always support. I am hopeful that we will soon see the balance of the commitment made by the government back in January 2005 to establish a \$5-million program that would be a comprehensive strategy to protect our children.

I want to take this opportunity though to ask the Minister of Community Safety and Correctional Services to support me in my call to his colleague the Minister of Education to ensure not only that children are safe against luring from the Internet, but are safe within our schools. I refer to an issue that I have tabled a number of times in this House, and that is the fact that we do not have a system in this province today that ensures that teachers in our classrooms who are in fact found guilty of possessing child pornography are appropriately disciplined and removed from the teaching environment.

I read into the record a decision by the college of teachers. It involves Dale Fisher, a teacher who was also a former OSSTF activist, who was found guilty of

possessing child pornography. The result was a mere 22-month suspension.

I refer as well to one Philip Louis Roy, otherwise known as Philip Louis King, who faced seven allegations of professional misconduct related to accessing and viewing websites containing child and adult pornography on computers on school property. The panel found Mr. King's arguments in defence of his actions to be without substance and found him guilty of professional misconduct. College council requested that the panel revoke his certificates of qualification and registration, and to the shame of this province, the panel ordered King's certificates of qualification and respect administration suspended for only two years.

Will the minister join with me, join with members of the opposition, to ensure that teachers who are found guilty of viewing child pornography do not teach ever in the classrooms in this province?

EARTH DAY

Mrs. Elizabeth Witmer (Kitchener–Waterloo): I'm pleased to respond to the Earth Day statement today on behalf of our leader John Tory and the Progressive Conservative caucus. This week we are celebrating Earth Week, and on April 22, I know that many of us are going to be joining people across the planet to celebrate the 37th annual Earth Day. I know that people on all sides of this House have tried to raise awareness about the need, and also about the impact that we have on the planet as we go about our daily lives. However, this is now the third Earth Day to occur on this Liberal government's watch, and I think it's important to comment on their record on the environment.

Regrettably, although they had big plans two and a half years ago, they have failed to deliver. For nearly six months now, the Ontario trucking industry has been pleading with the government to require all trucks operating in Ontario to have their engines electronically speed-limited. This change is supposed by the Ontario Trucking Association. It is supported by groups such as Pollution Probe, the Lung Association and Fleet Challenge Canada. They estimate that over 140 kilotonnes of greenhouse gas emissions would be eliminated each year if this proposal were adopted. However, the minister will not say whether or not she supports efforts to reduce truck emissions. In fact, the biggest emissions problem is gridlock and, again, this government has done little to address this problem.

This government's policy of shutting down one quarter of Ontario's power supply means that now during the hot summer months, we will be importing coal-fired power from the United States. As a free bonus, those plants will be sending their emissions into our airshed as well.

This government made an election promise to implement all of the O'Connor recommendations, but their Clean Water Act does not—

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

Mr. Peter Tabuns (Toronto–Danforth): Responding to the Minister of the Environment, I should say first of all that I am pleased that the minister has mentioned Mr. Bob Hunter and honoured his memory. Bob was a friend of mine. I knew him for many years in Greenpeace. He did a lot for the environment and this world. Unfortunately, that's the end of the agreement that I can have with the minister on her statement.

The modern environmental movement came into being in the 1970s in response to nuclear power and the degradation of air and water. In this province, this government is poised to go full tilt with the development of nuclear power, a direction that's resolutely rejected by people in the environmental movement across this country, across this continent and around the world. Nuclear power has been rejected, but is being warmly embraced by the government opposite, a government that says it honours Earth Day. That is a flat contradiction. That is not an accurate statement of the direction this government is taking.

This government is going to leave a legacy for future generations down through thousands of years of poisonous nuclear waste that we should not be passing on. The core of environmental thinking is the idea that we should leave the earth in good shape for those who come after us. When you go into that nuclear box, you leave poisonous traces, poisonous legacies, to all the people who come after us. That cannot be in any way termed an environmental or green approach to energy issues.

The Minister of the Environment has talked about air quality. As the minister knows, we already have significant problems in downtown Toronto. Instead of taking the advice from the David Suzuki Foundation or the Pembina Institute and investing in energy efficiency and conservation as the core of the electrical system in this province, an approach that would dramatically reduce air pollution, this administration is going forward with the Portlands Energy Centre. That can only mean that air quality problems in the centre of the city will become far more profound. I want to say that for this government to claim that it's pro-environment, given its efforts even just in those two areas, is completely wrong.

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CHILD PROTECTION

Mr. Peter Kormos (Niagara Centre): Of course we support the initiative announced today by the Solicitor General—the Minister of Community Safety. One would be silly not to. It's the sort of thing that's becoming increasingly important.

What's equally disturbing, though, is the observation that the Internet—the computer—has been accepted holus-bolus as this legitimate, essential, critical research tool, when in fact one should have concerns about its value in the academic context. Googling two or three words and pressing “send” does not constitute academic research and in my view is a relatively poor preparation for young people who are in academic arenas and want to pursue them.

I'm convinced that the prevalence of the computer and the reliance upon it has had a serious impact on real, de facto literacy—both the ability to read and, more importantly, the interest in reading and any affinity for the value of books as sources of pleasure, as sources of entertainment or, more importantly, as sources of knowledge.

I find it interesting that the concern about the abuse and misuse of computers is announced today in the context of a Legislative Assembly committee of this Legislature that is actually contemplating allowing members to keep those dastardly BlackBerries at their desks so they can e-mail back and forth and receive Lord knows what, because there's nobody to monitor what you're reading on your BlackBerry right now, Mr. Wilson. Who knows what it could be?

I say that our work here is far too important. This place is about speaking, this place is about debating, not looking at Lord knows what you're looking at on that screen right now. I'm ashamed to even look over my shoulder and observe what my colleagues might—

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

ORAL QUESTIONS

NATIVE LAND DISPUTE

Mr. John Tory (Leader of the Opposition): My question is to the Premier. Canadian Press describes this Ontario scene this morning: “Police helicopters roared overhead as defiant native protesters climbed atop buildings and set tires ablaze.... The angry protesters used a large dump truck and a massive tire fire to block a road leading to a housing project....”

On any other day, no subject would be too small to fill in a few minutes in the ministerial statement period, but on this one we hear nothing from you or any of your ministers. Can you give us an update on the Caledonia situation?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): I know the leader of the official opposition raises an important issue and I'm sure many Ontarians will be made aware of this either during the course of the day or through the evening news. Let me at the outset provide some information with respect to the genesis of the police action itself.

There are three points I want to make in this regard. First of all, it comes after discussions to settle this matter had taken place over a five-week period. Secondly, it comes after an order sought by a private party was issued by the courts requiring the OPP to take action. Finally, and I want to be perfectly clear in this regard, this police action comes completely independent of me, my office or my government.

We were notified of the police action this morning while it was in progress, or immediately after it. That was the first indication we had that the police had in fact gone in.

Mr. Tory: That, of course, is as it should be. I would like to go back, though, a bit in time and refer you, Premier, to a newspaper article that was in the *Tekawennake*—the *Teky*—newspaper, in which they have recently reported that Chief Dave General of the Six Nations wrote letters to your minister responsible for aboriginal affairs and your Minister of Public Infrastructure when he first became aware of the potential confrontation in 2005. According to this article, your government has known about this conflict and the potential it represented for an explosive situation for roughly a year now, but it appears that nothing has been done until very recently. Yesterday you promised, as you should, that your government would make every effort to find a peaceful resolution to this. Now, when we have reports of massive tire fires, pepper spray, taser gun use, helicopters and fighting, can you tell us, after a year of inaction by your government, what your government's plans are to carry on with those talks that you say have been going on for some time and to achieve the peaceful resolution that you said yesterday you were committed to achieving?

Hon. Mr. McGuinty: I'm pleased to speak to this issue and to report that there's another meeting scheduled for tomorrow morning at 9 o'clock involving all the parties. It has been our position throughout that we should continue to talk.

What the leader of the official opposition should understand is that the individuals involved are treating the province of Ontario and our government at best as secondary players in this matter. They insist on being dealt with as a nation. They want to deal with the government of Canada on a nation-to-nation basis. In fact, there was a statement made by Janie Jamieson, the spokesman for the protesters, on *NewsWorld* today where she said, "As far as the province goes, we are a sovereign nation. We always have been. We've already established that. That's why we have a seat at the United Nations. Canada knows that. They're trying to diminish our sovereignty by making us speak with the province, and it's something we will not do."

We will continue to participate in discussions, though.

Mr. Tory: I would hope that the Premier's last comments quoting Ms. Jamieson don't indicate that you're going to, in any way, abdicate or withdraw from a process where you quite properly should have a role in trying to continue to achieve a peaceful resolution.

I wonder, though, because I referred you to the article that came out in 2005 and to the letters written to your ministers in 2005, whether you might comment on the fact that your government and your ministers have known about the situation for a year. The occupation itself began 51 days ago and the talks have gone on, as you said, for five weeks, but a year ago your ministers knew about this and have done clearly nothing to prevent this from happening. Now we find ourselves in a situation where you have someone saying they won't deal with you, where you have tasers and fighting and tire fires and pepper spraying and so forth. Why did your

government have this material for a year and do nothing about it? What kind of leadership is that?

Hon. Mr. McGuinty: I know that the minister responsible for aboriginal affairs can speak to this.

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): I say respectfully to the Leader of the Opposition that you are misinformed. We have had a process in place involving both the provincial government and the federal government called the exploration. This involved Chief David General, the duly elected council and all parties, negotiating and discussing the land claim issue and the accounting claim that came from that. What precipitated this protest is that one faction in that community was impatient with the progress of that process, but there has been a process involved, and Chief General—somebody I talk to on a regular basis—will tell you that he has been very pleased with the progress of those discussions.

ELECTRICITY SUPPLY

Mr. John Tory (Leader of the Opposition): My question again is to the Premier. Can you confirm for us all here in the House today that yesterday, according to Hansard, you said the following: "I think the member opposite knows that when it comes to natural gas, prices there tend to be volatile, and it remains a significant contributor to global warming. Wind turbines: We are investing heavily in those, but again, those are an expensive form of electricity and they're not reliable, because sometimes obviously the wind does not blow. When it comes to solar, those tend to be expensive as well"? That's what Hansard recorded you as having said yesterday. Can you confirm that those were your words yesterday?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): Yes, I did in fact say that. What I'm trying to do is ensure that Ontarians understand that there are no neat and tidy solutions with respect to meeting our energy challenges. There tends to be a downside connected with each and every alternative. I think it's important that Ontarians come to grips with that as we consider our long-term energy plans.

Mr. Tory: Well, it was only interesting that it was so recorded in Hansard—and we thought that's what we heard you say but we waited to see it in print—because it's exactly what PCs and New Democrats and experts all over the place have been saying for months now. You and your Minister of Energy have been out there boasting about a windmill here and a windmill there, claiming that they represent X megawatts of production and that they're going to solve our energy crisis and phase out cheap coal energy production. However, now, in order to justify your new-found, brand new love for nuclear power—before the public consultations have even been reported on, by the way—you are telling us that windmills are unreliable and expensive and that gas is expensive and damaging to the environment.

We want to know which it is: Are they the salvation for all of us, or are they, as you said yesterday, expensive, damaging to the environment and unreliable? Which is it?

1420

Hon. Mr. McGuinty: The Leader of the Opposition is missing the point. The point is that a responsible approach to dealing with our electricity needs will necessarily involve parts of each of those alternatives, and they all have downsides associated with them. There's no easy quick fix here. We don't have some of the advantages that Quebec and Manitoba, for example, enjoy with respect to their significant hydroelectric capacity.

We are exploiting our capacity as much as we can. We're expanding facilities at Niagara Falls. We're exploiting run-of-the-river opportunities where we find those. We are in fact going to harness wind energy, but it's not the be-all and end-all; that's the point I'm making. We're going to harness solar capacity as well, but it's not the be-all and end-all either. We're going to do what we can when it comes to conservation, but it's not the be-all and end-all either. Beyond all those things, we will have to do some more.

Mr. Tory: The fact is, they're only the be-all and end-all on days when you're making a ministerial statement or some other announcement about them being the be-all and end-all; otherwise, you have a million and one excuses.

The bottom line is, one day you're mum on nuclear power in Ontario and the next day you've decided it's the answer for everything—in advance, by the way, of reporting on your so-called public consultations that you had on the matter. One day you're claiming that windmills and natural gas plants represent the salvation for energy in Ontario, and the next day you're telling us they're expensive, unreliable and damaging to the environment.

You are hurting people badly in their pocketbooks, you are chasing jobs out of this province, and you are sending negative signals to investors in this province with your energy policy. Isn't it better that you stop making excuses, get up and say you're going to rethink this whole thing, and really read your own words with respect to what you are doing to energy in this province? Isn't it time?

Hon. Mr. McGuinty: I can tell you what does present itself as a real challenge: When the Minister of Economic Development and Trade is meeting with potential investors in other parts of the world, one of the concerns they have is how we got so far behind the eight ball when it comes to meeting our energy needs in the province of Ontario.

During the last decade of neglect, our province experienced an 8.5% increase in demand but a 6.5% decrease in supply. What we're saying to all those potential international investors is that we won't let that happen ever again. We will make the necessary decision today to ensure that we have in place a reliable supply of affordable electricity.

The Leader of the Opposition may not be able to understand this, but in order for us to do that and behave responsibly and ensure we have that reliable supply, we're going to have to look at a variety of options.

NATIVE LAND DISPUTE

Mr. Gilles Bisson (Timmins–James Bay): My question is to the Premier and it's in regard to the situation in Caledonia. Yesterday in this Legislature, you said you supported, and I quote, "a peaceful resolution." You said, "We are determined to resolve this, but we will do this in a way that results in no incident and in no compromise to public safety." Here we are, less than 24 hours later, at 5 o'clock this morning, the OPP moved to evict the protestors off that particular line.

My question is a very simple one, Premier: Can you explain the contradiction between your government's stated position in this House yesterday and what happened in Caledonia at 5 o'clock this morning?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): There is no contradiction here whatsoever. This may be a new notion to the member putting the question, but we believe in the independence of the Ontario Provincial Police. We will not direct them. They made a decision on their own, of their own accord, to act on a court order issued earlier by an Ontario court. We fully support them in that regard, but that was an action they took completely independent of us.

Mr. Bisson: Premier, do you condone the actions of the OPP this morning, what happened at 5 o'clock?

Hon. Mr. McGuinty: Just so the member opposite has a better understanding of the OPP in this regard, they issued a release on April 3, and in part, it reads as follows:

"The OPP's goal is to achieve a safe and lasting resolution to this situation by exploring all peaceful options. Those options are still being pursued.

"The OPP respects the direction of the court and as a last resort will execute the court-ordered warrants of arrest to remove the occupiers in the safest means possible."

Let me take this opportunity to congratulate the Ontario Provincial Police for their patience, their perseverance and their dedication to resolve this matter in the safest way possible.

Mr. Bisson: The inference is that you switched your position from yesterday, because what I heard in this House yesterday was the Premier's answer—and we applauded as New Democrats—to a question that you believed in negotiations and making sure that we found a peaceful settlement. We know that for years, the federal government—and you can't throw this all into their court—has basically absolved itself of its responsibility in some cases of being able to resolve issues.

I remind you of Kashechewan last fall. After Charlie Angus and I and the chiefs came to this Legislature, you took the correct action. You said you were not going to

allow to happen what was happening in that First Nations community, you took action, and as a result of that, the federal government moved. Why is it, in this case, yesterday, you said that you were taking a position of leadership, and today you stand behind the OPP and say, "What happens, happens"?

Hon. Mr. McGuinty: First of all, to restate something I said a moment ago, discussions will continue at 9 o'clock tomorrow morning involving all the parties, and we're pleased to pursue that particular avenue.

But the member should really understand what he's saying. What he's saying is that we should have directed the Ontario Provincial Police. That's what he's saying. He's saying that we should have learned ahead of time of their plans to pursue a police action and that we should have told them that they are not allowed to do that. That's what he's telling us. We disagree with that approach. We believe in the independence of the Ontario Provincial Police, and once they have acted, we support them in their action.

NUCLEAR ENERGY

The Speaker (Hon. Michael A. Brown): New question. The member from Toronto–Danforth.

Interjections.

Mr. Peter Tabuns (Toronto–Danforth): Thank you. I am always pleased to have a warm reception from the government benches.

A question for the Premier. Yesterday you said nuclear power will play a major role in Ontario's energy future. As you know, New Democrats oppose new nuclear power because the history of nuclear power in Ontario is one of massive cost overruns and unresolved waste management issues. The division in the House on the nuclear issue couldn't be clearer: Liberals and Conservatives support new nuclear power, and New Democrats oppose new nuclear power. Premier, given the sad history of nuclear power in this province, why is it that, any day now you are going to commit to a \$40-billion nuclear future for Ontario?

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

Hon. Donna H. Cansfield (Minister of Energy): I thank the member for his question. Nothing has been decided or determined on the directive at this point. We're looking forward to having some decisions in the near future. Certainly nuclear power has been a part of the history of this province. As a matter of fact, not only for the member opposite but for the leader of the official opposition, we returned Bruce A units 3 and 4 to service in November 2003-04. We also brought on Pickering A: returned to service on time and on budget. And we do have a contract with Bruce for units 1 and 2. So nuclear power is definitely very much of the supply mix in this province, and will be, long into its future.

Mr. Tabuns: Again for the Premier: As you know, New Democrats oppose new nuclear power plants because nuclear power plants have proven to be expensive,

unreliable, dirty and dangerous. New Democrats oppose new nuclear power because nuclear waste remains radioactive for tens of thousands of years, perhaps hundreds of thousands of years, and no reliable scientific method has been devised to eliminate the risk. Premier, if you are so confident that the issue of long-term storage of radioactive waste has been dealt with, will you give this House an ironclad guarantee that nuclear waste your plants will produce will never threaten the health of future generations?

1430

Hon. Mrs. Cansfield: Thank you very much for the question. As you know, Elizabeth Dowdeswell, from the Nuclear Waste Management Org., has for the three last years been conducting discussions with Canadians right across Canada. She tabled that report with the federal government. In that report they actually had an adaptive phase management process that they recommended. That report is now sitting on the federal government's desk, with the new Prime Minister.

I will say that the Ontario Power Authority has accumulated some \$7 billion in segregated funds as part of the Ontario nuclear funds agreement with the federal government. The money will be available when the time comes for either decommissioning the plants and/or disposal of the nuclear fuel.

Mr. Tabuns: Again, for the Premier: Most of the current proposals, including the one just cited, deal with highly radioactive nuclear waste by burying it underground in deep geological formations. Whether the storage containers or the surrounding rocks will offer enough protection to stop radioactivity from escaping over the long term is impossible to predict. One of the most likely sources of pollution in connection with nuclear waste disposal in rock is the contamination of groundwater.

I repeat my question to the Premier, then: If you're so confident that issues such as long-term storage have been dealt with, why don't you give us the assurance that radioactive nuclear waste will not harm future generations?

Hon. Mrs. Cansfield: I'm sure that Ms. Dowdeswell and her committee would be delighted to have your comments, and I encourage you to go to the federal government and give her your comments.

Certainly, I think that it's really well worth recognizing that currently 37% of our capacity is nuclear. It provides 50% of our electricity, and that is a lot of electricity to keep the lights on for the people of Ontario. It is currently a part of our fuel mix; it will be well into the future.

We do have a plan: We are going to maximize our assets, both in transmission and in generation; we are going to build new—and we have certainly proven that with renewables—and create a culture of conservation. That is the plan. The bottom line is, the lights will stay on for the people of Ontario, the businesses will continue to operate, and \$11.5 billion worth of investment has come into this province just on our new energy plan, to the year 2011.

NATIVE LAND DISPUTE

Mr. John Tory (Leader of the Opposition): My question again is for the Premier. We were informed yesterday—in fact, in the days earlier this week—that quite a lot of police resources had been allocated and re-assigned to be at the ready in case something needed to take place in Caledonia. I wanted to ask you two questions in that regard. The first would be, since we knew this information, and I think others did as well, when was the first time anybody in your government knew about this operation that took place early this morning? Secondly, could you comment on the impact that this reallocation of police resources will have for some of the rural and small-town parts of the province? Because people who are reallocated to this situation are not available—

Interjections.

Mr. Tory: I know the members of the government think it's a very funny matter, but there are towns in rural parts of this province—

The Speaker (Hon. Michael A. Brown): Order, Minister of Health, Minister of Agriculture. I need to be able to hear the Leader of the Opposition place his question.

The Leader of the Opposition.

Mr. Tory: My question is, can you comment on whether or not this will have a long-standing or an anticipated long-lasting impact on the ability to police properly in other parts of the province, since substantial resources have been reallocated to deal with this situation? That's all I'm asking for. I don't know why the members of the government are so insensitive to the needs of rural Ontario.

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of Community Safety and Correctional Services.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): The Leader of the Opposition asks a couple questions, and I'm not exactly sure which one he wants me to answer, but I'll try the first one and maybe in the supplementary I'll get to the second one. His first question was, when did we find out that this was happening? I should tell you that ever since this incident arose and the occupation took place 51 days ago, I have been kept apprised of the situation, to let me know that there is a risk. Other members of the government—the Minister of Natural Resources—and federal and provincial members have been meeting to try to resolve this situation.

In all cases, you know, we hope for the best and prepare for the worst. It would be irresponsible for the OPP not to be able to make sure that, if there is a problem, they are able to respond. The question is, does that mean they've drawn off other areas? Obviously, the forces that were in Caledonia were not adequate, but they are also very cognizant of their responsibility to everybody in Ontario. They have the ability to do that, and I have all the confidence in the world that—

The Speaker (Hon. Michael A. Brown): Thank you, Minister. Supplementary?

Mr. Tory: The fact is, he asked me which one I wanted an answer to and I got an answer to neither of the questions, but never mind. Let's go back over it; I'll just review the two questions you were asked. The first one was: You said you were in constant touch. When did you know they were going to move on the operation they moved on at 5:30 this morning? And can you simply assure us? I think it's a fair question. I think people in this province—there's a major roadway that is closed. There are acts of civil disobedience taking place: pepper-spraying, tire fires, people fighting and so forth. I think we have a right to know, from the Premier of this province and from his ministers, what is going on here, going forward with respect to efforts to resolve it, and whether people can be confident that policing resources are available in all the different communities to make sure the province is well looked after as a whole—simple questions.

Hon. Mr. Kwinter: I answered the last question he just posed in my first response. I told you that I have confidence that the OPP—I'm satisfied that they have resources to make sure there is no impact on the rest of the province. That is part of their operations. Secondly, when did I know about it? I found out about it after the OPP had moved in to remove the protesters. That was at about 6 o'clock this morning. That was a call to me to tell me it had happened. I had no pre-knowledge that it was going to happen. It happened. It's a police operation. I have no responsibility or ability to interfere with police operations. It's an operational issue for the OPP, and they have a responsibility to the people of Ontario that is independent of this political discussion that is taking place, with the meetings that are going on to discuss land claims and everything else. They have a responsibility to provide public safety. They have to make that determination without any political interference, and that's what they did.

The Speaker: New question.

Mr. Gilles Bisson (Timmins-James Bay): To the Minister of Community Safety: It was clear yesterday in this House that your government took the position that there needed to be a peaceful resolution to this situation by way of negotiations in the House. This morning we have the OPP, who have gone off—on their own or with your knowledge; I'm not sure which—in order to stop this particular situation by way of force. My question to you is simply this: Clearly, on the record—and you partly answered this question—did you have any prior knowledge, prior to this morning, of the OPP being ordered in to that situation this morning?

Hon. Mr. Kwinter: I can say unequivocally that the OPP were never ordered to do anything. The OPP make decisions based on their perception of public safety. They operate as an independent police force in a democracy. It is paramount there be no political interference with police services, and that's what they do.

Mr. Bisson: Clearly, we're now in a different world. This particular situation—

Interjections.

Mr. Bisson: You guys can try to make fun of this all you want, but we're clearly in a different situation today. This situation has now been escalated. People in Caledonia, people across this province and the people of Six Nations want to know, what is your government going to do concretely in order to resolve this situation by way of negotiations, and not waiting for the federal government to do whatever? You, as a provincial government, have a responsibility to act. What are you going to do to work out a resolution to this situation?

Hon. Mr. Kwinter: Our responsibility is to maintain the peace. I can tell you this: There's a meeting taking place tomorrow morning at 9 o'clock. There have been many meetings with many individuals who are impacted by this particular situation, and I am satisfied that it's a two-pronged situation. We have to make sure that we keep the peace when we do public safety. That's the role of the police. The other issue is one of the federal government. The provincial government certainly has a role, the Six Nations have a role, and the others have a role to resolve the differences. We also have a private individual who has rights as well. He's got a court order by a provincial Superior Court that says he has the right to build his houses there, and he's been granted an injunction that the protesters have to be removed. The police have an obligation to protect the rights of citizens who have legal rights as well.

We have to make sure that we have a balance, but our main focus is to come to a peaceful resolution to this incident.

1440

ENERGY CONSERVATION

Mr. John Wilkinson (Perth–Middlesex): My question is to the Minister of Energy. Unfortunately, for more than 15 years, energy projects were cancelled and power generation was sorely neglected in Ontario. But fortunately, we are now embarking on an ambitious plan to build new generating capacity. This unprecedented investment in energy generation will provide efficient, clean and reliable power for future generations. This investment, however, is not without cost.

Minister, citizens in my riding of Perth–Middlesex on social assistance and fixed incomes often need assistance with their energy bills. What are we doing to provide relief to these citizens?

Hon. Donna H. Cansfield (Minister of Energy): I'd like to thank the member from Perth–Middlesex for the question. We are doing a number of things. One of the first things we did was to give a directive to the Ontario Power Authority for 100 megawatts on the demand side management for social housing and low-income residents. As you recognize, we just rolled out that first phase; I mentioned it in the House a couple of weeks ago.

The first \$9.5 million has gone out. We're retrofitting both appliances and lighting in low-income households.

In addition to that, we will be rolling out, on behalf of low-income residents, \$100 million in the energy relief fund. That will serve almost 1.5 million people in Ontario, to help them deal with the changes in their energy costs.

We recognize that we have a responsibility and are working very closely with not only the Ontario Power Authority and the conservation bureau but also with low-income organizations such as LIEN, the Low-Income Energy Network, to see what we can do to help those folks. Hydro One in particular has put somewhere between \$3,000 and \$4,000 in each and every home that is electrically heated that qualifies, where they actually change and do retrofitting in the home, again to help low-income folks.

Mr. Wilkinson: Minister, I'm glad to hear that we are indeed helping the most vulnerable in Ontario with their energy bills. Citizens can also reduce their energy costs through conservation. You and I worked together on the conservation action team, and I know we believe in that together. Improvements to energy efficiency reduce power use, enhance the environment and save money. So energy conservation really is win-win-win.

Experts agree that conservation is a key component in any power-generation regime. Yet previous governments have disregarded energy conservation and cancelled energy efficiency programs. What are we doing as a government to help citizens conserve power and thus reduce their energy bills?

Hon. Mrs. Cansfield: First of all, I mentioned the fact that we are going to put out a coupon book for a \$500 rebate on a central air-conditioning system, a \$50 rebate on a tune-up for air conditioning and a \$75 rebate on a programmable thermostat. In particular, I'd like to speak about one of the members of my ministry, Mr. Ed Grzesik, who received a very prestigious award called the John Jenkins Award from the Canadian Standards Association. He has, for over 20 years, been involved in making a difference in the standards of appliances in this province.

We will actually be very close to being the leader, beyond California, in standards, not only in Ontario but, thanks to the good work of people like Ed, right across Canada. We all owe him a grateful round of applause, if we could do it in the House, but certainly acknowledgement for the work that he has done.

That's the kind of difference it makes, because we actually have changed air conditioning, for example, by increasing the 30% efficiency on all new air conditioners that are sold. It's due to the good works of people like Ed Grzesik and his—

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

EDUCATION FUNDING

Mr. Frank Klees (Oak Ridges): My question is to the Minister of Education. On Tuesday of this week I

pointed out to you that the Toronto District School Board and the Toronto Catholic District School Board have agreed and contracted with Warren Kinsella in the amount of \$100,000 to lobby you on funding issues relating to education matters. In your response, you indicated, "I worry that hard-found funding is spent on consultants." You went on in the supplementary to say, "Whether he should be doing this is up for discussion."

You have now had some opportunity to think about it, Minister. No doubt you've had that discussion as to whether Mr. Kinsella should be taking \$100,000 of education tax dollars to lobby you. Will you share with us today your conclusion? Do you believe it's appropriate or not for \$100,000 of education tax dollars to be used by the school board to lobby you?

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): Without having had the opportunity, to the member opposite, to know what kind of a contract it is, I think this member would agree that in all of the years that you were in fact part of the government, there was never such a flourishing of lobbyists around this place as under your years. I think that situation has changed significantly for one significant reason: When we became the government in 2003, I have to tell you that particularly in the area of education, we opened the doors. I think it's fair to say that even this morning at a meeting in my offices at the ministry, it was put to me that we have more partnership tables today, more working tables, more commissions, more reaching across all of the sectors of education to speak with each other and speak with the government than we have ever seen.

I would say, in the main, there is likely less need for a kind of activity that includes speaking to the government, because people are doing—

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

Mr. Klees: Minister, \$100,000 of education tax dollars buys a lot of textbooks. It will meet a lot of ESL needs and it certainly will address a number of special education needs. That money is now being directed by the school board to a lobbyist who also happens to be the head of the provincial Liberal Party's campaign re-election team. Can you tell us today if you believe it is appropriate for the school board to use these education tax dollars to pay a lobbyist to lobby you? Please, just tell us, is it appropriate or not, and if it isn't, will you put a stop to it?

Hon. Ms. Pupatello: I think it's very important to note that this member first started speaking of Toronto school boards. I will tell you that in my first week, I've had conversations with both boards. I've had them into my office. I've had conversations with lots of boards in the last 15 days since the swearing-in ceremony down the hall. We have had lots of conversations about what the issues are.

I will tell you again that your government, to the extent that we had to create registries because of all of the lobbyists that you brought into the governmental system

when you were the government—this government is nowhere near requiring a lobbyist as yours was. There are boards that pick up the phone and call our office on a regular and daily basis. I would say that our relationship is quite excellent. If boards intend to hire consultants, it could be for innumerable reasons, some of which may be valid. There are educational consultants, there are people that work with kids. I—

The Speaker: Thank you, Minister. Order.

AFFORDABLE HOUSING

Mr. Michael Prue (Beaches–East York): In the absence of the Minister of Municipal Affairs and Housing, my question is to the Premier. The city of Toronto has just gone through an expensive, time-consuming and controversial census of the homeless people of this city. You promised—and I'm going to go back to what you promised. Before the last election, you as a government promised to build 15,000 units of affordable housing and another 5,000 units of supportive housing, earmarking mostly those who were homeless, within your mandate, a mandate that's going to expire in a little over a year. How close are you to achieving your goal of 20,000 units of affordable housing?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): I'm sure that the honourable member will understand and accept that it's been a long time since the city of Toronto has ever had such a strong champion sitting in the government benches. We are pleased and proud of the relationship that we have developed with the city of Toronto, pleased with the budgetary assistance we've been able to provide, pleased to recognize that they have a special status in the province of Ontario, and we look forward to working with them when it comes to meeting their housing needs.

1450

Mr. Prue: Mr. Premier, with the greatest of respect, your own government figures point out that since you came to government—and your own records and your own bureaucracy state that—you have built just 63 units of affordable housing in this province, and none of those have been in the city of Toronto. You had a \$3-billion budget revenue windfall, but there was no money for housing in your budget. On top of that, you pocketed the \$150 million from the federal government.

I know the city of Toronto, and every other municipality in this province, would rather house the homeless than simply count them. When are you going to keep your promise to build 20,000 units of affordable housing, and are you going to accomplish that within your mandate?

Hon. Mr. McGuinty: Just so we're clear, under our new 2005 affordable housing agreement, we have approved 33 projects, representing \$73 million in funding to fast-track over 1,500 affordable rental housing units. As well, I can tell you that under the pilot project phase, 94 projects representing \$117 million in funding were allocated to create over 5,000 units of affordable housing.

So again, the work is under way, and we look forward to completing it.

AUTOMOTIVE INDUSTRY

Mr. John Milloy (Kitchener Centre): My question is for the Minister of Economic Development and Trade. As members of this Legislature know, our government's strategic auto investments have benefited a number of communities across the province. One of these is the town of Simcoe, where a Toyota subsidiary recently announced a new investment. I know that this was an announcement of significant importance to the community, and I was wondering if the minister could inform the Legislature of the details of the project.

Hon. Joseph Cordiano (Minister of Economic Development and Trade): I want to thank the member for his question because it is important for the town of Simcoe. Toyotetsu, a subsidiary of Toyota, announced that it was going to be making a \$50-million investment in a plant there, which will open in 2007 and will supply Toyota in Cambridge and Woodstock.

This is the first auto investment of its kind in the town of Simcoe. It will bring high-value jobs and prosperity not only to the town of Simcoe but to Norfolk county and the surrounding area. Two hundred and fifty jobs will be created. This, yet again, shows another great shot in the arm in terms of confidence for Ontario's auto industry, and we look forward to more.

Mr. Milloy: That's certainly good news for south-western Ontario. As members know, the auto sector is an integral part of our economy that does employ thousands of highly skilled workers. Although it has faced some challenges of late, I know it continues to serve as one of the anchors of our province's economy, and our government has been working hard to ensure its prosperity.

I'd like to ask the minister if he could provide us with an update on the strength of the auto sector and some of the initiatives that he has been undertaking.

Hon. Mr. Cordiano: For the second year in a row, Ontario is the leading automotive jurisdiction in North America in terms of production, surpassing Michigan for the second year in a row.

In addition to that good news, I would also like to point out that Hino, another Toyota-related company that produces large trucks, is going to be starting up production in Ontario. That will create an additional 50 jobs, and that's just to start.

The other good news that we've heard recently is the fact that Ford at the Oakville complex is going to be producing two new models, with the possible addition of two additional models in the near future. Ford also announced that it's going to be producing hybrid vehicles for the first time in Ontario.

This is all good news for Ontario's economy and Ontario's auto sector. Since we formed the government—I don't need to say it again, but I will say it again—we have attracted almost \$6 billion of new investment in the auto sector. Things are—

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

DRUG SYSTEM REFORM

Mrs. Elizabeth Witmer (Kitchener–Waterloo): My question is to the Minister of Health and Long-Term Care. Since the public has not had an opportunity to specifically respond to the recommendations contained in Bill 102, the new drug reform act, will you guarantee today that there will be an opportunity for public hearings?

Hon. George Smitherman (Minister of Health and Long-Term Care): Yes. Nothing gives me greater pleasure than to continue our government's track record, which stands in stark contrast to the track record of the honourable member's party while in government; that is, on significant issues we believe, fundamentally—

Hon. Mike Colle (Minister of Citizenship and Immigration): They never answered my phone calls when they closed the hospitals. No hearings.

Hon. Mr. Smitherman: Exactly. We believe fundamentally that it's important to take important issues out to the public to give them the opportunity to comment. The drug strategy—that is, the Transparent Drug System for Patients Act—is a complex piece of legislation. Accordingly, I can commit today to public hearings, the details of which my colleague the government House leader will of course be negotiating with other parties on behalf of the government.

Mrs. Witmer: That certainly will be good news. One thing the stakeholders have been very concerned about was the very clandestine manner in which this drug review was undertaken and the report provided to you. It was all cloaked in secrecy. At least they will have an opportunity to respond.

We talk about public hearings. I would ask you today, when is it your intention that those would take place?

Hon. Mr. Smitherman: It would be presumptuous of me to speak on that point. That is obviously the responsibility of the House leaders, and the honourable member, as the deputy leader of her party, knows that well.

I do take significant issue with her use of the word "clandestine." This is really quite absurd. The reality is that the process that led to the piece of legislation and our government strategy was one that involved an unprecedented level of consultation, albeit done in a different fashion. Because much of the information is sensitive commercial information, we have obligations to treat that appropriately.

The honourable member likes to suggest that the government likes to duck accountability. This is internalized by their efforts on the Health Services Restructuring Commission. The obligation, responsibility and accountability for this initiative stand with the government. Accordingly I'm proud to say, on this government's part, that of course we commit to public hearings. That's because we do it on every piece of significant legislation.

GASOLINE PRICES

Mr. Gilles Bisson (Timmins–James Bay): My question is to the Premier. You'll note that over the last number of weeks, there is increasingly more rage at the pumps as people go to fill up their vehicles. There are reports of people getting pretty angry as they go off to the pumps. Last October 17, at the general government committee, the committee announced its support of a motion we put forward, "that the committee initiate a study into the industry factors that led to gasoline price spikes in late August and September" of last year "as well as into the possible actions the Ontario government can take to protect Ontarians from similar price spikes in the future."

Under standing order 124, you've got to do that. My question is, when are you going to convene the committee so we can start our work and find some solutions to help motorists in Ontario?

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

Hon. Donna H. Cansfield (Minister of Energy): I thank the member for the question. I have to get some more information about the particular committee and the mandate of the committee. I'd welcome it if you would provide me with that information.

Certainly there's no question that right across North America—in the United States yesterday I think it was \$4.25 a gallon for gasoline in Brooklyn—it is an issue that is affecting all of us. I think that Mr. Harper indicated not only in his pre-budget—

Mr. Rosario Marchese (Trinity–Spadina): What about the question?

Hon. Mrs. Cansfield: I asked for more information about the committee, and when I have more information, I'll be able to respond more directly.

In the interim, Mr. Harper has identified pre-election—he said he would deal with the GST if gas went over 85 cents. Then I discovered today, in reading the material, that he is actually prepared to do something about it. What is really important for you to know here is that we have doubled the rebate for a hybrid car and put our gas tax into the municipalities, where it belongs.

Mr. Bisson: You can try to pass this off on the federal government like everything else you do in this Legislature. All that matters to motorists is that they drive to the pumps, see the price going up and feel they are getting gouged. In the very example you talked about in New York City yesterday, people were scratching their heads when they found there was a 90-cent difference per gallon at that particular retail station within a matter of minutes. Clearly, what needs to happen is we've got to get to the bottom of how they're working the prices and gouging people at the pumps.

1500

So I'm going to help you. There's a thing called the standing orders in your desk. It talks about standing order 124. We passed a motion at the committee that basically says the committee is going to look into what happened last summer, learn the lessons from that, and make sug-

gestions to this government so that we can help motorists at the pumps this year. Are you prepared to allow the committee to start its work now, yes or no?

Hon. Mrs. Cansfield: There is no need for the member to be pejorative. I indicated that I would look at the issue of the committee. It wasn't necessary.

I'm trying to explain that it really is a federal responsibility. As a matter of fact, when the taxes go up, it's the feds that win \$6 million for every cent, and in fact we do not increase our taxes on gasoline; they remain the same.

I indicated that I'm quite pleased to get some information from the member, and I think he has a responsibility as well to write that letter to Mr. Harper.

HEALTH CARE

Mrs. Liz Sandals (Guelph–Wellington): My question is to the Minister of Health and Long-Term Care. Minister, Ontario's health care system is constantly evolving to accommodate our growing population. I'm proud to say that the McGuinty government has made positive changes to ensure the viability of our public system.

As you know, the future success of our system depends on the creativity and drive of the people who work in it. Today, you attended the first-ever Celebrating Innovations in Health Care Expo, and I heard that it was a resounding success. Could you please explain what this expo is all about?

Hon. George Smitherman (Minister of Health and Long-Term Care): It's my pleasure to do so. You know, in the province of Ontario, we believe fundamentally in our publicly funded health care system. We also believe fundamentally in the necessity for change, to renew that same system, and we've been working hard to do that.

Today, more than 2,000 people came together in the first-ever health care expo. We held it here in Toronto, but health care providers came from all over the province of Ontario, and they celebrated innovation in five distinct areas, all of which are designed to benefit our patients. For the first time, health care players, from community providers to our largest acute care hospitals, came together and celebrated the innovations that they themselves have championed, so as to ensure that they aren't just benefits that accrue to patients locally, but they can be spread across the breadth of the province of Ontario. We call it the system helping the system, and we got a good head start on that today.

I want to thank the honourable member for her question, and I want to wish her a very happy birthday.

Mrs. Sandals: But he didn't actually sing like he threatened to, which may be a good thing for both of us.

Minister, I'm very proud to say that the Homewood Research Institute, which is located in my riding and which is attached to the Homewood psychiatric hospital, one of our leading psychiatric hospitals and also a leading provider of long-term care, in partnership with the University of Waterloo, was awarded the award for innovative health information management. I know that

has been a big concern in my area, with the hospitals all working together to improve their health information management systems.

Since taking office in October 2003, we have been working to re-establish a health care system in Ontario that is patient-focused, integrated and sustainable. Minister, could you elaborate on how this expo fits into our larger plan for health care?

Hon. Mr. Smitherman: I was very proud today to have a chance to present that award for innovation in health information management to the good folks at Homewood Research and their partners at the University of Waterloo.

Four other organizations were awarded today, but importantly, 600 different organizations submitted proposals that said, "On the basis of the things we've done, we'd like to be recognized," and that was such a fantastic response.

In east Toronto, a health collaborative led by the EMS, with 15 community-based providers, was awarded for meeting community needs through integrated care; Trillium Health Centre in Mississauga and Etobicoke for improving quality and patient safety; Princess Margaret Hospital for improving efficiency through process re-design; and Cancer Care Ontario for an innovation in health human resources that sees a new role brought to health care, the nurse endoscopist. Fifty of them are being minted, and it's a crucial tool as we move forward on colorectal screening in the province of Ontario.

These are the innovations that are occurring in the publicly funded health care system. We're not for the status quo; we're for innovation. We're celebrating it, and we're spreading it across the land.

ASSISTANCE TO FARMERS

Mr. Toby Barrett (Haldimand–Norfolk–Brant): To the Minister of Agriculture and Food: As you know, grassroots farm rallies have dominated this winter. You've told the grassroots farmers to go to Ottawa. We went to Ottawa, 10,000 strong. Federal Ag Minister Strahl has bounced it back to you; the grassroots farmers have bounced it back to you. My question is, will you tell this House and will you tell the grassroots cash crop farmers what objection you would have to implementing a risk management program for the grain and oilseed sector?

Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs): I'm again happy to share with the members of this Legislature, first of all, that our government takes the crisis in the grains and oilseeds industry very seriously. We have been working with farm representatives in this province since November. We agree with them, when they've come to us with their proposal that they want a multi-year partnership with the federal government. That requires participation of the farmers, the provincial government and the federal government. I've been very clear that we are here; we are prepared to sit down and negotiate that agreement. I'm

not privy to the most recent information you present about Mr. Strahl and what he has said. But what I have been consistent in saying—I have letters to the minister that demonstrate that our province is ready to sit down with them and talk about a strategy that will meet the needs of farmers in Ontario to—

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

Ms. Lisa MacLeod (Nepean–Carleton): I thought I would get much more excitement out of the front bench over there than I am.

My question is for the Minister of Agriculture and Food. I stood before this House Tuesday talking about the plight of farmers, distributors, grocers and consumers, but to no avail. The Minister of Agriculture and Food has still not addressed the concerns of Ken Ross, an independent grocer, nor has she addressed the concerns of Gib Patterson, a farmer. They are both concerned with ongoing farm protests and the lack of attention, lack of action and, apparently, lack of respect. Has this Minister of Agriculture and Food met with the food industry, or is she just prepared to? When will this government step up to the plate and begin restoring the cuts to our farmers?

Hon. Mrs. Dombrowsky: I'm very happy to say that I believe the relationship that our government has established with farm representatives, certainly since we've come to government, has been a very respectful one. That's not to say that we always agree, but I always have left those meetings feeling that everyone had a fair hearing.

With regard to the respect issue, I did find it interesting today—this was reported in the Toronto Sun, with respect to the federal government—that Minister Strahl has said he won't meet with farmers who have gone to Ottawa. They want to talk about the \$5 million that he claims he has set aside for them. So far, all we've heard from the federal government is talk about \$500 million that's sitting securely in the bank in Ottawa. Farmers need it in their pockets, and we want to sit down with the federal government and talk with them about our plan that will deliver it to farmers when they need it, which is right now.

SUBVENTIONS CULTURELLES

Mr. Gilles Bisson (Timmins–James Bay): My question is to the Premier, as the Minister of Culture is not able to be here.

Monsieur le premier ministre, vous allez savoir que la communauté de Hearst, depuis maintenant 10 ans, est capable de célébrer l'Écomusée, un musée qui joue un rôle important dans la vie de cette communauté envers toute l'économie faisant affaire avec l'industrie du tourisme, mais aussi pour les écoles et autres dans la région pour être capable de démontrer l'histoire locale de cette communauté.

1510

Après 10 ans, l'Écomusée va être fermé. Pourquoi? Il n'y a plus de financement qui vient de votre gouverne-

ment. Le monde de Hearst se demande si vous êtes préparé comme gouvernement—après avoir refusé pour une deuxième fois l'argent pour réparer ce musée, êtes-vous préparé à regarder de nouveau cette situation et à voir si c'est possible de mettre en place un financement stable pour que l'Écomusée puisse rester en marche les années à venir?

L'hon. Dalton McGuinty (premier ministre, ministre de la Recherche et de l'Innovation): Je peux vous dire que nous allons continuer à travailler avec la communauté de Hearst. Nous avons déjà établi des liens pour faire certain qu'on comprenne très bien leurs priorités. Mais je devrais dire au membre que les représentants de Hearst viennent juste de rencontrer le ministre de la Santé, et ils lui ont dit que leur priorité était de verser d'autres argents dans le domaine des soins de santé.

Nous allons continuer à travailler avec la communauté, mais vous devriez savoir qu'ils ont plusieurs priorités, et il va falloir qu'on fasse certain qu'on adresse ce qui est le plus important en commençant.

M. Bisson: Premièrement, je veux remercier le ministre de la Santé de sa rencontre hier avec les dirigeants de l'Hôpital Notre-Dame.

Quand je parle de la communauté, je ne parle pas de la municipalité de Hearst; je parle de la communauté. Dans la communauté de Hearst, on a un musée. Ce musée-là est indépendant. Ce n'est pas une organisation qui est gérée par la ville de Hearst. C'est un musée indépendant qui a son propre bureau d'administration et qui dessert la population régionale quand ça vient à être capable de démontrer l'historique de la ville de Hearst et de ses citoyens.

La question qu'on vous demande est celle-ci : le financement, il n'y en a plus. C'est fini. Ça fait deux fois qu'ils ont été refusés par votre gouvernement d'avoir des fonds pour continuer l'opération du musée de Hearst. On vous demande, de la part de la communauté, est-ce que vous êtes préparé à regarder vous-même ce dossier pour voir ce qui peut être fait pour assurer la survie du musée Écomusée de Hearst?

Hon. Mr. McGuinty: To the minister responsible for francophone affairs.

L'hon. Madeleine Meilleur (ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones): Ça me fait plaisir de répondre à cette question. Oui, l'Écomusée de Hearst recevait de l'argent de la Fondation Trillium. Comme vous le savez, la Fondation Trillium—le maximum c'est de trois ans. Alors, ils ont terminé leurs fonds, leur subvention.

Il y a deux Écomusées qui sont dans la même situation. Il y en a un dans mon comté, l'Écomusée de Vanier. On travaille avec la communauté. Il y a beaucoup plus de demande pour les subventions des musées au ministère de la Culture. Alors, on travaille avec la communauté. On sait qu'il y a beaucoup de musées qui ne sont pas subventionnés.

C'est bien sûr qu'avec les augmentations dans les budgets futurs, on pourra aider les musées comme le musée de Hearst. Le musée de Hearst fait un travail

exceptionnel et c'est très important pour la communauté. J'en profite pour les féliciter de—

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

BORDER SECURITY

Mr. Lou Rinaldi (Northumberland): My question is to the Minister of Tourism. Mr. Minister, today's press says that Premier McGuinty criticized the federal government saying that they have no plans to create an alternative Canadian document to the passport. It is my understanding that the Premier, in fact, took issue with Minister Stockwell Day throwing in the towel in terms of convincing the US government to accept a reasonable alternative to the passport for Americans returning to their own country. Could you please clarify the government's stand on this issue?

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): It's an excellent and timely question. What we in Ontario have been trying to persuade all concerned about is that we think there should be an alternative developed to the passport requirement that the United States is talking about at this particular time.

It's interesting because, as the Premier said yesterday, this is not an issue of Canada against the United States, and my friends from Niagara and other border areas would understand this. This is where we in the border areas are saying, "Let's develop a different alternative. Let's try to postpone the implementation of the passport provision. Let's develop an alternative that we can all agree upon." The state of Michigan has suggested enhancing the security on drivers' licences and other documents that we would normally have.

We are prepared as a province to continue to fight for that particular position. We would certainly welcome the support of all federal ministers and the Prime Minister in that fight on behalf of the tourism business right across the border between Ontario and the States.

PETITIONS

LONG-TERM CARE

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

"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 agree with and I've signed this petition.

COMMUNITY MEDIATION

Mr. Bob Delaney (Mississauga West): I have a petition to the Ontario Legislative Assembly, submitted by some of the clients of Inter-Cultural Neighbourhood Social Services, and I'd like to thank Sukhwinder Grewal for having collected some signatures. 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 has 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 would therefore be much greater than the ... 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."

I agree with this petition and I'm pleased to affix my signature to it and to ask page Mercedes to carry it for me and thank our pages for their hard work.

GASOLINE PRICES

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I have a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas the price of gas is reaching historic price levels; and

"Whereas provincial and federal governments have done nothing to protect consumers from high gas prices; and

"Whereas provincial tax on gas is 14 cents per litre and federal tax is 10 cents per litre, plus 8% GST; and

"Whereas these taxes have a detrimental impact on the economy and are unfair to commuters who rely on vehicles to travel to work; and

"Whereas the province has the power to set the price of gas and has taken responsibility for energy prices in other areas, such as hydro and natural gas; and

"Whereas we call on the province to remove the 14.7-cents-per-litre gas tax and on the federal government to

eliminate the 10-cent gas tax, plus 8% GST, which amounts to 30% or more of the price;

"We, the undersigned, petition the Legislative Assembly of Ontario and urge the Premier to take action and to also persuade the federal government to remove its gas taxes."

I support the petition and affix my signature.

IDENTITY THEFT

Mr. Tony Ruprecht (Davenport): I have a petition from the Consumer Federation of Canada. It reads as follows:

"To the Parliament of Ontario and to the Minister of Government Services:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting ... thousands of people;

"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating;

"Therefore we, the undersigned, demand that Bill 38, which passed the second reading unanimously in the Ontario Legislature on December 8, 2005, be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information, such as SIN and loan account numbers.

"(2) Should a consumer reporting agency discover that there has been an unlawful disclosure of consumer information, the agency should immediately inform the affected consumer.

"(3) The consumer reporting agency shall only report credit-inquiry records resulting from actual applications for credit or increase of credit, except in a report given to the consumer.

"(4) The consumer reporting agency shall investigate disputed information within 30 days and correct, supplement or automatically delete any information found unconfirmed, incomplete or inaccurate."

Speaker, I agree with this petition 100%, and I'm delighted to provide it to you.

1520

SUPPORTIVE HOUSING

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

"Whereas thousands of vulnerable adults live in domiciliary hostels that provide them a warm, secure, stable and friendly environment which allows them to lead fulfilling lives; and

"Whereas the alternative for many of these individuals is a life of homelessness on the street; and

“Whereas domiciliary hostels have had only a single 3% increase since 1999, which in no way matches the rising costs they face; and

“Whereas the Liberal government promised Ontario in the election they would significantly increase supportive housing options for those suffering from mental illness;

“Therefore we, the undersigned, call on the government to bring an immediate increase in the provincial portion of funding to domiciliary hostels throughout Ontario.”

As I am in agreement, I have affixed my signature, and Meghan is going to deliver it for me.

BORDER SECURITY

Mr. John Wilkinson (Perth–Middlesex): I have a petition to the Legislative Assembly of Ontario.

“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;”—including those to the Stratford Festival—“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,”—many in my own riding—“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 of this plan; 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 affix my name to this petition and give it to Mark, our page.

ORGAN DONATION

Mr. Frank Klees (Oak Ridges): I have a number of petitions here addressed to the Legislative Assembly of Ontario. I appreciate Solette Gelberg submitting a number of these. I'm going to read them to members. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas 1,920 Ontarians are currently on a waiting list for an organ transplant; and

“Whereas the number of Ontarians waiting for an organ transplant has virtually doubled since 1994; and

“Whereas hundreds die every year waiting for an organ transplant; and

“Whereas greater public education and awareness will increase the number of people who sign their organ donor cards and increase the availability of organ transplants for Ontarians; and

“Whereas the private member's bill proposed by Oak Ridges MPP Frank Klees will require every resident 16 years of age and older to complete an organ donation question when applying for or renewing a driver's licence or provincial health card, thereby increasing public awareness of the importance of organ donation while respecting the right of every person to make a personal decision regarding the important issue of organ donation;

“We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 67, the Organ and Tissue Donation Mandatory Declaration Act, 2006.”

Given that that is my private member's bill, I'm pleased to affix my signature.

CHILD CARE

Mr. Mario Sergio (York West): I have an additional petition addressed to the Legislative Assembly of Ontario, which reads as follows:

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

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

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

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

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

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

It is signed by a number of petitioners. I concur, and I will affix my signature to it.

CONVENIENCE STORES

Mrs. Christine Elliott (Whitby–Ajax): I have a petition to the Legislative Assembly of Ontario:

“Whereas the Ontario Korean Businessmen's Association (OKBA) represents 3,000 family-owned and -operated small convenience store businesses across

Ontario who are being driven out of business by the McGuinty government; and

“Whereas the McGuinty government has hurt OKBA members by hiking WSIB rates, hiking commercial hydro rates, and dumping the high costs of implementing Bill 164 on these small family-run businesses;

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

“Convenience stores are the last family-run businesses in every neighbourhood throughout Ontario and are in urgent need of both compensation and help from the government to allow replacement categories for tobacco products.”

I'm pleased to affix my signature in support.

SOCIAL SERVICES FUNDING

Mr. Tim Peterson (Mississauga South): I have a petition for the House.

“Whereas the population of the region of Peel has been experiencing significant growth for the past 15 years and now has the second-highest growth rate in the province;

“Whereas demand for social services in Peel has exploded as a result of the population and other social changes;

“Whereas provincial social services funding has not responded to the increases in population, and therefore the people of the region of Peel receive 50% less funding on a per capita basis than the average provincial per capita funding for social programs;

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

“That the Ministry of Community and Social Services and the Ministry of Children and Youth Services correct the funding inequity in all of their social programs with new funding formulas that address population and needs.”

I am pleased to affix my signature to this petition.

LONG-TERM CARE

Mr. Norm Miller (Parry Sound–Muskoka): I have a petition from Lakeland Long Term Care facility in the Parry Sound area, and it's to the Legislative Assembly of Ontario. It says:

“We, the undersigned, who are members of family councils, residents' councils and ... 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 support this petition.

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): 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, 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'm sending the petition down with page Meghan.

ACCESS TO HEALTH CARE

Mr. Tony Ruprecht (Davenport): I have a petition to the Legislative Assembly of Ontario. It reads as follows:

“Whereas the people of Ontario deserve a universal, high-quality public health care system; and

“Whereas numerous studies have shown that the best health care is that which is delivered close to home; and

“Whereas the McGuinty government is working”—and the Minister of Health, I might add—“to increase Ontarians' access to family doctors through the introduction of family health teams that allow doctors to serve their communities more effectively; and

“Whereas the McGuinty government has fulfilled its promise to create new family health teams to bring more doctors to more Ontario families;

“We, the unsigned, petition the Legislative Assembly of Ontario to support the McGuinty government's efforts to improve access to family doctors through innovative programs like family health teams.”

I support this petition and I'm willing to sign it.

1530

VISITORS

Mr. Kevin Daniel Flynn (Oakville): On a point of order, Mr. Speaker: Could I just take this opportunity to introduce the students from St. Joseph's School in Oakville to the members of the House. Former page Jeremy is here, as well as a class from the province of Quebec who are twinned with this class.

BUSINESS OF THE HOUSE

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):

Pursuant to standing order 55, I'd like to rise to give the Legislature the business of the House for next week.

On Monday, April 24, in the afternoon, second reading of Bill 51, the Planning and Conservation Land Statute Law Amendment Act; in the evening, second reading of Bill 56, the Emergency Management Statute Law Amendment Act and second reading of Bill 11, the Provincial Parks and Conservation Reserves Act.

On Tuesday, April 25, in the afternoon, second reading of Bill 102, the Transparent Drug System for Patients Act; in the evening, second reading of Bill 81, the Budget Measures Act, 2006.

On Wednesday, April 26, in the afternoon, second reading of Bill 52, the Education Statute Law Amendment Act (Learning to Age 18); in the evening, second reading of Bill 51, the Planning and Conservation Land Statute Law Amendment Act.

On Thursday, April 27, 2006, in the afternoon, second reading of Bill 41, the Securities Transfer Act.

ORDERS OF THE DAY

TRANSPARENT DRUG SYSTEM FOR PATIENTS ACT, 2006 LOI DE 2006 SUR UN RÉGIME DE MÉDICAMENTS TRANSPARENT POUR LES PATIENTS

Mr. Smitherman moved second reading of the following bill:

Bill 102, An Act to amend the Drug Interchangeability and Dispensing Fee Act and the Ontario Drug Benefit Act / Projet de loi 102, Loi modifiant la Loi sur l'interchangeabilité des médicaments et les honoraires de préparation et la Loi sur le régime de médicaments de l'Ontario.

The Acting Speaker (Mr. Joseph N. Tascona): Mr. Smitherman has the floor.

Hon. George Smitherman (Minister of Health and Long-Term Care): It's a tremendous privilege for me to have a chance today to kick off debate on this very important piece of legislation. To do so, I'd like to say from the get-go that I'll be splitting my time with the honourable member from Mississauga South, the parliamentary assistant to the Minister of Health, my colleague Tim Peterson, who is here already.

I was very pleased in the Legislature today, in response to a question from the health critic for the opposition party, to respond to the request for public hearings. I think the member knew the answer to the question, because our government is one that always commits itself to public hearings on important pieces of legislation, and of course this will be no different.

We're proud to take to the people of Ontario the Transparent Drug System for Patients Act, because this is

a \$3.4-billion expenditure line which provides a crucial benefit to many Ontarians.

This bill is the cornerstone of our government's plan to reform Ontario's drug system—and make no mistake, reform is necessary. Our drug system needs to be made more efficient, more transparent, more accountable. We need to change it into a system that patients can understand, because it's very cloudy right now. This will contribute an essential element of the public health care system, and that is trust. We have to gain the confidence and enhance the trust of those we endeavour to serve. Make no doubt about it, an increasing number of Ontarians are relying upon us, are calling upon us to ensure that our drug programs, which provide so much benefit, enhance the quality of life that they seek to enjoy. At the same time, it's important that we take appropriate action to ensure its sustainability.

We're motivated, as a government, by the desire, not just to make sure that medicare is something that works well for those who depend upon it today but for those young people, as an example, who join us in the gallery today—who might have a greater call upon it in the future than they do today—to know that our system of medicare, which has provided so much benefit to our province, will be there for them. This legislation will help us to achieve that.

Reforms are essential, but it's also essential that we provide stability and continuity for patients who are receiving benefits. Here's a point I want to repeat that is essential: While we have more than two million people who are benefiting from Ontario drug benefits—senior citizens, those on welfare and the Ontario disability support program—as a result of the initiatives that are offered, I say in response to the member from Brant, "What happens to them?", there will be no change to current benefits associated with this, not to co-payments, not to deductibles and not to eligibility.

We do seek, however, to provide for our patients a system that works better for them, is more transparent and is more responsive to the opportunity to provide more innovative drugs. We're also very keen to make sure that those taxpayers, one of the largest volume purchasers of pharmaceutical product known to humankind, get benefit for the volumes we purchase. The adage that we know and learn from retail—the answer to the simple question—How do we do it? Volume. Accordingly, we say that it's appropriate that the province of Ontario gain appropriate costing from those providers, recognizing that we are a high-volume purchaser.

The name of this bill suggests that our reforms were designed to make the entire drug system more patient-friendly and, as I said before, more transparent. We can operate good programs, but if they are so confusing to people trying to look in from the outside, then I think that's a very strong point that needs to be addressed.

Let me make clear that our government is introducing a comprehensive package of reforms with respect to Ontario's drug system: legislative reforms, policy reforms and regulatory changes. This bill, the Trans-

parent Drug System for Patients Act, is a key part of the package of reforms, and I want to focus today in my comments on very specific elements of this bill. I want to highlight some of the key parts of this bill.

Part I of the Transparent Drug System for Patients Act makes amendments to the Drug Interchangeability and Dispensing Fee Act. These amendments will bring about a number of changes, including expanding the definition of interchangeability. Interchangeability of drugs has always been a common practice in Ontario, and these changes will allow for more generic drugs to be substituted for brand drugs. Generic drugs are equally effective and less expensive.

It's very important to give credit where credit is due. We saw in the most recent negotiation between the CAW and the Big Three, very important players in Ontario, the number one manufacturer of automobiles in North America, that we have competitive employment opportunities, that we have a cost basis which is competitive. In their recent agreement, the Big Three negotiated with the Canadian Auto Workers a generics-first policy. This piece of legislation makes that the law in the province of Ontario and, frankly, builds on the leadership opportunity that was provided to us by these two very important groups.

Amendments to the Drug Interchangeability and Dispensing Fee Act will also outlaw the practice of chain drugstores cutting deals with generic manufacturers for backdoor rebates in exchange for shelf space. The reality is, when we investigated the circumstances related to this \$3.4-billion file, we did find that we're paying an awful lot, especially for some of the activity in the middle. Between the manufacturing point and the point at which the patient received the product, a considerable degree of mark-up and the like had occurred. We have an obligation on behalf of taxpayers to achieve very good pricing for the volumes of product that we're purchasing. Accordingly, we're moving to outlaw the practices of these special rebates. This rebate scheme costs taxpayers untold millions of dollars and adds no benefit to the system, and we're putting an end to it.

Part of the package of reforms also includes proposed changes to regulations concerning what is known as off-formulary interchangeability. This is further good news for patients and it's good news for those who pay for their drugs out of pocket and for employers. This initiative is designed to save at least \$30 million for employers and those who pay for their own pharmaceutical product out of their pocket—\$30-million savings just on that element alone.

Part II of the Transparent Drug System for Patients Act makes amendments to the Ontario Drug Benefit Act. Our amendments create a new position of executive officer of the Ontario public drug programs. This doesn't sound too exciting, perhaps, at front measure, and maybe that's why, as I started to speak about it, the galleries began to empty. Nevertheless, one of the big challenges we face—and we've all experienced frustration around this—is that the drug approvals process in Ontario is

very, very slow. It's not good enough. I say this forcefully, because I believe it fundamentally.

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Accordingly, we're going to move forward in a fashion that takes a tremendous amount of power that cabinet has typically reserved for itself and transfers that appropriately to an executive officer who is given the opportunity, the power and the authority to make important decisions in a much more timely way. If your mom is waiting for a decision on whether a new product is going to be listed on the Ontario drug formulary, then government has an obligation to get an answer to your mom very, very quickly.

It will not be the circumstance, as I've said so clearly, that we can afford to put every product on our drug formulary. There will be cases when the benefit associated with a new product is not in keeping with our capacity to pay for it. In other words, sometimes the products that are put on offer, offer very marginal benefit for a tremendous increase in cost. Nevertheless, our fundamental obligation is to a timely response, to telling mom, who may be waiting on a decision, what the answer is. We have an obligation to communicate in a timely way, and we have an obligation to communicate in a fashion that is clear.

I must say, with respect, that I understand well the frustration people experience because our drug system at the moment is not transparent. This information is not communicated to people in as clear a fashion as we have an obligation to provide. That's why I'm very, very proud that we will propose to give the executive officer the authority to establish rules, criteria and procedures that a manufacturer must follow in submitting a request for changes to the drug benefit price, as well as the power to enforce drug benefit prices. The effect of this is clear: It will allow the province to achieve better drug pricing and the more timely processes I spoke about a moment ago.

I want to say one thing in response to my critic from the official opposition. I don't mean to be too partisan, but the honourable member was part of a government that had the Health Services Restructuring Commission process. It is well known that the effects of it have been felt in a variety of communities around Ontario—some more positive than others, I would say. But the reality was that the government at that time delegated considerable of its responsibilities to this Health Services Restructuring Commission and then attempted to hide behind it. This has been internalized by the honourable member herself, the longest-serving Minister of Health in the past government. She has decided to advance the argument that the government is attempting to duck accountability by creating the capacity for a chief executive officer to respond in a timely way.

Mr. Ted Chudleigh (Halton): On a point of order, Mr. Speaker: I know that the minister doesn't want to be too critical of the government, but I wonder if there is a quorum present to hear his wonderful speech today.

The Acting Speaker: Is there a quorum present?

The Deputy Clerk (Ms. Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker: Call in the members.

The Acting Speaker ordered the bells rung.

The Deputy Clerk: A quorum is present, Speaker.

The Acting Speaker: The Chair recognizes the minister.

Hon. Mr. Smitherman: The point I really want to make is this: Already in the province of Ontario, as the official opposition health critic would know well because she was Minister of Health for around three years, there is a general manager of OHIP. The general manager of OHIP operates on a very similar basis, and in a much larger program, to what we propose for the chief executive officer of the drug programs, fundamentally because government processes like cabinet approval are not designed to meet the rigour and the tests associated with those who await an answer that must be timely.

Accordingly I say this, and I'll say it proudly: There is no misunderstanding on the part of our government but that we are the accountable party as relates to health care in the province of Ontario. No doubt, when you have thousands of different health care providers and front-line health care providers numbering 250,000 or 300,000, there are a bunch of people who are involved in doing the work. We recognize that at the point of an election, as an example, the people of the province of Ontario will consider health care as one of those baskets of services they expect the province to deliver well. Accordingly, I think that this message track that the honourable member is on really is misplaced.

I want to draw members' attention to section 6 of the bill. This section sets out principles recognized in the Ontario Drug Benefit Act. These principles include a commitment to a public drug system that "aims to meet the needs of Ontarians, as consumers and taxpayers"; "aims to involve consumers and patients in a meaningful way"; "aims to operate transparently to the extent possible for all persons with an interest in the system"; "aims to ... achieve value for money and ensure the best use of resources at every level of the system"; and makes funding decisions for drugs "on the best clinical and economic evidence available" that "will be openly communicated."

I really ask people to absorb the values associated with those pieces of language and especially to focus on one of them: "aims to involve consumers and patients in a meaningful way." One of the most positive responses that we saw on the introduction of our package of reforms last week was from patient groups and consumer groups, for the first time being invited in to be participants in the process, not just with a view towards taking advantage of transparency, but the meaningful engagement of patients and of consumers, something that has been long lacking. We're seeking to democratize the way that we do business as it relates to this drug program.

It's obviously a complex piece of legislation, but our goals, as you can see, are very clear. At the foremost, we decide that in a package like this it's appropriate to

determine that there will be only one group that can be characterized as winners, and that group is our patients. But they win in many ways, because this legislation, if passed, will benefit from a system that operates more efficiently, that for the first time permits both patient and citizen input, and that provides better drugs faster. This is a very, very crucial.

But patients also win because of other changes. Pharmacists will at long last be allowed to play a greater role in health care, and we saw a very positive response from the Ontario Pharmacists' Association on this point, because for the first time we're proposing to compensate pharmacists for the work they do across the counter and in the aisleway, assisting patients to achieve better health outcomes. Pharmacists are inordinately well educated. They have a vast capacity to influence health outcomes in the province, to be seen more appropriately as an important part of the front-line health defence of the patients in Ontario, and we're moving forward to acknowledge their value and their contribution and to take better advantage, frankly, of the opportunity that they offer.

I make this commitment to the pharmacists of Ontario: I recognize that there are issues about the sustainability, about the economics of pharmacy, and I made the commitment already to the leadership of the Ontario Pharmacists' Association that we will be their partner in working to make sure that we have robust, vibrant pharmacy in this province. I understand fundamentally that in many rural areas which are served by a small number of pharmacies, we have a particular obligation to ensure that the economics of pharmacy remain vital, so that the vital service they can provide will be very well cared for.

Drug manufacturers also win, with a new, faster, more transparent approval process, allowing them to bring products to the market more quickly.

But really the winner in this circumstance is the patient. As I said a moment ago, we're looking to being a bigger marketplace. Everybody has an expectation, of course, that drug costs are going to continue to rise, and at quite a clip as well. Let's face it: They've been rising at something like 12% to 14% over a period of the last number of years. But at the same time, here in Ontario we seek to be a jurisdiction that creates the capacity for those products which are truly innovative to find their way to market much more quickly. The advantage of a product must be determined more quickly, the decision made more quickly, so that benefits can be provided in a much more timely way, and this is what we have on offer for those pharmaceutical companies which have long since expressed frustration with the slow nature of the Ontario approval process.

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Patients are winners as well, because doctors are being freed of an incredible burden of paperwork associated with a section 8 process that is going to go away: 150,000 pieces of detailed paper filled out by doctors last year in Ontario, time taken away from the precious

provision of patient care. It will be relegated to the dustbin, and no more will we ask our doctors to slug it out with paperwork. Instead, we seek to dedicate as much of their time as possible to the most important work they do, and that is the interface with Ontario's patients.

I'm sure I don't need to remind anybody that when you spend \$3.4 billion on a program, you've got to recognize this is the taxpayers' money. Accordingly, we have an obligation to ensure we get good value for that money. Our drug strategy has a number of components, and I know that it's challenging to gain a thorough understanding of the strategy, at least at first blush. Nonetheless, I want to urge all members to do all they can to learn as much as they can about this package of reforms. We'll be very, very open to assisting members with detailed briefing. My parliamentary assistant, Tim Peterson, who is taking leadership on this file, stands at the ready to assist any members of the Ontario Legislature to gain additional information about how this is intended to work, because we recognize that the reforms here are complex. But they are essential reforms for the people of Ontario.

Obviously, any time you have a significant package, it would be very easy to take out of context one piece here or one piece there. But to do so would fail to recognize that this is a package which has been designed to be balanced, a package that has been designed from the get-go to be a winner for patients and, frankly, to challenge everybody to do a little better for those patients. We have an obligation on behalf of the patients in Ontario to deliver that, and I'm very proud that the Transparent Drug System for Patients Act will be an important step forward on an issue that is long overdue. Previous governments spent some time around a table with stakeholder after stakeholder. Nothing came of their initiatives.

We had tremendous leadership from Helen Stevenson and Brent Fraser. I want to thank them publicly and on the record of this Legislature for the work that they've done. More than 350 distinct groups were involved, many of them many, many times, in giving us ideas and reaction to ideas that we had and can see elements of their very own suggestions embedded in the initiative that has been brought forward to this Legislature.

Mr. Speaker, I want to close by saying thank you to you and to all members of the Legislature for your consideration of this important piece of legislation.

I want to say just one last word, and it is to the patients of Ontario. We spend, on a per capita basis, just about as much as anybody in the whole land for the drug system, and yet we know that in very many ways its lack of clarity, its slowness, has caused confusion and frustration for citizens in this province. The piece of legislation that comes before us today, if passed by this Legislature, will benefit those patients greatly. We cannot in health care promise that every new service or product that becomes available can instantly be funded. But that does not transplant the obligation that we have to provide that information in a transparent way.

It seems to me that we can do a better job of responding more quickly to opportunities for truly innovative products, and in any of those circumstances when a product is not to be funded, it is our duty and our obligation to tell the Ontario taxpayers why, and to tell them so very clearly. The Transparent Drug System for Patients Act will do just that, and accordingly I'd like to offer it to members and encourage their support. Thank you so very much.

Mr. Tim Peterson (Mississauga South): It's my pleasure to follow up on behalf of the Minister of Health and follow the minister in this wonderful presentation of Bill 102.

This is very important legislation as part of our government's approach to make all government better-managed and more responsive to the public, but in so doing to include all aspects of the industry and make them feel part of the process.

This program could be called the right drug for the right person at the right price. Obviously, that will cause consternation amongst the people who are already members of this industry, including the big pharma and the big generics, as there will be an interchange between their drugs at different prices. But we've had terrifically open consultations, just this morning, hosted by Astra-Zeneca president Mr. Mike Cloutier. We met with the industry for over two hours, listening to all their concerns as we go forward to make this a more competitive and a more valid drug system for the people of Ontario.

It's interesting to note the great contribution that the drug companies have made in Ontario. A lot of them attended the bioconvention in Chicago last week. Ontario is blessed with a highly competitive brand name pharmaceutical industry. They provide 8,750 highly skilled jobs for Ontario, and they were involved in over \$482 billion of research in 2004. We want to continue to encourage that private sector, the brand name pharmaceutical industries, and increase their investment through Research and Innovation Ontario because of the high-quality jobs and the international competitiveness these jobs have in the world. Not only do we provide a drug market for them, we also provide an excellent base for them to manufacture and to export worldwide.

In Ontario there has been a long history of innovation with these large pharmas: from breakthroughs in insulin to pacemakers, to the first cobalt bomb for cancer treatments. We've had world-class researchers in stem cells, cancer, cardiology, biomaterials, medical devices and bioproducts. Leading research and innovation structuring is also done in our government through 11 regional innovation networks. The state-of-the-art MaRS facility just a block from here is a \$70-million investment in a world-class facility to encourage 22 top health research institutes. We also have our centres of excellence.

But we also have a great contribution in Ontario from the generic companies. While the brand name industry employees 8,750 people in Ontario, the generic companies are also great contributors. I include in those companies Apotex, Genpharm, Cangene and ratiopharm, who

have made large contributions and are large employers in this area.

Being from Mississauga South—many of you know that Mississauga north along the 410 is called Pill Hill, because of the great number of Canadian head offices that are there and the great research and laboratories that are resident there. These make a great contribution to our society, not only for the high wages and earnings but for the innovative mentality they bring to Ontario.

As we go forward, many people in the business community are obviously upset by change. They're confused by change and they want to be part of the change process. When we talked to them, many of them said, "People have said for 20 years that the drug program in Ontario is not fair, it's not reasonable and it's not being properly managed. Who will change it? Who will do something about it?"

Today we have Bill 102, which is undertaking the great changes. There have been many questions asked about what types of changes those will be. All of those changes will be consistent with the Canadian patent laws that control drugs. But it will also give faster access for the public to the generics that replace some of those, so that we can have the benefit of lower prices on the Ontario drug benefit program. The Ontario drug benefit program is about \$3 billion, and yet it only satisfies a portion of the drug needs of Ontario, so it's obviously a very large, extensive market. This program affects approximately 4% to 5% of the total annual budget of this government.

Many people have asked, "Was this an open process?" I am pleased to say that we are very proud of the terrific consultation that Brent Fraser and Helen Stevenson did. The opposition said that this was cloaked in secrecy; let me assure them that it was not. Over 100 meetings were conducted with over 350 stakeholders, including patient groups, drug companies, pharmacies and health care professionals, and they received written documents from another 100 companies.

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Many organizations continue to have repeated opportunities to meet with staff and present their perspectives. As part of this ongoing program, we're asking for partnership agreements with many of the drug companies. Many of the drug companies have said, "You can save a lot of money by introducing our drug because of the health care costs it will save you. If these patients don't have to go into your expensive hospitals, if they don't have to go into your expensive health care system because they can be treated with drugs, you will save a lot of money." In talking to them about that, that sounded extremely reasonable to us, yet the documentary evidence was not there to substantiate the claims in a way that we could make sense on either side of it—either the drug companies or ourselves. As part of our partnership in going forward with the drug companies, we are asking them to work with us to document that, so we can make that an ongoing part of the better administration, better servicing, better delivery of drugs in Ontario.

Another aspect of the new bill is an executive officer. People are nervous about this position. What types of powers will he have? What will his role be?

Ms. Kathleen O. Wynne (Don Valley West): Or she.

Mr. Peterson: Or she, excuse me—absolutely. Thank you.

The question is, how will the executive officer position be recruited and does it fit within the Ministry of Health and Long-Term Care's organizational structure? The position will be recruited through an executive search process. It is essential that the candidate have strong management skills to help us negotiate agreements with manufacturers, and it would be important that that person also have expertise in drugs. The position will be appointed by the Lieutenant Governor in Council and will report to the Deputy Minister of Health and Long-Term Care. Support will be required to negotiate agreements, to deal with stakeholders. This person will need to work closely with the ministry's assistant deputy ministers. This type of reporting structure is similar to the general manager position of the Ontario health insurance plan and has components of the chief medical officer of health position.

The responsibilities will include administering the Ontario drug programs, including oversight of claims processing and payments to pharmacists and pharmacies. It's interesting to note, as part of this drug reform, that when a price was agreed to by ODP, people could actually submit their claims on drugs at higher prices than were agreed to. The government's only recourse in so doing was to discontinue that drug. You can imagine if you were a patient being treated and all of a sudden, for no other reason, you found out your drug was discontinued. Under the new management, we are going to be able to sit down and work with the pharmacy companies to say, "If you have to increase that price, why? What are the benefits? You can't just put it through and we can't discontinue it." It will force dialogue and transparency, all those things which will benefit patients and the efficiency of the system.

Further responsibilities of the executive officer will be maintaining and publishing of the drug list; also designating products as listed benefits and delisting or modifying benefits as required; and designating generic products as interchangeable with brand products and delisting or modifying the designations as required. Establishing agreements with manufacturers will also be part of this responsibility as to the price and the benefits of that price.

The executive officer position has been described as a drug czar. Will this person be an unelected, unaccountable official answering only to the ministry's political staff? He will not be an elected official, and he may not be a public servant, but the executive officer will be responsible to the Minister of Health and Long-Term Care and to the deputy minister, who is the most senior public servant in the ministry. The executive officer will also operate within a framework that ensures transparency and accountability to the public.

Many have asked how our drug prices are currently set in Canada. There's much confusion over this. Are our prices internationally competitive? Are we paying less or are we paying more? Is our current pricing system actually a subsidy for drug companies to establish themselves here?

Often in the debate, we've heard some drug companies say, "Well, if you force me to cut my prices in Canada, why would I have investment in Canada?" That's kind of like saying, "If you don't sell your car for the maximum price, why would you put your car manufacturing company in Ontario?" We have proven, by working with manufacturers, that we can be the largest base for car manufacturing in the world and have competitive car pricing, as we can and we wish to in the pharma industry. There's no reason that they cannot be separated and the long-term capital plans of drug companies cannot be separated from the short-term selling prices, because if we are going to subsidize manufacturing, should it not be done separately and independently of the marketplace?

What types of agreements can this medical officer—so the question you have to ask is, will patients have improved access to medications as a result of this executive officer position being created? The patient will have faster access to drugs through a variety of means. In the past, drugs without the required evidence of clinical or cost-effectiveness would not have been funded or would have been funded very restrictively. We are proposing a conditional listing approach to make these sorts of drugs available for a time while the information is collected. For breakthrough drugs, it is recommended that a process be implemented to parallel Health Canada's review so the funding decision can be made right after Health Canada's approval.

Many of the drug companies indicate that their approval process is between six and 12 months. For a breakthrough drug, a doctor does not like to even get involved with it because of the amount of paperwork required and the process that often patients do not get the benefit of the best, fastest breakthrough drug, because the doctor doesn't have the time to handle all the paperwork. So in making this system more efficient to the patient for drug approval and faster breakthrough drugs, it may make it more friendly to the doctors, and by making it faster for the drug companies, we see benefits, we see a shared responsibility, we see the shared benefit, and we see a better drug system for all.

Thank you very much. It's a pleasure to be part of second reading of this bill. We look forward to further consultations with all parts of the industry as we move forward to make this a wonderful bill and a wonderful new program for Ontario.

The Acting Speaker: Questions and comments?

Mr. Chudleigh: This bill is an interesting one, in that it talks a good talk. If it delivered what it talks about delivering, it would be a good bill for people in Ontario. However, there are a lot of question marks around how this bill came to be, how it came to this House.

It came to this House really clothed in secrecy. The government appointed Helen Stevenson to lead an organization called the system secretariat to conduct a review on Ontario's drug system. This appointment was done in absolute secrecy. No one knew about it. Ms. Stevenson did a report which has never seen the light of day. No one understands what is in this report. Some of the members opposite are looking at me. I suspect they haven't seen the report either. But this report claims to have consulted broadly with the industry—and perhaps they did; perhaps they didn't—but no one seems to know who they consulted with. No one seems to understand that there's a cloak of secrecy here. So I'm not sure whether this bill, clothed in secrecy, is going to make a lot of sense.

One of the things it's going to do, purportedly, is reduce the cost of brand name drugs. Well, not long ago I read in the newspapers that US citizens were pouring across the border to buy cheaper brand name drugs in Ontario and, indeed, all across Canada. So brand name drugs are cheaper in Canada than they are in the United States, and yet this government is going to reduce them further, destroying the ability of these companies to do research into the next generation of these drugs. There are a lot of questions surrounding this bill.

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Mr. Peter Tabuns (Toronto–Danforth): A question for the government: I note in the notes that were produced for us, produced for the media about this bill, that a patient committee was going to be struck that would be advising this new chief officer, a citizens' council. I don't see this in the legislation. I'm new here and perhaps I've missed it, but can you tell me where in the legislation this is set up and how that's going to be structured?

The Acting Speaker: Do you wish to continue?

Interjections.

Mr. Tabuns: Oh, you have to keep going. Is there a particular reason, Mr. Speaker, that in questions and comments I can't ask a question and have it answered?

The Acting Speaker: This is part of debate. You get two minutes, and it's up to you to use it.

Ms. Wynne: The response comes at the end.

Mr. Tabuns: It comes at the end, eh? Thank you, Kathleen. I appreciate it.

Well, I will say then that in going through the material before us, it's very clear that large sections of what is going to actually transpire won't come before this House. In fact, what we have in the legislation seems to be very bare bones. We will see when the regulations come out what, in fact, actually is going to be done. There are some elements here that we can debate. There are some things that we will discuss later today. But, in fact, until the regulations come out, neither we here in this House nor the general public will actually know what the government is going to do. I think that's highly problematic. The legislation should have been far more comprehensive so that we would know how you're setting up these councils.

You say the chief officer will report to the assistant deputy minister. I may be wrong, I may have missed it,

but I don't see it in the legislation. So exactly who this person will report to and how that chain of parliamentary accountability will exist is not clear from what you've got before us today.

Mr. Kevin Daniel Flynn (Oakville): It's a pleasure to join the debate on Bill 102 this afternoon in the House.

I've got a background in small business. I think any time you bring that type of approach to your work in the political realm, you love to see a private sector discipline applied to some of the work we do here. I think Bill 102 a perfect example of that. It underlines the importance of the pharmaceutical business to the province of Ontario. It talks about the types of jobs that it brings to the province of Ontario—well-paying jobs. It talks about an investment in research and development that we know is a good thing for our economy.

I'm very proud of one particular company in Oakville. Their name is ALTANA Pharma Canada. They're a very strong success story. They rose from a company that started in the basement in the home of their founder, John Suk, and just recently they were listed as one of our country's top 100 employers by Maclean's magazine.

We know how important it is to our economy that we have a strong pharmaceutical industry. We need to provide a good balance between a good business climate for those businesses for research and development and pharmaceutical production, but we also have a responsibility to the people of Ontario we represent, and on behalf of the people of Ontario, it's incumbent upon us as a government to be a smart consumer ourselves and use the purchasing power of \$3.5 billion that is spent annually in the province on the purchase of drugs.

What we need to do as a government is ensure that we're getting the best value possible for the tax dollar. I believe that Bill 102 goes a long way towards providing that balance that allows for a quick and effective drug approval process and also provides the sort of value we need if we're going to have a sustainable health care system in the province of Ontario—all positive things for the people of Ontario.

Mr. Tim Hudak (Erie-Lincoln): I enjoyed the comments by the minister and his parliamentary assistant with respect to Bill 102. I know my colleague from Oak Ridges will be addressing this legislation momentarily, and I look forward to his comments.

The member for Halton hit the nail on the head in several instances about where this bill came from and some concerns that we in the opposition have about the degree of consultation, or lack thereof, and the lack of public consultation. So before we take the minister or the McGuinty government at their word, we want to have a fair opportunity at committee to ask questions.

My colleague from Toronto-Danforth has asked some questions as part of questions and comments. I hope that the parliamentary assistant will have a chance to respond. I think the questions were with respect to the role of the drug czar and whether the drug czar would report to the House, would report to the ministry, or simply is accountable to the cabinet—who exactly the drug czar

would be accountable to. I hope the parliamentary assistant might have the chance to respond to that. I echo my colleague from Danforth's concerns in that respect.

He had another question too, which was—

Interjection: The citizens' council.

Mr. Hudak: The citizens' council. I thought that was an excellent question that my colleague asked during questions and comments. I hope that we'll also have a response from the parliamentary assistant as to where that is in the legislation and how the citizens' council would be constructed. I think our colleague said it right: We often will use the "comments" part, but it's rare to actually have questions responded to. I know my colleague from Mississauga has worked very hard on this file and enjoys participating in the debate. Hopefully, we will have some responses from the government side to those important questions from members opposite.

Mr. Frank Klees (Oak Ridges): He can respond to it now.

Mr. Hudak: Yes, as part of his two-minute response.

The Acting Speaker: Response? The Chair recognizes the member from Mississauga South.

Mr. Peterson: Mr. Speaker, is this the wrap-up?

The Acting Speaker: The two-minute response.

Mr. Peterson: I'm more than pleased to respond to the member from Toronto-Danforth and his questions. Let me say that we welcome his questions and we welcome a chance to make the answers public.

The total role of the executive officer isn't completely defined, but at this point in time, he will be reporting to the minister and to the deputy minister. We look forward to his input if he has any ideas on how this role could best be defined.

He asked about the citizens' council, and there will be a citizens' council. This will be one of the first times we have a citizens' council, and to that council will be appointed patients who will play a role in the administration of drugs in Ontario. We believe that we're the first jurisdiction to look at this approach to better drug administration, so that we can actually hear the war stories, the horror stories and the problems that certain people have had.

Let me assure the member that this morning I spent two hours listening to 50 different stakeholders, mainly big pharma, who have major concerns. Any businesses do when there is a major change in how business is done. There were 80 people representing about 50 big pharma firms. We sat and talked to them with Helen Stevenson and Brent Fraser for two hours, going through all their detailed questions so that they could get a better understanding, because we know that change creates fear, and fear is unsettling to industry. We don't want to unsettle the great contribution that these companies have made in Ontario. We want to make sure we maintain that, because we are a world leader in many areas here.

The Acting Speaker: Further debate?

Mr. Klees: Mr. Speaker, I would like to ask for unanimous consent for us to defer our one-hour leadoff. I will continue debate subject to that.

The Acting Speaker: Is there unanimous consent? Agreed? Thank you.

The Chair recognizes the member from Oak Ridges.

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Mr. Klees: I'm pleased to participate in the debate on Bill 102, which is interestingly named the Transparent Drug System for Patients Act, 2006. As is so very typical of this government, what you see is not necessarily what you get. That's why we in the official opposition are very concerned when we see the title of this bill, with the first term being transparency, and yet there is so very much missing in this legislation that would actually represent the substance of the intent of the bill.

We're told by the minister and by members of this government, "Wait. You'll see. It's in the regulations," and that's always concerning. If in fact there is to be transparency in the drug system in Ontario, as the minister projects, then why isn't that transparency reflected in the legislation as well? Why would members of this Legislature, as we're debating the issue, not be privy to these questions, as, for example, the member from Danforth put forward? The response, of course, from the parliamentary assistant was, "Well, we don't know yet. That is yet to be determined."

It's interesting that the minister would come to the Legislature with a major piece of reform legislation, as he characterizes it, yet something as straightforward as the role of this drug czar for Ontario has yet to be defined. What have they been doing? Why doesn't the government know? Why don't you know what in fact this citizens' committee is going to do?

Should we have concern? Yes. That's the role of the official opposition: to question, to challenge what the government is doing. Unfortunately, there's a whole lot here that we do not understand about this bill. There's a lot of hope put forward, and we welcome that. I think all of us know that the current system needs reform. There is a better way of doing things. There must be; there should be. Our concern is that the way that this government has conducted itself with regard to this legislation has certainly not been transparent, it certainly has not been forthcoming, and a lot of decisions are made in the back-room without consultations.

The parliamentary assistant tells the House this afternoon that he had a meeting this morning with representatives from the large pharma companies. Interesting: He has this meeting after the legislation is introduced, is in the process of being debated, and now he's having these meetings. He's having these meetings with a cornerstone of the industry.

The member from Oakville—you would recognize him if you saw him—in his comments earlier made reference to the fact that he likes to look at legislation through the eyes of a small businessperson and that the principles of small business and entrepreneurialism—I assume that's what he was referring to—should be reflected more in the things that we do in this place. Well, I don't disagree with him; I agree with him. If we applied more business

principles to how we conduct business, we would, I think, be doing a much better job.

It's interesting he says that, because he referred to investment. Yes, and there's some \$360 million of investment that the large pharmaceutical companies invested in Ontario last year alone in terms of research, in terms of development. He talks about the importance of those businesses to the Ontario marketplace, but we hear from those very businesses that invested that \$360 million, "You keep going down this road and we're leaving Ontario. We won't be investing that kind of research money in this province anymore if, in fact, you do what this legislation indicates you're going to do." It doesn't matter how large the company is. Even the largest of companies, the multi-million- and multi-billion-dollar companies, need to know that there's a return on the investment they make in this province. That's what's of concern to a lot of pharmaceutical companies who are looking at this legislation and at this government with a great deal of trepidation.

So it'll be interesting to see whether, in the meeting that they had this morning, they've been heard and if their concerns are being taken to heart. If so, how will that be reflected then in this legislation? We look forward to seeing what kind of amendments may well be coming forward from the government. Certainly, we intend to provide some to the government so that we can ensure that this important industry is in fact protected.

The minister spoke at length about the importance of making drugs more accessible, more affordable. Who wouldn't support that? It's extremely important that we ensure that patients in this province have the appropriate drugs, that they are affordable, whether it be on a direct pay or whether it be through the government program.

My observation has been, as I've heard the minister again this afternoon in the House speak about what this means to Ontario patients, that the perception is there—and I hope it's the reality as well but we'll have to wait to see—that many of the patients in this province have been waiting and calling on this government to approve drugs—very important drugs that are life-saving drugs, such as Velcade and Erbitux—and other treatments.

We have had people in the galleries here at Queen's Park appealing to the minister and the Premier, who, while they were seeking election in this province, made the commitment that if they were the government—if Mr. McGuinty was the Premier, if Mr. Smitherman was the health minister—they would provide these life-saving drugs; for example, for Fabry patients.

The Minister of Health went to the extent of writing a personal note to a Fabry patient here in Ontario, saying, "Without question, this will be provided." You know, it's been two and a half years; that individual died, and Fabry patients in this province still don't have that kind of support. What the minister is suggesting is that drugs like that will receive approval, will be available, and will ensure that people with these diseases will be able to have optimism. We'll wait and see. I hope that's the case, and if it is, then we will applaud. I will be the first one to

applaud the minister and the government for the steps that they're taking.

One of the concerns that we have with this bill is, again, what is not specifically said, but it deals with the interchangeability provision. I'm going to ask the parliamentary assistant to respond to this question: Does the interchangeability mechanism that they have in mind mean that when a patient is prescribed a drug, it will then be up to the pharmacist, in the opinion of the pharmacist at the point of sale, to exercise that interchangeability? In other words, if the brand name drug is prescribed by the physician, does the pharmacist then at the point of sale have the ability to exchange that drug for a less expensive drug that may well save the government significant dollars, and perhaps the patient as well, but may not have the efficacy of that brand name drug?

I'll give you one example, and speak to the parliamentary assistant and ask him to perhaps do a bit of research on this. It relates to a drug called Coumadin. The reason I have some personal knowledge of this is that my father was on that drug. It's a drug that many heart patients are on for many years. My father went through this experience, and that's why I bring it to your attention, parliamentary assistant, because it's very significant. The drug was changed to another drug, which apparently was to do the same thing, have the same effect. It was another, generic drug in its place; less expensive. My father went through agony as a result of the change of that drug. It wasn't until the doctor went through what we call a section 8 and applied for that Coumadin drug to be continued that my father recovered. You see, just because it is a generic drug, and just because in the minds of some there may well be the chemical semblance of that drug, there will be differences and a different effect on different patients. So what we look to the government to do is to ensure, in cases like that, that patients are protected, that it's not just about dollars and cents and that we look the one step beyond and ensure that patients truly are protected.

1630

The other aspect I want to address is with regard to the approval of drugs in this province. I sat on Management Board of Cabinet, and at Management Board we often dealt with this challenging issue of the escalating cost of drugs, so I'm the first one to empathize with the government that this is a cost centre that in many ways seems to be out of control. We have to somehow get our arms around this and work with the industry to ensure that we can provide the best coverage possible, but do it in an efficient way and an affordable way.

One of the concerns that I had as I saw this system developing is the length of time that it took for drugs to be approved. People die in that process. It seemed to me to be such an overburdened, bureaucratic process. At the end of the day, here's what I appealed to our own government at the time to consider doing, and they didn't. This minister, this government, is opening up this issue, and I'm asking them to consider it. That is, I don't believe that the approval of a drug into a formulary

should be a political decision. What role is there for a politician sitting in judgement about whether a drug is approved or not? That, in my opinion, should be an absolutely arm's-length decision made by people who understand the efficacy of drugs, the role and the importance of drugs, their effectiveness. That's where the decision should be.

But here is the issue: The reason that politicians get in the way of that process is because it comes down to money. That's what it comes down to. It's not a matter of, is the drug effective, is the drug safe? Those decisions are made—in fact, here's what I was hoping this legislation would do, and that is, get rid of the duplication in the approvals process, because we already have a drug approval process that is at the federal level in this country. The question I ask is, why do we have to have an additional process for each province? If, in fact, the experts approve a drug for use in Canada, why is that not good enough for Ontario? Then it simply becomes a transparent matter. This is where the transparency comes in. If the government of Ontario does not want to put that drug into the formulary because they don't want to pay for it, well, that's something else again. Then at least it's purely a political decision. Then the Minister of Health, when he's asked why the drug for Fabry disease is not being covered by the province of Ontario, he can stand in his place and, with all honesty, say, "Because we can't afford it," instead of giving us the kind of doublespeak that we've been getting in this place for two and a half years about how somehow it hasn't been proven safe, and it hasn't gone through this drug approval committee and this process, which we all know is in many ways simply a way for the government of the day to put another body between themselves and provide some cover.

I'm going to challenge the minister and ask him and this government to be true to the title of this legislation. Make it transparent. If you do that, as I say, I'm certainly prepared to applaud them for taking those steps.

We have another concern about this bill. I want to put it to you that there seems to be a double agenda here in terms of how the government has dealt with the pharmaceutical industry. It's either intentional, which I hope it's not, or it is an indication perhaps of some disorganization behind the scenes. On the one hand, the Premier made a commitment to the pharmaceutical industry that he would work with them. In fact he encouraged them to go to work and come forward to him with proposals that would help deal with some of the cost pressures, the process and the burdensome way in which business is being done in this province around the entire pharmaceutical issue. They went away, they had their meetings, and with all good intentions felt that the Premier was sincere in asking them for their advice. Lo and behold, before that group could get back to the Premier, the Minister of Health introduced this very bill. What does that say? What does that say to the industry? What does that say to the public about how this government conducts its business?

We're hopeful that somehow through this framework the government will at least be open to amendments that will ensure that we can have the transparency the government is pretending through the title of this bill. We are hopeful that this government will deliver on what the perception is today; that many of these life-saving drugs that are not available now to people in the province will be made available; that through some of the structural changes that are being anticipated there will in fact be a much more efficient way of dealing with drug approvals; and that at the end of the day it will be more affordable.

In closing, I will say that I support one component of the bill as it is put forward, and that is the additional funding that is being put forward into the pharmacy level of the industry. It's been far too long since the dispensing fees have been dealt with by government in this province. I believe the work that is being done by our pharmacists on the front line deserves and should be rightfully recognized for the value added that they bring to the table. Their advice to their customers is extremely important. They are professionals. With regard to the intention that is being put forward in this legislation, that pharmacists across this province will be recognized for their good work, I have no hesitation in supporting that proposed initiative.

We look forward to working with the government. As no doubt we will see a number of amendments being proposed by the opposition, we hope the government will be open to those.

1640

The Acting Speaker (Mr. Kevin Daniel Flynn): Questions and comments?

Mr. Peter Fonseca (Mississauga East): It's great to see a refreshing new face in the Speaker's chair, the great member for Oakville, MPP Kevin Flynn.

I have to commend the Minister of Health for Bill 102, the Transparent Drug System for Patients Act, because in my riding we have all stakeholders: We have big pharma, both brands and generics; AstraZeneca is in our riding; Novo Nordisk; Genzyme; Baxter; Biogen. We also have many pharmacies, physicians and patients.

Having spoken to all of them, here's what they say: The Ontario drug system is too slow, too archaic, too cumbersome. This is what we want to fix.

An example is, we'll have patients come into my office and tell me about what they have to go through today when they go to their physician's office and a drug is not on the Ontario drug formulary and they need this drug. They have to fill out a section 8. Talking to the good doctor from Bramalea-Gore-Malton-Springdale, Dr. Kuldip Kular, MPP for that area, he has told me it takes on average at least 30 minutes to fill out one of these section 8s. After that, the patient will wait weeks before they get the drug that they desperately need.

This system has to be fixed. Bill 102 will bring many measures to fixing a system that, as I said, is archaic. It is something that we all should applaud. It's long overdue. This government came in on a mandate to change—changes that will make our Ontario work much better for

the people who reside here. This is one of the changes that I know, from knocking on the doors in Mississauga East and speaking to my constituents, they want to see happen.

We're also working with the pharmacists, and they're a great resource in our community. This bill will allow them to be able to share their knowledge with the community.

Mr. Chudleigh: As the member from—

Mr. Klees: Oak Ridges.

Mr. Chudleigh:—Oak Ridges pointed out—I knew you knew where you were from. As the member from Oak Ridges pointed out, the pharmacists in our communities are a very integral part of our health care system, and recognizing their needs is important.

However, in putting pressure on some of their other incomes, on the incomes of drugstores and their ability to compete, especially in remote northern communities where some of the consequences of this bill may well put economic pressure, financial pressure, on smaller drugstores in remote communities, they may find themselves hard-pressed to survive. So I would suggest to the government that this be looked at in this bill, and perhaps an amendment can be made for remote communities, particularly in northern and eastern Ontario, where a pharmacy in a small town may be the only source of drugs for miles and miles and miles around. So it would be important to recognize that fact.

The member from Oak Ridges also pointed out that the major drug manufacturers are going to be under some pressure as to where they are going to find the resources to continue their research into the next generation of drugs. It's a very important aspect of the drug manufacturing business. Pills, medicines, are very, very small. They are very, very light in weight. They literally ship all over the world air freight, and the transportation is not a significant impact on the cost of the drug. So if we want to maintain a local industry, it's important to keep these in mind and to keep that local community profitable.

Mr. Tabuns: The more I read this act, the less I see. That worries me. I'll address that at greater length when it's time for my main comments, but as I go through the list of things that are going to happen in this province to make the world better for patients, to make the medical system more responsive to people's needs, I find less and less in the actual legislation, and I find that quite strange.

There is a comment here in the material that was put out by the Minister of Health, talking about improved conditional listing, exceptional access mechanism. When I go through this legislation—now, I will confess I'm new here—I don't see a mechanism set out in here that's going to be different from the existing mechanism. Power is being transferred from the minister to this new executive who will be running the drug system. His powers to accelerate approval for drugs will be regulated, as I've read here, by regulations already in place, regulations that guide and shape the response of the minister today. So frankly, I have to ask myself, if in fact the regulations remain the same, if the framework within which this

executive officer will be making decisions remains the same, if this executive officer could have been a staff person at the Ministry of Health and could have said to the minister, "Minister, you have a problem here. You have to act. Here are the regulations you act within. Take this step," that could be done today. We don't have to go through these legislative changes or these publicity changes.

I think, again, until we see all of the package, we here in this Legislature are going to have a great deal of difficulty assessing what's really on the table.

Mr. Peterson: It's nice to have a chance to respond to the member from Danforth and the member from Oak Ridges. Let me say that I'm more than pleased to personally offer my guarantee that we will give support and openness and clarity to this as it moves forward, and I'd be happy to do that both in the House and outside of the House.

To the member from Oak Ridges, you and I probably have a little more in common than I would have thought, and that is that my father was also on Coumadin. As he may or may not know, Coumadin is actually a blood thinner that was used for rodent control. I used to enjoy teasing my father about that, although maybe it's not so appropriate to tease his father about it.

In response to his serious questions, however, let me say that we are not going to be approving all drugs at all prices, because it would just bankrupt the system, and one of the great economic benefits of doing business in Ontario is the quality and cost of our health care system. I think also people are profoundly impressed from a management point of view that we are taking great care in managing that and maintaining the efficacy and the effectiveness of it. This legislation is part of that.

In terms of providing new drugs, there are three ways it can be done. There will be a rapid review. Once Health Canada approves a drug as safe, we will be able to give access to breakthrough drugs that are being reviewed. The executive officer position will also allow for the faster listing of drugs. Approvals will no longer have to go to cabinet and will no longer take 180 days. There will also be a conditional listing, which will improve access to drugs by enabling the listing of drugs under certain conditions while awaiting further evidence.

As part of this, we'll be working very closely with the drug companies in a transparent and open way—

The Acting Speaker (Mr. Joseph N. Tascona): It's time for a response. The Chair recognizes the member from Oak Ridges.

Mr. Klees: I want to thank the members who provided their comments. To the parliamentary assistant, my question with regard to Coumadin was indeed very serious.

I would also, in conclusion, just say that the economic impacts of this bill can in fact be very significant. Some 30,000 people are employed by the major drug companies in this province, with significant dollars involved in terms of research and innovation. My concern is that the government be very sensitive to the impact that this legislation can have if it does not indeed listen very

carefully and make whatever amendments are necessary to the direction in which they're headed.

I am concerned. We will be watching very carefully, as the official opposition, as this debate continues, as the committee considers the bill. We will be watching very carefully as the regulations come forward to provide some meat on what are very thin bones here in this legislation. We have a responsibility to protect patients. Yes, government has a responsibility to do its business efficiently, but we cannot compromise the efficacy of our drug system in this province. We have to guard against that very carefully. We will put the government on notice that this bill, notwithstanding its title, must in fact be transparent, and it must serve the people of Ontario well. We look forward to ensuring that that happens.

1650

The Acting Speaker: Further debate?

Mr. Tabuns: First, I have to ask for unanimous consent of the House to stand down our lead today.

The Acting Speaker: Is there unanimous consent? Thank you. That's granted.

The Chair recognizes the member from Toronto-Danforth.

Mr. Tabuns: I'm pleased to respond to the Minister of Health today. As you are well aware, New Democrats are committed to a comprehensive system of public health care in this province. We know that Ontario needs to rein in skyrocketing drug costs and get tough on those who are gouging the system, those who aim to make a profit rather than improve patients' health. We know that Ontario patients deserve an independent and truly transparent process for drug reviews so they can be assured access to the drugs they need when they need them. But it is not at all clear to me that what has been presented to this House today is actually going to address those needs.

There are a number of red flags that are raised by the legislation that has been put before us. The Liberals say that they want to replace an opaque and unfair process for drug reviews, but the new model that we see before us—to the extent that there's clarity, and unfortunately, there's not a lot of clarity—involves Liberal appointees and drug companies working in partnership to make key decisions about drug policy in this province. These partnership agreements, these competitive agreements, could mean much more privatization and commercialization of our public health system. That is not wanted by people in this province.

I know that there are people in this House who support the idea of public-private partnerships for the provision of hospitals. The experience in Ontario is that we spend tens of millions, hundreds of millions of dollars more in simply providing infrastructure because of these public-private setups. They've been called alternative financing mechanisms—I think that's the latest way of styling these things—but in fact, we are putting out hundreds of millions of dollars more for financing than we should be. We should be putting that money into patient care, not into financing of hospitals. That model, which seems to

penetrate a central part of the thinking of this government, has a tremendous opportunity here to flower in a different form, to divert more money into the private sector and away from patient care.

In the United Kingdom, their national health system is under siege financially. A few months ago, the Economist, published in the UK, not noted as a particularly left-wing publication, did a study on why the National Health Service in the UK was facing profound financial crisis. One of the things that they called for was an end to these public-private partnerships, because they bleed money off the system. They bleed money off the system continuously. That means that money is not available for patients.

We know that patients need the care. Patients with Fabry disease who are waiting for enzyme-replacement therapy or those with cancer who are waiting for Velcade or Avastin have no way of knowing whether the package that's been put before this House today is going to benefit them or not, because the system that's put forward, the documents that we've been given, are still opaque, complex and confusing for the average Ontarian.

We know that in all major enterprises where you're completely shifting the way that we deal with \$3.5 billion worth of spending, there is going to be an awful lot of detail, but that detail is not before us. Until it's before us, it's going to be very difficult for those of us in this House and people in the larger community, people in the medical community, to say that what we have before us is going to address the problems the Minister of Health has said will be addressed. That is entirely unclear.

When you look at the background documents that the Minister of Health brought forward when he made this announcement at the George Morris Centre on the other side of the street and a fair bit down, it sounded wonderful. There were people there, patient advocates, standing up and saying, "We're glad that the minister is moving forward." But a number of them said as well, "The devil's in the details, and the details aren't here for us to see." We expected that when we got here to the House, we would be seeing those details, yet they're not there.

I'll give you some examples. In the documents that were handed out in the press conference held by the minister, he talks about an innovation fund. There may be another piece of legislation coming, but there's no mention in here of an innovation fund that will be set up, that will be administered, that will be providing the sorts of support that the minister said would be provided to those who develop new drugs. It may be that I'm new. Maybe I'm missing something in this legislation, but it's not there.

The committee to evaluate drugs is supposed to have two patient representatives. I have to say, when I was at the presentation, when people spoke from the AIDS community, they said, "At last our needs are going to be recognized. Our voices will be heard. We will be able to have direct input into this whole approach to providing drugs." But I don't see that in this legislation. Similarly,

the citizens' council to provide advice to the government: Does that show up? It doesn't.

So what we have is a beginning of an approach to dealing with drug issues in this province, but not in fact what was promised; not in fact what we'd been told would be here. I find it quite extraordinary that the minister would bring forward something that I would say is half-baked if it was done, but it's not even cooked; it hasn't even been put in the oven. This minister needs to listen to the people of this House, the people of this province, and flesh out what's before us. There will be, I imagine, substantial activity proposing revisions to this act because, without a lot more meat, we will not know what we're getting. What we will get is an approach that will allow the cabinet to write as many regulations as they want to shape a program that could be vastly different from the announcements that were made.

My experiences in the last while with some announcements by this government were shaped by the Portlands Energy Centre in my riding. When that was presented, it was presented as a power plant that would be the largest solar power generator in Canada. It was going to be covered with solar panels. It was going to be environmentally clean because it would provide steam or hot water to the downtown so that the energy that was used, the gas that was burned, would be at an extremely high rate of efficiency. That's not what we've got. What we've got is a plant where all the solar panels have been stripped off and where the term "cogeneration-ready" is used. In fact, there is no real plan to go forward and sell any of the surplus heat. All that heat's going to be dumped into Lake Ontario. So I ask myself, given that record, given that experience, how can I think that this bare-bones legislation that comes before us is actually going to be fleshed out, as has been described in the material that was given to the press? I don't have that confidence.

I think it's a good thing that governments take on the question of drug plans. We spend \$3.5 billion and we should be able to negotiate a deal for the taxpayers in this province that will make sense. But one of the other concerns that I have with this legislation is that it reflects a larger approach to the issue of health that is incomplete, fractured, atomized.

1700

We know, in this province, that there are hundreds of thousands of people who are dependent on ODSP, the Ontario disability support program. They are finding it very difficult to live. Many of them are eating very poorly. We know there's a direct correlation between proper nutrition and good health. There is study after study that has been put out. Dennis Raphael, a professor here in Toronto, has done a lot of studies correlating the relationship between poverty and early mortality. There's a much stronger correlation between poverty and early mortality than many other factors. If you don't eat well, if you don't have a secure place to live, if you are constantly under the stress of not knowing how your children are going to be able to take care of themselves,

be dressed properly, educated, then you are going to suffer. That suffering comes through in health statistics. It comes through in the diseases that you acquire, it comes through in the length of life that you have.

So making changes here with the drug plan is potentially a good thing, depending on what we actually get put before us, and we don't know yet what's going to be put before us. But if you don't deal with the other aspects of people's lives, then frankly this isn't going to have an impact. It's like dental health: You can go every month and have fillings done—

Mr. Hudak: That would hurt.

Mr. Tabuns: It would hurt; it's true. I've been told by an honourable member that it would hurt. But the reality is, if you're not doing the other things to prevent decay, then no dentist can save the teeth in your head. Frankly, unless we do things about the larger health problems, this drug plan is not going to make this a healthy province.

So there's the context issue, there's the lack-of-substance issue, and frankly there's this whole question of to what extent we are going to be integrated into the plans of the pharmaceutical industry. I talked about P3s, my concern there about the flow of public money into private financing, but we've seen historically a situation in Canada—throughout North America—where you've had governments becoming too cozy with suppliers, too cozy with companies that they're supposed to regulate, and losing their independence, losing their ability to actually make the changes that they need to make. I'm concerned that these partnerships—which frankly, as things stand, will not be open to scrutiny, will not be open to public question—are going to mean that instead of the priorities of the people of this province determining our drug policy, the priorities of the drug companies will determine drug policy. That does not lead to a beneficial outcome. That is an outcome that can lead only to growing costs, costs that we will have to pay, costs that will undermine provision of health care.

If we are going to actually go forward with this bill, what I would ask the minister to do is come forward with his regulations, give people an opportunity to go through them, give them an opportunity to compare them to the documents that he's provided to the media setting out the wonderful benefits that will come from adopting this legislation, and let us in public hearings go through those and see whether or not the promises that are made will in any way be reflected in the actual steps that the minister takes.

Now, the minister has a lot of options before him. He can move quickly on this, and although I certainly see the need to move quickly on a number of policy areas that have been outlined and the need to deal with drugs that could be made available to those who are in life-threatening situations, drugs that may not have gone through all of the approval processes—and we've heard of those examples over the last few years and make special exemptions so that those people can get assistance that may in fact make a difference for them—the other side of this is my concern that if we rush through this without a

full consultation, without a full consideration of all of the regulations and plans that this government will actually bring forward, we will not get what we wanted. We will not get what we have billed by this minister. What we will get is a system that continues to be opaque and not accessible or understandable to Ontarians.

I think that's an extremely important point: People don't want government that they don't understand. People can't hold government accountable when they don't understand what's going on.

We have all been involved in the democratic process in different ways throughout our lives, and we know that to the extent that things are clear, to the extent that people can quickly understand what's before them, they can hold politicians and leaders accountable. To the extent that things are made obscure, to the extent that all that's in the public domain is misleading—maybe “misleading” is not an accurate word, but information is put forward that is incomplete and does not give people that access they need—you then provide the opportunity for mischief.

We've seen it in the private sector; we've seen a tightening-up of regulations in the United States on disclosure by companies that offer securities and bonds for sale. There is a tremendous requirement for disclosure of what's really going on in firms. We saw with Tyco, with Enron and with WorldCom that when there was a lack of disclosure, there was then the opportunity for people to play with books, to engage in activities that undermine the well-being of those who'd invested—some people investing their life savings, some people investing all of their potential pension benefits.

We don't want to repeat the mistakes that other jurisdictions have made by being unclear and confusing. I have asked the minister to come back again and make clear to all of us exactly what he's going to put on the table, because we know that the legislation before us cannot be the whole package; it simply cannot be.

The whole question of patient access or citizen access to reviewing drugs: I understand why the public is responsive to that. They don't feel at this point that their voice is heard. That's why this whole question of patient participation was included in the public relations element. I'd like to say that this initiative, if it was fleshed out, would be extraordinarily useful. It would make a difference to the health care system to have the patients who deal with the need to get drugs, who deal with the effect of long-term, disabling diseases, who have become very familiar with drug regimes and have their own expertise—if we were able to draw on that expertise, if we were able to have that expertise inform public policy, that would be a tremendous advance for us. I would hope that we would have amendments come forward to this legislation so that that expertise is not just something that was tapped at the whim of the government of the day but in fact was legislatively recognized so that in future, not just in this decade but over the long term, that expertise continues to be used to the benefit of the people in this province as a whole.

When the minister comes forward and says that he's going to make this process transparent, I think it's incumbent on him to make that whole process clearer to us here in this House. I would hope that in the next few weeks, before we actually go to hearings, the minister and his parliamentary assistant speak to other members of this House to make clear how that transparency is actually going to come about.

The vast majority of the drug system changes proposed here are ones that are of interest to people in this province. As other members have said in the last hour or so, there are problems and risks that we will take when we change the system. I think that we need to look at the balance of risk. I think that we need to see what we really have before us. I know that we will be taking the changes very seriously and scrutinizing them very closely.

The Acting Speaker: Time for questions and comments.

Mr. Shafiq Qaadri (Etobicoke North): It is a privilege of course to rise in support of Bill 102 in my dual capacity, not only as an MPP but also as a physician, because I can share with this House that there has often been a gap between the progress of medicine and the availability of the top-flight medications with which we can best serve our patients and the people of Ontario and the actual coverage systems that are out there. That's why I personally and professionally would be very pleased to support the access, equity and accountability that is going to be brought to bear with Bill 102.

As a case in point, for example, just yesterday we had a meeting with the leadership at the Ontario Lung Association in which points were raised about some of the better and optimal therapies that are available and the hoops that physicians and health care providers have had to go through for years and years in order to offer those best treatments and share those best practices with our patients.

1710

I think, as the Minister of Health has committed, that with this type of legislation, with this shining of light on the process, with essentially the protocol being revamped for the approval, for the consideration, for the delivery, for the financing of these medications, hopefully with time we will be able to close that gap between what is available in a best-practices format and what the Ontario Drug Benefit Formulary actually covers.

For example, we as physicians know that the burden of diabetes in Ontario is huge and ever increasing and that for some of the optimal medications that we'd like to offer to our patients, really, we have to jump through hoops. We have restrictions; we have things that impose themselves upon us. That's why I support Bill 102.

Mr. Chudleigh: The minister talks about the accountability and transparency of this piece of legislation, and yet this entire process has been cloaked in secrecy. There has been no public announcement made on the creation of the Drug System Secretariat. There has been no public announcement made of the secretariat's mandate. There was no public announcement that they were seeking a

person to head up this Drug System Secretariat, and there was no public announcement of the appointment of Helen Stevenson as that secretariat's manager. There was no opportunity for stakeholders to comment on the secretariat's recommendations. The secretariat's report and recommendations have never been made public.

This gives us no confidence that the minister is sincere about the need for accountability and transparency. The secretariat's report must be made public. The legislation is creating an unaccountable, unelected, politically appointed drug czar, who is going to reign over a \$3.5-billion drug system in Ontario, and with almost absolute power. This doesn't give us any confidence at all, especially in transparency and accountability.

How does this system serve the goal of accountability and transparency? The minister claimed that the drug approval process has been "cloaked in science"—that's a quote the minister made—for too long, and is now handing the system over to a political appointee. How is this supposed to foster confidence in the system on the part of Ontarians? It's under scientific principles that drugs are approved and used in Ontario. As the member for Oak Ridges pointed out earlier, that system has been flawed. It has been used in order to control the cost of medicines that have been dispensed in this province, and that is unfortunate. There should be a more transparent system for approving drugs and using them for the patients who—

The Acting Speaker: Thank you. The Chair recognizes the member for Beaches–East York.

Mr. Michael Prue (Beaches–East York): I had an opportunity to sit beside and listen to my colleague from Toronto–Danforth and saw the last few minutes of his speech on the television downstairs; I was called away for an important call.

Having heard his entire speech, what I was left with was that he was profoundly skeptical about this bill and about the government that is producing it, and he gave some very good, concrete examples within the body of his speech, and the lack of confidence he has based on his own historical experience in Toronto–Danforth around power generation. I know it's different, but he gave that as a very concrete example and ended up by saying that really, in reality, what he doesn't want to do is buy a pig in a poke.

Then I listened to the member from Etobicoke North, who said that this was the shining of a light on the process. I don't believe that is what the member from Toronto–Danforth was trying to say at all. I think there was no light being shone, because what he was trying to say and what he said so eloquently and so correctly was that this government was replacing an opaque, unfair process with an equally opaque, complex and confusing process and that there is no light being shone or, if it's being shone, it merely is there because you can't see through it. That's what the "opaque" references meant. The people who are on the outside looking in cannot see through the process. They don't see how this new process

is going to be any different than the one it's replacing. That's the skepticism that members of this House have.

The new member from Toronto–Danforth has only been here for a few weeks, and I hope he does not become skeptical of this place, but I will tell you that this bill would draw one to do that. What is in this bill? What is there in this bill that we're debating? Why won't the government divulge the details? That's the problem I think he has.

Mr. Flynn: As a Liberal, obviously we have a more optimistic view of life. We think Bill 102 could work.

I think it was interesting that the person who has been chosen to lead this through the House is the parliamentary assistant to the Minister of Health, the member from Mississauga South, Tim Peterson, who I know cares an awful lot about the constituents in his riding but also brings to this place a very good private sector business background. When you're trying to provide the sort of services that we provide in the provincial government to the people of Ontario, it's incumbent upon the government to provide it in as businesslike a manner as it possibly can. In any sort of business dealing, you want to drive a hard bargain and a smart bargain.

Three and a half billion dollars a year is a lot of money. We've got a drug system in Ontario right now that I think all parties would agree is in need of a major overhaul. There are significant problems on a number of fronts, and these are at present providing poor value to the Ontario taxpayers. This bill proposes to change that.

It appears that currently we've got some marketing strategies used in pharmacies that appear to be advantageous to generic drug manufacturers and the drugstores themselves but don't appear to be working in the best interests of the government of Ontario. Bill 102 will address that as well.

With the sort of purchasing power we have in Ontario, \$3.5 billion, we should be able to achieve the balance between high-quality drugs for patients, lowest cost for taxpayers, and profitability for drug manufacturers for dividends and to reinvest into the research and development that creates jobs in our province. It's a bill that, to me, makes sense. The new system that's proposed by Bill 102 simply gives the people of Ontario a drug system that's more efficient, more transparent and certainly more accountable.

The Acting Speaker: It's time for a response. The Chair recognizes the member from Toronto–Danforth.

Mr. Tabuns: First, kind words from my colleague from Beaches–East York. I don't think that this place will make me any more skeptical than I have been in the past. That is a good thing. I won't speak to my past experience.

Ms. Wynne: Don't get jaded.

Mr. Tabuns: "Don't get jaded." Thank you.

I have no doubt that when you buy \$3.5 billion worth of any product, you have a fair amount of leverage. I don't think there's a question around this House as to whether or not we should not use that leverage to the best advantage of the patients and citizens of this province.

The question that remains and has not been addressed, either by my colleague from the other side of the floor or my colleague here, is whether or not what we get will be a system that is in fact transparent, understandable and fast-moving. I would say that at the moment, the evidence is not before us. When that evidence is before us, we'll be able to make a decision that's informed. We will not buy a pig in a poke. We will be making sure that patient interests and citizens' interests are looked after.

I think it's incumbent on the government and incumbent on the minister to actually put before us the full scope of the plans that he says he's going to be acting on because, until we have that, we will have no idea what really will be the outcome of adopting this legislation. If you're going to have a functioning democracy, you have to put before legislators, the people who will ultimately be held accountable by the voters, the full package that will be considered. It isn't here. I don't know why it isn't here. I don't know why the minister didn't bring forward all that he has promised he will be acting on, but it's my hope that in the next few weeks, the members of this House will actually learn what the government's real plans are.

1720

The Acting Speaker: It's time for further debate.

Ms. Wynne: I'm happy to have an opportunity to speak to Bill 102. I want to speak to the substance of the legislation, but I want to make a couple of comments before I do that.

First of all, on the issue of policy development, the member for Halton, I think, spoke about secrecy. I just want to be clear that the secretariat that was set up and was the lead on developing the policy held over 100 meetings with 350 stakeholders, including patients, drug companies, pharmacists and health care professionals, and received 100 written submissions. I think in terms of responsible policy development, that's exactly what's gone on in getting to the point where the government is ready to bring this legislation to the House. So I'm very happy about that process.

I also want to say that the way this government has developed policy—and I can say, as the parliamentary assistant in education, I've watched as we have changed the way the bureaucracy interacts with the community on policy development. The previous government really wasn't interested in reaching outside the walls of the various ministries. It was a very internal process and a very political process. What we've tried to do in all our policy development is bring in the experts and access the stakeholders and the sector so that we come up with the best recommendations and bring that forward in legislation. I just wanted to make that comment.

The second thing I wanted to say about this legislation is that I am really very proud to be part of a government that is willing to take this on and to engender a public discussion about an area that has not been talked about for years, that has been avoided because it's so fraught with problems. What I think is going to come out of this legislation, apart from the changes that are going to be

made which will produce the evidence that the member for Toronto–Danforth is looking for, is a healthy discussion about how to have a sustainable drug system in this province. I'm very happy to be part of a government that has been willing to do that.

This legislation is about cost. It's about cost to the system. It's about an industry that needs to be supported for economic reasons but also needs to serve the needs of patients and the health care system. At the base, it's about the health and well-being of the patients and residents of Ontario. It's about the health and well-being of everyone who needs medication, when they need it and in the quantities they need it. That's what this legislation is about. It's about those things.

What it's not about is changing service to patients so that people don't get what they need, and don't get what they need in a timely manner. It's not about diminishing the importance of the sector. It's not about those things. It's about improving and making sure that people get what they need when they need it.

Why are we engaging in these changes? I know the minister has said that the spending on drugs has increased, on average, 13% in five years, while the spending on health care in general has increased 8%. Drug spending is now 10% of provincial health care spending. The government is spending \$3.5 billion a year and employers are spending an additional \$2.6 billion annually. These costs affect employer drug plans and they affect the ability of Ontario to be competitive with other provinces and countries. So part of the reason we're doing this is that the costs are exploding, have been for many years, and we need to get a handle on exactly what's going on there.

But from the perspective of patients and residents of every community in Ontario, these changes are needed because they need access to new, safe medications sooner; they need access to pharmacists who can advise and guide them and use the full extent of their training in their relationship with their clients; and they need a system that is sustainable for generations to come.

I don't know if anyone—perhaps some of the Toronto members—saw the story of Joseph Atkinson last night that was televised; Joseph Atkinson and the Toronto Star. In watching that illustration of Toronto at the turn of the century and in the early years of the 20th century, it's clear that we have come such an enormously long way in just two generations. The grinding poverty and the pervasive lack of sanitation that characterized parts of Toronto in the early years of my own father's life have largely been eradicated. In a very short period of time, we have come an enormous distance. I'm not suggesting that we've solved the problem of poverty in Ontario, but the services that are available to our children bear absolutely no resemblance to the health care services that would have been available to a sick child in 1920 in Toronto. They bear no resemblance. The mothers of those children had no access to the kinds of services that we have in this province.

I'd like to say that that progress is our pride and our advantage. All Ontarians, but I'd say particularly as Lib-

erals, believe that not only is it our responsibility to deal with the economic realities of the drug system in this province and to deal with the cost, but it's also our moral obligation to continue on this road. I believe this is a road that was informed by the social gospel of reformers such as Atkinson and the Liberals who supported him. That it's to our economic advantage to follow this road actually validates our philosophy. To continue to provide a universal, sustainable, high-quality health care system and to be able to support employers managing drug costs, we're going to have to make changes to the system, and that's what this legislation is about.

So what will the changes be if Bill 102 is passed? More drugs will be listed more quickly, and we'll do that by enabling drugs to be listed under certain conditions while waiting for further evidence, so that will speed up the process. We'll speed up the review process for those breakthrough drugs that I think some of the members opposite were talking about by starting the review prior to the drug being marketed in Canada. We're going to make more generic drugs interchangeable with brand name drugs. I had a question about this, when I was getting ready to speak to the legislation, about the ability for physicians to specify "no substitutions." The member from Oak Ridges was asking a question that I think is related to this issue. My understanding is that physicians will still be able to specify "no substitutions" under certain conditions. So when there's an issue there, that ability still exists.

This legislation will enforce drug benefit prices to ensure manufacturers fulfill their pricing commitments and protect pharmacists from unauthorized price increases. We are removing the promotional allowances that generic manufacturers pay to pharmacies, but we're also increasing the dispensing fee for all community pharmacies. When we looked at this issue and we looked at the extensive financial analyses, we determined that the changes won't substantially impact rural pharmacies and won't impact the small pharmacies. So that is a very responsible measure and it's absolutely needed, because part of making sure that we value the pharmacies and the pharmacists in all our communities is that we make sure they have the dispensing fees they need. By increasing dispensing fees, we're going to create a reserve that will allow them to offset the loss of those promotional allowances.

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We're going to recognize what is already a reality, and that is that pharmacists are part of our primary care system. We're going to be introducing a new payment schedule for specific services that pharmacists provide for patients. The reality is that it's often a pharmacist that a patient will have access to before another health provider—

Interjection.

Ms. Wynne: Not before, because obviously if someone is going to a pharmacist, they've gotten a script, so they have been to another health provider. But the pharmacist is often a person who is more readily accessible,

and so we're validating that role and we're acknowledging them as part of the primary care system.

We're going to appoint an executive officer for the Ontario public drug programs. There has been talk today in the House about who this person is going to be and how this person is going to be appointed. The reality is that the appointment of this person is modelled on that of the general manager of OHIP, and that person will report to the deputy minister. It's a very well-established process.

We're going to fund innovation in the system to get at concrete evidence of better health care and health outcomes, and this is a very important piece. I think the member from Toronto–Danforth referred to the issue of health and looking after ourselves. One of the reasons I'm really happy about the public discussion on this is that, as someone who tries to avoid taking medication, I think we need to be talking about what we're all doing to keep ourselves healthy and how we're managing our relationship with pharmaceuticals and with our need to take medication. So that's all part of this discussion.

The allopathic system has developed over many years and, at certain times, there has been an over-reliance. As a young mom, there was a discussion about whether we should give our kids penicillin or the related drugs when they had ear infections. I tried really hard not to give my kids too many rounds of penicillin. I worked with a doctor who wasn't wildly interventionist because I wanted my kids to develop a strong immune system. We need to have that kind of discussion too. I'm not in any way diminishing the people who need the drugs when they need them, but I think we do have to have that public discussion of our relationship as healthy people to the system.

The last thing I want to talk about just briefly is how these changes are going to benefit all Ontarians. I think the evidence will show, once this legislation has been in place for some time, that we will have better, quicker access to a wider range and, in absolute terms, more medication across the population and more affordable medication. There will be more service from pharmacists because pharmacists will be supported in delivering that service and they will have permission to do that. We'll have a more sustainable system that will grow at a rate closer to that of the overall health care system, and that's the economic issue that we talk about at the beginning.

In May 2004, I attended a joint meeting of the Canadian Association for the Study of Adult Education and the Adult Education Research Conference in Victoria. I was visiting my daughter in Victoria and I was able to go to the session at the same time. One of the sessions at that meeting dealt with health education and how adults in our society get their information about their own health and health issues in general. One of the questions on a survey of adult Canadians about access to health information asked who in their lives was the most accessible health professional. The single most frequent response was "pharmacist." In remote communities, often there is a doctor or a nurse practitioner who will have a multi-

point charge, and the pharmacist is someone who is there who can answer questions. I believe that we as a society have underestimated the role of pharmacists, and we need to validate and acknowledge their role while we support access to the right medication for patients at the right time.

On that last point, I believe that there is a whole issue underlying this discussion, and I alluded to it a little bit earlier. These are probably the difficult questions that we have to raise as part of this broader public discussion around the medical system and the drug system in general: How much medication? How much information do patients have? How do we help ourselves and fellow Ontarians to get what they need, not more frequently than they need it but when they need it? I know that many of the members in the House have had the Ontario Pharmacists' Association come and speak to groups of seniors about how to manage their medication. The sad reality is that many seniors in this province don't have the information that they need about medication. That is a responsibility that falls to all of us, but it also falls to the health care system to make sure that those supports are in place. I think that many of the changes being made in this legislation are going to help us in that regard. I recognize that that particular piece of the discussion is beyond the scope of this legislation, but I believe that by opening this discussion on revisions and reform of the drug plan, we're allowing the population in Ontario to have that discussion.

I believe this legislation is a really important step toward higher-quality health care in this province. I think it illustrates our continued commitment on this side of the House to confronting difficult challenges, to looking under all the rocks and taking on the issues that have been too hot for previous governments to handle. We're willing to look at them. We're willing to say, "This is the right thing to do, and let's get on with it," and that's what this legislation is about.

The Acting Speaker: Time for questions and comments.

Mr. Hudak: I appreciate the comments by the member from Don Valley West?

Ms. Wynne: West.

Mr. Hudak: Don Valley West—on this legislation.

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): Go west.

Mr. Hudak: Go west. I am.

I appreciated her comments and I do hope what she says is accurate. Certainly all of us as members, particularly those who have been around a while, always experience constituents who will come into our office—and this has never changed—who are looking for the latest breakthrough drug. Obviously, you cannot blame them, and you do your best as an MPP to help them out, whether it's through a section 8 or whatever means are available to us. No doubt, if your life is on the line, or those of your loved ones, you will battle to get the latest and best medical treatment possible, and often that is through a pharmaceutical product, a new drug that may

be available in another province, in the States or in other parts of the world.

I expect the legislation will be passed. I expect it will be amended, hopefully substantially, but I expect it will be passed, so I do hope that the bill will be successful in getting some of those drugs into the hands of Ontario citizens much more quickly than they are today.

There was a letter to the editor in the newspaper on April 11 from Dr. Keith Stewart, regarding Velcade. Dr. Stewart actually took Health Minister Smitherman to task. Minister Smitherman had downplayed Velcade's effectiveness. Dr. Stewart replied, "Does the minister really believe that oncologists worldwide, the editorial staff at the New England Journal of Medicine and 50,000 patients treated to date are so gullible as to be swayed by 'shrewd marketing campaigns'?" I guess the minister had dismissed Velcade's efficacy to advertising only, as opposed to its health benefits.

John Fulton, the executive vice-president of Biolyse Pharma Corp. in St. Catharines, in Niagara, has written to the Hamilton Spectator talking about Biolyse's Paclitaxel, and hopefully we will see that move forward as well.

Mr. Tabuns: The member from Don Valley West has a lot of useful things to say about the legislation and about health care overall. That doesn't necessarily mean that I'm happy with the legislation, but I do concede she's made some interesting points.

One of the points that was made, and one of the points that I think illustrates the difficulty that we all have on this side with this legislation, is the whole question of speeding up the review process by looking at drugs before they are marketed in Canada. I think that's quite a rational and reasonable approach. I just don't see that incorporated into this legislation.

What is talked about to a great extent is the potential for doing things or the promise of doing things, but not the requirement to do things. That has to be addressed for this legislation to go forward, so that people in this House can have some confidence that what they're voting for is actually going to result in the changes, the improvements, that we see as necessary to be made in this province. So I continue to listen, to hear promise of things to come, and some of the things sound very good. But I want to know, and I hope we'll see an amendment, the changes that will make these promises a reality.

One other thing I wanted to say in the brief time remaining is that the member also makes a good point about avoiding the use of medication where it is entirely reasonable to avoid use of medication. It would make sense to me that this new system should be investing in doctors and in pharmacists to assist them in dispensing fewer medications than they are dispensing now when that makes sense medically. We know that there is a problem in many sectors of society, particularly with seniors, with overmedication. Let's move away from that.

Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale): As a health care provider turned politician, I defin-

itely want to applaud the Minister of Health and Long-Term Care for bringing this bill forward.

Bill 102, if passed, is going to change the drug system and how drugs are being given to patients in this province. By changing the system, the system is being made more efficient. By changing the system, we are making the system more open and more transparent. The changing system will allow patients to have better accessibility to drugs, the drugs our patients need in this province.

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I want to assure the patients listening out there that they should not be worried, because the changes this bill is bringing forward are in no way cuts to the drugs that patients are getting at this point in time. They will continue to get the same drugs they are getting.

As a physician turned politician, I also know that this bill is going to get rid of form 8. Physicians take a lot of time to fill out form 8. Definitely, my physician colleagues in Ontario will love this bill, because it gives them more time to look after their patients instead of filling out forms.

I want to congratulate the minister for bringing this bill forward and I fully support it.

Mr. Chudleigh: We welcome the members in the east gallery who are visiting us from afar, I'm sure.

The member from Don Valley West makes some interesting comments. I spoke earlier in a two-minute about accountability and transparency, and she helped to make my case for me when she talked about how generics could be substituted for brand name drugs. She pointed out in her few words that these could be substituted for brand names; under some conditions, they could not be transferred. What are those conditions? We're asking for a huge leap of faith from the public here to determine the conditions under which that may or may not happen. Is it a doctor's decision? Is it a doctor who is constrained by regulations as to what he can or cannot do for his patient? I would suggest that any regulation or legislation that constrains a doctor from making a recommendation to his patient would be wrong in the strongest sense of the word, and that a doctor's opinion in any of these cases should rule.

Certainly generic drugs are expected to be the same as brand name drugs, but in all cases, they are not. In many cases that I've had experience with, the generic drug just doesn't have the same result with the patient. Whether it be in their minds or whether it be some other factor, it doesn't have the same result as the brand name. If the patient doesn't get better under that drug treatment, then regardless of what the cause is, the system shouldn't constrain the patient from getting their very best—

The Acting Speaker: Thank you. Time for a response. The Chair recognizes the member from Don Valley West.

Ms. Wynne: I want to thank the members who spoke. To the member for Erie-Lincoln, I think that we have to—and the minister said this: We can't expect that any single piece of legislation is going to be a panacea. It's

not going to be possible for any government to provide all drugs—

Mr. Hudak: I heard him say “panacea.”

Ms. Wynne: You heard him say “panacea?” I didn’t hear him say “panacea.” I don’t think he said that.

We have to be careful that we don’t raise false expectations, either on the part of the opposition doing that and saying that of course this is going to be a panacea—we’re not saying that. We’re saying that we’re trying to make incremental change that is going to make this system work better.

To the member for Toronto–Danforth: There is this constant debate about what should be in legislation and what should be in regulation. On just about every bill that I have followed or been on committee since I’ve been here, which isn’t all that long, there’s a discussion about what should be in regulation and what should be in the legislation.

This is a legislative framework. I know there will be discussion at committee about what else should be in the legislation, and that’s a healthy thing, but the fact is that regulations exist for a reason and they’re to lay out the specifics.

To the member for Bramalea–Gore–Malton–Springdale, he obviously brings his experience as a doctor. He understands the relief of the paper burden that’s inherent in this legislation.

To the member for Halton on the conditions of interchangeability, I think what’s really important here on this piece and on the whole piece of legislation is, we’re looking for a balance. Of course doctors have to be able to specify for their patients, but at the same time, if there is the possibility for interchangeability, then that’s a good thing if the drug is going to have the same impact. So we have to balance the doctors’ need to have that final word with the cost and the availability of a generic drug that may do the same thing.

I thank you, Mr. Speaker, and I look forward to supporting this legislation.

Mr. Tony Ruprecht (Davenport): On a point of order, Mr. Speaker: [Remarks in Spanish] as Mr. Kormos has pointed out. But I do have the great pleasure to introduce to you His Worship Phan Trong Vinh, the standing deputy mayor of Hue City in Vietnam, and his colleagues Mr. Do Trac Bang and Mr. Trinh Minh Bach, who are here visiting from Vietnam. I thought it would be great if we welcomed them.

The Acting Speaker: We certainly welcome them to the Legislature. Thank you.

Further debate? The Chair recognizes the member from Erie–Lincoln.

Mr. Hudak: I’m pleased to rise in debate and welcome our distinguished guests from Vietnam as well. I’m glad to see them here in the assembly and hope they enjoy the debate on Bill 102, a very exciting bill before the assembly today. I think my time is a little bit tighter than it would have been otherwise, but close, Mr. Speaker, so I will try to contain a 20-minute speech into about 15 or so.

There are a number of points I want to bring up. First of all, I do appreciate Don Valley West’s response to me. I think the government is playing down expectations that we’ll see many new drugs on the formulary, and certainly her comments would indicate such.

It would be hard for the government to square the circle in saying a couple of things, that first this will be a bill to constrain costs. We’ve heard a number of Liberal members indicate that the drug benefit program has been increasing in cost at—not at an exponential but at a significant rate, which is true. I think it is the fastest-growing aspect or at least the fastest-growing major aspect of the health care budget. So there’s no doubt that a considerable amount of this bill is about nothing but cost control of the ODB.

It would be interesting to see if they can, as I said, square that circle by wrestling down costs and having a bill whose premise is a cost constraint mechanism and also add on new brand names because, as we know, new brands are often very expensive to put on the formulary. Certainly price lists and the impact they have on people who need that medication to survive—but in terms of tax dollars, they can be very expensive. So I’m not convinced. I do hope that things like Velcade or the product manufactured in St. Catharines by Biolyse Pharma Corp. would be a couple of the contenders, but I believe that this is mostly, predominantly, about cost control.

Just as the finance critic for a minute, we’ve brought to the attention many times in the assembly the exorbitant increase in spending of the McGuinty government, in fact at such a rate that it would make David Peterson and Bob Rae blush. The increase in spending in the last couple of budgets by this government has been 8%, 8%, and then a 9.2% program increase.

Interjection.

Mr. Hudak: You haven’t balanced your budgets, because you’ve spent so much.

Interjection.

Mr. Hudak: You could have, easily. I don’t want to dwell on the finance side; I want to just bring some points forward. You could have easily balanced the budget, I say to my colleague. You had about \$3 billion in end-of-year revenue but you didn’t put any of that toward balancing the books, and continued to run a deficit.

1750

When you look at their forward numbers, in each of their budgets they dramatically underestimate what their health care costs are going to be, which is interesting, but they’re off significantly. For example, the increase in health care spending in 2003 was 12.7%. It’s a phenomenal increase in spending of 12.7%. When they brought forward their first projections, the 2004 budget forecast, the McGuinty government estimated that health care spending in 2004 would increase by 5%. In reality, once we saw the end-of-year figures, it was much closer to 8%, which has been the trend line for some time now, but they had put in their budget documents, for some reason, a 5% growth rate. In the 2004 budget forecast they actually forecast health growth in 2005 to be 2% when,

again, the historic trend line has been around 8%. In reality—and I won't have time to look back at the budget—the spending increase was probably between 8% and 10%, so about four or five times the factor of the actual spending increase.

So they continually overshoot dramatically their goals on health care spending, which will cause challenges, no doubt, if you're trying to balance the books and the economy slows down. I mean, they doctor their books and they doctor their revenue too, so the two doctors sort of balance out. They underestimate revenue dramatically, they underestimate their expenses, and they overspend and overtax year after year.

The point I was going to make is, I believe that Bill 102 is really the first effort the government is making to control spending. They have the LHIN legislation, which they'd also probably say is about spending control and efficiencies, but we've actually seen the LHINs delayed dramatically from the original time lines. They are really just structural; it's a mechanical change. Whether that will actually result in any real savings remains to be seen, and we won't find out, probably, until after the election. At least in the short term, as our leader John Tory has pointed out, there will be significant increases in spending because they're laying off people and then rehiring them under the LHIN umbrella, incurring the severance costs and then the rehiring costs as well. I think it was about a \$200-million-or-so cost estimated through leaked cabinet documents from the LHINs.

At any rate, this is the first effort that they have seemed to have made on reducing costs. I expect that the outcomes of this bill—if not amended, the goal will be to reduce costs in the system, and how will that be borne out? Who will lose out? I think the pharmacies and the pharmacists, at the end of the day, are going to lose under Bill 102 unless it is amended through the committee process.

I know my colleague from Guelph is experiencing a big issue in her riding with respect to the founding of a new Wal-Mart in the Guelph area, and I would guess that my colleagues across the floor—how many fans of Wal-Mart? I'm seeing some heads shaking “no.”

Mr. McMeekin: How many fans have you bought at Wal-Mart?

Mr. Hudak: How many fans which?

Mr. McMeekin: You buy your fans at Wal-Mart?

Mr. Hudak: I don't know where we got our fans.

The irony of this legislation—because I would suspect there are members on the floor who would decry Wal-Mart in the province of Ontario and would be surprised if this bill is going to help out the large drug chains like Wal-Mart has in their store. They often say that they're used as a loss leader to get customers in.

Mr. McMeekin: Are you against Wal-Mart?

Mr. Hudak: No, actually, I'm a fan, and I'll stand in the assembly and say that. I think that they have an excellent retail environment. It's well spaced, clean, you can see the prices easily, and they've been successful as a result, because a lot of people go there. But I know

members opposite would probably find it ironic, because they don't like Wal-Mart. But this legislation is actually going to help the large chain stores tremendously.

Mr. McMeekin: Who here doesn't like Wal-Mart?

Mr. Hudak: I saw some heads shaking when I asked if they liked Wal-Mart. They said, “No.”

Mr. Flynn: I thought you were a Zellers guy.

Mr. Hudak: Zellers has improved because of Wal-Mart too, I would probably argue.

CIBC World Markets report: I thought I'd draw this to the attention of the members. I'm running out of time. It goes so fast.

The CIBC World Markets report talks about Shoppers Drug Mart, another one of the large chains. CIBC's review of this legislation is quite interesting. They say in their report: “The primary focus of the proposed legislation is to reduce government spending on pharmaceuticals and the two areas it has control over: the pricing of generic drugs and the pharmacy reimbursement rate for all drugs.” They say, in the summary of proposed changes, “Reduce allowable markup from 10% to 8%. On the surface, this looks like a negative, but over the years, the Ontario drug benefit ... has been slow to adjust to rising drug prices, so the average markup today is below 8%. In effect, this change is ... positive.”

But then they go on to say, in point 3 in the report, “Reduce generic reimbursements from 63% of equivalent branded to 50% of equivalent branded.” CIBC World Markets says, “This is potentially a substantial negative, and if it survives intact, it will place the Ontario drug-store industry into a situation where only drugstores with ‘clout’ will win. This is because drugstores will try and get this reimbursement reduction out of the hides of the generic manufacturers. The most successful will be the bigger boys,” like Shoppers or Wal-Mart, “who can use their distribution clout. Independent pharmacists, who have no leverage, will be at huge risk if this passes. The Ontario Pharmacists' Association ... will fight tooth and nail against this reduction, and should be able to get something back. If not, independents will have to consider joining a larger network, which, long term, could be good for Shoppers,” but may not be in the interests of the small independents. They go on to say that the elimination of rebates on generic drugs paid to pharmacists will similarly drive independent pharmacies to close.

“What's next? ... This bill is unlikely to pass intact,” in the CIBC's opinion. “On the most basic level, the government needs pharmacists to help reduce health care costs by counselling, advising and promoting generics. As structured, this bill not only contains no incentive to push generics, it could also be a blow to drugstores, in particular the mom-and-pop operations.”

I would say, as a member who represents many small communities, I have great concern about what I hope is an unintended consequence of this bill, although I suspect that the minister knows full well its impact on the small pharmacies if not amended, which could see the independent pharmacies close their doors. The larger ones will be able to deal with this because they will buy in

bulk and, as the CIBC says, take it out of the hide of the generic manufacturers to try and find savings. But it would be awfully difficult for small mom-and-pop operators like Brodie's in Ridgeway, which has been my pharmacist for some time, to survive if this bill passes intact.

I have some further concerns about the role of the so-called drug czar. My colleague from Halton mentioned this. The minister has been critical of the notion of a physician or a pharmacist in this role because, "We have hidden behind the cloak of science for too long." If the decisions to place a product on the formulary or to have an interchange between a generic and a brand are not done on the basis of science, I wonder what basis they could be, then. Certainly, we've had criticisms of the government that they used political science when it came to the greenbelt as opposed to environmental science. I certainly hope that this is not opening the door for political science to similarly drive decisions on what is on the drug formulary and what is not. It definitely, frighteningly, opens the door as well to the government or politicians putting the squeeze on the various pharmaceutical companies in order to behave, to say good things about the government, to attend their fundraisers or something

like that and to fill the coffers of the Ontario Liberal Party if politics are put into play when it comes to this interchangeability.

No wonder we have concerns about the role of the drug czar and what his or her qualifications may be. It gives great cause for concern when the minister seems to have disdain for those who have science backgrounds in making these decisions. I hope the minister will definitely clarify his remarks in that respect.

I think perhaps, in the interests of time, I'll have an opportunity to return to my remarks later on. But I did want to point out the irony on this Thursday that members opposite who aren't big fans of the big chains like Wal-Mart are actually helping them out and, secondly, that I do have great concern about the drug czar and the political role that that individual may play that would not be in the interests of health care and patients in the province of Ontario. Thank you.

The Acting Speaker: I thank the member for that kind indulgence.

It being approximately 6 p.m., this House stands adjourned until 1:30 p.m. on Monday, April 24, 2006.

The House adjourned at 1800.

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

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