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**Official Report
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(Hansard)**

**Journal
des débats
(Hansard)**

Monday 8 May 2006

Lundi 8 mai 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 8 May 2006

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 8 mai 2006

*The House met at 1330.
Prayers.*

WEARING OF PINS

Mr. Dave Levac (Brant): On a point of order, Mr. Speaker: Monday, May 8, today, is World Red Cross Day. As a sign of our support for the Red Cross here in Ontario, Canada, and indeed around the world, of the good works that the Canadian Red Cross does, I seek unanimous consent to wear the red pin, the Red Cross, for the day. Pins have been supplied to all parties on both sides of the House. I'd appreciate unanimous consent.

The Speaker (Hon. Michael A. Brown): Mr. Levac has asked for unanimous consent to wear a pin commemorating World Red Cross Day. Agreed? Agreed.

MEMBERS' STATEMENTS

DARLINGTON NUCLEAR GENERATING STATION

Mr. John O'Toole (Durham): I rise in the House today to pay tribute to the 2,300 employees at the Darlington nuclear generating station in my riding of Durham. Darlington had its best year in 2005, increasing its capacity factor to 90%. This makes Darlington the best-performing nuclear plant in all of Canada. Last year, Darlington produced 17% of all the electricity used in Ontario. Imagine: That is enough supply for almost one out of every five farms, factories, businesses and homes. Almost one fifth of Ontario's power supply comes from my riding.

In Durham region and Durham riding, we're home to the University of Ontario Institute of Technology. We have the knowledge, the skills, the training and the technology to do more, and we're ready. Ontario is only waiting for this government to show some leadership and initiative in building a safe, clean, available and affordable power supply for the future. The energy expertise in Durham riding and Durham region is one of the keys to reaching this goal.

I would like to congratulate Gregory Smith, senior vice-president of Darlington Nuclear, and his entire team. We wish them continued success in a climate where the Ministry of Energy—and the minister specifically—seems to lack a plan for the future to have a reliable, affordable, sustainable and safe source of electricity, which is the generator of this economy in Ontario. They

have no plan. Please turn their eyes to the Darlington nuclear plant. There's more to be done, and they're prepared to do it.

JASMEET SIDHU

Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale): I'm delighted to rise today to acknowledge and congratulate Jasmeet Sidhu on receiving the TD Canada Trust scholarship for community leadership. Ms. Sidhu is a member of my riding of Bramalea–Gore–Malton–Springdale. Each year, only 20 young people across Canada receive the TD Canada Trust scholarship for outstanding and consistent leadership in striving to improve their respective communities.

Ms. Sidhu's long list of accomplishments is both inspiring and ambitious. She has created the Peel Environmental Youth Alliance, which helps connect environmentally conscious teenagers together in her community. Under her remarkable leadership, the Peel Environmental Youth Alliance has helped to create several new recycling programs and environmental clubs across the region. Ms. Sidhu is also involved in the award-winning environmental club she founded at Heart Lake Secondary School, and she has represented about 75,000 senior elementary and secondary school students as student trustee for the Peel District School Board. Ms. Sidhu's impressive community involvement plays an important role in bringing this government's environmental initiatives to fruition.

It's truly an honour and a privilege to have Ms. Sidhu as a part of the Brampton community, as well as such an integral part of Ontario. Her leadership and dedication to her community is an example to all of us.

MINISTRY OF NATURAL RESOURCES

Mr. Norm Miller (Parry Sound–Muskoka): Ontarians continue to pay more and get less service from this government. The Bracebridge MNR office in my riding of Parry Sound–Muskoka is among those that no longer offer counter service. This began on April 1, 2006. In addition, there's been no increase in staff locally to assist the ServiceOntario office in delivering additional MNR services. MNR offices in Parry Sound–Muskoka are in high demand. For instance, due to the large number of seasonal property owners, access to biologists is imperative to assist with invasive-species identification, like the Asian long-horned beetle and the emerald ash borer.

Also, certain maps will only be available through the Peterborough office.

Sport fishing brings significant tourism dollars to the province, yet MNR is cutting back on fish stocking, despite calls for an additional \$25 million by the Ontario Federation of Anglers and Hunters for fish and wildlife programming.

I would like to quote from a recent letter to the editor by Ron McIntosh from Bracebridge: "There has been a dramatic decline in the ability of the MNR to fulfill its mandate. Fish hatcheries have been closed, invasive species programs cut back, fish-stocking programs gutted, offices downsized or closed."

A couple months ago, the Parry Sound MNR aviation and forest service office was relocated. It's obvious to me and to other Ontarians that natural resources is not a priority with this government.

ESL FUNDING

Mr. Rosario Marchese (Trinity–Spadina): I want to provide some statistical information around English-as-a-second-language programs. The early numbers from the 2005-06 elementary tracking report show that, province-wide, 56% of schools have ESL students, compared to 48% in 1999-2000; 36% of schools have ESL programs, down from 58% in 1997-98; 27% of the schools have ESL teachers, a steady decline from 41% in 1998-99.

In schools with ESL students, 51% reported they have no ESL teachers, compared to 33% in 1999-2000. Further, 71% of all of Ontario's ESL students are in the GTA. Only 51% of GTA schools have ESL teachers, a decline from 55% last year and 68% in 1999-2000.

This speaks very, very poorly of this government, not to speak of the previous government. People had such high hopes that the Liberals would solve this, and yet we've seen a steady decline under them. Numerous reports in the last two years, including one from Ontario's Auditor General, have called for changes to ESL funding, but as yet little has changed. I hope things will change in the near future.

1340

STEPHEN LEWIS FOUNDATION

Mr. Tony C. Wong (Markham): Last Wednesday, I had the privilege of attending the If I Had A Million Dollars gala dinner and salute to York region's youth in support of the Stephen Lewis Foundation. I'm very happy to report that the sum of \$960,000 was raised. I'd also like to highlight that \$250,000 of that came from York region's youth campaigns.

I wish to recognize and thank the honorary co-chair of the gala dinner, Newmarket–Aurora MP Belinda Stronach; Steven Page and the rest of the Barenaked Ladies band for their musical contribution and support; our Minister of Health and Long-Term Care, George Smitherman; York region committee co-chairs Mary Anna and Charles Beer and Steve Falk; Steven Paikin, host of our favourite show, TVO's 4th Reading, for

offering to play emcee for another year; special guest Lionel Davis of South Africa; and of course Stephen Lewis, who has brought life and hope to the millions affected by the HIV/AIDS pandemic in Africa.

I'm so very proud of the contributions and accomplishments of York region's residents and youth, and of this government for providing \$80,000 in annual funding for the AIDS Committee of York Region, which I had the honour of announcing last year, to improve the lives and conditions of people living with HIV/AIDS in York region.

By extending the borders of our compassion, we can help ease the pain brought by HIV/AIDS together.

HOCKEYVILLE

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): The CBC was back in Barry's Bay on the weekend, yes siree, to film another segment for the Kraft CBC series Hockeyville. It leaves little doubt as to who is going to be crowned Hockeyville, Canada, on June 11, I believe it is. It is clearly shaping up to be a rout on behalf of Barry's Bay.

The CBC was so impressed with what they saw on Saturday, where hundreds of people turned out to support the village's bid for Hockeyville. There was a big scavenger hunt that took them from the community centre to the Zurakowsky Park and on to the new parking lot at the new Loeb's. It was very, very impressive. It was then followed up yesterday by a community barbecue in support of the Hockeyville bid where young Michael Papania and Father Grant Neville were the stars in a video that was being filmed about the efforts, which will be forwarded on to CBC and the Kraft Hockeyville committee.

The momentum is growing all across the valley and all across the province. I know there are some other places in this contest, but I want you to just admit it: Barry's Bay is going to be the winner. Get behind it 100%. Let's have Hockeyville Barry's Bay on June 11.

EXCHANGE STUDENTS

Mr. Richard Patten (Ottawa Centre): I rise today to introduce the Legislature to a group of students who attend John Herdman Collegiate in Corner Brook—

Interjection.

Mr. Patten: Can you hang on a minute—Newfoundland, and Toronto students and staff from the YMCA. They're in the west gallery. They are being hosted by the YMCA Academy. The academy is an alternative school, is managed by the YMCA of Greater Toronto and serves students between grade 9 and grade 11.

The federal government's Youth Exchanges Canada provides funding to support homestay exchanges. Through their exchanges, students recognize and appreciate our country's rich diversity of culture, language, communities, geography, history and economy.

As a former staff person with the YMCA for over 22 years, it's with some pride that I note the exchange

program holds true to the spirit and the mission of the Y, enabling young people to learn from each other, to respect different cultures—to listen to each other when statements are being made—while developing communication and leadership skills.

Welcome. We hope you enjoy your visit to Queen's Park. The time that you will be spending here in Toronto with YMCA staff and students we hope is meaningful. Thank you for coming and adding your wonderful spirit to this place and to our province. When you return home to Newfoundland, may you find that this experience has increased your motivation to build a strong future for Newfoundland and Canada and all its people.

POLICE VEHICLES

Mrs. Linda Jeffrey (Brampton Centre): Last week, I visited DaimlerChrysler Canada to watch the delivery of a fleet of 15 new, specially equipped Dodge Charger vehicles to Peel Regional Police from their Brampton assembly plant. I was extremely proud to see that the Dodge Charger police package, built by men and women in Brampton, will be used to protect our community. Peel Regional Police now have some of the most technologically advanced vehicles used in law enforcement.

The new Charger is a highly specialized vehicle which has been designed and developed to be utilized specifically for police service applications only. In addition to the enhanced engine and suspension abilities, the Dodge Charger package also provides the power, functionality and handling that are needed for law enforcement.

It is my understanding that there are eight different police forces within Canada that are utilizing these vehicles. This delivery to Peel Regional Police Service represents the largest single delivery to any police service in Canada thus far.

My congratulations to DaimlerChrysler for returning to their police car heritage and delivering a vehicle which will help local police serve and protect the city of Brampton and Peel.

PUBLIC HEALTH

Mr. John Wilkinson (Perth–Middlesex): Statistics show that 96% of elementary and secondary students in Perth county have received all the vaccines recommended for their age. I concur with Dr. Rosana Pellizzari, our local Perth county medical officer of health, when she said, "It's great to see that Perth county children are well protected against many serious illnesses."

This is no coincidence. Since being elected, the McGuinty government has phased in new, free child vaccination programs for chicken pox, meningitis and pneumococcal disease. The plan is projected to see some two million Ontario children vaccinated without charge by the end of 2006-07, saving Ontario families approximately \$600 per child for all three vaccines. For a young family with two children, that's a saving of \$1,200; for a

family with three, that's a saving of \$1,800, etc. It's no surprise that our progress has now made Ontario a leader in North America in protecting children against vaccine-preventable diseases.

At this time, I'd also like to take the opportunity to commend the Perth district health unit for embracing the vision of health care we share with them and with all Ontarians and making it a reality. I'd also like to thank all the health care professionals in Perth–Middlesex and our government's commitment to public health for making my riding a leader in the delivery of all public services.

I take the last few seconds to say to my colleagues that we have a visitor today, a young Mr. David Betancourt from Colombia. He's a Rotary exchange student visiting our great province and living in Stratford. We welcome you here, David.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mr. Pat Hoy (Chatham–Kent Essex): I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption.

The Speaker (Hon. Michael A. Brown): Shall the report be received and adopted? Agreed? Agreed.

Pursuant to the order of the House dated May 1, 2006, the bill is ordered for third reading.

INTRODUCTION OF BILLS

RONALD MCDONALD HOUSE (HAMILTON) ACT, 2006

Ms. Marsales moved first reading of the following bill:

Bill Pr18, An Act respecting Ronald McDonald House (Hamilton).

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

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.

MOTIONS

HOUSE SITTINGS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I move that, pursuant to standing order 9(c)(i),

the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, May 8, 2006, for the purpose of considering government business.

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

All those in favour will say “aye.”

All those opposed will say “nay.”

In my opinion, the ayes have it.

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

The division bells rang from 1351 to 1356.

The Speaker: Mr. Bradley has moved government notice of motion number 131. All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Hardeman, Ernie	Peterson, Tim
Balkissoon, Bas	Hoy, Pat	Phillips, Gerry
Bentley, Christopher	Jeffrey, Linda	Qaadri, Shafiq
Berardinetti, Lorenzo	Klees, Frank	Racco, Mario G.
Bountrogianni, Marie	Kular, Kuldip	Rinaldi, Lou
Bradley, James J.	Kwinter, Monte	Runciman, Robert W.
Broten, Laurel C.	Lalonde, Jean-Marc	Ruprecht, Tony
Cansfield, Donna H.	Levac, Dave	Sandals, Liz
Caplan, David	MacLeod, Lisa	Smith, Monique
Chambers, Mary Anne V.	Marsales, Judy	Smitherman, George
Colle, Mike	Mauro, Bill	Sorbara, Gregory S.
Cordiano, Joseph	McNeely, Phil	Tory, John
Craitor, Kim	Meilleur, Madeleine	Van Bommel, Maria
Delaney, Bob	Miller, Norm	Watson, Jim
Dhillon, Vic	Milloy, John	Wilkinson, John
Di Cocco, Caroline	Mitchell, Carol	Wilson, Jim
Dombrowsky, Leona	Munro, Julia	Witmer, Elizabeth
Duguid, Brad	O'Toole, John	Wong, Tony C.
Duncan, Dwight	Parsons, Ernie	Wynne, Kathleen O.
Dunlop, Garfield	Patten, Richard	Yakabuski, John
Fonseca, Peter	Peters, Steve	

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

Nays

Bisson, Gilles	Marchese, Rosario	Prue, Michael
Horwath, Andrea	Martel, Shelley	Tabuns, Peter
Kormos, Peter	Murdoch, Bill	

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 62; the nays are 8.

The Speaker: I declare the motion carried.

STATEMENTS BY THE MINISTRY AND RESPONSES

NURSING WEEK

Hon. George Smitherman (Minister of Health and Long-Term Care): Mr. Speaker, as you and members of this assembly are aware, today marks the beginning of Nursing Week. This marks an occasion to celebrate the remarkable work done by our province's nurses, but it's also an opportunity for us—for all of us—to reflect on what still needs to be done.

I'd like to take a moment to commend our province's nurses, and I'd like to advise all members of this assembly of an important announcement I made this morning to help address our nursing shortage and to keep more nursing graduates here in Ontario.

Let me begin by expressing to all of our nurses our profound appreciation and our gratitude. You truly are the front line of health care, carrying out vital functions, providing support to other health professionals and, most important, providing care to our patients. Your work is often done under extraordinarily challenging conditions, yet you perform your duties with professionalism, with energy, with grace and with compassion. I know I speak on behalf of all members of this House, and indeed all Ontarians, when I say to the nurses of Ontario: thank you.

Our government recognizes the crucial role that you perform, and we also know that this recognition has not always existed.

We've worked hard during our time in office to make life better for Ontario's nurses and to ensure that more nurses choose to pursue their careers here in Ontario. We've invested more than \$50 million for hospitals to purchase nursing and patient safety equipment, like bed lifts, safety engineered sharps and alarm systems; we've provided an additional \$89 million to hospitals and long-term-care homes for the purchase of patient- and resident-lifting equipment; we've committed \$50 million for full-time nursing positions in hospitals; and we've attached strong and measurable accountability requirements to ensure that the money goes, and stays, where it's intended.

In the past two years, we've invested more than \$87 million in our comprehensive nursing strategy. This money was earmarked to hire new graduate nurses into temporary supernumerary positions to allow for better orientation and transition to the workforce. We've earmarked money to support our late-career nurses to work a portion of their time in a less physically demanding role. We've created nurse-mentoring programs, and we've purchased clinical simulation equipment to provide our nursing students with hands-on practice in simulated environments. This funding supported practical nursing programs as well as collaborative programs.

We've provided \$1 million this year, an amount that will increase to \$4 million in 2007-08, to support a nursing faculty fund.

All of these steps have helped to create a better working environment for nurses, and today we took one more important step forward. This morning I had the privilege of announcing our government's commitment that every nursing graduate in Ontario will be offered a full-time job somewhere in this province. We want to keep all of our new nursing graduates here in Ontario, providing care to Ontarians. That's why we're offering this job guarantee to every nursing graduate.

Beginning in 2007, the 4,000 students expected to graduate will be offered a full-time opportunity somewhere within our vast public health care system. We

can't offer everyone their first choice in terms of job placement, but we can and will offer every nursing graduate a full-time job, whether it's in the hospital sector, long-term care, home care, public health or the primary care sector.

This initiative is part of our HealthForceOntario human resources strategy that we launched last week. I'm delighted that Tom Closson, the former president and CEO of the University Health Network, has agreed to head the task force developing the implementation details of this initiative.

This represents one more step in our effort to address Ontario's nursing shortage and in fulfilling our commitment to hire 8,000 new nurses. I'm extremely proud of this initiative.

Once again, I'm proud to have this opportunity to acknowledge and to celebrate our province's nurses as we mark Nursing Week.

ARTS EDUCATION

Hon. Caroline Di Cocco (Minister of Culture): As the Minister of Culture, I have been given the responsibility of developing a strategy to promote arts education in Ontario's public schools. I'd like to thank my parliamentary assistant for culture, Jennifer Mossop, for her work in the past two years. It's with her and Kathleen Wynne's help, the parliamentary assistant for education, and in partnership with the Minister of Education, that this government plans to enhance arts education in our schools.

The term "arts education" is synonymous with excellence and all the best in shaping our children's education. We know this intuitively, we know it anecdotally and we know it empirically. Studies have shown that young people who participate in arts and music not only have higher math and science scores but are also better problem solvers.

Creativity and innovation are the new markers of success in an economy that is increasingly moving towards knowledge-intensive industries. Exceptional scientists, engineers, architects, entertainers, high-tech workers and business people all share important skills: the ability to apply new, innovative approaches to old problems and to try something radically new.

Innovation and creative thinking is what we want to teach our young people in the 21st century. We want to provide them with the kind of education that engages them, inspires them and teaches them to think for themselves. A focus on creativity through the arts will ensure our children get the well-rounded education they need to succeed in our complex and rapidly changing world.

That's why the Ontario government, under Premier McGuinty's leadership, is launching a new \$4-million program to promote arts education in our communities and schools, the arts education partnership initiative. This will bring the provincial investment in arts education over the last two years to \$25 million.

The arts education partnership initiative is an incentive program that will encourage private sector support to

achieve three important goals: to encourage our children to participate and learn about the arts, like painting, music, singing, theatre and dance; to help classroom teachers use the arts to give their students a better understanding of other subjects, like math or science; and to help build partnerships between arts organizations and their communities.

We want to provide students with the skills they need to achieve higher grades in all subjects and to develop their ability to create, adapt and think on their own.

The province also continues to fund the Royal Conservatory of Music's learning through the arts program, providing \$6 million over five years. This program uses art and music to teach subjects like math, science, history and geography. Whether it's learning math through dance, science through sculpture or learning how to deal with bullying through theatrical production, our students benefit significantly from this kind of exposure to the arts.

I'd like to highlight for you some of our exciting new initiatives in support of arts and education that my government in Ontario is also very proud of: \$10 million from the Ontario Trillium Foundation in the past two years to fund our young people's participation in arts initiatives across the province; \$4 million through the Ontario Arts Council in its world-renowned arts education programs; 2,000 new specialist teachers in our schools, including arts, music and teacher librarians; and arts programs and exhibits offered to our students by Ontario's cultural agencies through the Art Gallery of Ontario and the Royal Ontario Museum, that stimulate the imagination of hundreds of thousands of students every year.

This significant financial investment illustrates that our government values the role of the arts in our education system and in our communities, both to help our children learn about the arts and through the arts.

The Ontario government, under Premier Dalton McGuinty, gets it. We know that arts education isn't a nicety; it's a necessity. The arts not only raise academic achievement in all areas. They also help children stay in school by engaging their imagination; increase their self-confidence and their self-esteem; increase their creativity and problem-solving skills; engage children who are not reaching their potential, including those with learning disabilities; and provide positive direction for children and youth heading for trouble.

We know there's a lot of rebuilding to do in this sector because of many years of neglect. I also know that this is not a panacea, but I am proud of this tangible step that we're taking to invest in arts education.

This past Friday, I had the opportunity to join the Premier, the Minister of Education and our respective parliamentary assistants on a visit to Palmerston Avenue Public School to celebrate arts education. I was gratified by the passion, joy and enthusiasm the principal, teachers and students of that school showed for the arts. Their commitment to improving the level and quality of arts education in their school is inspirational. We want to see

this kind of enthusiasm in every school across the province. Our vision is to ensure that because of arts education, students across the province are achieving higher grades, improving their self-esteem and better preparing themselves for the future.

The Speaker (Hon. Michael A. Brown): Responses?
1410

Mrs. Julia Munro (York North): I'm pleased to respond to the statement by the Minister of Culture. I think all of us recognize that the key to our future—the success of our children and grandchildren—is certainly in developing skills in the areas of innovation and creativity. As we look at a knowledge-based society with increased globalization and therefore constant ability to communicate, innovation and creativity are keys to that future.

One of the initiatives from our government that I am particularly proud of was the funding for organizations like Artslink in York region. Artslink York Region believes that arts and culture are integral to healthy communities. Artslink's mission is to foster and promote the spirit of creativity in York region. Artslink is a regional arts program that promotes and financially supports a learning partnership between York community artists and schools.

The Trillium Foundation approved funding for the establishment of an arts council in late 2002, and this organization then developed into the Artslink organization, led by its very capable executive director, Virginia Hackson, who is a councillor with the town of East Gwillimbury.

Artslink encourages student involvement in culture by sponsoring such programs as Artslink Music Alive, with over 60 sessions in various communities in York region. This year they have expanded into the world of drama with the Artslink Drama Alive Festival, which gives students experience performing in front of a live audience. Their Visual Arts Alive program displays banners designed by student teams from kindergarten to grade 12 representing their elementary, secondary or private school in York region.

Artslink is only one example of the PC Party's commitment to culture and to including our young people as full participants.

NURSING WEEK

Mrs. Elizabeth Witmer (Kitchener–Waterloo): Here we have another week and another announcement by the Minister of Health.

Applause.

Mrs. Witmer: Before they cheer too loud, they should take note of the fact that this is another announcement just like last week, and the one about the LHINs and the family health teams, without any detail, without any dates, without any timelines and of course, most importantly, no dollars. No one has any idea as to how this government is going to achieve the objectives. In fact, when the minister was scrummed this morning, he

acknowledged as much. How will this increase the number of positions? He didn't have an answer. What are the periods of time within which the job offers will be guaranteed? He didn't have an answer. Is this task force some kind of hiring agency? Oh, he didn't want to get into the nitty-gritty just yet. Why bother with details when you can stand up and make announcement after announcement without any substance whatsoever?

I would say to the minister that we have a very proud record as far as recruiting and hiring health human resources. Our government, working with the health stakeholders, saw the creation of 12,000 additional nurses in Ontario. We created the nurse practitioner position. We announced the new medical school in northern Ontario. We are very proud that we were able to work with all those health stakeholders in order to ensure that people in this province would have increased access to health care professionals.

I want to conclude my remarks, in this the week that is devoted to nursing, by simply extending my sincere congratulations and appreciation, on behalf of John Tory and our party, to all the nurses in Ontario for the work they do, no matter where they work. Whether it's in a hospital, on the front lines, on the street, in public health, in long-term care or in community care, we very much value and appreciate their professionalism, their caring, their dedication and their compassion for their patients. We certainly look forward to continuing to work with our nursing partners. Many of us are going to be visiting and seeing first-hand the role of our nurses this week, and we look forward to that opportunity.

ARTS EDUCATION

Mr. Rosario Marchese (Trinity–Spadina): I was lucky to have been at Palmerston Public School last Friday to bear witness to the hyper-inflated display of minimalist announcement. Indeed, the Premier was there. The Minister of Education was there. The Minister of Culture; the member from Stoney Creek, the parliamentary assistant; and the member from Don Valley West—they were all there and they all talked so beautifully about the value of culture and the arts in general, about the contribution those make to individual growth and cultural and community development. I thought, “This is beautiful. I'm waiting for the big announcement,” only to be let down by a \$4-million announcement, jointly done by the Minister of Culture and the Minister of Education, and they are matching dollars.

Applause.

Mr. Marchese: Mr. Bradley claps at this: a \$4-million announcement of matching dollars. Imagine all the bake sales that the folks in Mr. Bradley's riding are going to have to be able to raise all this money so that they can have a few cultural programs in some of these schools. I'm looking forward to all the big, big, big bake sales they are going to have to be able to match this big \$4 million.

That was the announcement. That was it—such an important announcement. I was seated there, waiting for

the big, big dollars to come down. I can't tell you how much in disbelief I was: \$4 million, matching funds. You know, Mr. Bradley and others, that we have had a drop in music and art teachers of 20% in the last eight years. This doesn't add one music teacher to our schools—not one; not one cent. They speak proudly of what they've done and they talk about 2,000 new specialist teachers in our schools, including arts and music. I challenge the Minister of Education, who's here, and the Minister of Culture to show me how many new teachers we've got who are music teachers and art teachers, and then we can talk about how good you have been in the last three years.

NURSING WEEK

Ms. Shelley Martel (Nickel Belt): During Nursing Week, my colleagues and I salute Ontario nurses for the tremendous work that they do in our system. They provide excellent high-quality care in Ontario hospitals. All floors are at all capacities in long-term-care homes, in long-term care, in home care, in community health centres and in public health units. I'd like to thank them at the start for their commitment, their dedication, their hard work and their incredible contribution to Ontario's health care system.

With respect to the announcement made today, why would any Ontario family, nurse or graduating nurse believe anything the McGuinty government has to say with respect to nurses, given their absolute failure to live up to the promises they made with respect to nurses during the election campaign? This is a government that promised 70% of registered nurses would have full-time employment in the province of Ontario. In 2005, that figure was 60%, three years into this government's mandate, after three budgets and after a \$3-billion wind-fall. They haven't lived up to that promise. This is a government that promised 8,000 new nurses in the province of Ontario. If you look at the government's own figures, to date, the government has hired 3,052.

It's interesting to note that 1,100 of those are new graduate internship positions that the nursing secretariat describes as "temporary full-time positions for nurses that have graduated in the last 12 months. At the discretion of the employer, these positions may last three to six months." This government uses 1,000 of these three-to-six-month positions to claim that it's hired 8,000 new nurses.

Also, this is a government that said 1,000 nurses had been hired in Ontario hospitals, and then several weeks after making that claim, the minister announced that he had given the approval for hospitals to lay off 757 nurses. At the estimates in September, I asked the ministry how many of those nurses been laid off. The ministry had no idea.

We know that more nurses have been laid off as hospitals tried to meet their deadline from the ministry in March 2006. Now we've done an FOI to the ministry to find out how many nurses have been laid off, because there's no doubt in my mind that they have been and that

the government's numbers about nursing positions in hospitals are very skewed.

Finally, what's really astonishing about the announcement today is that this province is facing a crisis with respect to a shortage of registered nurses. Linda Haslam-Stroud said last week that up to 30,000 RNs are going to retire by 2008. We'd better have a place for those 4,000 graduates in 2007; we'd better have a place for 4,000 and a whole lot more, because we are not going to have enough registered nurses to deal with patient care—

The Speaker (Hon. Michael A. Brown): Thank you.
1420

VISITOR

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): On a point of order, Mr. Speaker: I'm very pleased to be able to introduce to the House today a retired principal from St. Angela's school in Windsor, Sister Shirley McCauley, my former principal. I'm very happy to have her introduced today. Welcome to the House.

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

JOHN ATKINSON

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I believe we have unanimous consent for all parties to speak for up to five minutes to recognize a fallen police officer.

The Speaker (Hon. Michael A. Brown): Mr. Bradley has asked for unanimous consent for all parties to speak for up to five minutes on a fallen police officer. Agreed? Agreed.

Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet): It is with great sadness that I rise in this House today on behalf of the government and the Legislature to pay tribute to Senior Constable John Atkinson and offer our heartfelt sympathies to his family for the loss of a loving husband and father.

John was a 14-year veteran of the Windsor Police Service and was tragically killed, as all members know, on Friday, and taken away from all of us far too soon. I know that myself and everyone in our community, and in fact across Ontario, has felt the loss of this outstanding police officer and community member, for Officer Atkinson truly demonstrated the best of qualities in all of his roles.

He was obviously fiercely proud of his community and looked after his neighbourhood not only in his professional capacity but also frequently on his personal time. Over his 14-year career, he received over 35 letters of recognition for a job well done and letters of appreciation from the public, as well as six divisional commendations for his initiative, dedication to duty and excellence in police work. He was an individual who took his responsibilities very seriously 24 hours a day.

The fact that Officer Atkinson was murdered is a tragedy in and of itself, but the fact that he was reaching out to protect his community, indeed his own neighbourhood, makes it even more tragic. Every Ontarian owes John a debt of gratitude for the values and principles he stood for. Windsorites are still in shock, as I know Ontarians are across the province.

I want to take a moment to pay tribute to the thousands of men and women who put their lives on the line every day to protect and enhance our communities. I think sometimes we take it for granted. Unfortunately, Officer Atkinson's death reminds us so vividly of how dangerous this work can be. Our police officers across Ontario are true public servants, and we all owe them an enormous debt of gratitude.

Our hearts go out to John's wife, Shelley, and their two children, Nicole and Mitchell. None of us here can know exactly what they are going through at this time, but I do want to express to them on behalf of this House the deep sorrow we share and our deep gratitude for the bravery, service and spirit of community shown by their husband and father.

I don't know that there are words strong or eloquent enough to capture the courage it takes to put one's self in harm's way in order to keep others safe, just as I don't know that there are words to describe what a partner, a son or daughter, a friend or a fellow officer goes through when forced to pick one's self up and carry on without their spouse, their parent or their colleague in policing. All I can say is that it is with the greatest of respect that I say thank you, John Atkinson, and thank you to all the police officers who make the ultimate sacrifice. We thank them and we thank their families for the love and support they provide to our police day in and day out.

Officer Atkinson will be missed, but more important, he will be remembered. He will be remembered as a servant of his community; he will be remembered as a thoroughly decent police officer. He will be remembered. His memory will be cherished by his entire community, but most important, he will be remembered as a father and a husband. We offer our deepest sympathies to his family.

Mr. Garfield Dunlop (Simcoe North): Last Friday, as police services from across Ontario prepared for the police memorial here at Queen's Park on Sunday, a veteran Windsor police officer was brutally murdered in the line of duty. Senior Constable John Atkinson, a 37-year-old, 14-year veteran of the Windsor Police Service, was a plainclothes officer who happened to respond to an incident that tragically took his life from him.

Any time a police officer leaves his or her home to serve the public and perform in the line of duty, they understand the danger and possible consequences. However, when we learn of an officer making the supreme sacrifice, we begin to realize what officers and their families are subjected to, day in and day out.

John Atkinson was married to his wife, Shelley, for 17 years, and they had two beautiful children: seven-year-old Nicole and nine-year-old Mitchell. John had received 35 letters of recognition and six divisional commen-

dations for his excellence in police work and dedication to his job. On behalf of John Tory, the PC caucus and all Ontarians, I'd like to extend our deepest condolences to Shelley, Nicole and Mitchell, and to all the extended Atkinson family, both those related and those in police services throughout the province. We thank John for contributing to the safety and security of his hometown of Windsor and to the beautiful province of Ontario.

Mr. Howard Hampton (Kenora-Rainy River): Today we recognize the sacrifice of Senior Constable John Atkinson of the Windsor Police Service, who died in the line of duty on Friday, May 5.

For 14 years, Senior Constable Atkinson undertook a very noble task. He donned a police uniform every day, putting himself in harm's way to keep his community safe. He was a good cop. He did his job with distinction. Over his 14-year career, he received 35 letters of recognition for a job well done, letters of appreciation from the public, and six divisional commendations for his initiative, his dedication to duty and his excellence in police work.

Sadly, on Friday, Senior Constable Atkinson was taken from his community, from the job he loved, from his friends and from his family, shot and killed in a senseless act of violence in the very neighbourhood he calls home. He was only 37 years old.

Windsor's chief of police has said that John Atkinson "was just a good person first, and a good police officer. He was an absolute credit to our community. He and his wife were—it's a tragic story—high school sweethearts. They grew up in that neighbourhood, lived in that neighbourhood," and now he has been, "killed in that neighbourhood. A tragedy."

The loss reminds all of us of how dangerous police work can be and how critical it is that we do all we can to help them.

Today is a day to mourn the loss of one of Ontario's finest. We send our deepest, sincerest condolences to the people of Windsor, to Constable Atkinson's grieving colleagues in the Windsor Police Service and, most importantly, to Constable Atkinson's wife, Shelley, his son, Mitchell, who is nine years old, and his daughter, Nicole, who turns seven years old today. Our thoughts and prayers are with you. Of Constable Atkinson, we must say, thank you for 14 years of dedicated service to your community, thank you for putting yourself in harm's way every day to protect your community, thank you for making the ultimate sacrifice to keep us safe. Thank you.

The Speaker: I would ask that all members and guests rise and observe a moment of silence for Constable John Atkinson.

The House observed a moment's silence.

1430

VE DAY

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I believe we have unanimous consent for all

parties to speak for up to five minutes to recognize VE Day.

The Speaker (Hon. Michael A. Brown): Mr. Bradley has asked for unanimous consent for all parties to speak for up to five minutes to recognize Victory in Europe Day. Agreed? Agreed.

Hon. Mr. Bradley: We join today with all Ontarians and with millions around the world to mark the 61st anniversary of VE Day: May 8, 1945. This is a day of celebration, a day on which to commemorate the victory over intolerance and tyranny, but it is also a day for deep reflection. We cannot help but remember the terrible cost to gain freedom and remember those who sacrificed their lives so that we might enjoy that freedom today.

Some 10% of Canada's population served in the Second World War. More than 54,000 were wounded, approximately 9,000 were taken as prisoners of war, and well over 42,000 lost their lives. Ontario's young men and women experienced the brutality of war in North Africa, Italy, Holland, France and Germany, as well as on the Asian front.

Their contributions are remembered by many. The liberation of the Netherlands is celebrated each year, as it was in the early days of 1945, when the Dutch poured into the streets and danced with young Canadian soldiers who had come to free them from oppression and fear. There is a forest of maple trees in the city of Groningen, the Liberation Forest, which was dedicated with a poem that reads, "To commemorate them we dedicate a forest yet / Maple leaves fell for us, lest we forget."

For many Ontarians, these events are the realities our parents lived through, and so for the so-called baby boom generation these things are part of our own personal reality, even if we did not experience them directly. With each passing generation, however, we run the risk that these events will slide from shared reality to distant history and that our young people will lose sight of what was won, what was sacrificed and what these events truly meant in human terms.

There are today fewer than 100,000 veterans of the Second World War in Ontario. Even though the average age of these veterans is over 82, many remain active and involved and continue to give to their communities. My most fervent wish is that these generations find ways to share, to learn and to keep this vital memory alive.

That is why the government of Ontario, supported by all members of this Legislature, welcomed the opportunity to partner with the Dominion Institute to provide funding assistance for the Memory Project Road Show. The road show began last May. The road show visited eight cities and touched the lives of hundreds of veterans, their families and secondary school students across the province. In the end, the oral histories and personal memorabilia of 500 veterans living in Ontario have been collected and catalogued by experts.

This morning, Second World War veterans Pauline Hebb, George MacDonell and Alfred Hurley joined us at Leaside High School for the unveiling of the online archive.

The Memory Project Road Show has created a powerful and lasting way to honour veterans. On the front lawn of Queen's Park, in the place of highest honour, the veterans' memorial is being constructed. Generations to come will be reminded of the sacrifices of the men and women who fought so valiantly for our freedom and emerged triumphant. It is with deep gratitude to those who lost their lives and those who came home to us as veterans that I observe, on behalf of colleagues of mine and all Ontarians, VE Day, May 8, 1945.

Ms. Lisa MacLeod (Nepean-Carleton): It is my privilege to rise respectfully in my place today to give solemn gratitude to the men and women who fought so valiantly for our freedom in World War II. Today, we mark the 61st anniversary of Victory in Europe Day as free citizens in a free country in this distinguished chamber. Today, we remember a day when brave souls from across Canada and around the world stood up to tyranny, stood up to hatred and stood up to oppression. And these brave souls triumphed. As Vice-Admiral Duncan Miller, chair of the Canadian Naval Memorial recalled, "Canadians were the heroes of this war, and still are from the European perspective, because that's how the war was won."

Yesterday, in the nation's capital, over 400 veterans and serving military officers remembered VE Day and the sacrifices and triumphs of the young men and women who served our country—in fact, all of the world—during the Battle of the Atlantic. No war has been fought without the deaths of brave men and women. Each victory is made bittersweet by the memory of those who died to protect us. Mere words cannot truly express the myriad feelings which Canadians have shared since that day 61 years ago, when individuals sacrificed so greatly, and the individual stories that rose from those sorrows and joys. Charlie Burgess, a veteran in his 80s who served during the Battle of the Atlantic, plainly recalled yesterday, "It was kind of rough, it was scary, but you had to live with it."

As members of this chamber pause today to remember the ultimate sacrifice made all too frequently in that great conflict, a sacrifice which will never be forgotten in Canada and in Europe, we reflect on how different our lives would be had they not stood up to tyranny and evil and had they not succeeded. We reflect on the world we live in and how it has been defined by defiance to that seemingly insurmountable force. We reflect not only on where we are but who we are, and how that conflict, as we as a people have stood up against it, has moulded our character and framed our vigilance. We reflect today on our freedom and our liberties, and we look toward a future that, because of sacrifices so long ago, is boundless with opportunities, embraces free will, and protects sovereignty over ourselves and our nation.

In closing, I would encourage all Canadians and Ontarians and every member of this Legislature to remember the sacrifices of the great men and women who served our country during conflicts around the world throughout our history, and in particular during World

War II, for it is only through their sacrifices that we have been given the opportunity to flourish as a strong nation and as strong individuals. I'm reminded of the great world leader Sir Winston Churchill, who cautioned, "A nation that forgets its past is doomed to repeat it."

1440

Mr. Howard Hampton (Kenora–Rainy River): Victory in Europe Day represents many different things to many people.

To young people, merely children, living in northern France, Belgium or the Netherlands, victory in Europe for many meant the first opportunity to taste something like a chocolate bar. It meant the first opportunity to be able to have three meals a day. It meant the first opportunity to be able to walk down the street or down the road in their local community without being challenged or without being subject to search, and in some cases deprivation.

Canadians need to remember the victory in Europe, but we also have much to celebrate in terms of the victory in Europe. Much of the history of Great Britain or the British history of the second war, much of the American history of the second war, was written early on. It was written in the late 1940s, the early 1950s. People like Eisenhower wrote their memoirs. Churchill, of course, wrote many books. Generals like Montgomery wrote their memoirs very soon after the war. Canadians, perhaps because we're a humble lot, perhaps because we tend to be quieter on the world stage, have only recently begun to write the history of what Canadians did, and it's a remarkable history. Mark Zuehlke, who is an academic and historian who lives on the west coast, has now written about five books in the last 10 years on the history of what Canadians did. Some of his research and what he has turned up is really quite remarkable.

In my hometown, there are several Canadians who are called the D-Day Dodgers because they fought most of the second war in Sicily and Italy. Mr. Zuehlke has just recently written a book about the Canadians in Italy, and there's one remarkable part where the German army had built a formidable line across the centre of Italy from the Mediterranean to the Adriatic coast. They called it the Hitler Line and they declared that it was invincible. But Mr. Zuehlke, in searching through the records of the German army, has actually found a memo from the head of intelligence of the German army in Italy at the time where he writes to his superiors in Berlin. He knows that the Americans, the British, the Canadians, the French and the Poles, who were all fighting in Italy, were preparing to attack, but he writes, "If I could only know where the Canadians are, then I know where the attack will happen." Indeed, when the attack on the Hitler Line finally came, it was the Canadians who led the breaking of the Hitler Line.

In northwest Europe, the work that Canadians did in Belgium and in Holland is perhaps some of the most formidable fighting that anyone could ever wish to think about. While the British army was given the plains of Europe and could use their tanks, and the American army

was given more or less the eastern side of France and could use their tanks, Canadians had to fight through all the canals, all the ditches, all the rivers, all the lowland, where you couldn't use tanks. You had to literally fight on the ground for every yard of earth, and in some cases every yard of mud. One of the most astounding things—and again, this is fairly recent history. Canadians actually took the surrender of the German army in northern Holland, and the lieutenant colonel of the Canadian army who picked up the commanding officer of the German army in northern Holland to escort him to the place where the peace treaty was going to be signed was immediately subjected to a barrage of questions by the commanding German officer, who was a professional soldier. He wanted to know what this lieutenant colonel had done before the war. Certainly he must have been a professional soldier? And the lieutenant colonel replied, "No, sir. I was a volunteer. I made ice cream before the war." That's also what's so incredible about Canadians: volunteers, virtually each and every one of them.

So we have much to remember and we also need to celebrate the incredible accomplishments of Canadians in Europe and the victory in Europe.

ORAL QUESTIONS

ONTARIO DRUG BENEFIT PROGRAM

Mr. John Tory (Leader of the Opposition): My question is for the Minister of Health. Last week, Alex Sundakov, a New Zealand economist, warned that your new drug reforms will pave the way for reference-based pricing in Ontario. As you know, Minister, reference-based pricing is a scheme by which the government pays for only the lowest-cost drug in a specific class, regardless of what the doctor has prescribed, and the patients are left to pick up the difference. To simplify, if a doctor wrote you a prescription for a four-door sedan, the government would cover the cost of a scooter and the patient gets the bill for the difference between the two. Patient groups have said that such a policy would have disastrous impacts on people across the province who are receiving health care from this government. Will you confirm whether or not your plan for Ontario will head us in the direction of reference-based pricing? Yes or no?

Hon. George Smitherman (Minister of Health and Long-Term Care): The answer to the honourable member is no.

Mr. Tory: I think that should go down on the record as the first one-word answer ever from this minister. But it's not satisfactory, unfortunately.

Interjection.

Mr. Tory: Well, that's fine.

The Speaker (Hon. Michael A. Brown): Order. Stop the clock. Leader of the Opposition.

Mr. Tory: Unfortunately, there seems to be some discrepancy here that we have to pursue with that answer.

Last Wednesday, you were quoted, I guess somewhat consistently with what you just said in this House, in the Toronto Sun as saying, "This is not the slippery slope to reference-based pricing." However, I have here a cabinet document from your Ministry of Health. Here's what it says, here's what the document presented to the cabinet, dated March 30, says: "The Ministry of Health and Long-Term Care identified offsets of \$286.5 million in the 2006-07 results-based plan. The offsets identified are as follows: reference-based pricing and generic pricing commitments are \$136.5 million for 2006-07 and \$150.8 million in each of 2007-08 and 2008-09."

This document clearly indicates that you and the McGuinty government are in fact going to be bringing reference-based pricing schemes in to foist them on to the patients of Ontario. Why do you insist on saying one thing publicly and here—

The Speaker: Response.

Hon. Mr. Smitherman: With all due—
Interjection.

Hon. Mr. Smitherman: You're not even in your seat and you've got that bad habit again.

I want to say in very direct answer to the honourable member, the reference to reference-based pricing that is in cabinet documents is a reflection on the idea that it was a placeholder. There's no doubt whatsoever that at a point in time, as our government sought to evaluate how we should move forward on a review and policy decisions with respect to the drug system, reference-based pricing, something that has been brought in in other Canadian jurisdictions—most of them; eight, I believe—was something, no doubt, that we did consider. A placeholder was placed against that in a numeric equation.

Since then, as our government's policy came out two or three days short of three weeks ago, we've been clear that the policy that we've implemented is not built upon the premise of reference-based pricing. It's not therapeutic substitution; no substitution in fact would be allowed. This is something that we've been able to answer very, very clearly since we've come forward with our policy and in conversations—

The Speaker: Final supplementary.

Mr. Tory: The document speaks for itself. It talks about reference-based pricing—uses those very words—and talks about savings associated with them.

Again, we have a situation here where we have patients and taxpayers being asked to pay more—they've paid hundreds of dollars in McGuinty health taxes, just within the last few weeks in some cases—in order to receive less from your government.

Am I correct, and I ask the minister to confirm, that under the scheme you have brought forward—call it reference-based pricing, call it what you want—

Hon. Mr. Smitherman: No, it's not.

Mr. Tory: Well, the document speaks for itself—the scheme you brought forward, if the two drugs are approved pursuant to the bidding process out of, say, four that bid are the ones that are approved, if a doctor prescribes either of the other two, the patients are out of

luck. It's worse than reference-based pricing because the patients will get nothing. You confirm that's true, that if a drug doesn't make your list, the patient will get nothing from the government, notwithstanding that the doctor thinks that drug is best for them. Isn't that the case on this policy?

Hon. Mr. Smitherman: No, it's not. The honourable member can stand, I guess, quite a few times for one minute at a time, and he can attempt, in an area where his knowledge is obviously quite limited, to try and draw conclusions which are incorrect.

I offer to the honourable member again, as I did last week: If he wants to run against me, come and run against me. And to set the appropriate stage for this, recognizing the necessity of being open to voters, if the honourable member would like to debate this very specific point with me on the corner of Bloor and Jarvis, as an example, I'd be happy to do it.

1450

There's no reference-based pricing in this initiative. We came forward with our policy. It was outlined. We have a piece of legislation that backs it up. In meetings with pharmaceutical companies, pharmacists and doctors, we've been clear in saying our policy is not reference-based pricing, it's not therapeutic substitution and it does not in any way give life to the scenarios that the honourable member, through some fit of imagination, has sought to bring to the floor of this place today.

The Speaker: New question. The leader of the opposition.

Interjections.

The Speaker: Order.

Mr. Tory: My question again is to the Minister of Health. Let's just pursue this again. I'm sorry that you feel you have to turn it into some kind of trivial matter involving debates at the corner of Bloor and Jarvis. The bottom line is, we're right here in the House—

Interjections.

The Speaker: Stop the clock.

I'd just remind members that I need to be able to clearly hear the questions and responses that are put forward. The Leader of the Opposition.

Mr. Tory: We're having that debate right here in the House today, and so my question is this: Is it possible, then, that drugs from a given class may be prescribed by a doctor for a given patient based on the doctor's assessment of what is best for that patient or what drug works best or works at all for that patient and, under this policy, your government will not provide funding under the drug plan for the drugs prescribed by that doctor for that patient, or are you telling us that result is not possible under your law? Stand in your place and explain it. If I'm not right in what I'm saying, then please tell us what is right.

Hon. Mr. Smitherman: I already told the honourable member after his first question that he wasn't right in the assumption, and then he continued to charge forward indicating that he believed he was, so the strategy that he outlines might have been helpful. Accordingly, I thought

it might be appropriate to offer the opportunity for the people of Ontario, on another street corner, if you choose—we could go up to Orangeville; I'm very open to travel—to have a discussion with the honourable member on substantive points of health policy for more than a minute at a time where he plays to the cameras.

The reality is clear: I said no to the honourable member; I say no again. We recognize very fully that in some classes of drugs we have six, seven or eight, and some are going to work better or differently for some patients than for others. We believe fundamentally that we have the capacity in our province to work on a case-by-case basis in each of these classes of drugs to create the appropriate conditions under which those products can be prescribed by doctors. We have no interest in interfering in that process. We do have one interest: It's getting the best price possible for the people of Ontario so that we can spend more on better drugs for our patients.

Mr. Tory: Let me try again with old camera-ready Smitherman himself, talking about cameras. You just talked about a class that would have eight drugs in it. A doctor today has the latitude to prescribe—in fact, as you well know, the doctor may well try four or five different drugs to get the right one for the patient that doesn't have an adverse reaction and is effective.

You didn't answer the question, but we'll give you another chance because you should. The fact of the matter remains—and you can deny it if you want—that under your plan people could get prescribed one of those eight drugs by a doctor and your government could decide, as a result of the process in this bill, that they don't have that drug paid for by the taxpayers. That is true, and you know it. Stand up and admit it.

Hon. Mr. Smitherman: It's simply not the case. The honourable member can spend all the time he wants trying to paint himself into a corner, but the reality is clear that there's no therapeutic substitution here, there's no reference-based pricing here. This was answered very directly at the press conference following the introduction of our policy. There's nothing he can point to in the legislation that does this.

We reserve the right, on behalf of the people of Ontario, in a circumstance where there are six, seven or eight drugs in one class on the Ontario drug formulary, to work with those providers to be able to get the very best possible price. Accordingly, we wish to be able to take whatever savings we can achieve from being recognized for the volumes we purchase and pour those resources right back into the drug program with a view to being able to create even better access for our patients to those products which are truly innovative.

This is the balance we seek to create in this bill, working with our doctors and pharmacists on behalf of patients to create better access in the Ontario drug program—

The Speaker: Thank you. Final supplementary.

Mr. Tory: The fact is that schemes like this, including the one brought in in British Columbia—and the minister will say it's a different name; the cabinet document

speaks for itself and calls this “reference-based pricing” or something of that order of magnitude. To quote Mr. Urquhart's column of February 26, 2005, in the BC case, “[T]he drugs didn't work or, worse, the side effects made them sicker. As a result, the savings to the government were offset by more visits to the doctor's office or to the hospital.”

You know full well that is going to be the result of your scheme to have you and your government determine what drugs people get instead of the doctors determining it by refusing to pay for some of them; that people in fact in some cases will get sicker, they won't get what the doctors asked for them to have and they will end up being in the hospital and costing more money. That's exactly what you're going to do. Just get up and have the courage to at least admit that.

Hon. Mr. Smitherman: It seems to me that the honourable member had a few questions too many there. The reality is, there wasn't even a question in the last part, just a minute of spewing forth a little rhetoric to try and back up a storyline that he manufactured for today and that doesn't work.

I say one more time on the floor of the Ontario Legislature, yes, no doubt whatsoever, a couple of years ago we did indicate that we were going to take a look at the policy of reference-based pricing. Accordingly, that language remains in documents that have come forward. We've brought forward our policy and we've rejected reference-based pricing. We rejected therapeutic substitution essentially because of the same challenges that the honourable member raises. But the reality is it's not in our policy, it's not in our plan, it's not in our legislation. It's not there for the patients of Ontario. We respect our patients too much. We respect our doctors too much. We respect our pharmacists too much. All we seek to be able to do is create the capacity to get the very best price for the product that we purchase so that we can expand those savings into better access to drugs for the people of the province of Ontario—something, I might add, that that party, in one year on their watch, cut.

CANCER TREATMENT

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Minister of Health. Minister, the Premier says that you are opposed to pay-your-way-to-the-front-of-the-line health care. Given that, can you explain why the McGuinty government is considering a policy where some cancer patients who have the money will be able to access very expensive cancer treatment drugs, while other patients who do not have the money will not be able to access those expensive cancer treatment drugs?

Hon. George Smitherman (Minister of Health and Long-Term Care): I'm asked to consider that as a public policy, when in a certain sense, it's just a statement of fact. It's a long-standing circumstance in the Ontario health care system that some people have had broader access to pharmaceutical product than others as a result of their own wealth or of the nature of the private drug

benefit that they have. So this circumstance is already occurring. But what we wonder is whether it is appropriate in the context of the Ontario health care system not to assist patients with pharmaceutical product, to administer that in the context of the public health care system. In other words, that in a circumstance where a patient who is quite ill seeks to use another product instead of sending them to Buffalo, as is the case right now, we might extend as far as possible the reach and the embrace of the public health care system. That is the consideration that's before us, but this situation is not one created by the policy. The circumstances are such already. We seek only—

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

Mr. Hampton: I think there's quite a difference, Minister, between someone choosing to go to Buffalo or choosing to go somewhere else, and the McGuinty government saying this is now health policy for Ontario.

You promised to fix Ontario's system of prescription drugs. You promised to ensure timely access to cancer drug treatment. The cancer advocacy centre's 2005 report card found that Ontario was the second-worst of all the provinces when it came to approving and funding cancer drugs. For example, Saskatchewan is funding nearly twice as many drugs as Ontario is in that area. Is this what you mean by fixing the problem, creating a two-tier system where those who have the money can purchase the expensive drug and have it administered in our cancer treatment centres, while those who do not have the money will do without?

1500

Hon. George Smitherman: A couple of points that are quite essential to the honourable member.

The first is that if he wants to pretend—I don't think there's room for pretending on this issue. The circumstances are clear, as they have been for a long time, that an individual's economics or their private benefits are making a difference in terms of their access to drug products. We can pretend it's not so, but it's so, and it has been that way for a long time. I get prescribed a \$100 inhaler. Some people in my riding don't have the capacity to benefit from that \$100 inhaler, and that's the reality that's there now.

When I saw that Saskatchewan was adopting this policy—and the member infers Saskatchewan—when I saw that the birthplace of medicare and the home of Tommy Douglas was looking at a policy to extend as far as possible the embrace of the public health care system in these circumstances, I thought it was one that we in Ontario should take a look at as well. Accordingly, that's what I asked Cancer Care Ontario and the hospitals to do, and soon they're going to bring me back a policy as an option. Our government will consider it at that time.

Mr. Hampton: The minister says that soon they're going to bring you back a policy. I think the policy was announced last week. The policy amounts to two-tier access to health care in Ontario.

Just to be sure, Minister, that is not the policy in Saskatchewan. Saskatchewan, which has approved all kinds of cancer treatment drugs that are not approved here in Ontario, has made one exception for a drug which they said is too expensive to approve—one exception for three individuals. That is not a policy.

What you seek to do is to put in place a policy that would see, on all kinds of cancer drugs, those who have the money get access in Ontario and those who do not have the money not get access in Ontario. Tell me, how is that not two-tier medicine under the McGuinty government?

Hon. Mr. Smitherman: There is no doubt whatsoever, except that we're dealing, in the grand scheme of things, with a very, very small number of people. The honourable member will know that in order to deal with the same circumstances, a clinic has emerged in Toronto that's providing those cancer drugs which government is not in a position to fund. I believe they said in their own paper that they've dealt with about 100 patients. Our province being 12 times or more greater than the population of Saskatchewan indicates that we are dealing with a small number of people. The honourable member wishes to try and say that that's not what they're doing in Saskatchewan, and then he offers me and all members of this House all the evidence that that is exactly what they're doing in Saskatchewan.

When we saw that, we thought that it was appropriate to take a look at it. I recognize—I'm honest; I'm clear about it—that there is a challenge here with respect to access, but it is a long-standing challenge. It wasn't created by the policy; the policy seeks to add the embrace of the public health care system and to extend it as far as possible, to the benefit of those patients, many of whom, of course, at that point—

The Speaker: Thank you. New question.

LONG-TERM CARE

Mr. Howard Hampton (Kenora–Rainy River): To the Minister of Health, in Saskatchewan, the situation exists where they specifically turned down a drug, one drug. You seek to do it across many.

But I want to ask the minister today: Seniors at Riverview Manor in Peterborough are waiting for the McGuinty government's promised long-term-care revolution. Jo-Ann Hill is a former nursing aide at the home. She says that the manor is so understaffed that she and other employees were forced to cut corners to keep up, like not having the time to bathe residents when they need a bath, like not having the time to take them to the toilet, knowing they're going to soil themselves. Does the minister think that's an acceptable level of care for seniors in our province under the McGuinty government's promised long-term-care revolution?

Hon. George Smitherman (Minister of Health and Long-Term Care): What I said to the honourable member, or perhaps someone else from his caucus who asked a question—I think the identical question—last week,

was that we've made an investment of 740 million additional dollars since we came to life as a government with respect to long-term care. We've gone so much further than that as well to enhance the regulations which guide care, to assist those who are working on the front lines. This has brought more than 2,300 additional personnel to work on the front lines of health care, delivering care to those in our long-term-care sector.

I think it's important that honourable members who feel, as this honourable member does, that the quality of care there is inappropriate should be taking advantage of the 1-800 action line. What I know for sure is that we have the capacity to very quickly respond to complaints that come in. I also know for sure that investments made across the breadth of long-term care have enhanced the quality there and that we have the capacity, with the resources being expended, to provide a very high standard of care to the people in the province of Ontario.

Mr. Hampton: Jo-Ann Hill, who was one of those front-line workers, paints a very different picture, a very troubling picture. She says, "What goes on behind closed doors, the community doesn't even want to know.... Because we were so rushed, we'd go in and if a resident looked fairly clean, we'd skip the washing.... That happens a lot. I've seen people just throw baby powder on them" to make them smell better.

Your government promised \$6,000 per resident of new funding for long-term care. All that has been seen three years into the McGuinty government is \$2,000 of that. As a result, long-term care workers like Jo-Ann Hill are saying the situation is getting worse, not better.

I ask you again, Minister: Why are seniors in nursing homes in Ontario under the McGuinty government going without the bath they were promised? Why are they going without things that we consider part of dignity under the McGuinty—

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

Hon. Mr. Smitherman: First and foremost, it seems that it's limited now to a fairly select number of people in the province of Ontario who can brush away like this \$740 million. We see it as a very substantial investment in the quality of care for those in our long-term-care homes, who are amongst our most vulnerable.

Of course, money is not the only answer to circumstances. We work very hard to change the culture in our long-term-care homes, to make them more home-like. We have sought to make sure there are family resident councils that are active in each of these instances, and we've put in place a 1-800 action line which is designed to give real response to challenges and concerns that arise. Accordingly, there are 618 long-term-care homes in the province of Ontario. In addition to encouraging local honourable members to be involved in their homes, as I know they are, I would encourage anyone in the province to call the action line if they feel that the quality of care they're receiving in a long-term-care home—

The Speaker: Thank you. Final supplementary.

Mr. Hampton: An action line is not going to fix a problem where seniors are surviving on a \$5.34-a-day

food allowance. Inmates in our jails receive at least a \$10-a-day food allowance. An action line is not going to fix the situation that Jo-Ann Hill speaks about where, despite your promises, seniors are still not getting a bath on a regular basis, where workers have to say to seniors, "I can't take you to the toilet. You'll just have to do whatever you can do." An action line is not going to fix those things. So I'm asking, when are seniors in Ontario who live in long-term-care facilities finally going to see the much-promised McGuinty government revolution in long-term care?

Hon. Mr. Smitherman: I simply just don't accept the honourable member's assertion. He's decided that he knows exactly what the level of care is in 618 long-term-care homes. I say, respectfully, I think he's wrong. Accordingly, what we say is that because we can't be eyes and ears in all these places at the same time, we create a capacity with fast response to circumstances that arise. This honourable member is talking about a circumstance that we don't support. Accordingly, residents there should call the 1-800 action line, and I assure them they will see action.

On this issue of food, all I say to the honourable member is that you like to trade off this issue between inmates and long-term-care residents, but when you were in government, you increased funding for food in 1993-94 for inmates but not for residents in long-term care.

ONTARIO COLLEGE OF TEACHERS

Mr. Frank Klees (Oak Ridges): To the Minister of Education: Your proposed Bill 78, which is scheduled to begin public hearings this afternoon, was discussed at some length on TVO's Studio 2 this past weekend by a very learned panel. Dr. Bette Stephenson, a former Minister of Education, characterized the bill as a "total capitulation" to teachers' unions. Former NDP education minister Dave Cooke said Bill 78 gives "total power" to the teachers' unions. He said, "There needs to be a balance.... The minister and the provincial government has to protect the public interest." A former Liberal education minister, Sean Conway, agreed with both of those ministers. When asked why the Liberals are doing this, he said, "I think you might want to ask the Minister of Education."

1510

So, on behalf of those three former Ministers of Education, on behalf of the public, I'm asking you: Why are you doing this? Why are you giving the teachers' unions total power—

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

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): I'm very pleased to have this question today, because this is the member, at estimates committee last week, who specifically requested that the college of teachers appear at the estimates committee. Despite no appropriation line from my ministry, we very willingly provided for the college

to appear at estimates so you could ask questions directly of the college. They attended at the estimates committee, and you put many of these questions before the executive director there.

What was very interesting was that that opportunity provided this member opposite with no more fodder because all of this hullabaloo that you were trying to purport is in this bill around the college is simply not the fact. The fact is this: There is a conflict-of-interest paragraph in this bill that you refuse to acknowledge. There is also a committee for conflict that is specifically addressed in the bill that you refuse to acknowledge. I want to ask this member: Why are you so—

The Speaker: Thank you, Minister. Supplementary.

Mr. Klees: Interesting, Minister, because, at that estimates committee, when the current chair of that committee was asked the following question, “Do you share the view that it’s essential that the college and its council is independent and not affiliated, is not dependent, is not aligned with teachers’ federations or other groups?” the current chair in that estimates committee responded as follows: “Absolutely, and I can say that without hesitation.”

Today, two former registrars of the college, Joe Atkinson and Margaret Wilson, were reported in the Toronto Star as saying the following: “To change the law to give the teacher unions control of the professional body is flat-out wrong.... Put simply, Bill 78 will pass control of the Ontario College of Teachers to the teacher unions.”

Minister, both of these individuals and the current chair say that what you’re doing is wrong. Why are you doing it?

Hon. Ms. Pupatello: I do notice that it hasn’t taken long for this member to get back to the old days of that government bashing teachers. I will stand very proudly and say that we are in serious work, in partnership with the teaching profession, to make changes to our education system, for one good reason: the betterment of our students. That’s the difference between your government and your history and ours.

You know full well that our bill significantly addresses the concept of conflict of interest at the college. I would ask this member opposite why it is that you’re happy to see that nurses, in fact, make up 54% of their college or that social workers make up 66% of their college. What have you got against teachers? Why do you continue to bash teachers at every opportunity?

We will stand for a college that protects the public interest, and that’s what Bill 78 does.

NORTHERN HEALTH TRAVEL GRANT

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Minister of Health. Flora Cameron of Thunder Bay is worried her personal finances will not see her through a waiting list for a life-saving lung transplant here in Toronto. Flora was forced to travel some 1,400 kilometres to receive a lung transplant in Toronto without

any help for her accommodation as she waits here and undergoes treatment before the lung transplant can be performed.

Minister, do you agree that seniors should not have to go bankrupt while waiting for an organ transplant that will save their lives?

Hon. George Smitherman (Minister of Health and Long-Term Care): Of course, we are participating, through the northern health travel grant, to do our very best to support those individuals who must come to the south in search of care. We recognize that, wherever possible, we wish to offer services in the north, reflecting the vast distances that people are forced to travel.

In our province, we know that we have some serious challenges with respect to all the support that’s necessary for those who are, if I could use the word, languishing on waiting lists for organ donations. We know this is a serious challenge, and accordingly indicated here in this House earlier that we’ve got to bring together some eminent Ontarians with a view to dramatic enhancement of our capacity in this province to properly support those who are on transplant lists. I don’t have a more direct answer at this moment. It’s a complex subject that will require resources, of course. I especially want to thank the member from Thunder Bay–Superior North, who first brought this issue to my attention.

Mr. Hampton: The situation hasn’t changed. Mrs. Cameron is here. She is taking part in a treatment program that is advised before undergoing a lung transplant. But she’s in a very difficult situation: Her own personal finances may run out before she can have the transplant.

It seems to me that there ought to be a strategy, an initiative, a plan to ensure that people don’t bankrupt themselves before they can actually access the surgery. We’re not talking here about tens of thousands of Ontarians; we’re not even talking about thousands of Ontarians. We’re talking about a situation where it may be hundreds in a year.

Does the McGuinty government have any plan, any initiative, anything to offer or provide to people like Mrs. Cameron, who is running out of money as we speak?

Hon. Mr. Smitherman: We have obviously not inherited a program—the situation, of course, is not new. We have not inherited a program with respect to those in the north as part of the inherited legacy of the Ministry of Health. We recognize very, very clearly that there are many, many hardships there for individuals who are waiting on transplant lists, and indeed for individuals who, as living donors, might be willing to offer up an organ. We have more opportunity and an obligation to do more.

I don’t have an announcement today; I’m candid about that point. I would say, in this instance, that community has been responsive to this patient’s needs by raising some support. We support those efforts very much. We thank people for them, and we want to encourage more of it. Similarly, there are important organizations in Toronto that are working to assist people with their costs. We can look at these on a case-by-case basis, but obviously that’s an interim measure. We have an obligation to come

forward with a more comprehensive policy. That work is under way. What we'll be—

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

STUDENT LITERACY

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex): My question is for the Minister of Education. In my riding of Lambton–Kent–Middlesex, at Holy Family Catholic School in Wallaceburg, the staff have initiated a research project to see whether boys will develop better reading skills if they get to pick their own reading materials. This project is being funded by the boys' literacy teacher inquiry, which is an initiative of your ministry.

As parents know, boys don't necessarily make developing good reading skills a top priority for themselves. Minister, could you tell me what other initiatives you have undertaken to develop boys' literacy skills?

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): I'm very pleased to see the leadership that this member shows in education. I was happy to travel to her riding to see the commitment from education leaders and their support for this member.

On this very important initiative, we need to get boys reading just as much as girls are reading, and we've got a number of attempts to do so: recognition and motivation by engaging people like sports leaders and role models to get out there and tell boys that not only is it okay to read, but we want you to read; resources for teachers and schools, reaching out to boys in ways that will work to engage them in reading and provide them with the resources to do so. Our literacy and numeracy secretariat is doing tremendous work to coordinate those efforts among all of our schools. Finally, additional funds where some of our scoring has shown we really do have to bolster support for our boys—we've identified these schools and added \$5,000 each just for additional material that might be required.

1520

Mrs. Van Bommel: Thank you, Minister, for your leadership in this particular issue, and especially on the front of rural education in my riding.

But of course, boys aren't the only stakeholders in our education system, so could you tell me what your ministry is doing in terms of literacy and numeracy for all our students?

Hon. Ms. Pupatello: I think all of us know by now that we've got some significant goals that we not only want to reach but will reach by 2008-09. To date, we now have 2,000 schools that have smaller primary class sizes, one of the most significant benefits for our young kids from JK to grade 3, and we are moving forward with that initiative. In addition, we have had 10,000 elementary teachers take additional training in instruction around literacy, writing and math. Again this summer large numbers of teachers are registering for summer programs where we will continue this very important training for

our teachers. We have 160 successful locally developed programs running across our schools, through our boards, funded by \$18 million from the Ministry of Education.

More work to do, but we are making great strides and we appreciate your support.

ENERGY FROM WASTE

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): My question is for the Minister of Energy. Two of the biggest challenges that we face in Ontario today are our energy supply and the issue of dealing with waste. In an article in the Toronto Star by Kerry Gillespie, you're quoted as saying, "There are jurisdictions throughout the world that use energy from waste.... They have (as) rigorous environmental standards as we do, in Europe, so if they can do it, the question is: Why can't we?" says Energy Minister Donna Cansfield."

Two things: Would you first confirm that this is an accurate quote of yourself, and confirm that this is the position of the McGuinty government and the Premier regarding energy from waste? Would you confirm those two questions, Minister?

Hon. Donna H. Cansfield (Minister of Energy): Yes, the quote is what I said. I also said that there are new technologies around gasification in the future that might be there in the year 2015.

I think you've heard the Minister of the Environment stand up many times and say they're open to new technologies. All she asks is that they're clean and that they do not interfere with reduce, reuse, rethink and recycle.

Mr. Yakabuski: Let me clarify, then, Minister. You're confirming that it is the position of this government that you will investigate and, if necessary, embark upon a program that generates energy from waste. Is that the position of your government? Please confirm that, Minister.

Hon. Mrs. Cansfield: Maybe I could help a little bit, just so the member understands. We actually do produce energy from waste now. They're called landfill gas sites. But I'll go on to say that the Minister of the Environment has stated before that new technologies, as they emerge, would be looked at, and if in fact they are clean and they do not interfere with reduce, reuse, recycle, they're open to entertaining those.

FRENCH-LANGUAGE EDUCATION

Mr. Peter Kormos (Niagara Centre): A question to the Acting Premier: People across Ontario are deeply concerned about the state of FSL, French-language training, here in Ontario. This past weekend your former Minister of Education, the purported MPP for Parkdale–High Park, Gerard Kennedy, announced that he's moving himself and his family to Quebec to learn French. I say to you, people are thinking that Ontario's French-language training must be pretty abysmal in our community colleges, our universities and our schools if a sitting MPP abandons the community he represents and turns his back

on his constituents and their concerns by leaving Ontario for Quebec to learn French. What do you think?

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I thought Rosario would be asking this.

Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs): Yes, I was surprised about that as well.

After all of that, I think that our government has made it very clear that providing access to French-language services for students in our schools and for people in our community is very much a priority. We've made investments. We're certainly very proud of the commitment we've made to the French-speaking community in Ontario. We'll continue to do all that we can to work with the community to ensure that French-language instruction is available to them in their community when it's convenient.

Mr. Kormos: Thank you, ma'am. But the problem is that it's the former Minister of Education who appears to have lost faith in Ontario's French-language programs. Maybe he should just resign as MPP for High Park. If Mr. Kennedy is leaving his riding for Quebec to pursue personal ambitions like learning French for a federal leadership bid, maybe he should give up his MPP perks, his MPP offices, his MPP resources, his MPP staff and his \$1,600-a-week MPP salary. Acting Premier, what do you think?

Hon. Mrs. Dombrowsky: I'd like to thank the honourable member for the question, because it does give me an opportunity to talk about the fact that our government recognizes the very unique needs of the francophone students in the province of Ontario. For that reason, we have invested \$140 million to support French-language education and students in the province. Also, we have announced a permanent task force to enhance French-language student success, which demonstrates our government's commitment to providing all students in the province with a quality education in their first language.

These developments in the area of French language are particularly significant this year as we mark the 20th anniversary of French-language services in the province of Ontario. We will continue to work with the French community, with our French-language stakeholders, to ensure that we are meeting their needs in areas that are convenient for them where they are needed.

The Speaker (Hon. Michael A. Brown): Thank you. New question. The member for—no props. Take that prop. Put it down.

The member for Ottawa—Orléans.

ONTARIO ECONOMY

Mr. Phil McNeely (Ottawa—Orléans): My question is for the Minister of Economic Development and Trade. Last month saw another excellent job performance for the Ontario economy. Four years ago, Ontario's unemployment rate was over 7%. In the Ottawa area, the unemployment rate four years ago averaged 7.5%. Minister,

can you please share with us how the Ontario economy performed last month?

Hon. Joseph Cordiano (Minister of Economic Development and Trade): I want to thank the member for the question. Indeed, the Ontario economy performed rather well last month, creating 23,800 jobs in the month of April. That brings it to a total of over 253,000 jobs created since October 2003, when this government took office. For the first four months of 2006, employment is up by 105,300 jobs, bringing the current unemployment rate to 6.2%, the lowest level in five years. Doug Porter, deputy chief economist at BMO Nesbitt Burns, had this to say: "Ontario's job-creation performance in the last two months has been nothing short of astounding."

The credit goes to the hard-working people of Ontario and Ontario businesses, and I would remind all members of the House that that is who we have to thank for this stellar performance of Ontario's economy.

Mr. McNeely: Thank you for that update, Minister. As you know, the high Canadian dollar has had an impact on manufacturers all across the country. The dollar is now at 90 cents, with some people forecasting parity with the US dollar next year. Minister, how are Ontario manufacturers responding to the high dollar, and what has our government done to assist them?

Hon. Mr. Cordiano: In fact, manufacturers continue to face a challenge, but in the month of April the number of new manufacturing jobs created was 10,400. That followed the month of February, where in fact 12,500 jobs were created in manufacturing. So it's not all doom and gloom; there are some positive signs. In fact, many of the manufacturers have used the power of the high dollar to purchase equipment and indeed improve productivity. That's up by 5.2% in the year 2005.

Our government has announced recently the advanced manufacturing investment strategy, designed to assist manufacturers. In addition to that, we propose to eliminate the capital tax by 2010, if our revenues allow for that, and there's an immediate reduction, as of January 1, 2007, of 5%. This will help manufacturers get over this transitional period. But we also look to the federal government to assist Ontario manufacturers, and I challenge them to come forward with—

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

1530

MUNICIPAL ELECTIONS

Mr. Tim Hudak (Erie—Lincoln): A question for the minister responsible for democratic renewal. Dalton McGuinty campaigned on a promise to "let the public decide how elections work." Once in office, Dalton McGuinty has decided to break that promise by reducing the frequency of local elections without consulting the general public. To date, no minister, no member of this House, has stood in the Legislature to explain why they're making this change. Besides, it's hidden deeply among unrelated finance measures in Bill 81.

I'd say to the minister, this does not sound like you. It does not sound like the minister responsible for democratic renewal. Please tell me what consultations your ministry has done to support this change—or is it another Dalton McGuinty broken promise?

Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal): Just when I was getting happy that I was actually getting a question, this is Minister Gerretsen's question, the Minister of Municipal Affairs and Housing.

Hon. John Gerretsen (Minister of Municipal Affairs and Housing): First of all, I'll tell you what we're not going to do. We're not going to pass a Fewer Municipal Politicians Act, which is what that government did, in a matter of two weeks without any kind of hearing. Basically, they got rid of thousands and thousands of dedicated, hard-working, local politicians throughout this entire province without any say whatsoever. That's what we're not going to do.

What we are going to do, subject to the will of the Legislature, is give municipal councils a four-year term in exactly the same way that people at the federal and provincial levels usually have a four-year term, except in the case of a minority government. We are going to show the same kind of respect to our local politicians as people generally across this province give to provincial and federal politicians. That's what this is all about.

Mr. Hudak: I want to register my disappointment that the minister for democratic renewal did not answer this question. I am going to refer to her website. She has something called the "Democracy Challenge—Welcome

"The democracy challenge.

"Inform. Inspire. Engage.

"Are you interested in real, positive change for a stronger democracy? Do you have ideas on how to get young people excited and engaged in our democracy?"

Minister, I certainly do. Why don't we take schedule H out of Bill 81, have it as a stand-alone bill and consult with young people, municipal politicians and taxpayers across the province of Ontario? Minister, I'm asking for your support. As the minister for democratic renewal, will you accept my challenge in response to your democracy challenge initiative?

Hon. Mr. Gerretsen: As this member well knows, the Association of Municipalities of Ontario, which speaks on behalf of nearly every municipality of Ontario, and the city of Toronto have both passed resolutions in the past on numerous occasions to extend the term of office for locally elected politicians to exactly the same way as it is for provincial and federal politicians; namely, four years.

This is what we're doing with this act. It's something that has been endorsed by numerous—indeed, hundreds of municipalities across this province. I believe that the people of Ontario are going to be well served by it because the people who will be serving us locally will have a longer period of time to be involved in some long-range planning for their communities, which is so direly needed in order to have the quality of life that all of us seek in the communities that we live in.

EDUCATION FUNDING

Mr. Rosario Marchese (Trinity-Spadina): I have a question to the Minister of Education. In a March 2005 article by Louise Brown in the Toronto Star, former Education Minister Gerard Kennedy said he would provide special funding for classes in black cultural heritage that can, in his words, "make a big difference to students' sense of identity." However, the provincial government provides absolutely no funding for these programs.

We have today representatives from the coalition for black culture, the association for black education and the association of parents for black students. When can they expect the funding to arrive?

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): Let me take an opportunity, on behalf of all members of the House, to welcome our guests into the Legislature. We know the important role that you play in our school system and we welcome you here.

I'm also aware that, I think the middle of last week, I received a request for a meeting with, I believe perhaps, most of the individuals who are here today. I hope that we're going to be able to have that meeting very soon and I appreciate that request for a sit-down discussion.

On the matter at hand, I do believe that these individuals, who have known the school system perhaps longer than I have as a new minister elected a month ago now—what is very important for us is that as part of our pledge, not only through the election platform but now as we're moving forward as government, is the institution of a curriculum council specifically to address what should be addressed in our curriculum. This is a significant part of that conversation. In addition, I believe that these groups have things that they would like to address with me and I will be in a position to hear them.

Mr. Marchese: We all know that Kennedy is gone and we also know there was no response from the former minister. There has been, evidently, no response from the bureaucrats. I'm happy to hear the minister is going to arrange for a meeting. That's good.

As a result of Kennedy's promises, the Toronto District School Board opened more black cultural heritage classes. At a time when programs for young black youth are essential for developing their self-knowledge, creative development and self-esteem, do you intend to keep Kennedy's promise as quickly as possible and fund these programs?

Hon. Ms. Pupatello: The member opposite is very aware, as we have spent so much time together through the estimates committee and I have continued to reiterate, that all of the school boards, 72 school boards across Ontario, are now waiting for grants, the grants for student needs that are due out within these next 30 days. That is more than \$17 billion of an over-\$18-billion ministry that is going to school boards for a whole variety of programming. I will tell you that in these next 30 days, the Toronto school board, which is actively involved with

the individuals who are here in the House, will be receiving significant information about their funding. I hope that everyone can wait about 30 days.

TOURISM

Mrs. Carol Mitchell (Huron–Bruce): My question is for the Minister of Tourism. Minister, as the weather changes and becomes warmer, the constituents of my riding are getting ready to enjoy the spring and summer months. We're anxiously awaiting the warmth and to welcome our many guests that we will be receiving in the riding of Huron–Bruce. Most people have begun planning now for their summer vacations, and in my riding of Huron–Bruce, we have many exciting events planned throughout the spring and summer months. I want to give you just a few examples: We have the Kincardine Scottish Festival, the Zurich Bean Festival, the Huron County Playhouse, the Blyth Festival. We have Pumpkinfest in Port Elgin. We have the most beautiful sunsets in the riding of Huron–Bruce. Why, you can see the sun set twice in two spots in my riding. Goderich, take the opportunity—it is the prettiest town in Canada. Bayfield, Southampton, but—

The Speaker (Hon. Michael A. Brown): Minister of Tourism?

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I've been waiting for a question such as this. Ontario is a province full of attractions, festivals and cultural events. In the coming months, there are great things happening throughout the province that are sure to attract thousands of visitors. In the next few weeks theatres across Ontario, including the Stratford and Shaw festivals, will be opening their doors for their summer seasons. Visitors will have a wide variety of performances to choose from from across the province, from Drayton to Morrisburg, Port Dover to North Bay.

As well, festivals small and large are happening all over the province. This week visitors can head up to Ottawa to take in the blooms of the Canadian Tulip Festival, which is on from May 4 to 22, or sample culture and food from around the globe at the 38th annual Niagara Folk Arts Festival, happening May 12 to 18. Virtually every town has something. Go to www.ontariotravel.net for further details.

1540

Mrs. Mitchell: Thank you, Minister. I can tell you that it does seem like Ontario is the place to be in the coming months, not only the riding of Huron–Bruce but all of Ontario.

I see that Ontario has recently launched a new cultural tourism marketing campaign that has reached over 55 million people in Ontario, Quebec and the United States. That highlights the cultural renaissance that is happening right across Ontario.

According to Statistics Canada, 75% of Ontario's tourists are from within Ontario's borders, and many of those people are looking for new and exciting travel

experiences close to home. Yes, there are many things that we can come and look at, but let me just talk about Huron–Bruce—our sunsets.

Minister, what is our government doing to attract Ontarian tourists, as well as visitors from outside our province—

The Speaker: The question's been asked. Minister.

Hon. Jim Bradley: I want to tell you and all members of the House that our government is investing in tourism in Ontario. In addition to the funding that our government provides for festivals and events across the entire province, our agencies are attracting tourists through their regular seasonal events and their special events.

This summer, Ontario Place will host the Rogers Chinese Lantern Festival. This exclusive North American premier of never-before-seen traditional Chinese lanterns will light up Toronto skies for 65 nights this summer. The festival will bring to life an authentic Chinese marketplace, cultural performances and thousands of traditional art and red silk lanterns. Our government has committed \$500,000 towards bringing this once-in-a-lifetime festival to Ontario.

Another example: Fort William Historical Park in Thunder Bay will host, for a second year in a row, Rock the Fort from June 16 to 18. There are many other things happening. All of our agencies have exciting and interesting programs and events to attract visitors from Ontario, Canada and from beyond this summer.

HUMAN RIGHTS

Mrs. Christine Elliott (Whitby–Ajax): My question is for the Attorney General. Minister, the only information that we've received so far with respect to the funding for your proposed new human rights system is a vague answer that you gave to the media concerning \$1 million-plus being committed to this project. In your legislation, you've also proposed the establishment of two new bodies: the Anti-Racism Secretariat and the Disabilities Rights Secretariat. You also announced a legal support centre, which was markedly absent from the legislation. Can you be clear with us about how you intend to fund three new bodies when the justice sector budget is flatlined until at least 2008-09? Clearly, \$1 million isn't going to cut it. Can you please tell us where is the plus, how much is it and how's it going to happen?

Hon. Michael Bryant (Attorney General): Let me start by saying that there's no question that providing public legal support through the human rights legal support office is a critical component of the human rights reforms that we have brought forward to this Legislature, the debate of which will begin today. There's no question that as we propose movement to a direct-access system which, in the words of the NDP task force chair, Mary Cornish, is a consumer-oriented—one might say victim-oriented—system, we need to ensure that we have the supports there for them—absolutely, no question, full stop. This is something that needs to be entrenched by way of legislation. We certainly look forward to getting

that recommendation from the official opposition. This is a debate. We are looking for recommendations. We anticipate that this should go to committee as soon as—

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

Mrs. Elliott: There are currently 2,400 human rights complaints under review in Ontario. If your bill is passed in its current form, this would subject all of these Ontarians to the new legislation, many of whom are under the impression that they would continue to be able to get legal aid certificates to continue with their complaints. Since your legislation gives us no indication of where the funding is going to come from, can you please tell these 2,400 people what you plan to do with them now that there's no guarantee that their complaints will be dealt with without paying their own way?

Hon. Mr. Bryant: This is the very problem. The official opposition asks about the state of legal representation right now. There is basically no legal representation whatsoever provided to a complainant who goes before the Human Rights Commission or the Human Rights Tribunal—zero. There are very, very, very few legal aid certificates that are provided. Right now, the way the system works is, the Human Rights Commission takes over a complaint and then it takes about five years to get a resolution.

But if the member is asking about budgets and funding, I'm sure she'll want to acquaint herself with her government's record when they were in power. Between 1995 and 2003 we saw cuts after cuts after cuts. The contribution made by the very party that brought in the Human Rights Code in 1962—for the past 15 years, the party and that government has turned its back on the human rights system. I welcome the newfound interest in it, and I look forward to this debate.

PETITIONS

SPEECH AND LANGUAGE SERVICES

Mr. Ernie Hardeman (Oxford): I have here a petition that was sent to me by Carol Harrison. It's regarding speech and voice therapy. It's to the Legislative Assembly of Ontario:

“Whereas over one million Ontarians of all ages suffer from communication disorders relating to speech, language and/or hearing; and

“Whereas there is a growing need for awareness of the profound developmental, economic and social consequences that communication disorders have on people and their families; and

“Whereas persons with communication problems require access to the professional services of audiologists and speech language pathologists who provide treatments to improve and enhance quality of life; and

“Whereas effective treatment of communication disorders benefits all of society by allowing otherwise

disadvantaged persons to achieve their academic and vocational potentials; and

“Whereas investments in treatments for communication disorders pay economic dividends in reduced reliance on other social services,

“We, the undersigned, in conjunction with the Ontario Association of Speech-Language Pathologists and Audiologists, call on the Legislative Assembly of Ontario to proclaim the month of May as Better Speech, Language and Hearing Month.”

It's signed by a great number of my constituents in and around Oxford county. I affix my signature, as I agree with the petition.

IDENTITY THEFT

Mr. Tony Ruprecht (Davenport): I do keep getting petitions from the Consumer Federation of Canada. The petition reads as follows. It's addressed to the Parliament of Ontario and specifically 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 literally 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) Credit bureaus should only report inquiries resulting out of actual applications for credit and for no other reasons.

“(4) Credit bureaus should investigate any complaints within 30 days and correct or automatically delete any information found unconfirmed or inaccurate.”

Since I agree, I am delighted to sign this petition.

SPEECH AND LANGUAGE SERVICES

Mr. Jim Wilson (Simcoe-Grey): I want to thank Laurett Tulipano, who's a speech language pathologist from my riding, for sending me the following petition.

“Petition to the Legislative Assembly of Ontario:

“Whereas over one million Ontarians of all ages suffer from communication disorders relating to speech, language and/or hearing; and

“Whereas there is a growing need for awareness of the profound developmental, economic and social consequences that communication disorders have on people and their families; and

“Whereas persons with communication problems require access to the professional services of audiologists and speech language pathologists to provide treatments to improve and enhance quality of life; and

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“Whereas effective treatment of communication disorders benefits all of society by allowing otherwise disadvantaged persons to achieve their academic and vocational potentials; and

“Whereas investments in treatments for communication disorders pay economic dividends in reduced reliance on other social services;

“We, the undersigned, in conjunction with the Ontario Association of Speech-Language Pathologists and Audiologists, call on the Legislative Assembly of Ontario to proclaim the month of May as Better Speech, Language and Hearing Month.”

I agree with the petition and have signed it.

COMMUNITY MEDIATION

Mr. Bob Delaney (Mississauga West): I would like to acknowledge the Cimicata family on Carmel Crescent in Mississauga for this petition. It's addressed to the Ontario Legislative Assembly, and it reads as follows:

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

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

“Whereas the city of Mississauga and the town of Caledon have endorsed the Peel Community Mediation Service, and law enforcement bodies refer many cases to the Peel Community Mediation Service as an alternative to a court dispute; and

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

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

This is an excellent petition. I agree with it completely. I'm pleased to affix my signature and to ask page Patrick to carry it for me.

EDUCATION FUNDING

Mr. John O'Toole (Durham): I'm pleased to present a petition on behalf of Michael Orr and many others. It reads as follows:

“Whereas the Ontario government already fully funds 93% of faith-based schools in Ontario, but the remaining 7% receive no funding, solely because they are not Catholic;

“Whereas the United Nations Human Rights Committee ruled in 1999 and again in 2005 that this arrangement is discriminatory and violates basic international human rights law that Ontario formally agreed to uphold;

“Whereas all three parties represented in the Legislature support Catholic separate school funding, as guaranteed by the Constitution of Canada, so that the only fair and viable solution to the discrimination is to extend funding to the small religious minorities that are currently excluded;

“Whereas the Supreme Court of Canada has ruled that Ontario has the constitutional power to provide funding to non-Catholic faith-based schools;

“Whereas Ontario is the only western democracy that fully funds faith-based schools of one religion to the total exclusion of all other religions, while all other provinces except the Atlantic provinces fund faith-based schools and have thriving public school systems;

“Whereas the cultural survival of the affected minority groups is at stake;

“Whereas faith-based schools produce responsible and productive citizens; and

“Whereas the Multi-Faith Coalition for Equal Funding of Religious Schools in December 2004 submitted to the Minister of Education a detailed proposal for the funding of non-Catholic faith-based schools in a manner that is fair and accountable and protects and enhances the public interest;

“We call on the Ontario Legislature to pass legislation to provide equitable funding in respect of all faith-based schools in Ontario without religious discrimination and without any reduction in funding for public education, with accountability requirements and standards in place to ensure that the public interest is safeguarded.”

I'm pleased to present this on their behalf, and present it to Gemma.

LONG-TERM CARE

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): I have a petition here from Résidence Champlain de l'Original and the Sarsfield Colonial Home.

“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).”

MACULAR DEGENERATION

Mr. Garfield Dunlop (Simcoe North): This is a petition on macular degeneration. Dr. Tim Hillson from Orillia helped me with this petition.

“To the Legislative Assembly of Ontario:

“Whereas age-related macular degeneration (AMD) is the leading cause of blindness in the elderly and is present in some form in 25% to 33% of seniors over the age of 75. AMD has two forms: the more common ‘dry’ type and the ‘wet’ type. Although the wet type occurs in only 15% of AMD patients, these patients account for 90% of the legal blindness that occurs with AMD. The wet type is further subdivided into classic and occult subtypes, based on the appearance of the AMD on special testing. Photodynamic therapy, a treatment where abnormal blood vessels are closed with a laser-activated chemical, has been shown to slow the progression of vision loss in both subtypes of wet AMD;

“Whereas OHIP has not extended coverage for photodynamic therapy to the occult subtype of wet AMD, despite there being substantial clinical evidence demonstrating the effectiveness of this treatment in patients with either form of wet AMD. Untreated, these patients can expect a progression in their visual loss, with central blindness as the end result;

“Whereas affected patients are in a position where a proven treatment is available to help preserve their vision, but this treatment can only be accessed at their own personal expense. Treatment costs are between \$12,500 and \$18,000 over an 18-month period. Many patients resign themselves to a continued worsening of their vision, as for them the treatment is financially unattainable. The resultant blindness in these patients manifests itself as costs to society in other forms, such as an increased need for home care, missed time from work for family members providing care, and an increased rate of injuries such as hip fractures that can be directly attributable to their poor vision.

“We, the undersigned, petition the Legislative Assembly of Ontario to fund the treatment of the occult subtype of macular degeneration with photodynamic therapy for all patients awaiting this service.”

I’m pleased to sign this petition and present it to Elliott to present to the desk.

LONG-TERM CARE

Mr. Tony Ruprecht (Davenport): I do again receive petitions about the Portuguese home. I’m delighted to read this petition to you. It’s addressed to the Legislative Assembly of Ontario and it reads as follows:

“Whereas Portuguese Canadians number 171,545 in the Toronto census metropolitan area, many of whom encounter serious barriers (language, culture and location) to accessing community and long-term-care services; and

“There are no long-term-care homes dedicated to the needs of Portuguese Canadian seniors; and

“Camões House for the Aged and Portuguese Community Centre of Toronto is proposing a partnership with a local long-term-care provider to purchase up to 160 existing beds in the Toronto area (for a nominal fee) to develop a Portuguese Canadian long-term-care home in Toronto. This partnership is tentative and is dependent on the approval of the Ministry of Health and Long-Term Care;

“We, the undersigned, petition the Legislature of Ontario as follows:

“We encourage the Minister of Health and Long-Term Care, his staff, and members of the Legislature to support the Camões proposal and to make the appropriate administrative and policy changes required to develop a Portuguese Canadian long-term-care home in Toronto.”

Since I agree with this petition 100%, I’m delighted to sign it.

MACULAR DEGENERATION

Mr. Garfield Dunlop (Simcoe North): I have another petition on macular degeneration.

“To the Legislative Assembly of Ontario:

“Whereas age-related macular degeneration (AMD) is the leading cause of blindness in the elderly and is present in some form in 25% to 33% of seniors over the age of 75. AMD has two forms: the more common ‘dry’ type and the ‘wet’ type. Although the wet type occurs in only 15% of AMD patients, these patients account for 90% of the legal blindness that occurs with AMD. The wet type is further subdivided into classic and occult subtypes, based on the appearance of the AMD on special testing. Photodynamic therapy, a treatment where abnormal blood vessels are closed with a laser-activated chemical, has been shown to slow the progression of vision loss in both subtypes of wet AMD;

“Whereas OHIP has not extended coverage for photodynamic therapy to the occult subtype of wet AMD, despite there being substantial clinical evidence demonstrating the effectiveness of this treatment in patients with either form of wet AMD. Untreated, these patients can expect a progression in their visual loss, with central blindness as the end result;

“Whereas affected patients are in a position where a proven treatment is available to help preserve their vision, but this treatment can only be accessed at their own personal expense. Treatment costs are between \$12,500 and \$18,000 over an 18-month period. Many

patients resign themselves to a continued worsening of their vision, as for them the treatment is financially unattainable. The resultant blindness in these patients manifests itself as costs to society in other forms, such as an increased need for home care, missed time from work for family members providing care, and an increased rate of injuries such as hip fractures that can be directly attributable to their poor vision.

“We, the undersigned, petition the Legislative Assembly of Ontario to fund the treatment of the occult subtype of macular degeneration with photodynamic therapy for all patients awaiting this service.”

I'm pleased to sign this and present it to Gennaro for presentation to the table.

1600

MOTIONS

COMMITTEE SITTINGS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): Mr. Speaker, I seek unanimous consent to revert to motions for the purpose of moving a motion respecting the standing committee on social policy.

The Acting Speaker (Mr. Michael Prue): Mr. Bradley seeks unanimous consent. Is there unanimous consent? Sorry, I thought I heard a no, but I thought I heard it come from back here. Is there unanimous consent? Agreed.

Hon. Mr. Bradley: I move that the standing committee on social policy be authorized to meet until 6:30 p.m. on Tuesday, May 9, 2006, for the purpose of conducting public hearings on Bill 78, An Act to amend the Education Act, the Ontario College of Teachers Act, 1996 and certain other statutes relating to education.

The Acting Speaker: Mr. Bradley has moved that the standing committee on social policy be authorized to meet until 6:30 p.m. on Tuesday, May 9, 2006, for the purpose of conducting public hearings on Bill 78, An Act to amend the Education Act, the Ontario College of Teachers Act, 1996 and certain other statutes relating to education. Shall the motion carry? Carried.

ORDERS OF THE DAY

HUMAN RIGHTS CODE AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT LE CODE DES DROITS DE LA PERSONNE

Mr. Bryant moved second reading of the following bill:

Bill 107, An Act to amend the Human Rights Code /
Projet de loi 107, Loi modifiant le Code des droits de la
personne.

Hon. Michael Bryant (Attorney General): I am very pleased kick off second reading debate on this bill. I don't think I can do any better than to refer to the words of a former chief commissioner of the Ontario Human Rights Commission, a professor at Ryerson University, Catherine Frazee, in a letter of April 5, 2006, that she wrote to, in her words, her “colleagues in the social justice movement.”

“Nearly 15 years ago the people of Ontario spoke about the pressing need for human rights reform....

“Was anyone listening?” she asked.

“Until now, it would seem that no one else was listening. Until February of this year,” when the government announced its intended changes, the result of which is Bill 107 that's before us today.

“Reasonable people will disagree about the precise shape that change should take.” She goes on to say, “The issue of the moment is not the question of whose views will prevail on the nuts and bolts questions of human rights reform—crucial though these questions may be. What matters at this moment is that we seem to have the attention of the government of the day,” she writes, “an on-the-record commitment and a timetable for reform this spring. I urge my colleagues in the social justice movement, for whom I have nothing but the greatest of affection and respect, not to squander this opportunity,” she writes.

Just one more sentence. She said: “But please, let's not demand another public consultation that can become one more excuse for government inaction. We can have full, open and accessible public hearings on the basis of tabled legislation.... But let's remember that every day of talk takes us one day further away from the moment of political resolve, one day further away from reforms now at least 15 years overdue, and still counting.”

Again, that's from Catherine Frazee, a former chief commissioner of the Ontario Human Rights Commission, who is a leader in her field.

It is helpful because it very much frames the debate in which we're in. There is, I would argue, a note of anguish and concern in her letter, and the anguish is simply this: For many, many years, there has been talk within social justice circles and the human rights community of the need for updating and modernizing our human rights system. I think it would surprise most Ontarians to learn that our human rights system has never been changed since it was introduced in 1962. The concern I think being expressed quite explicitly by Catherine Frazee and by many others is that here is our opportunity to undertake those necessary changes, and there is a great concern, as opined by Ms. Frazee, of the possibility of the opportunity being squandered.

So this debate is a very, very, very important debate, but this legislative debate is the beginning of a very positive opportunity. Remember, Ms. Frazee wrote her letter before the bill was introduced. I would imagine that she is very supportive of the fact that there is a bill before us for us to debate. I would submit that the direct-access-plus-public-support system that is put forward by this

government, and that this bill ought to receive the support of this House at second reading—of course, second reading being support, or not, in principle for the bill—and that the very, very important questions about, as she puts it, the nuts and bolts of human rights reforms—very important questions—have to be addressed and will be addressed, and quite specifically will be addressed in the province-wide public hearings that will begin once we are able to get this bill to committee for those province-wide public hearings, but that we be clear on what we're debating here. I take up the submission and question and plea from Ms. Frazee and suggest that the debate is about whether or not we should reform a 40-year-plus-old system, recognizing the changes to the human rights system that have come and adopting a direct-access-plus-public-support model.

There are those who disagree with that model, and I understand that. I don't agree with them, but I understand that. But let's not mix up the debate over the nuts and bolts of this model with the debate over direct access, because I say to you that the direct-access-plus-public-support model enshrined in this bill is better for Ontario human rights, full stop. The debate about the nuts-and-bolts implementation of this is an important debate, but we ought not to squander the first opportunity in the name of the second question.

1610

I guess the first thing I should do is say: Why would we change the system—simply because it's 40 years old plus? Is that good enough reason to change it? Well, let me give you this picture. The Human Rights Commission takes in about 2,500 cases per year. The commission refers to the tribunal, on average, 50 to 100 cases per year. At most, 6% of the complaints that come forward find their way to the tribunal. The average length of time for a case to be referred to the tribunal is three to four years, and then it takes approximately a year for the tribunal to do its work. That's an average of five years for a matter to be resolved.

The great concern is—and the Speaker knows this, and many members in this House know this as well—that if, as MPPs, we have a constituent come in and tell us about something that happened to that constituent, that their employer or prospective employer said or did, that a landlord might have said or done, that government might have said or done, we have to tell them, "The MPP has a role to play here, but really you need to take your complaint to the Human Rights Commission." Our heart sinks a little bit because we know that there will be no justice for that complainant for about five years. Years pass, witnesses go elsewhere, evidence goes elsewhere; sometimes complainants go elsewhere. Five years is truly justice chronically delayed and justice denied.

How did this happen? The 1962 system imagined a certain number of complaints coming forward to the commission. The kind of complaints that came to the commission were, in many cases, different from the kind of complaints that come to the commission today. Remember, in 1962, Robarts is Premier, Bill Davis is a

backbench MPP and the leader of the official opposition is a very young man and the leader of the third party is a very young man. They're both about eight and 10 respectively. Of course, there's no Canadian Charter of Rights and Freedoms. The model that was put forward by Premier Robarts was that most complainants coming forward to the commission are not going to be versed in their human rights, are not going to be able to—the argument goes—direct a complaint in a particular direction, and because of the state of civil rights in Ontario at that time—and there was no human rights commission in existence in the country—the commission will take over the complaint.

Many of these complaints were very straightforward. Most of them involved explicit discrimination—not systemic discrimination; explicit discrimination. Over time, the commission, which initially had been charged with two functions, (1) dealing with complaints and (2) promoting human rights, became completely and utterly overtaken by the first mandate, and that is dealing with complaints. Eighty-seven per cent of the commission's budget is spent on processing, mediating, litigating and witness statement taking around complaints—87% of the budget.

So the ability of the commission to undertake preventive efforts to promote human rights, which was the second part of its mandate, has been extremely marginalized. Notwithstanding that, the commission has done a remarkable job. The mandatory retirement bill that came before and passed this Legislature: Arguably the impetus for that was a Human Rights Commission report. The Human Rights Commission has come forward, time and time again, with reports that have led to government change of all party stripes, but the commission's ability to deal with those matters that don't come before the Human Rights Commission by way of complaint is seriously curtailed when in fact such a small part of its budget ends up being spent on matters of prevention, government policy and systemic investigation.

So the system right now is broken. I don't just say it; Mary Cornish, in her report, which I will get into in a moment, has said it; the Honourable Gérard La Forest, former justice of the Supreme Court of Canada has said that of this commission and other commissions that include these kinds of delays. The United Nations Human Rights Committee has, time after time after time, castigated provincial and federal governments for not making amendments and putting forth reform necessary in order to provide for direct access. Many, many people—I just cited Catherine Frazee, and others who I'll cite in a moment—have said we need to make those changes, we need a direct access system, because the current system isn't working.

The statistics, as I say, speak for themselves. I should say also that a discussion paper was released quite helpfully by Ms. Cornish. It was prepared by Fay Faraday and Mary Cornish. It's called Ontario Introduces Legislation to Reform Human Rights System. It is quite extensive. It responds to this bill and it asks a lot of very

tough questions that I think we're going to be debating today, hearing from people on and trying to remedy during the committee stage of debate of this bill. Ms. Cornish chaired a task force that was commissioned by the NDP government. The report came out in 1992. Basically, silence was the response to that report by that government then and by the subsequent government. That report and its recommendation is in many ways the inspiration for the reforms here today.

One of the concerns expressed by Ms. Cornish is that the commission is not consumer-oriented. Of course, it acts in the public interest, and the men and women who work in the commission are utterly devoted to a human rights system and utterly devoted to improving the human rights system. There's no question about that. They're working within a 40-year-old-plus human rights construct. In this discussion paper, Ms. Cornish points out that, "The commission's role is to act as an impartial third party representing the public interest. It does not act on behalf of the complainant. The commission does not provide legal representation for either complainants or respondents." So if people are imagining that we're moving from a system where they get legal representation to a system where they're not, they're just flat out wrong. They're just mistaken. In fact, there is only legal representation right now for those who can afford it and for a very small number of people who are able to obtain legal aid certificates. The vast majority of people who bring forward a complaint get no legal representation and we are replacing it—and this is the point—we are seeking to replace it with a system where they do get legal representation, where you don't have a matter taken over by the commission and thereafter become a bystander, but you in fact are provided with legal representation and then you direct the complaint, as with every other complaint that comes before our justice system in the administrative law world.

There are other statutory straitjackets that the commission currently exists in, but there are also some myths about exactly how the commission works. One of them is that everybody gets legal representation. In fact, nobody gets public legal representation. She goes on in her discussion paper to say, "The commission is not required to deal with all complaints on their merits. The commission can, without a hearing, decide that a complaint will not proceed." This "without a hearing" is the whole point, arguably, of direct access—direct access to the human rights tribunal, which is being proposed in this bill, where you don't go to the commission, wait four years, be one of the 6% of cases that goes before the tribunal and then wait another year to get the results. Instead, you get your day in court. For many, many people, that day in court, that due process is very much part of the justice that they are seeking. Yes, they are seeking a remedy, but they also want to be heard and they want to get their day in court, not five years down the line. That's why we say we're shortening the pipeline for complainants between complaint and hearing and response. We do it in the name of giving that direct access, not only to massively

reduce delays in the system and get rid of the duplication in the system at every part, but also to give people that hearing that 94% of Ontarians who go before the human rights system don't get.

1620

The vast majority of people who go to the commission don't get that day in court. So what happens? You go to the commission, witness statements are taken and you become a witness in the proceeding. Again, as Ms. Cornish says in her discussion paper, "Because relatively few claims are referred to a hearing before the tribunal, human rights enforcements happen out of the public eye through the mediation-conciliation-dismissal process. This lessens the systemic impact at rectifying discrimination."

There are two changes here that address the issue of systemic discrimination. If all the complaints that come before the tribunal are at least given the opportunity for a hearing—some people may decide they don't want to have a hearing, and some people may decide they want it to be mediated—you're not going to have 94% of complainants not getting a hearing. That means that all those complaints that come before the Human Rights Commission right now and are resolved behind closed doors result in either no written decision at all from the Human Rights Commission—again, it's not their fault; that's the way the statute and regulations work—or a boilerplate decision is offered.

Because it happens behind closed doors and you don't get a full decision at the end, it is very unfortunate but also a reality that some businesses—not all, but some—see human rights complaints to the commission as just a cost of doing business. Why? Because they're not going to be before a tribunal with the media sitting in the gallery, watching their behaviour; they're not going to have their practices considered in an open tribunal by the Human Rights Commission. It's going to be done through a number of witness statement-taking exercises that happen behind closed doors.

So first, you're going to have transparency in a system, which means that if someone brings a complaint against a respondent and you choose to defend yourself, you're going to have to defend yourself in public. That will help address systemic issues.

But more importantly, what about everybody else who doesn't go to the commission? We hear that 2,500 cases come to the commission every year. We hear that about 6%, at most, get a hearing from the tribunal. What about the thousands, maybe millions, of Ontarians who don't go to the commission? What about them? Who's going out there to determine whether there's systemic discrimination affecting their workplace or their situation at the hands of government, of business or of housing? Who's doing that right now? The Human Rights Commission has a very hard time doing that right now, when about 13% of their budget is devoted to that, and much of that gets taken up by government policy analysis and their annual report.

Imagine a Human Rights Commission that can go out and find the glass ceilings that aren't coming to our

human rights system; imagine a Human Rights Commission that can reach out and remove barriers for Ontarians with disabilities who don't go to our human rights system; imagine a Human Rights Commission that can take on sometimes very politically sensitive issues and pursue them with a rigour of investigation and report, which right now we haven't even contemplated. What about all that discrimination which currently goes entirely and completely unchecked by our human rights system? Under this proposal, the commission will focus its task on just that. It will focus on prevention, public education and policy analysis. It will be able to focus on the systemic, and it will have the stick that it needs.

I don't mind telling anybody who cares to ask that our chief commissioner, Barbara Hall, had very strong feelings about the ability of the commission to have the power to bring someone, or a business or government, to the tribunal, so that as she and the commission go forth and root out discrimination and alert businesses to their non-compliance with statutes, for example, they can't just brush it off and say, "Oh, whatever. I'll just have to deal with the publicity." They're going to know that if the commission isn't satisfied, they'll have to answer for the allegations of systemic discrimination before the Human Rights Tribunal, and the commission will be able to intervene on those complaints before the tribunal where the commission says, "Yes, that actually is an example of systemic discrimination that we're either working on now or have worked on or ought to be working on."

Those are very important tools of the commission. It is a sword that the commission can use to ensure compliance, but it is also a shield against those who suggest that the commission become solely a reporting body. It's not just reporting, not just analysis, not just public education, not just investigation that the commission would do under this new model. It's also a sword, a very powerful sword, a very powerful tool that it will be able to exercise before the Human Rights Tribunal.

Some of the tough questions that have been asked by Mary Cornish and others include, "You need to define that better in the legislation, in this bill that you have before you." That is exactly what we need to address in committee. But again, let us not mistake the debate over the clarification and nuts and bolts of the new model that's being presented for a rejection of the model in this legislation that is before this House.

Ms. Cornish, as I say—again, the report is authored by Fay Faraday and Mary Cornish—in her discussion paper asks a lot of very good questions. But she begins with this: "The current Ontario government ... have committed themselves to achieving a truly accessible and effective system and they should be commended for that." You don't have to commend me, Speaker; that's okay. "While Bill 107 is a major start in that direction"—she then goes on to ask the tough questions, but Bill 107 is "a major start in that direction," and Bill 107 seeks to bring in this direct access model that many have been asking for for a very long time.

Who else is asking for the direct access model? John Fraser, the executive director of the Centre for Equality Rights in Accommodation, writes on May 4, "The present human rights system does not work for our clients in any way. The move to a model where all complaints can proceed to the Human Rights Tribunal with publicly funded legal supports, and where the commission can focus on what it does best—public education, research, advocacy and public interest complaints—is a huge step forward. In our view, Bill 107 could produce one of the most advanced and progressive human rights systems in the world."

Ruth Carey, executive director of the HIV and AIDS Legal Clinic: "I applaud the government's legislation to reform the human rights system. Human rights and community groups have asked for this for many years. We welcome this government's commitment to human rights."

Joel Richler, chair of the Canadian Jewish Congress, writes that the Canadian Jewish Congress "applauds the government for the proposed creation of an anti-racism secretariat and a disability rights secretariat within the commission. We look forward to working with the Ontario government on the key details in this new legislation and subsequent regulations, ensuring continued access to a practical remedy in human rights cases for everyone in this province."

Kathy Laird, director of the Advocacy Centre for Tenants Ontario, writes that these reforms are "long overdue."

Mary O'Donoghue, constitutional, civil liberties and human rights chair of the Ontario Bar Association, writes in a press release in February of this year, "The changes proposed are timely and well designed to solve current system problems.... Ontario will reap long-term benefits from these changes. We applaud the plan to permit direct access for complainants to the Human Rights Tribunal, as we believe that this will greatly enhance access to justice for those who believe that their human rights have not been respected."

1630

A Toronto Star editorial said, "The long overdue reforms are welcome."

Raj Anand, former chair of the Ontario Human Rights Commission, has also been arguing for a direct-access system and is supportive of the model.

Again, the debate is about which model to embrace. The current one with its inherent delays and its approach to human rights complaints that does not reflect the modern reality of discrimination in Ontario to the extent that it does not permit for systemic discrimination hearings before the tribunal in a meaningful way—right now the system responds. It responds to complaints that are brought forward to it—2,500-plus complaints are brought to it. But it doesn't reach out and say, "Here's an area of systemic discrimination that we need to highlight. We need to either embarrass government or embarrass this business or this industry," and then, if they won't comply "We'll take you to the Human Rights Tribunal with new,

more powerful remedies contained in this legislation and we will root out that injustice.” Right now, it is purely an ad hoc response to complaints brought forward to the system.

So I argue that in fact the direct-access model with public supports, an invigorated Human Rights Commission with an arguably new focus—but in many ways a return to a focus on the promotion of human rights—along with the entrenching through this bill of the long-standing and critical commitment of the Human Rights Commission to issues affecting Ontarians with disabilities and Ontarians who are victims of racial discrimination by establishing an anti-racism secretariat and by establishing a secretariat devoted to Ontarians with disabilities—just so we’re clear, there’s an accessibility secretariat established in a different ministry, but that is a secretariat intended to ensure compliance with legislation affecting Ontarians with disabilities. It is there for the long term to ensure compliance. It doesn’t deal with those matters that amount to violations of the Human Rights Code, and it doesn’t deal with matters affecting systemic discrimination.

I know that at least one member of the Ontarians with disabilities committee has argued that we ought to put off debate over human rights reforms until 2025. That’s the date on which the accessibility legislation is to be implemented in its entirety. I disagree. I do not think that we should wait another 20 years to debate and have the opportunity to make changes to a system for which changes have been asked for 15 years and which has seen no change in some 40 years.

The purpose of a direct-access system, I have said before, is partly to address the delays and the inability of the commission to deal with systemic issues, but it is also partly to provide access to those, give that due process and give timely justice to those who appear before the Human Rights Tribunal.

I’ve cited a number of people in support of this model, but I want to pause with respect to some of those endorsements and respond to a particularly invidious line of inquiry that has been brought by both of the opposition parties in trying to label some the people who support this model as somehow acting in their on self-interest. Those who support this have been dismissed as lawyers by the leader of the official opposition and by the justice critic in the third party. Certainly, the former chief commissioner of the Ontario Human Rights Commission, Catherine Frazee, doesn’t happen to share the profession that is being castigated here.

But I want to say something about the people who work in the human rights system. Believe you me, if they wanted to act in their self-interest, they would be in a different area of law. They would be practising something else; they would not be in the area of human rights. People who work in the human rights field, who have devoted their careers, their talents and their energies to that area, do so out of a spirit of social justice and for assistance, trail-blazing, championing in many cases the underdog, people who are victims of human rights dis-

crimination. I think it would be helpful in the debate going forward if that really invidious line of argument did not play the prominent role it has played thus far, because it does not, firstly, in any way characterize the people who have lent their name and support to this social justice reform.

It also, of course, provides a clever distraction from the real debate, which is: Is this direct-access-plus-legal-support model in the public interest, and is it going to serve those Ontarians better? I have said before, again and again, and I’ll say again: The men and women who work at the Human Rights Tribunal and who work at the Human Rights Commission and who work in the human rights community, either as part of their profession or not, are devoted to human rights. But we’re not doing these reforms for them, and this human rights system is not in place for them. It is supposed to be here for the victims of discrimination. These human rights reforms are brought in the name of victims unheard, or unheard for many years. We ought not to get distracted, I think, by those nuts-and-bolts questions that deal with the actual people working in the system when all of those people, in my respectful submission, are totally dedicated to human rights in the province of Ontario.

There has also been an effort by some to suggest that we’re going down the path of British Columbia in their human rights reforms. They provided direct access all right, but they didn’t provide any legal supports, and they got rid of the Human Rights Commission. They eliminated it. They didn’t embolden it, as this does; they didn’t expand it; they got rid of it. But the suggestion that Ontario is pursuing the BC model is entirely misconstrued.

It was quite helpful, I thought, in a discussion paper by Mary Cornish which is not uncritical, that she refers to whether or not Bill 107 adopts the British Columbia model. She says, “The model that has been introduced in Bill 107 is not similar to the British Columbia model, which has been strongly criticized by human rights advocates.” So rather than, again, imagine that we’re doing something that we’re not, let’s focus on the direct-access model and ask those important questions about the nuts and bolts.

The opportunity to make these changes obviously does not come along very often. The NDP government established a task force: the Cornish report. The recommendations were entirely ignored. The previous government chose not to embark on any human rights reform that I am aware of at any time in the eight years in which they were in office. The budgetary decisions made by the previous two governments also speak for themselves.

But this is an opportunity, which does not come along very often, to have that debate about a new model and a new system—a new system that will see access to justice for Ontarians where now there is none; a new model that will seek to remove the duplication that takes place and increase the transparency in not only what happens when the decision comes out but what happens during the hearing itself.

1640

It's also an opportunity, in some ways, to return the commission to its roots and its focus on promoting the human rights of Ontarians while, at the same time, recognizing that, since 1962, when boards of inquiry had to be set up after the Human Rights Code and the commission were established to deal with those complaints that could not be resolved by way of mediation, eventually resulting in the Human Rights Tribunal—that that progression, as society changed, as the complaints changed and as the nature of discrimination changed, has led to the need for these reforms. Many, many people have been calling for these reforms for many years.

I look forward to hearing dissent on the subject of a direct-access model. Obviously some people disagree. I've been told by a very respected member of the human rights community—he said to me point-blank, "I'm fundamentally opposed to a direct-access model." Well, this is a debate about the direct-access model. I say to you that those who work in this field—past human rights commissioners have called for this very proposal. A task force brought together people in the sequel to the task force, a very extensive discussion paper by the same author. People who work in the system every day are calling for it, but we can agree to disagree on that and then also move forward to a debate—an important one, with important questions asked about the nuts and bolts as to how this system works.

I started with a lament from Ms. Frazee with respect to her concern about more public consultations. Granted, as I understand it from this letter, she is supportive of the province-wide public hearings that will be launched as soon as this bill completes debate at second reading and can go to the committee stage. She said, "[L]et's not demand another public consultation that can become one more excuse for government inaction. We can have full, open and accessible public hearings on the basis of tabled legislation."

To those who say that the consultation has been inadequate, I think it is quite appropriately and entirely addressed in Ms. Cornish's discussion paper where she outlines multiple meetings that the ministry had with people. I understand that the opposition sometimes, when they disagree with a bill—and I know because I was in opposition and I remember this. Sometimes you disagree with a bill. But instead of saying, "No, no. I'm against direct access; no, no, I don't want that," and instead of saying, "No, the status quo works well," you say, "We need more public consultation." I know we'll hear that.

I just want to say, though, that there is a time where something has to come here, and we have an opportunity, as MPPs representative of our communities, to debate issues. If we'd had more and more public consultations, public hearings, task forces and studies, which we've had before, to precede the introduction of this bill, I say to you: This bill would never have hit the Legislature and the debate would go on and on.

We haven't had a case where a previous government introduced a bill of this type at least in the last 15 years

where we actually did have an opportunity to debate it. So I say, of course the charge will be levelled by the opposition that there hasn't been enough consultation on this. I say that there have been decades of consultation on this. But in any event, all right, fine; now we get an opportunity to have a debate.

I look over and I see one of the deans of the Legislature, who is a big believer of having important debates in the Legislature and not outside of the Legislature, and I agree with him on that. The committee hearings will be critically important where these very specific questions that are being asked now will need to be answered by the time the committee hearing stage is complete and we have an opportunity, if we get there, to go to clause-by-clause amendments without presuming to imagine that the Legislature will go there, although I hope it does.

In the words of Ms. Frazee, let's remember that every day this continues, while these are important days of debate, we need to come to a decision point on this. We need to say, "Yes, that system is broken and we need a new one, and this one looks like it's going to address the major flaws of the current system."

In 1962: Robarts, Premier; Bill Davis, backbencher. None of us in this House was in the Legislature, which means that from Mr. Sterling and Mr. Bradley right through to the class of 2003, we have spent our entire political lives hearing about problems with the human rights system. I say to this House that now is our opportunity to fix it.

The Acting Speaker (Mr. Michael Prue): Questions and comments?

Mr. Norman W. Sterling (Lanark-Carleton): This bill, the Human Rights Code Amendment Act, is the kind of legislation that should not, in my view, involve heavy partisan debate. It's the kind of legislation where it's very difficult for any government to reach proper balance when dealing with justice issues.

I had very early experience in my parliamentary career, as a parliamentary assistant to the Attorney General in 1977-78—a long time ago—to deal with many new reforms in law that were brought forward during a minority Parliament at that time. The debate and the committee hearings were extremely good, because there was a constructive atmosphere in the committee room and in the Legislature. One of the great things about a minority Parliament is that the opposition has to take a responsible position because, in the final analysis, they hold the votes in the House and they hold the votes in the committee.

My druthers on this kind of legislation when there's a majority government would be for the Attorney General to have sent this bill out after first reading. As you may remember, when I was the House leader, we changed the standing orders to allow a minister to do that. The advantage of doing that, for government purposes, is for the government to come to the Legislature, to come to the committee of the Legislature, and say, "Anything can be changed in this bill if good arguments are put up." The problem with carrying this bill forward after second

reading is that people start to entrench themselves in particular positions that may or may not sustain themselves after they hear committee representations.

I look forward to a constructive debate on this and to constructive committee hearings. Let's hope we improve the Ontario Human Rights Code as a result of that process.

Mr. Peter Kormos (Niagara Centre): I want to make it very, very clear that New Democrats are adamantly—adamantly—opposed to the proposition being put forward by the Attorney General and the Dalton McGuinty Liberals today. The complete dismantling of the Ontario Human Rights Commission, with its skilled, trained staff and the service it has provided over the course of decades, is a thoroughly objectionable exercise by this Attorney General and this government at this point in time when the role of that commission has never been more important, in view of the incredible diversity of our society and the regrettable failure of us as a provincial community to reject racism and abolish racism, to reject discrimination and abolish discrimination.

This is the privatization, the Americanization, of human rights advocacy here in the province of Ontario, and New Democrats want no part of it. To talk about a right under the Ontario Human Rights Code when the person seeking justice, the person seeking redress, has to retain private counsel is a mockery. It's a right when, in fact, there will be no right, and there certainly won't be righting of any wrongs. For the Attorney General to say, "Oh, well, the commission doesn't provide lawyers," is to suggest that the victims, by virtue of the crown attorney prosecuting their case—of course it's not their personal lawyer, but it's their advocate in a litigious process. New Democrats look forward to this debate and to committee hearings.

1650

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): I've spent the last hour or so, or something just less than that, listening to the Attorney General very carefully in his opening comments.

I was particularly struck by a couple of things. One is the whole issue of how long it's been—legislation around human rights has been in place more than 40 years and, as I understood it, it's some 15 years since there's been a variety of consultations, papers, white papers and others trying to move the agenda forward. In each of those instances, government failed, for whatever reasons, to act on a series of recommendations that came forward. I want to commend the Attorney General and the government for bringing legislation forward that clearly sets out and articulates a strategy of direct access so those with complaints will be able to have those complaints heard, certainly in a more timely fashion than is the current situation.

I listened carefully to his comments about how people want to have access to justice. Often it's not the outcomes at the end, but the opportunity to have that access to a system in a very public way that's important to the complainant, to ensure that those views are heard

even if, at the end of the day, their desires are not met. So I want to commend him for bringing this forward at this point in time, desiring to see this move through second reading debate so that it can move into the public realm yet again, in a more formal fashion, and his desire, as is the desire of those in the social justice community, to see this matter dealt with through legislation and, if successful, have the yardsticks move forward; at the very least, to have the yardstick move to today after some 40-plus years.

Mrs. Christine Elliott (Whitby–Ajax): There are three points that I would like to make concerning the Attorney General's comments this afternoon.

The first one is, I certainly agree with him that there's no question that with any legislation that's been outstanding for 40 years and hasn't been reviewed and modernized to reflect the needs of our modern and diverse community, that certainly needs to happen, and the sooner, the better.

Secondly, it's also clear and there's no question that there are many groups that have been involved leading up to the passage of this legislation. There has been some consultation, but there are many people who are involved and have been deeply involved with passing human rights legislation and working on human rights issues for many years, and this is too important an opportunity to pass up to just get it done. We need to get it right, which means we need to have full consultation. My recommendation is that any committee hearings are not going to be adequate unless the minister agrees to broaden the scope of amendments beyond those which are traditionally allowed and allow for reasonable amendments. That's one point.

With respect to the issue of legal representation, while it is true that there has not been legal aid provided in many situations where human rights complaints are being pursued, it perhaps wasn't as important under the old system as it will be under the new system, because the commission is going to be relieved of its investigatory and public prosecutorial abilities under this new legislation, which makes it all the more important, because people will be otherwise left with nothing, that they need to have this essential legal aid assistance.

Finally, there's no guarantee that people will actually get a hearing under the tribunal, under the new system. There is the ability on the part of the tribunal to either accept or reject the hearing of a complaint, and the complaints won't proceed unless they are allowed to by the tribunal. There's also a wide variety of methods in which the tribunal can proceed, and it is to proceed in the most expeditious way possible. The question is, for whom?

The Acting Speaker: The Attorney General has two minutes in which to respond.

Hon. Mr. Bryant: I want to thank the member for Pickering–Ajax–Uxbridge, the member for Lanark–Carleton and the member for Whitby–Ajax for their comments. The nature of the member for Whitby–Ajax's comments and her question today indicated a desire to

ask tough questions about the nuts and bolts of this, and I appreciate that. I also appreciate, by the way—all members of this House—that in my debate I enjoyed a heckle-free 40 minutes or whatever it was, and I certainly want to reciprocate.

One thing the member for Lanark–Carleton said, which obviously the justice critic for the NDP disagrees with, is that this ought not to be a partisan debate. I agree with the member for Lanark–Carleton: It ought not to be, but clearly the NDP has chosen to make it so.

The motivation and direction for the NDP's position on this issue is entirely political. It is not the nuts and bolts and the substance of it. Helen Henderson, the Toronto Star's disabilities columnist, has written two columns, one saying firstly that this rights debate has been marred by Chicken Littles—we heard that from the justice critic for the NDP—and a second column which again asks very tough questions in it, but said this:

“Everyone agrees change is needed.” The government “has delivered promising ideas for efficient, effective, accessible justice.” The government “has nothing to lose by listening and learning. Public consultations this spring could translate into strong legislation on human rights reform this fall.”

I entirely agree. The government can and will benefit from public hearings, but let us do this. Let us take this opportunity to in fact bring forward to this House for a vote a stronger human rights system for victims of discrimination.

The Acting Speaker: Further debate?

Mr. Robert W. Runciman (Leeds–Grenville): At the outset, I'd like to indicate that I'll be sharing my time with the member from Whitby–Ajax, who was a highly respected lawyer prior to entering the assembly a few weeks ago as the result of a by-election. She will be having carriage in this legislation for our caucus, and she will get into more of the detail surrounding the intricacies of the legislation. My comments will be more general in nature. I'm talking about my observations as an MPP over my years in this place with respect to the operations of the commission and the tribunal.

I don't often agree with the current Attorney General, but I do share his view that a change with respect to this is long overdue. Of course, he couldn't escape spending some time patting himself on the back with respect to this initiative; I think self-congratulation is a character trait of the Attorney General. In any event, I do agree that it has been long overdue. I guess our difference, and he predicted it, would be with respect to how this was carried out.

When he was first appointed to cabinet, he was assigned responsibilities for democratic renewal. For some reason, those responsibilities have been taken from him. Perhaps actions belie words with respect to how this and other initiatives have been carried forward by the Attorney General.

1700

I share the view of my colleague from Lanark–Carleton to some degree concerning the initiative that

could have been carried out through first reading, so that we could have had more extensive consultation prior to the legislation coming into the House. His argument, which I think is a valid one, is that that would have given the government opportunities for extensive input without tying it into specific language. That's one of the drawbacks, I agree, based on his experience around this place and mine. Once legislation is tabled for first reading and we go through second reading, which we're beginning today, it's a more difficult proposition for any government to dramatically alter the direction they have decided to take. We have seen occasions—it happened within our own government—when significant amendments did come forward through the committee process, but it's a rare occurrence. Governments are loath to make those kinds of admissions of error or misdirection once they've gotten to the stage of going through and completing second reading debate and having a vote and seeing a referral to committee. So first reading would have been an opportunity to do that.

I think as well, in talking about democratic renewal and providing members of this assembly with more extensive opportunities to debate significant initiatives like the reform of human rights legislation, that this is the sort of thing, from my perspective, that could and should have been referred to a select committee of the Legislature. There are significant roles that we have seen select committees play over the years, whether on the energy file or on a range of other important initiatives, which involved members of this Legislature from all walks of life and from all corners of the province.

In my view, what happens in situations like this, where the Attorney General has made reference to a group that was involved in providing input, is that you get vested interests; you get people with a particular bias who tend to staff these committees that have been appointed by the government of the day. I think it colours the final version that comes forward, and you don't hear from the ordinary Joe or Jane, if you will, in terms of what their concerns would be. The member from Whitby–Ajax will be speaking in terms of the party line. I'm giving you more my views as a layperson and as someone who has had to deal with complaints over the years—not too many in my office, but certainly a number. I wouldn't say it's on a regular basis, but over the course of the year I make a number of referrals of constituents to the Human Rights Commission.

One of the problems I see, again from sitting back and observing their activities over the years—and I know that in many respects they are performing worthwhile duties and responsibilities in providing support and assistance on many occasions to people who otherwise simply wouldn't have that support and assistance. But it often bothers me, in situations—and these are perhaps anomalies; they're not the normal course of activity of the Human Rights Commission. But one jumps out at me, I guess because I lived around the corner from this place and enjoyed access to the facility which others, for reasons of disability, were unable to access and a complaint

was filed. I'm talking about the Uptown Theatre on Yonge Street south of Bloor. The Human Rights Commission, apparently based on a complaint—I don't know if this was self-initiated; I can't recall that specific detail. It was a beautiful old theatre; I think one of the largest, if not the largest seating theatre remaining in the city of Toronto. They were ordered to install, I believe, an elevator, escalators and so on—they may have had an escalator; I think it was an elevator—and the cost was going to be very prohibitive in terms of all the changes and capital investments that had to be made. The theatre said, "We simply can't do this. We can't get enough return on the investment to justify continuing the operation of the theatre. As a result of this ultimatum, we have to close the theatre." I think that's a real loss to the community, and it's regrettable if the government of the day—an arm of the government—says, "We're going to require you to do this."

You provide a service. You provide an attraction to a municipality that has some benefit to the municipality, has some benefit, over the years, to thousands and thousands of people. If a government or an agency of the government is going to make a decision that is going to obligate you to make a decision to close and no longer provide that benefit to a great many other people in the community, perhaps there is an obligation upon the government to participate in making it make sense from a financial perspective. That's the sort of thing that always gets lost in the shuffle. There's no opportunity for that sort of option to be provided. That's the sort of common-sense approach that I would like to see taken to these decisions.

They may be few and far between, but that's certainly one that jumped out at me, because I was one of those part-time residents of the city who enormously enjoyed that theatre over some 20 years and felt it was a service, if you will, a benefit, if you will, to thousands and thousands of people. And also providing employment for a significant number of people—students as well who were able to gain employment there on a part-time basis. All of that was lost because of a requirement by the Human Rights Commission to make a significant investment. Again, I say that those are the kinds of things that if we could build in—and I don't know how we do that. Perhaps it's through the appointment process—I'm not sure—but it would be helpful if we could see some sort of commonsense approach and perhaps some monies available to address those, I think, legitimate concerns that the folks who have to respond to the decisions made by the commission—and many of them certainly are not out to do harm to the community or to those who are less fortunate in society. They are doing business in a way that they have been doing business for many, many years, and now, faced with the realities of society's desire to provide those kinds of services to all in our community, sometimes simply can't for financial reasons or other reasons respond in an adequate way. Perhaps we have to look at providing them with some kind of support or assistance to be able to do that without penalizing them

and penalizing in many respects a great number of other people who are affected by those decisions.

We can also talk about the funding issues. It was interesting that our critic for this legislation, the member from Whitby–Ajax, posed a question to the Attorney General today about funding and the changes that are being made, and the only public commitment he has made to date apparently is an additional \$1 million. I believe it's a topping up of \$1 million on an annualized basis. She rightfully pointed out the three new bodies being created under this legislation. How are they going to be appropriately funded? As we all know in this place, it's question period, not answer period. The Attorney General avoided answering the question and got into political rhetoric and talking about the past, as they are wont to do on a very regular basis in this place, rather than dealing in specifics with how he's going to accomplish these objectives that he's laid out in the bill. I don't think he made any reference to it in his contribution here this evening, either.

I think those are important questions which at some point along this path I believe he or his representatives are going to have to spell out in some detail. Certainly when the bill goes to committee that question is not going to be as easily escapable as it perhaps is in one- or two-minute responses during question period. I think it is a valid question if you look at the issue of monies and the projections of the government with respect to the budget in the justice sector for this government being flatlined. The member for Whitby–Ajax mentioned that.

1710

We also know that a few months ago, when a document called Justice Modernization was somehow found in the hands of the media and some of the recommendations there were made public, the Attorney General and his colleague the Minister of Community Safety had signed off on recommendations to cabinet that would have seen \$339 million cut from the justice budgets of both the Attorney General's ministry and the community safety and corrections ministry. How does that jibe with what we're hearing here today? When that became public knowledge, especially in the wake of all of the gun crime in the city of Toronto last summer, the government panicked, I guess, and refused to accept the cutback recommendations of the two justice ministers. Now we have him here indicating that we're going ahead with these changes, which are going to create new bodies in government, but again failing to tell us where the monies are going to come from.

If they flatline the budget, that would suggest to any casual observer that the monies are going to have to come from some other part of the ministry. I think we have a right to know what is the projected cost of the creation of these new bodies on an annualized basis and, if this is not new money, where the Attorney General is suggesting those monies are going to come from. What programs or agencies of the government are going to suffer as a result? I think those are legitimate questions that require a response.

There is no question—I said this from the outset—that problems have been around at the Human Rights Commission for some time, especially the backlog. I would suggest this is not unique to the Human Rights Commission; we see it in a number of other agencies. The Criminal Injuries Compensation Board, which we hear has a backlog of 10,000 cases, is another agency that falls under the responsibility of the Attorney General. So hopefully the minister will be moving on that one in the not-too-distant future as well.

Some issues have been raised as well about the independence of the commission, the fact that it does answer to the Attorney General, and the appointments to the commission. The chair may be a Premier's appointment; I'm not sure. But the members of the commission themselves are all order-in-council appointments from the Attorney General. Again, it's a very politicized structure, with people who have and can have—I shouldn't say "who have," but who can have clear biases that reflect the political position, the ideology, of the government of the day. You may say, well, that's appropriate. I'm not sure that that is appropriate in this specific case. It might be more appropriate to have the human rights chair be a servant of this place, like the Provincial Auditor, as an example, and reporting back on an annual basis to this place rather than to a politician, a member of the executive council. I think it, again, may tend to colour the approach taken by the chair in terms of his or her responsibilities to be more reflective of the political will of the government of the day. Is that the sort of thing that we wish to see occurring here? I would suggest that it may well not be. That's the sort of issue that I think is worthy of being the subject of discussion and debate as we go forward with this legislation.

I know we'll be hearing more again about consultation. There was a long list of individuals and organizations and firms who felt they were not consulted or were totally ignored in the process towards development of this bill.

Certainly one of the most critical that I've seen was the African Canadian Legal Clinic. They were, I think, deeply offended by the remarks of, I gather, the Premier, in reading this letter, where the Premier had indicated that the Attorney General had consulted with the organization on the bill. The writer, Margaret Parsons, indicates that this is not true and that either the Premier was misinformed by the minister or something happened in terms of the messaging. I'm quoting from this letter, which I'll provide for Hansard afterwards:

"The African Canadian Legal Clinic has not been consulted at any time by the Attorney General.... To the contrary, we have been ignored and deliberately excluded by the Attorney General and his staff from any consultations on the bill, despite our many requests."

They go on to say that the announcement of the legislation came as a complete surprise. They've made subsequent requests for a meeting, including one to the Premier himself, with respect to this, and they've gone unheeded.

"The African Canadian Legal Clinic was not informed of nor invited to the prebriefing by ministry staff which took place the day the bill was introduced, while others were asked and chosen to attend."

Again, I think this points to a political bias perhaps with respect to how this would be presented, if there were people who had concerns and wanted to make sure that those were heard—not necessarily criticisms, but concerns and constructive suggestions on how this matter could be approached—and they were not only not allowed to enter the door; they weren't even shown the door, let alone provided an invitation to enter and participate. But then to have it suggested by not just a member of the government but the Premier that they were consulted had to be deeply offensive and hurtful, I would suggest.

Another organization that I have a letter from is the Metro Toronto Chinese and Southeast Asian Legal Clinic. Again, they have written to the Premier to "express our strong disappointment with the ... decision to proceed ... without first consulting with those most affected by the proposal." Again, they're referencing the question period of April 27 and the Premier referencing consultation with community organizations, "including our clinic." They suggest that the brief exchange of correspondence that they had was anything but consultation and have asked the Premier to clarify his comments made during that question period.

There's a whole list of groups who have expressed concern for a variety of reasons, and perhaps our critic will get into more detail during her comments with respect to specific concerns that all of these organizations have. I'll just mention them. The Accessibility for Ontarians with Disabilities Act Alliance certainly have been very proactive in contacting, I suspect, all members of the assembly with respect to their concerns. They obviously share the common sentiment that the system isn't working properly now, but they have another range of concerns, which I will let our critic expand upon. There's the Alliance for Equality of Blind Canadians, B'nai Brith Canada, the Canadian Association of Retired Persons, the Chinese Canadian National Council, Community Living Ontario, the Disabled Women's Network of Ontario, legal clinics—this is the Metro Toronto Chinese and Southeast Asian Legal Clinic, the African Canadian Legal Clinic, the South Asian Legal Clinic, Parkdale Community Legal Services—the MS Society, the National Anti-Racism Council of Canada, the Ontario Council of Agencies Serving Immigrants, Operation Black Vote Canada, our old friends in OPSEU, Toronto Residents in Partnership, and the Urban Alliance on Race Relations. They are the only groups—only? There's quite a significant number who are very critical of the proposed reforms.

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I suspect that once this legislation goes out to committee—we've advertised the legislation and encouraged people to take a look at it on the website—we're going to find even larger numbers of people coming forward, in-

dividuals and organizations, who have expressed concern. I think we can lay this at the doorstep of the government's failure to appropriately consult. There were opportunities there, as we mentioned earlier, either at first reading or through a select committee of the Legislature. Either one of those approaches would have been very helpful and certainly would have been allowing us and the government to avoid the concerns that we're now hearing about and that are going to, to some degree, delay the passage of this legislation.

We have to ensure, as opposition members, that people who do have these concerns have an opportunity to be heard—and not a 10-minute presentation where they don't have time to put their own concerns on the record, let alone members of the committee adequately questioning them to ensure we have appropriate input. That too often is the case, where we try to jam in a number of people who want to appear before a committee. We jam it into two, three or four days and we simply don't have an opportunity for them to make the contribution they'd like to make or for members of this place to have an opportunity to question.

We hear an awful lot about democratic renewal from the Liberal government. Of course, we've seen little to substantiate that over their almost three years in office. This is another case in point, where we should have been dealing with this in another way so that we aren't facing this kind of criticism, or the government isn't facing this kind of criticism.

I'm perhaps getting off the party message a little bit here, but I talked at the outset about common sense in how these issues are approached. I know we have to look at the people who require assistance and we have to make sure they receive that assistance. There has to be a way, clearly, in terms of dealing with frivolous complaints so that they don't tie up the system. There has to be a way of assessing that appropriately and accurately.

I mentioned the Uptown Theatre, but there are other issues. Again, they may be anomalies. I don't know; I have to base it on people. I'm no expert in this field and I will be the first to say that. I had a call from a reeve of a township in my riding who had had a complaint filed against them by someone who appeared before council. A complaint was lodged about something he said in response to a delegation. The complaint was filed with the Human Rights Commission. He told me that he was advised by the council for the municipality, "Yes, we'd win this if we took this through the process, but it's going to take a significant period of time and it's going to cost the municipality at least \$100,000 to take this complaint through the process." That's the other side of the coin. What happened? The council apparently reimbursed—I guess "reimbursed" isn't the right word—paid this constituency \$50,000 to withdraw the complaint, because they were told by legal counsel for the municipality that it would have cost the taxpayers at least \$100,000 to pursue it through all of the processes that are necessary. That's something that we should be looking at and discussing as well.

There should be some opportunity, if someone makes these complaints, in my view—I'm not a lawyer. I'm looking at the other side of this, as well as at the folks who have legitimate complaints to take forward and need help, assistance and support. But what about the people where, at the end of the day, there has been no substance proved to the allegation and people have been pulled through the ringer? What recourse is available to them? I think those are the kinds of things that we should be talking about as well.

The Attorney General talked about his wish to have some kind of team fanning out across the province to investigate companies and individuals to see if they're violating the Human Rights Code. I think that's a pretty scary prospect, a pretty scary vision from my perspective, because you're generating a lot of things that perhaps don't have merit and putting a lot of good citizens in this province under threat, and financial ruin perhaps, with that kind of an agenda. Fortunately, that's not going to happen, but I think it gives us some insight into the mindset of the Attorney General of the day.

Mr. Speaker, I think I have taken up about half our time. With your permission, I will now yield the floor to my colleague from Whitby–Ajax.

Mrs. Elliott: I'm pleased to have the opportunity to speak to Bill 107, An Act to amend the Human Rights Code, on behalf of the Progressive Conservative caucus. I'd also like to thank my colleague the member from Leeds–Grenville for his comments.

The Attorney General introduced this bill on April 26, 2006. Since its introduction, there have been significant concerns expressed about this bill by disability and anti-racist groups. I want to add my own comments and concerns today, but before doing so, it might be helpful to step back for a moment to consider the purposes for which the Human Rights Code was established, in order to consider these comments in context.

The Human Rights Code was passed by the Robarts government in 1962. The preamble of the code states:

"Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

"And whereas it is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the province;

"And whereas these principles have been confirmed in Ontario by a number of enactments of the Legislature and it is desirable to revise and extend the protection of human rights in Ontario..."

The code proceeds to state that "Every person has a right to equal treatment" with respect to services, accom-

modation, and freedom from harassment because of "race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability."

These rights are currently enforced by the Human Rights Commission and the Human Rights Tribunal. The Human Rights Commission has a number of responsibilities, including the promotion of the aims of the act, the development of public and education programs aimed at eliminating discrimination, and to initiate investigations into incidents of discrimination. But its primary responsibility is to initiate investigations following complaints of discrimination by individual complainants.

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The commission is given broad powers of investigation in assessing the merits of each complaint. Following its investigation, the commission has an obligation to attempt to effect a settlement of the complaint. If the settlement attempts fail and where it appears to the commission that the subject matter of the complaint is not frivolous or vexatious, it will refer the subject matter of the complaint to the tribunal. The tribunal then holds a hearing to determine whether a right of the complainant has been infringed, to determine who infringed the right and to decide upon an appropriate order. Orders may be made directing a party to do whatever is necessary in order to achieve compliance with the act, both in respect to the complainant and in respect to future practices, and may order a party to make financial restitution as well as a monetary award not exceeding \$10,000 where the infringement has been engaged in wilfully or recklessly. Finally, it's important to note that any orders of the tribunal can be appealed to the Divisional Court of Ontario for a final determination. That's the background.

Now on to the proposed amendments to the code. In his statement on April 26, the Attorney General noted it was time to modernize Ontario's human rights legislation and that the goal of the amendments was to make our human rights system stronger, faster and more effective. We would certainly agree that the time has come to modernize the human rights system in this province and to eliminate the tremendous delay involved in having a complaint concerning a violation of the code investigated. Currently, there are over 2,400 complaints in the system that remain unresolved, with no apparent plan to speed up the process for their investigation. Justice delayed is justice denied. This legislation will not in any way make our human rights system stronger, faster or more effective. It is a deeply flawed piece of legislation that has ignored the legitimate concerns of many Ontarians and has broken faith with the promises made by this government to disability groups and anti-racist organizations.

I would like to spend a few moments discussing the major problems with the legislation as drafted. In February 2006, the Attorney General announced his intention to proceed with the amendments to the code as currently drafted. After this announcement, many important community groups and individuals contacted the government

and urged that there be open, accessible, province-wide public consultations and that these happen before any bill was introduced to reform the Human Rights Code.

One of the groups who contacted the Attorney General was the Accessibility for Ontarians with Disabilities Act Alliance. In a letter from its chair, Ms. Catherine Dunphy, to the Attorney General, dated April 12 of this year, the alliance asked the Attorney General and the executive council to take the following steps:

(1) The government would not now introduce the legislation that we see before us.

(2) Instead, the government would launch an open, accessible public consultation on any options for reforming human rights enforcement.

(3) This would be a time-limited consultation, not to drag on, but to be finished before the end of July of this year, with a view to a bill being introduced in the Legislature in September 2006.

(4) The consultations would be modelled after the public consultations which took place prior to the passage of the Accessibility for Ontarians with Disabilities Act.

(5) The consultations should be open to considering any option, including a reconsideration of the plans announced by the Attorney General in February 2006.

Notwithstanding the reasonable and practical suggestions, this government proceeded on the basis of the February plan. Although the Attorney General has indicated that this legislation is the culmination of perhaps more study and consultation than ever before in the history of this Legislature, in fact he is relying on information from the Cornish report, a study that was done 14 years ago, and has refused to listen to the legitimate concerns of individuals and groups who are dedicated to working with human rights issues and work with very vulnerable people on a daily basis. Little wonder that they feel betrayed by this government.

Secondly, this bill fails on many counts to provide more effective human rights protection for Ontarians and is a fundamental betrayal of the 2003 Liberal election promises to Ontarians with disabilities. The disability community was promised a disabilities act which would see the Human Rights Commission as the investigative and enforcement agency. Less than a year after the disabilities act was passed, the government proposes to eviscerate the commission. Now, the code gives everyone who files a timely, non-frivolous human rights complaint the right to have the Human Rights Commission conduct a public investigation of the matter. Bill 107 abolishes that right, and there is no requirement for a public investigation. Instead, all complaints will be referred directly to the tribunal, which can either dismiss or hear the complaint.

There are many problems with this so-called direct-access model. First, many of the people who wish to put forward complaints to the tribunal are among the most vulnerable people in our communities. With these amendments, they will be required to conduct their own investigations and present their own cases to the tribunal.

This will be difficult, if not impossible, for many of these complainants without legal assistance, and has not been dealt with in the bill in any kind of substantive manner. As a result, there will be many complaints that simply cannot be brought before the tribunal, thereby restricting access to justice for our most vulnerable citizens.

With respect to the operation of the tribunal, there are significant concerns regarding the conduct of hearings. Under the current system, the commission conducts an investigation and acts as the public prosecutor at hearings before the tribunal. With the new system, the tribunal decides whether or not to hold a hearing and can dismiss a complaint on much broader grounds than those available to the commission. The tribunal can then proceed with a hearing, mediation or any other means that are the "most expeditious" way possible, but the question becomes, expeditious to whom?

Currently, the code provides that a decision of the tribunal can be appealed to the Divisional Court. Under the proposed system, the right of appeal from a tribunal decision will not be as of right but only if the tribunal ruling is "patently unreasonable," which of course is a far tougher test.

These are fundamental changes to the human rights system that do nothing to enhance access to justice for our most vulnerable citizens, but instead restrict it further.

Finally, there is the question of funding. The proposed amendments to the code will establish the anti-racism and disability secretariats. There is also the issue of the backlog of more than 2,400 unresolved complaints. The Attorney General has stated that all Ontarians, regardless of income or personal circumstances, will be assured "full legal representation" in presenting their complaints before the tribunal, yet there is nothing in the amendments that strictly addresses this issue. The only reference is in section 46 of the bill, which states that the minister "may enter into agreements with prescribed persons or entities for the purposes of providing legal services and such other services as may be prescribed to applicants or other parties to a proceeding before the tribunal." Any agreement may provide for payment for the services by the ministry.

The Attorney General has stated that there is going to be "\$1 million plus" for these initiatives, but how can one reasonably assume, with the establishment of three new organizations, being the two secretariats plus the proposed legal support centre, which isn't even referred to in the legislation, that all of this can reasonably be done with this much money? There's also the fact that the justice budget sector has been flatlined until at least 2008-09. I would suggest that under the circumstances, this simply can't happen.

These are only my comments. There are many, many other organizations that have come forward to address these concerns with respect to the proposed legislation. I'd like to refer to some of them, because they're really illustrative of the many, varied concerns and the many, many groups that have come forward with concerns to express with respect to this proposed legislation.

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First of all, with respect to some general comments from stakeholders regarding the operation of the proposed new system, the National Anti-Racism Council of Canada has said, "Although we want change, this bill has quite a number of flaws. These flaws are going to impinge on the more vulnerable communities in this province."

Similarly, the Chinese Canadian National Council has said, "Going to the direct-access model is putting together an invisible barrier for those with limited means. Those who are disadvantaged will have less access to justice."

The Metro Toronto Chinese and Southeast Asian Legal Clinic states that, "Chinese-Canadian community advocacy groups are outraged by the Ontario government's decision to quickly push through amendments to the province's Human Rights Code that can only serve to diminish the rights of all Ontarians."

Cynthia Pay, a legal aid lawyer and director of the Chinese Canadian National Council, states, "Many groups from racialized communities and disability groups voiced their concerns about these so-called reforms before Bill 107 was introduced last week. This bill gives too much power to the tribunal to dismiss cases without proper and fair hearing."

The executive director of the African Canadian Legal Clinic states, "The Attorney General has absolutely gutted and taken away our right to a strong human rights enforcement and protection body in this province."

"Simply getting rid of the commission's gatekeeper function is not going to address [the] gaping resource problem. 'Direct access' may simply mean the transfer of delays and the gatekeeping function from the commission to the tribunal." This is from the Metro Toronto Chinese and Southeast Asian Legal Clinic, African Canadian Legal Clinic and Southeast Asian Legal Clinic of Ontario in a joint op-ed for the Toronto Star on March 13 this year.

Next, again from the same piece by the same groups: "It will be a shame if the Ontario Human Rights Commission goes down the path travelled by its counterpart in British Columbia. The Liberal government in BC gutted its commission in 2002, leaving the tribunal as the only vehicle residents have to enforce their rights. Interestingly, the BC government cloaked the changes under the guise of 'direct access.' The BC model has been criticized roundly by advocates across the country and even by some international human rights experts."

With respect to the issue of funding and the legal aid aspect of this legislation, the National Anti-Racism Council of Canada states, "The bill would no longer protect the ability of the complainant to make a claim without worrying about money. There is the risk that the defendant, be it a large corporation or the government, will have the capacity to represent itself, while the complainant will not."

The African Canadian Legal Clinic states, "You need to actually have the funds to do the job you have to do,

but this has not been forthcoming [from the government]. There is no guarantee [in this legislation] that there will be a human rights legal support centre.”

Even OPSEU president Leah Casselman states, “This proposed legislation is a disaster for human rights in Ontario; it does nothing to improve the system. It takes away guaranteed rights to investigation and legal support and allows the tribunal to charge user fees.”

Avvy Go, the director of the Metro Toronto Chinese and Southeast Asian Legal Clinic, states, “What Premier Dalton McGuinty’s government is doing is an affront to human rights in Ontario. Bill 107 in its current form will only serve to weaken the province’s human rights system and will remove legal and institutional supports that currently serve the victims of discrimination.”

On the issue of investigative powers, the National Anti-Racism Council of Canada states, “Under the proposed system, the competition would be disengaged from the investigative process, even with respect to systemic matters. When these powers are eliminated, individuals are compromised because they have no independent agency to assist them in finding evidence.”

With respect to the issue of the secretariat: “The secretariat is not going to be effective. It will basically have the same research functions as the commission, according to this legislation.” It goes on and on. You can see from these comments what the various groups have to say about this legislation with respect to funding, with respect to the substantive nature of the legislation and with respect to the lack of consultation before this legislation was introduced.

It’s imperative, because the issue is so important to all Ontarians, that the matter be dealt with properly, and it’s important, with respect to all of the groups, that work with all of these people with disabilities and anti-racist groups that we do it right. What we need to do is make sure that any amendments that are reasonable and practical are dealt with, since we did not have the opportunity to have this matter go following first reading of this bill. We need to make sure that we get it right, not to rush it through in a hurry but make sure we spend the time we need. After 40 years, this is a unique opportunity. We shouldn’t squander it. I hope the Attorney General will address these issues that so many groups have brought forward.

The Acting Speaker: Questions and comments?

Mr. Kormos: I am thankful to Ms. Elliott, the member for Whitby–Ajax, for her contribution to this second reading debate, and I look forward to working with her on the committee which reviews Bill 107.

I’m afraid I can’t be quite as charitable as some of the others in this chamber about the bill because, quite frankly, at this point in time the only solution New Democrats see is to simply withdraw it, because the fundamental flaw is the dismantling of the commission and the failure to understand the real thrust of reform. You want reform? Then do what people have called upon you to do for what seems like from the beginning of time and make the commission responsible to the Legislative Assembly. Make

the commissioner an officer of the Legislative Assembly. Give that commission and tribunal true independence from the government of the day and political influence.

The government had the opportunity to do that in this bill, didn’t it? But it failed miserably once again in that regard, because it continues to leave the commissioner accountable only to the government through the Attorney General, and turns her or him into a mere political servant, when that person and that role should be a role of true independence.

I quite frankly say to you that we’re going to have a lot more to say next time this bill is called on the second day of second reading, that the government, in my view, has not only misunderstood the Cornish and La Forest reports, but also misunderstands what’s going on out there, what’s really happening out there in the pursuit of redress around complaints, be it discrimination via race or disability or any number of discriminatory bases enumerated in the code.

Mr. Bob Delaney (Mississauga West): I guess I can be a little more charitable than the member for Niagara Centre. Instead of focusing on the process of how the Ontario Human Rights Commission operates, I think Ontarians are more concerned with the outcomes and with the results. That’s what this bill addresses; it addresses outcomes. One of those outcomes is very simple. It’s a mechanism that’s 40 years old. Try to imagine if you were still driving a car circa the mid-1960s. That car, however lovingly you might have maintained it, is 40 years old and at the very least needs a complete overhaul.

That’s pretty much what this legislation does. It strengthens the Ontario Human Rights Commission. It focuses it to be able to address systemic issues. It allows it to use education, promotion, public advocacy, research and monitoring. The commission retains the capacity to bring systemic issues before the tribunal. It retains the capacity to intervene in an individual’s complaint where the systemic issues warrant. A new complaints process is going to be introduced. It allows direct access to the Human Rights Tribunal.

The bill would establish within the Ontario Human Rights Commission two new secretariats that don’t exist now, to conduct research and to develop public policy. One would be an anti-racism secretariat and the other a disability secretariat, both issues that this Legislature has focused on, both areas the subject of legislation in and of themselves. This would enable the Ontario Human Rights Commission to catch up with much of the legislation this body has been writing for decades.

We would establish a human rights legal support centre. We’d be able to provide support to people who need it, when they need it, in the way they need it.

1750

Ms. Lisa MacLeod (Nepean–Carleton): It’s a pleasure to be here this evening. I’d like to congratulate my seatmate for making a wonderful speech today and giving us a very thorough précis of how she feels about the bill. One thing she touched on was on the lack of open and accessible consultation on the reform of the

human rights system. We believe it should have been held before introducing the legislation. I think right now would be a good time to pick up on it on the other side.

We're hoping they'll take what is going on in here today, in terms of this debate, and listen to some of the community groups that have come to our party or through the media voicing their concerns. Some community organizations have indicated that they are insulted that the government has claimed to have consulted with them, and they'd like an explanation and an apology.

I'd like to read an excerpt from a letter from the African Canadian Legal Clinic to the Premier on May 1, 2006. They say, "We read with great concern your remarks in the Legislature on April 27, 2006, with respect to your government's human rights bill.

"You claimed in question period that the Attorney General had consulted with the African Canadian Legal Clinic ... on this bill. This is simply not true....

"The African Canadian Legal Clinic has not been consulted at any time by the Attorney General on this bill. To the contrary, we have been ignored and deliberately excluded by the Attorney General and his staff from any consultation on the bill, despite our many requests.

"The announcement of the proposed legislation by the Attorney General in February 2006 came as a complete surprise to us. Since then, our requests for a meeting and consultation, including to you, have gone unheeded. Our inquiries as to when the bill would be tabled went unanswered....

"Given the above, it is indeed a shame that you and your government continue to ... mislead the public on the consultation process and on the real impact of Bill 107 on the protection and enforcement of the human rights of African Canadians and other marginalized communities."

I do hope, now that this is read into the record, that there will be some action with the African Canadian Legal Clinic by the Premier.

Ms. Shelley Martel (Nickel Belt): I just want to reinforce some of the opposition with respect to this particular bill. Some was mentioned by the opposition members. This comes from a Toronto Sun article on March 17, quoting some participants in that particular press conference: "The provincial government is privatizing the enforcement of human rights complaints at the peril of those who are being discriminated against, disability groups are warning.

"The Accessibility for Ontarians with Disabilities Act Alliance says the governing Grits are weakening human rights by planning reforms to the Ontario Human Rights Commission that will eliminate its role in leading cases to the human rights tribunal.

"It will force discrimination victims ... to investigate their own complaints," said Gary Malkowski, a former MPP who is also deaf. "It is wrong of the Dalton McGuinty government to privatize the human rights enforcement on the backs of those discriminated against." ...

"The disability coalition, which held a news conference at Queen's Park yesterday morning, said the plan leaves many complainants in the lurch, either depending on an already strained legal aid program or having to pay for their cases—often against deep corporate or government pockets—on their own.

"There's been a real sense we've been treated unfairly," said David Lepofsky, former coalition chairman."

Let me also read from a letter by Avvy Go, Margaret Parsons and Uzma Shakir, which says the following: "Those who favour the new model say the reform is a step in the right direction because it will allow complainants to take their cases straight to the human rights tribunal.

"In exchange for the 'direct access,' however, the commission will no longer help individuals with the investigation and prosecution of their complaints. Instead, the commission will dedicate its resources to public education, research and monitoring systemic discrimination.

"Is this the kind of reform our communities ... need? We think not."

It goes to make a number of other points, but I think the important point is that now the government is going to tell complainants they have to rely on their own financial resources to fight, often, big corporations or big government. That's entirely against the reason the commission was set up in the first place and what it should be doing for those individuals.

The Acting Speaker: The member from Whitby–Ajax has two minutes in which to respond.

Mrs. Elliott: I think all the comments we've heard today have certainly pointed to the need to revise the existing human rights legislation, but this is truly a unique opportunity. We really need to make sure that we make the right decisions and do the right thing for the 1.5 million people living with disabilities in this province and the many, many groups who are subjected to racism each and every day in our communities. We have an obligation to all of these people to take the time that we need—not to drag things on for months and months, but to take the time that we need to come up with legislation that is clear, coherent, properly funded, that makes sense and that applies fairly to all Ontarians.

I would certainly urge the Attorney General to take these comments into consideration, knowing that so many groups have commented on and voiced their concerns with respect to the legislation. I would urge the Attorney General to take them into serious consideration so that we end up with legislation at the end of the day that is going to be fair to everyone concerned.

The Acting Speaker: It being nearly 6 of the clock, this House stands recessed until 6:45.

The House adjourned at 1756.

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