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Thursday 5 October 2006

Jeudi 5 octobre 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 5 October 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 5 octobre 2006

*The House met at 1000.
Prayers.*

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

CLIMATE CHANGE
AWARENESS DAY ACT, 2006
LOI DE 2006 SUR LA JOURNÉE
DE SENSIBILISATION
AUX CHANGEMENTS CLIMATIQUES

Mr. McNeely moved second reading of the following bill:

Bill 139, An Act to make April 21 Climate Change Awareness Day / Projet de loi 139, Loi visant à faire du 21 avril la Journée de sensibilisation aux changements climatiques.

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

Mr. Phil McNeely (Ottawa–Orléans): “I have seen the enemy and it is us.” It is sad when we can point to ourselves as our own worst enemy. We all share this earth—it’s the only one we’ve got—but we are quickly destroying this earth for ourselves, our children and our grandchildren. Climate change is here, and we are in denial. Al Gore called his book and movie *An Inconvenient Truth*. We do not want to hear the truth. As we go through our greedy lives consuming, wasting, using and throwing away, we do not want to consider what we are doing to this beautiful environment around us.

The Environmental Commissioner of Ontario, Mr. Gord Miller, and I shared a stage in Orléans last week to talk about the environment. The Friends of Petrie Island had a wonderful slide presentation showing the flora and fauna of Petrie Island. That’s an island only two kilometres away from the community of Orléans, a community of 100,000 people.

We started the evening with photos of our beautiful Petrie Island as a reminder of what we have and what we must protect at all costs. But the truth is, most of us are carbon makers. Climate change is caused by emissions of greenhouse gases. The gases that make up greenhouse gases are complex, but to discuss them in simple terms, we can refer to them as tonnes of carbon. Dirty carbon can be attributed in large part to human behaviour. In

Canada, 22 tonnes are emitted per capita; we are the worst polluters in the world.

The cars we drive, the homes we live in with all their appliances and entertainment devices, energy production and industry all produce carbon. The resulting carbon production is bringing about changes in our atmosphere that are unnatural and should serve as a warning to us all. Many scientists say we’re at a tipping point where irrevocable change in our world can happen rapidly.

The changes we are experiencing already include warmer weather. The temperature has increased by 0.6 degrees around the world. In our north, it has increased by two degrees. The effects of the changing climate are widespread. Here in Canada, First Nations are seeing more beach erosion due to savage storms that are becoming more frequent and much more intense. Their traditional hunting grounds have changed radically.

More and more often, we are seeing storms that flood our basements, wash out bridges and send hydro lines plummeting to the ground.

Low-lying countries like Bangladesh have been experiencing major catastrophes. Then, of course, there is New Orleans, still repairing itself from the effects of Katrina.

Scientists predict that the Greenland icecap will melt. It is already reducing in size at an alarming rate, and that will cause the oceans to rise up to five metres, forcing hundreds of millions of people to move inland. Perhaps you’ve taken a vacation to Miami, Florida. If the ocean level rises as expected, Miami will be a small island some 80 kilometres out to sea. Everything from Fort Myers south will be underwater.

Our problem lies in the fact that we live in a consumer culture. Somehow, over the years, keeping up with the Joneses has become quite the endeavour. Now our cars are too big and use too much gas, our houses are too big and cost too much to heat and cool, and we consume too much in material goods, and that all adds up to the carbon we produce. We have become blind to our actions, but now our eyes are opening and it’s time for action. We should be downsizing our cars and taking public transit, teleworking, ride sharing, biking, walking. In China and India, people who were biking to work are now getting off their bikes and into cars. How can we prevent them from repeating our mistakes?

We can sit here this morning and point fingers all we like, but that will get us nowhere. Placing the blame on someone else is just another avoidance strategy. We have to realize that this problem is everyone’s problem, regardless of where we live, where we work or what

political affiliation we may have. This is the single most important issue of our time. What we need to do now is work together.

Ontario has already closed one coal-fired plant, which reduced CO₂ emissions by 15%. The most important step we can take in Ontario is to close the other four coal-fired plants and achieve almost 50% of Ontario's share of reductions agreed to under Kyoto. And that we will do.

Ontario will reduce greenhouse gas emissions by 30 megatonnes when we close our four coal-fired electric generators. Closing those plants will be the equivalent of taking seven million cars off the road.

So while Ontario plans to close four coal-fired electrical plant generators, the United States has planned to open 72—half of them upstream from us in the Ohio Valley etc., China is opening 562 or planning them—which translates to five per month, and India is planning to build 200, or two a month. All these coal-fired plants will have a tragic effect on our climate. If these 834 coal-fired plants are similar to ours in their production of greenhouse gases, it will be equivalent to putting 1.4 billion more cars on the road.

Unfortunately, Alberta oil production generates 23 megatonnes of greenhouse gases, and by 2010, that figure will rise to 70 megatonnes: 9% of Canada's greenhouse gases. This is equivalent to putting 16 million cars on the road. Should we subsidize oil for export when the production contributes so much to climate change? I wonder.

We live in an interconnected world. Whether we live here or in Beijing, in Crawford, Texas, or in Alberta, we all share the same air.

We all share the same atmosphere, and we all need to protect it. It should be a priority for all of us and for all levels of government. Should we boycott goods from countries that are expanding their dirty coal? I would say yes.

1010

Has the federal government done enough? The Liberal government signed the Kyoto accord, but their accomplishments were mediocre, with few victories. The new Minister of the Environment, Rona Ambrose, is appearing in front of the environment committee this morning as we speak. I hope she is not in denial. The new Conservative government of Stephen Harper threw in the towel and cancelled good Liberal programs like the EnerGuide program. They are now having second thoughts.

There is a need for real change, and the power to effect this change is here within each one of us. That is where this piece of legislation comes into play. The legislation will proclaim every April 21st to be Climate Change Awareness Day. It is time to take a look at ourselves and our lifestyles and find the ways where we can make the small changes that will make all the difference. The older generations have failed miserably. We have driven our large, single-occupant vehicles to and from work every day for far too long. We have become victims of the consumer culture that thinks little of conservation. We are the ones who have brought the world to

the state it is in now. It is now up to the younger generation to succeed where we have failed. They must change the consumer culture. They must be the conservationists.

I invited several high schools in Orléans to listen to the debate here this morning. I would like to devote the little time I have left to them, since they are the ones who will determine the future of our earth. Climate Change Awareness Day is for you, the youth. You are the ones who can make the difference. You can choose to save the world for you and your children. When you are old enough to drive, remember that you can make the decision about taking public transit instead. When you buy your own home, make sure it is energy-efficient. Buy energy-efficient appliances. Perform an energy audit on your home to discover where you can improve energy efficiency. The more we learn about climate change and the things we can do to help, the easier it will be to change our lifestyles. Eventually it will become second nature, and we won't even have to think about it. These are the types of actions we can discuss every April 21st on Climate Change Awareness Day. We can set targets for ourselves, then each Climate Change Awareness Day we can take a look at our lifestyles and see how far we have come.

It may seem like this is not your problem. You may think that this phenomenon is so great that nothing you can possibly do could make a difference. You are wrong. We need to change drastically if you're going to save this earth for our children to enjoy. As Mr. Glen Murray, chair of the National Round Table on the Environment and the Economy, said on the program *The Passionate Eye* last week, "If we do not act quickly to reduce greenhouse gases, then we can kiss our grandchildren goodbye."

The Deputy Speaker: Further debate?

Ms. Laurie Scott (Haliburton–Victoria–Brock): I am pleased today to rise and speak on the member from Ottawa–Orléans's Bill 139, An Act to make April 21 Climate Change Awareness Day. Let me start off by saying that we certainly support a clean and vibrant environment and that climate change is an issue we have to take seriously in addressing, and I admire the member from Ottawa–Orléans for bringing this forward with the sincerity he does. There are some things, though, that I would like to get on the record that are relevant to this piece of legislation.

It's fitting that we're speaking about an environment-related bill this week, especially coming from the government side of the House, when on Tuesday the Ontario Environmental Commissioner issued an absolutely scathing report on the record of the McGuinty Liberal government and its inaction in almost every area of environmental management, including climate change. What does it say when a climate awareness bill has to be introduced as a private member's bill, when the minister should be introducing a plan—we asked yesterday if she had any details of any kind of plan—to deal with climate change? When the Environmental Commissioner went to search various ministry websites and phoned the Ministry

of the Environment, they said, “Well, there is no official plan.” In estimates, the minister said, “It is a priority. It’s very critical. But we have no plan.” That’s very typical of the Liberal government here: Duck and dodge all these questions, all these plans. Do the photo ops. “We’re working for a better environment.” I think the “granola Premier” was quoted in the paper today—the granola-eating Premier, the eco-Premier—but he hasn’t done anything. The Environmental Commissioner has issued several books on their record, and it is government mismanagement, three years of broken promises.

The member for Toronto–Danforth yesterday referred to many of this government’s environmental policies as marketing and sales promotion, and he is correct. He has sat with me through many environment committees and the Clean Water Act. He has nailed it right on the head: it’s all good talk but no action.

It’s great that it has been introduced. It’s unfortunate it’s as a private member’s bill, but obviously the Minister of the Environment does not have any intention of taking the stand that the federal Conservatives are and introducing legislation to deal with climate change and working with the auto industry—working with them. The mixed messages from Premier McGuinty are ridiculous, horrendous. Read the newspapers today and there are quotes on quotes. It doesn’t make sense. He’s talking one line and doing something else. I certainly hope the member for Ottawa–Orléans is taking this bill further and that they are actually going to move on it, because he may be instigating change that the minister herself is not able to.

There’s a lot to take into account when we need to consider the different issues and measures for greenhouse gas emissions. It’s not simply declaring the one day. Earlier this year—I think it was in June—I introduced Bill 115, dealing with truck speed limiters, which directly addresses reducing emissions from the hundreds and hundreds of trucks that are travelling down our highways. The proposed bill does reduce fuel consumption by 8,000 litres on the average truck, and reducing fuel consumption directly corresponds to reducing greenhouse gas emissions. The trucking industry has estimated that Bill 115, when brought in, would eliminate 140 kilotonnes of greenhouse gases every year. But my friend from Ottawa–Orléans didn’t vote for that bill, and he was not the only one; his own Minister of Health voted against the bill also.

Let’s summarize for a moment. On one hand, he’s introduced Bill 139, which, in my opinion, is an endearing idea which we will support. On the other hand, he can’t feel up to agreeing with environmental experts and the trucking industry to support a bill to reduce fuel consumption and greenhouse gas emissions in this province, which is one of the leading causes of greenhouse gas emissions—far above coal. And you promised to close those coal plants, but then you cancelled that promise. But a bigger contributor to greenhouse gas emissions in this province is from automobiles, and what have you done for that? Well, not much: You’ve done a bunch of announcements, announced a bunch of

programs. Nothing actually has been implemented. I certainly hope, as I said, that he can move this train of thought up to the cabinet table so we can actually see a plan to deal with climate change, which we haven’t before.

Bill 139—making April 21 Climate Change Awareness Day—is an idea that is good. I know that more of my colleagues want to speak to this bill so I’m going to close my remarks and let them move forward with their interesting commentary on this bill. Thank you very much.

The Deputy Speaker: Further debate? The member for Trinity–Spadina—no, excuse me. The member for Toronto–Danforth.

Mr. Peter Tabuns (Toronto–Danforth): I’m going to get a very large nameplate made. Thank you, Mr. Chair; I appreciate that. “Mr. Chair”—I’m as bad as you, Mr. Speaker.

In the offices of Greenpeace Germany, which are located on the waterfront in Hamburg, in the office of the campaign director is a large black-and-white photograph of Hamburg taken at the end of 1945. I think it’s an aerial shot, because it shows ruins as far as you can see; a city destroyed. That is there to remind the people who work in that office what happens when a government, when a nation, goes completely wrong, ignores the reality of the world and, borne on a wave of hubris, believes that it can do whatever it wants.

In my time visiting briefly with the folks who work in that office, I had a chance to talk to Harald Zindler. Harald was born in 1945 in Hamburg. He was the founder of Greenpeace Germany. He was the one who pioneered their work against polluting industries. Harald, interestingly, told me about the response of that generation of Germans born at the end of the war who grew up and, in the early 1960s, in their late teens, came to realize what had happened to their country, what happened when they were children or before they were children. Across Germany, he told me, this is what they would say to their parents; this is what they’d say to their grandparents: “You knew. You knew what was happening. Did you act? Did you do something? Did you try to prevent this catastrophe? No. You knew and you didn’t act.”

1020

In 1993, in Ottawa, the environment committee brought out a report on climate change, and at the time, the chair—a Liberal, a good guy, Charles Caccia—said that climate change was second only to nuclear war as a threat to humanity. Caccia was later sidelined, but he wasn’t using hyperbole when he talked about this. Climate change threatens the fabric of our society. It threatens the stability of our society. It is a profound challenge to people on this planet, to the planet itself.

There’s a reality here that we know. The MPP from Ottawa–Orléans clearly, from his remarks, knows what’s coming. To the students in the high school, many of your parents know what’s coming. We know. I’ve gone on tour with the members of this caucus. They read. They’re capable people. They know what’s happening in society.

They know. We know. But for those who may be watching who don't know, climate change is predicted to have substantial impact on world food supply. In 1997, the government of Canada published the Canada Country Study, looking province by province, region by region, at what the impact would be of climate change. One of the papers they cited talked about the potential for a 30% reduction in agricultural production in Canada's prairies—one of the bread baskets of the world. In one of the bread baskets of the world, a 30% reduction in agricultural production.

If you look at the third assessment report of the Intergovernmental Panel on Climate Change, they talk about the impact of climate change on world rice production. It's about a 10% decrease in world rice production for each one centigrade degree increase in the world temperature. We're looking at a range of up to five degrees in increase. It could be larger—six degrees. A 60% reduction in world rice production? Do you know what that means in terms of hunger? You know. So I find it extraordinary that we are in a Parliament in a country where knowledge has not resulted in action.

I had an opportunity in 2001 to be at the Kyoto negotiations in Bonn, and I have to tell you, the anger at Canada was palpable. Under a Liberal government, Canada was seen as a renegade. Day after day, people from the environmental movement all over the world would say, "What is Canada doing?" Day after day, it would be beaten, nominated as the fossil of the day because of its role in climate negotiations. In many ways, our speculation was that Canada was acting as a surrogate to the United States. It was not looking after its interests; it was looking after the interests of others. That was speculation. All I can say is that on the floor, dealing with the issues, Canada's role was appalling.

So when you come back to what Canada did at home, you need to go to the very recent report made by the Commissioner of the Environment and Sustainable Development in Ottawa. This was October 3; Johanne Gélinas. She had very simple commentary. "In the course of our audit work, we've tried to answer three basic questions: Is Canada on track to meet its emission reduction obligations? Is Canada ready to adapt to the impact of climate change? Is the government organized and managing well? The answer is no to all three questions."

I have to say I've read the reports from this commissioner over the years. Normally they tend to be understated. I don't think you can get much clearer than that: "No. Not on track; not doing what needs to be done." But she adds—and this was interesting because I had an opportunity for about a year to be a climate change adviser in Ottawa to Jack Layton, so I spent a lot of time reading the reports, a lot of time looking at what the outcome was of the money that was invested to deal with this profound problem. She sums it up pretty well: "Government action has not been well organized or well managed. The government has not defined its leadership role, nor has it identified the responsibilities of each department.

"It has been unable to come up with the basic tools that it needs to measure its progress. Even though more than \$6 billion of funding have been announced since 1997, the government still has no system to track the spending and the results of its climate change ... investment."

They don't know if that \$6 billion had any impact at all. No idea; didn't have a coherent plan. They had a series of really—what can I say?—ambition statements. You'd read the documents and it was like wading through mush. You couldn't find substance.

I have to say that at the federal level, under the leadership of Jean Chrétien and then Paul Martin we saw grand statements; as Mr. McNeely has done today, a recognition, a statement about the scope of the problem. But action? No. My God, have mercy. Action? No. That brings us now to this level of government here in Ontario.

I had an opportunity in estimates a short while ago to question the Minister of the Environment. I asked her, "Is climate change one of the most significant crises facing humanity today?" Her response was, "Absolutely." So I'm going to assume that she wasn't misleading me or misrepresenting herself. She was telling the truth. She thought it was one of the biggest questions facing humanity today. So does she act? Does she have a plan? Does she know where she's going? Does she know when we will have arrived at the point at which we have to arrive? Absolutely not.

Ask her for a plan and you get a song and dance. She knows; oh, yes. She has two children. I have a son. Many of us in this room have children. We have kids who will see the impact over the next few decades, and many of them will say, "You knew."

She knows she has no plan. She is the Minister of the Environment. If anyone has carriage of this file, it's her, but there is no plan. She can't tell us whether she's getting where we need to get to.

You have to look at other validators on the outside. When you look at David Suzuki's report, what does David Suzuki say about Ontario? "No plan." One of the things he noted was that at least there was a commitment with a time frame to shut down the coal-fired electricity plants. Well, as you all know in this House, that one is abandoned. We have an expression of sentiment—"Yeah, we're gonna do something"—but no plan.

Go to the Environmental Commissioner's report that came down the other day. He has a few things to say: "Adapting to a Changing Climate: Neglecting Our Basic Obligations?" He says we haven't done anything to adapt. Do we want to make sure that our electrical system is reliable in a situation where high-level wind storms are going to be far more common, where tornadoes will be far more common? Nope. Are our sewage and waste water systems set up to deal with this? Nope. The Clean Water Act debate, the debate on a clause-by-clause basis: Would the government even entertain an amendment that asks source protection authorities to take climate change into account in their planning? Nope.

The Environmental Commissioner put it very clearly. I was impressed by his wording. All of our planning is based on a climate that no longer exists. That's over, and every day that passes, it's more and more behind us. The world is changing very rapidly, and our response is negligible. The response of the government entrusted by the people in this province to look after them is negligible and negligent. A sustainable transportation system for Ontario: You remove one roadblock but others remain. Transportation, key to the resolution of this problem: no action. Sixty per cent waste diversion: not there. Banning of organics from landfill: not there. When you put food waste in a landfill, it decomposes and produces methane, a radically more powerful greenhouse gas than carbon dioxide. Do we have a plan, commitment, funding? Nope.

1030

Knowledge, but no action. How ethical is that? Ask students in high school and anyone else watching. If you threw tacks on a floor and knew someone was going to walk in and didn't take action to clean them up—you knew they would risk stepping on those tacks—would that be ethical? If you were in charge of a city department and you knew that collapse of an overpass was possible, would it be incumbent on you to take action to ensure that overpasses didn't fall down? Everyone in this room would say yes. No one has a question of that. So when you think the major systems we depend on for food and water are at risk, aren't you compelled on an ethical basis to take action? I think there is an ethical responsibility; I think there's a profound ethical responsibility when you're in this position.

What we do determines—and I know this may sound like hyperbole to some—life and death. If you don't take action on a public health issue, if you don't prepare for an epidemic, people die, and that is because we did or did not take action. We take action on tobacco. People live or die. It matters. What we do in this chamber may seem very, very distant from the day-to-day, but if you've ever visited someone in hospital who has cancer, who's dying, you know you have a responsibility to take whatever steps you can to prevent the spread of cancer. The anti-tobacco movement over the decades has taken that ethical position. If you know something will harm people, if it's clear that you're talking about large numbers, you must act. What we have is a situation today where that simple ethic of acting on the basis of knowledge has been abandoned by this government.

I want to tell everyone here I'm voting in favour of this bill. My hope is that every day, every Climate Change Awareness Day, we get to hold the government of the day accountable for its climate change activities—or inactivities—because the only way, unfortunately, to bring about ethical behaviour is to shine a bright light on those who are responsible for taking action when the power is in their hands. The power is in the hands of this government. Will this government act in an ethical way? Will this government act in a way that will ensure that future generations will have lives that are relatively comfortable, relatively pleasant?

I want to end by saying this: To all those on the government benches, on the opposition benches, on the benches of the third party, we know we must act.

Mr. Jeff Leal (Peterborough): I'm pleased to have the opportunity this morning to get a few words on the record in support of the motion from my colleague the member from Ottawa–Orléans.

The preamble of the motion is very important. I'd like to get it in the record. It says:

“Climate change has become a harsh reality of living in Ontario and anywhere on this planet.

“Often characterized by an increase in the average temperature of the Earth's atmosphere and oceans, climate change has in recent decades gone beyond occasional milder winters and scorching-hot summers and has taken on frightening new dimensions with a marked increase in severe, destructive, and often cataclysmic weather.”

In my own community of Peterborough, it's interesting to see how weather has changed dramatically. We're all aware of Hurricane Hazel that blew through Ontario in 1954. If you look at the records of the time and the people who were involved in the weather prediction service, the people involved in looking at that very carefully, they concluded at that particular time that this was a very rare occurrence that happened. A number of factors came forward that led to Hurricane Hazel going through our province.

But things have changed dramatically. In my own community of Peterborough, we had a minor flood in 2002, thought to be the famous 100-year storm that only comes every 100 years. Then, on July 15, 2004, in a three-hour period, 200 millimetres of rain fell: the second 100-year storm in two years.

In 2006—I know my colleague from Victoria–Haliburton–Brock has left the chamber—at least two documented tornadoes blew through the northwestern municipalities of Peterborough county, creating unprecedented damage.

In fact, with the 2004 flood that went through Peterborough in that three-hour period, it's estimated that more than \$40 million of damage was left because of that occurrence.

I've come to appreciate the change in climate through my good friend the former member of Parliament from Peterborough, Dr. Peter Adams, who's a professor emeritus at Trent University. His academic career was in the research of ice and snow. He spent many years not only in northern Quebec but in the Yukon and Northwest Territories, and now that he's out of politics, he goes to Nunavut to study changes in ice and snow. Through his academic research, documented extremely well, he came to the conclusion that by looking at changes in the polar ice cap and level of snow, indeed climate change is with us and is something that needs to be addressed fairly aggressively.

One of the areas through which we can address the whole issue of climate change, I believe, is urban design. In fact, looking through the news clippings this morning, there's a leading American urban planning expert who is

praising the provincial government on its Places to Grow strategy, saying that this is the template that should be used throughout North America to encourage orderly urban design, which indirectly relates to better air quality through better use of existing resources within communities.

As a former municipal councillor, I'd like to note that when they were looking at planning new subdivisions, everybody wanted cul-de-sacs, and one of the worst urban designs from an air emissions point of view in terms of servicing are cul-de-sacs. When you look at vehicles that go in from the public works perspective to plow and provide other services, they constantly have to go back and forth and increase fairly dramatically the amount of air pollution that's generated.

It's interesting today that a leading expert in American urban design is praising us for our Places to Grow strategy, a template of how we should look at planning in North America, which is a very positive step forward in terms of dealing with climate change.

In terms of transit, we've gone a long way in providing two cents of the gas tax to provide sustainable long-term support for municipalities in Ontario to allow them to expand their transit operations, to get people out of their vehicles and onto public transit; again, another positive step forward in dealing with problems of air quality.

We know in fact that premature deaths are occurring through air quality and the poorness of the air we breathe. I know, when I was in elementary school, you heard of very few cases of kids suffering from asthma. I know, as I take the opportunity and you take the opportunity, Mr. Speaker, when you're touring elementary schools in the riding of Essex or in my riding of Peterborough, that you take note of the number of young children these days who all have puffers to deal with the problem of asthma directly related to air quality.

The motion we have here today from the member from Ottawa–Orléans—having a specific day encourages all of us in this place to pay more attention, to be more proactive and work together to improve the quality of the air that we all breathe.

Mr. Ted Arnott (Waterloo–Wellington): I'm pleased to have this opportunity this morning to speak briefly to Bill 139, An Act to make April 21 Climate Change Awareness Day, which has been brought forward in this House by the member for Ottawa–Orléans. I certainly want to begin by indicating my support in principle for this bill. I think that the member is sincere in terms of bringing forward this idea that we need to do more to promote amongst the people of Ontario the need for greater action to deal with climate change, and that recognizing April 21 each year as Climate Change Awareness Day will to some degree help to move towards that objective.

1040

We have a number of bills that are brought forward in this Legislature on Thursday mornings that are an effort to symbolically recognize a worthwhile objective or challenge, and certainly this bill falls into that category.

If you look at the bill, there is a fairly lengthy preamble which talks about many of the environmental challenges that mankind faces and that we in Ontario must recognize and attempt to grapple with. I think most of the preamble includes points that most of us would agree with.

I listened to the member for Ottawa–Orléans in his presentation this morning and I would agree with much of what he said. I heard him say, I think, that we are the worst polluters in the world, and I would have to say that I disagree with that statement. I don't believe that Ontario or Canada qualifies as the worst polluter in the world. I think, from what I've read, there are serious environmental problems in many other countries across the world that would be far worse than here. I do agree, though, with the member when he talked about the challenge faced by Ontario in terms of the severe weather that we've encountered in recent years. The member for Peterborough talked about the flood that affected his community in, I think it was, 2005 or 2004. Actually, last year at this time I was raising the need for the provincial government to assist a number of communities in our riding of Waterloo–Wellington because we were dealing with the aftermath and the cleanup of two very severe tornadoes that hit our area in August of last year. So I'm well aware that the provincial government needs to take action to support communities that are affected by these examples of severe weather.

Given that this is Thursday morning and it's private members' business, I don't want to be overly partisan in terms of my response, but I'm sure the member for Ottawa–Orléans would have wished that this report had come out some other week, as opposed to the week that his bill was being presented and discussed in the Legislature. The fact is that the Environmental Commissioner is a non-partisan office. He's an officer of the Legislature. He's appointed by the Legislature as a whole. When you're in government, perhaps you look forward to this report coming out with a little less excitement than the opposition does, but when this report comes out, I think we all have to take it very seriously.

I was glad that the Environmental Commissioner prefaced his report this year with a quote by Prime Minister Winston Churchill from November 1936. It said: "The era of procrastination, of half-measures, of soothing and baffling expedients, of delays, is coming to a close. In its place, we are entering a period of consequences." Of course, I'm sure that Prime Minister Churchill was talking about the threat faced by England from the Nazis, but in this context we have to take this report seriously, obviously.

My colleague the member for Haliburton–Victoria–Brock mentioned the fact that on page 61 of this report the Environmental Commissioner has pointed out that his office contacted the Ministry of the Environment recently, and staff told the Environmental Commissioner "that the ministry does not have a formal written plan or strategy dealing with adaptation to climate change." I'm sure the member for Ottawa–Orléans would want the government to do more, to do better in this area, and the fact that he's brought this bill forward I would hope will

encourage the government to take this action so that it can, in some meaningful way, show its response to the challenge of global change, as a ministry and as a province.

I think it is fair to say that whether you look at it as climate change or global warming, it is a real concern of many people in the province of Ontario. Certainly, it's a huge concern for many people in Waterloo–Wellington; I'm amongst those people. The preponderance of scientific evidence seems to suggest that human activity in recent years is at least accelerating this change, if not a contributing factor. So obviously it's something that we all have to be concerned about, any of us who care about the future—and all of us should, obviously. As a father of three children—my wife and I are obviously very concerned about the world that our children and our grandchildren will inherit. All of us should share this concern, and all of us should be part of the solution.

Again, I would suggest to the member for Ottawa–Orléans that's he's done a good thing today by bringing this bill forward, and this bill has my support.

Ms. Jennifer F. Mossop (Stoney Creek): I'm going to take this opportunity to give a shortened version of *The Lorax* by Dr. Seuss. This should prove to be an enjoyable part of private members' time, which I always enjoy. I think it's the best time that we spend in this House, where we actually discuss issues in a more candid and supposedly less partisan manner.

At the far end of town where the Grickle-grass grows
and the wind smells slow-and-sour when it blows
and no birds ever sing excepting old crows
is the Street of the Lifted Lorax....

What was the Lorax?

Any why was it there?

And why was it lifted and taken somewhere
from the far end of town
where the Grickle-grass grows?

The old Once-ler still lives here.

Ask him. He knows....

Way back in the days when the grass was still green
and the pond was still wet
and the clouds were still clean,
and the song of the Swomee-Swans rang out in
space...

one morning, I came to this glorious place.

And I first saw the trees! The Truffula Trees!

The bright-coloured tufts of the Truffula Trees!

Mile after mile in the fresh morning breeze.

In no time at all, I had built a small shop.

Then I chopped down a Truffula Tree with one chop.

And with great skilful skill and with great speedy
speed,

I took the soft tuft. And I knitted a Thneed!

The instant I'd finished, I heard a ga-Zump!

I looked.

I saw something pop out of the stump
of the tree I'd chopped down. It was sort of a man.

Describe him? ... That's hard. I don't know if I can....

The Lorax said,

“Sir! You are crazy with greed.

There is no one on earth
who would buy that fool Thneed!”

But the very next minute I proved he was wrong.

For, just at that minute, a chap came along,
and he thought that the Thneed I had knitted was
great.

He happily bought it for three ninety-eight....

And, in no time at all,

in the factory I built,
the whole Once-ler Family
was working full tilt.

We were all knitting Thneeds
just as busy as bees,
to the sound of the chopping
of Truffula Trees....

He snapped, “I'm the Lorax who speaks for the trees
which you seem to be chopping as fast as you please.

But I'm also in charge of the Brown Bar-ba-loots
who played in the shade in their Bar-ba-loot suits
and happily lived, eating Truffula Fruits.

Now ... thanks to your hacking my trees to the ground,
there's not enough Truffula Fruit to go 'round'....

“Once-ler!” he cried with a cruffulous croak.

“Once-ler! You're making such smogulous smoke!
My poor Swomee-Swans ... why, they can't sing a
note!

No one can sing who has smog in his throat....

You're glumping the pond where the Humming-Fish
hummed!

No more can they hum, for their gills are all gummed.

So I'm sending them off. Oh, their future is dreary.

They'll walk on their fins and get woefully weary
in search of some water that isn't so smeary”....

I yelled at the Lorax, “Now listen here, Dad!

All you do is yap-yap and say, ‘Bad! Bad! Bad!’

Well, I have my rights, sir, and I'm telling you

I intend to go on doing just what I do!

And, for your information, you Lorax, I'm figgering
on biggering

and biggering and biggering and biggering,
turning more Truffula Trees into Thneeds

which everyone, everyone, everyone, everyone needs!”

And at that very moment, we heard a loud whack!

From outside in the fields came a sickening smack

of an axe on a tree. Then we heard the tree fall.

The very last Truffula Tree of them all!...

And all that the Lorax left here in this mess

was a small pile of rocks, with one word...

‘unless.’ Whatever that meant, well, I just couldn't
guess....

“But now,” says the Once-ler,

“Now that you're here,

the word of the Lorax seems perfectly clear.

Unless someone like you
cares a whole awful lot,
nothing is going to get better.
It's not."

I have a three-year-old daughter and, like most parents, I can tell you that I adore her with every fibre of my being. She is a delight and I cannot imagine life without her, at least not a life filled with the magic and the sparkle that she provides. But I resisted having children, honestly, for a number of reasons, but chief among them was that I could not imagine bringing someone into this world that is run by a species that is so hell-bent on destroying itself, on destroying this planet and everything and everyone on it. Because what else can you call a species that fouls its nest so, the way we do, the way humans foul their collective nest? We produce enough food in the Western world to feed the entire planet, but we don't; we waste it. We fill our water with our own feces and with toxic chemicals. Then we pull the water from the ground and stick it in bottles, and those plastic bottles then litter our streets and our landfills, despite efforts to recycle.

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When do you suppose we're really, really going to get a grip on the fact that every year in Ontario 2,000 to 5,000 people die of smog-related illness? That's like wiping out an entire town in Ontario every year with the smog we create. Actually, the air in Ontario isn't too bad, compared to other places, and the water is not too bad, compared to other parts of the world, and we do have the land and the climate and the know-how to provide our own food supply, more so than in other parts of the world. Yet we still find excuses not to do enough to protect these oh, so essential resources for our future generations.

So my hope for my daughter is that her natural life expires before our planet does. But at the rate we're going, that's a fairly faint hope. It's not the fault of one political party or one government, and all the politicizing of this issue is not going to solve it; it is every single individual working together and in partnership to actually get the job done, and that's a fact.

So maybe, just maybe, my daughter's generation will take to heart the lesson of the Lorax, as told by Dr. Seuss, more so than the many, many generations before her.

Mr. Jim Wilson (Simcoe-Grey): It's nice that everyone likes to get up and say that it's non-partisan in here on Thursday mornings. But I just switched to Thursday mornings, so I'm not quite into that routine yet, as you might discover in the next four minutes.

I think it's commendable, though, that Mr. McNeely has brought forward this particular bill. I think his timing is unfortunate, perhaps for himself. I'm a former Minister of the Environment under the Ernie Eves government, and I've never seen a report, nor would I even contemplate a report, as scathing as what Gord Miller, the Environmental Commissioner, put out yesterday.

In the three minutes I have, I'd just quote from the Windsor Star yesterday. Dave Battagello wrote:

"Ontario's government is failing on nearly every level of environmental management and its residents—today and in the future—will suffer the consequences, a watchdog group has warned.

"Environmental Commissioner of Ontario Gord Miller's annual report called 'Neglecting Our Obligations' says the province has fallen short on climate change, Great Lakes protection, transportation emissions, industrial pollution and keeping drinking water safe.

"There are a lot of things coming down the pipe for needs,' Miller warned. 'The consequences are real if we don't have the resources in place.'

"Solutions must be found in months and not years, he said."

He went on to point out that Ontario has about a \$75-billion annual operating budget and it's only providing \$300 million for the environment ministry under the current government. He notes that we spend far more than that—40 cents of each dollar—on health care and we're only spending a fraction of a cent of each dollar on the Ministry of the Environment.

As politely as I can say, the Liberals, in the 16 years I've been here, always, always said they would out-green, and always pretended to out-green, the Conservatives, and we were always painted—somehow we ran the province wonderfully for 50 of the last 60 years and we had the best place in the world to live, but we were always blamed for not being green enough. We did more for the environment—I'd even note that on the world stage Mr. Mulroney actually got the top award in the world earlier this year for his environmental stewardship, in particular in the area of climate change. So no party has a corner on greening the earth.

I just want to remind Mr. McNeely that his own government record in the last three years is horrible. It's the worst in the history of Ontario at probably the most critical time in our history. The Environmental Commissioner goes on to report that you ain't seen nothing yet in terms of floods and bridges going out and sewers backing up and infrastructure falling apart.

You've had three years. Your own minister kind of hasn't been completely factual about this issue. When asked by our party recently, she said there was a climate change strategy or a strategy for Ontario to do its part to fight global warming. Mr. Miller says he has checked every website that the government has across all ministries and, on page 61 of his report, that he actually specifically asked the Ministry of the Environment if they had a written climate change policy anywhere in government, and you don't.

You promised, as part of your 231 promises, that you would act on this file. I encourage the people who are here this morning to talk to the Premier, talk to the Minister of the Environment, talk to the Minister of Finance and do more. If you live on Georgian Bay or in Wasaga Beach like I do, you see the effects of climate change every day. I call upon Mr. McNeely to not only recognize April 21 as the day when we want do more

about climate change and make greater awareness, but also to get his own government to act on this very serious issue.

Mr. John Wilkinson (Perth–Middlesex): I look forward to entering the debate on behalf of my colleague Mr. McNeely. What I would like to do first of all is praise Phil. I want to say to the students who are here from his riding that they should be proud of him and of the fact that in a private member's bill he has issued a clarion call to this place at this time, when we have a chance to debate an issue free from the constraints of partisan politics. You'll notice that there are certain partisan politics that fall into this place—maybe not everyone is used to Thursday morning just yet, I say to my friend Jim.

But what I want to talk about in the little bit of time I have here is, when I was the age of the children, when I was young, we had a threat, and that was the threat of nuclear annihilation: that we would not slowly kill our planet but swiftly and brutally kill humanity because of crazy, crazy people running the world who thought that the idea of mutually assured destruction would keep us safe. I think that generation—the generation I belong to—has gone a long way to reducing that threat. And now, I say to the new generation, the challenge of the 21st century is, how can we build a society—a just society, a prosperous society, right across this world—and do it in a sustainable fashion? That is the great challenge. I say, and I admit freely, that our generation has not solved that problem.

I look at the report of the Environmental Commissioner—and we appreciate his wonderful work in this regard, because he always calls on us to solve the problem of the day and of the future. What he's saying is that, despite all the work that has been done, that challenge has not been adequately addressed, and that challenge of the 21st century to our young people is, how can we be sustainable? That is the challenge that I believe that generation, with our encouragement and support, will actually meet. I am not a pessimist; I'm an optimist. I want to thank my member for allowing that we will have an annual focus through it

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

Mr. McNeely: I'd like to thank all my colleagues who participated in the debate here this morning. It was a great pleasure to have input from Jeff Leal of Peterborough, Jennifer Mossop of Stoney Creek and John Wilkinson of Perth–Middlesex. I also wish to thank the member for Haliburton–Victoria–Brock, the member for Toronto–Danforth, who has a great background in the environment, the member for Waterloo–Wellington and the member for Simcoe–Grey.

I see major changes occurring in our ministries now. I see changes in transportation, energy, the building code, agriculture, with ethanol, the green plan, the Places to Grow. We will close the coal plants. So we are making a lot of progress.

I'd like to read from The Lorax:

"Mister!" he said with a sawdusty sneeze,
"I am the Lorax. I speak for the trees.
I speak for the trees, for the trees have no tongues."

I think it's very, very important that we have to be there speaking for the natural environment, because the natural environment is what this is all about.

The challenge ahead of us is much bigger than Sir John A. Macdonald had building the railway from sea to sea. It's much bigger than the US putting a man on the moon. It's much bigger than that. I think that's why it's important to spread the word.

I think some members mentioned that it was not a great time, with the Environmental Commissioner's report coming out. I think it's an ideal time for this issue to come forward. In his report yesterday, the Environmental Commissioner stressed the importance of educating our children about the environment. How can we transform our economy and society so that we can respond to the environmental challenges that are facing us if we raise a generation of ecologically illiterate children? So I think that's one area that is going to be very easy to act on. That is an area that we are acting on, and that must be done. That is what this legislation is all about. A poll shows that only 50% of Canadians are aware of the climate change.

I would just like to read a last quote from The Lorax:

"But now," says the Once-ler,
"Now that you're here,
the word of the Lorax seems perfectly clear.
Unless someone like you
cares a whole awful lot,
nothing is going to get better.
It's not."

1100

WORKPLACE SAFETY
AND INSURANCE AMENDMENT ACT
(BOB SHAW), 2006

LOI BOB SHAW DE 2006
MODIFIANT LA LOI SUR LA SÉCURITÉ
PROFESSIONNELLE ET L'ASSURANCE
CONTRE LES ACCIDENTS DU TRAVAIL

Ms. Horwath moved second reading of the following bill:

Bill 111, An Act to amend the Workplace Safety and Insurance Act, 1997 with respect to occupational diseases and injuries of firefighters / Projet de loi 111, Loi modifiant la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail relativement aux maladies professionnelles et aux lésions des pompiers.

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

Ms. Andrea Horwath (Hamilton East): I want to start by saying how proud and honoured I am today, as this is my first opportunity as a member of this Legislature to have one of my private member's bills get to second reading debate. It's a bill that any one of the members here in this Legislature would have been proud to bring forward, and I know that. It's a bill that I request all members to support when the time comes, regardless of party. For me personally, it's a bill that brings full-circle a major part of my own political career, because it is so entwined with the fact that I am actually here in this House today. Some would actually even call it karma.

On July 9, 1997, at 7:45 p.m., the city of Hamilton's professional firefighters were called to a blaze that was later labelled the worst environmental disaster in recent memory, an inferno being fed by 400 tonnes of polyvinyl chloride plastics, or PVCs, that raged for four days in the thick of a residential neighbourhood. Firefighters from forces all around pitched in to help. A toxic cloud blackened the sky for days. The falling toxic soot covered the surrounding neighbourhoods for dozens of blocks. Hydrogen chloride, dioxins, benzene, PAHs and metals were some of the toxins firefighters were exposed to during those four days.

Four months later, that November, I ran for Hamilton city council on a platform of being actively involved in solving these kinds of neighbourhood problems. Plasti-met was a dangerous stockpile of hundreds of tonnes of plastics. It was a disaster waiting to happen. It was a low point in Hamilton's history. It was a disaster that left an entire community concerned about its health. It was a disaster that to this day takes its toll on firefighters and their loved ones psychologically, emotionally and physically. The blaze has most certainly forever changed our firefighter family in Hamilton.

Captain Bob Shaw, the hero whose name is part of this bill, was one of those firefighters. Captain Shaw, a previously healthy, strong and vital man, succumbed to esophageal cancer less than seven years later, in 2004, having never really obtained his previous level of health. The day of Captain Shaw's funeral was the same day that former member for Hamilton East Dominic Agostino was laid to rest in Hamilton.

I was unable to attend both of those services that day—my obligation and commitment was to the firefighter community—and although I didn't meet Captain Shaw's family until well after winning the Hamilton East by-election, they later thanked me for having been there. That is when I promised Nathan and Jackie Shaw that I would do everything I could to take up the cause of presumptive legislation for firefighters in this province. It was inconceivable to me that their claim had been denied, that they were made to endure the insult of being told that Bob's sacrifice, their sacrifice, had nothing to do with his occupation. The reams of information, studies and evidence that Nathan had put together and the support he had from the Hamilton Professional Fire Fighters Association and the Ontario Professional Fire Fighters Association meant nothing at all. That is why I

am very proud to be here today, asking you to join me in showing our Ontario heroes that not only do we appreciate the dangerous work they do but we are prepared to acknowledge that they are exposed to a toxic mélange of chemicals and poisons throughout their careers as firefighters, and when these exposures result in the dreaded diagnoses of various cancers outlined in section 15.4 of the bill, we no longer will turn our backs on their compensation claims.

Instead, we will reinforce our appreciation for their courage and sacrifice by ensuring that they and their families are not made to fight an undignified final battle with the WSIB for compensation, that their claims for compensation are dealt with expeditiously, with sensitivity and acknowledgement that their ultimate sacrifice was noted, is appreciated, and that they and their families should not be made to suffer through a callous battle with a WSIB like some 300 families are currently doing, adding insult to the injury they sustained from occupational disease.

I want members to be clear: Ontario is lagging behind other jurisdictions. Bill 111 will bring us back to a leadership position in recognizing the link between exposure and occupational disease in firefighters. Ironically, those jurisdictions that have passed Ontario over the past decade or more have relied on some of the irrefutable science amassed here by our very own firefighter organizations in Ontario. Manitoba, Alberta, Saskatchewan, British Columbia and Nova Scotia all recognize the occupational diseases of firefighters. How can they not, when—and I'm quoting now from the OPFFA fact sheet that I provided to members—"firefighters are regularly exposed to burning chemicals and other toxins. There are 70,000 toxic substances on file with the Environmental Protection Agency (EPA) in the US. In reality, when these substances burn together, there are 70 million possible combinations that are created in a fire. Firefighters routinely endure exposure to these burning toxins in the course of protecting the lives and property of their fellow citizens"?

What other specific diseases are outlined in the bill?

"For the purposes of section 15, if a worker who is a firefighter contracts a disease specified in subsection (4), the disease is presumed to be an occupational disease that occurred due to the nature of the worker's employment as a firefighter unless the contrary is shown."

In other words, the onus is on the board to show that it wasn't an occupational exposure that caused the disease, and those diseases are listed: primary-site brain cancer; primary-site bladder cancer; primary-site kidney cancer; primary non-Hodgkin's lymphoma; primary leukemia, including multiple myeloma; primary-site ureter cancer; primary-site colorectal cancer; primary-site lung cancer; primary-site testicular cancer; degenerative neurological disease; primary-site esophageal cancer; primary-site stomach cancer.

The bill also speaks to the propensity for firefighters to suffer heart injuries following the attendance at a fire or an emergency:

“For the purposes of section 13, if a worker who is a firefighter sustains an injury to the heart while attending at a fire or other emergency in the performance of his or her duties as a firefighter, or within 24 hours after so attending, the injury is presumed to be a personal injury by accident arising out of and in the course of the worker’s employment as a firefighter,” again, “unless the contrary is shown,” putting the onus on the board to prove that it was not a workplace injury.

Members, I have provided you with packages of information. The science is clear. In study after study, firefighters are shown to have higher incidences of these cancers—period. Bill 111 is supported by the Ontario Professional Fire Fighters Association, all of their locals and members across this province the Ontario Association of Fire Chiefs; firefighters’ families; the general public; editorial boards; and the following municipal councils: Hamilton, Georgina, Pickering, Richmond Hill, Toronto, Kingston, Ottawa, Smiths Falls, Cambridge, Kitchener, Midland, Waterloo, Oakville, Chatham-Kent, London, St. Thomas, Sarnia, Windsor, Sault Ste. Marie, Timmins, Thunder Bay, Arnprior, Woolwich township, Coleman township, Loyalist township, the township of Papineau-Cameron, the township of Oro-Medonte and the town of Latchford.

At this past Sunday’s annual memorial service to fallen firefighters, the first to be held at the new monument at Queen’s Park, practically every Speaker—including the Premier; the Ontario fire marshal, Bernard Moyle; the president of the OPFFA, Fred LeBlanc; and Toronto Mayor David Miller—acknowledged occupational disease as a reason why we were there honouring our fallen firefighters.

We have an historic opportunity to do this again today in a way that they will know we meant it. So, please, join me in supporting Ontario’s heroes. I ask you to please support Bill 111 and help me in making sure it becomes the law in the province of Ontario. Heed OPFFA President Fred LeBlanc’s words, who says: “I strongly encourage all members of the House to support MPP Andrea Horwath’s Bill 111. The legislation reflects what firefighters and their families need to effectively deal with the often tragic circumstances of occupational disease. Our concentration should be put on rehabilitation and prevention, without the worry of proper recognition.”

1110

I want to thank all of the firefighters and their families from across the province who have contacted me to encourage me to bring this bill forward, particularly in a time of desperate grief: Michelle Adamkowski, who lost her husband, Joe, in May; Rebecca Erskine from Ottawa, who lost her husband, Mark Johnston, in April; and to all of those who have sent letters and e-mails, and I have stacks of them, thank you for your support. It is in the name of Bob Shaw, but we all know there are hundreds of families who will benefit from this legislation. It’s the least that we can do to make sure it gets passed.

I want to acknowledge that we have guests here with us today, including the vice-president of the Ontario

Professional Fire Fighters Association, Brian George; I know that Fred LeBlanc was looking to get here but couldn’t make it. I see the president of the Hamilton Professional Fire Fighters Association, Henry Watson, is here as well; of course, Jackie and Nathan Shaw, thank you again for being here; Colin Grieve and Paul Atkinson, who are workers’ compensation professionals from the Toronto and Hamilton firefighters’ associations; and all of the other firefighters who are here. Thank you very much for coming to support the bill.

The Deputy Speaker: Further debate?

Mr. Dave Levac (Brant): Let me start by saying two things: Number one, I will be supporting this bill, straight up. Number two, I want to extend my deepest sympathies to the families of all of the firefighters who have fallen as a result of diseases and the work that they do day in and day out. I’ve had the unfortunate opportunity, if you’d call it that, to witness some of these situations, to be a participant in some of these situations, and to indeed attend funerals. Those are things that are not wanted by anybody.

On October 1, I attended the Ontario Firefighters’ Memorial ceremony here in Toronto with firefighters from my hometown of Brantford. While at the memorial service, we heard these important words about firefighters’ lives:

“The men and women of today’s fire service are confronted with a more dangerous work environment than ever before.

“We are forced to continually change our strategies and tactics to accomplish our tasks.

“Our methods may change; the goals remain the same as they were in the past: to save lives and to protect property, sometimes at a terrible cost.

“This is what we do; this is our chosen profession.

“This is the tradition of the firefighter.”

In that quote, you did not hear them talk about themselves in terms of putting their lives on the line. It was to save other lives and property.

I was involved with supporting firefighters well before I was elected in 1999. In Brantford, I headed a fund-raising initiative to purchase thermal imagers for firefighters so they could have the most modern equipment available to them. We raised over \$150,000 and purchased six thermal imagers for the firefighters of Brantford and Brant county. These tools save precious time while in a situation, reduce the time spent searching for hot spots and people, reduce damage to property and, finally and most importantly, provide them with the potential to save lives. Seconds matter.

While in opposition, I recommended the purchase of thermal imagers for every fire service in Ontario. Our government responded when elected and provided \$30 million to fire services across the province to assist them in purchasing those things. I was also the author of Bill 107, the Firefighters’ Memorial Day Act, which passed unanimously in December 2000. Finally, again in opposition, I recommended many of the provisions that eventually became our Bill 206.

I believe that we need to protect those who protect us. One of the most dangerous parts of the firefighter's job is the unknown. When a firefighter does not know what they will face in a given situation—for example, in a brownfield—it makes it more difficult to effectively fight that fire. When brownfield sites are abandoned, as they have been in my riding, many, many unknown chemicals are stored on those sites illegally—sometimes legally—and they do pose a danger if there is a fire. On a personal note, the RCMP showed up to investigate one of the brownfields in my riding because the combination of particular chemicals that were stored there were classified as weapons of mass destruction. That's what firefighters face when we do not take care of this unknown entity.

I support the concept of presumptive legislation for firefighters and will continue to work with the firefighters and all stakeholders on moving Ontario forward. I commend the member from Hamilton East. The bill moves that debate forward.

Both the Minister of Labour and his staff have had, and continue to have, productive discussions with firefighter representatives on diverse issues which are important to them, including presumptive legislation. In fact, the minister asked his parliamentary assistant, Mario Racco, the member from Thornhill, to undertake consultations on this very issue. The member has consulted with, among others, WSIB, the fire marshal, AMO, the city of Toronto and, of course, the firefighters. The minister told me directly that he is in the process of digesting the report and asking for feedback from stakeholders, on top of what we are asking for in this bill today.

We have been working with and continue to work with firefighters to protect them. We understand that this is an important and complex issue.

One point that I would ask the member to understand as we, hopefully, get this to committee, is that if we do pass this bill, retroactivity will take us back to 1915. That's difficult for us to calculate at this time, and I'd like to see us do the research on that.

We are working with firefighters, the WSIB and the fire sector stakeholders to ensure that Ontario is, indeed, the leader when it comes to firefighting and health safety. I look forward to the day when we can say that firefighters are better protected because of the work that this Legislature, this member and the government is doing to protect our firefighters and their families.

The government has also suggested that the Fire Service Section 21 Committee develop guidelines that we will help and try to support. The Ministry of Labour is also participating on the occupational disease working group to help the prevention of occupational diseases and illnesses.

Finally, this is the right thing to do. I ask and urge all of us to support this legislation to continue that very important work of making sure that the families of those who gave up their lives are protected.

Mr. Jim Wilson (Simcoe–Grey): As my party's labour critic, I'm pleased to support this legislation. In

talking to members this week, I think all my colleagues who will be here this morning will support this legislation. I want to congratulate the member for Hamilton East, Andrea Horwath, for bringing forward this legislation. She has been tenacious about it. I see it goes back to May, I think, of 2004. It's very good of her to keep fighting on behalf of Ontario's firefighters.

I want to welcome the firefighters and the representatives who are in the galleries today and say that this bill is long overdue. I note that Manitoba, Saskatchewan, British Columbia, Alberta and Nova Scotia have some compensation for some kinds of cancers resulting from exposure during fires.

In the short time I have today, though, I want to congratulate Nathan Shaw. This bill, of course, is named after his father, Bob Shaw. Of course, Mrs. Shaw—Jacqueline—is here today. His is probably one of the best letters I've received in 16 years in this place. It's not only very well written; I'm sure your dad would be very proud of the cause you've taken up in his name. I'm sorry I didn't know your father, but for people at home watching, he fell victim, not too long after the Plastimet fire, to esophageal cancer, which, as Nathan says in his letter, is a horrible disease. I'll read the letter, if the family doesn't mind. It's dated August 23, 2006, to Premier McGuinty.

“Dear Premier McGuinty:

“I write to you on behalf of myself and my mother, Jacqueline, to convey our disappointment towards you and your government for the delay in handling presumptive legislation for firefighters in Ontario.

“On Thursday, May 4, 2006, a private member's bill was introduced in the Legislative Assembly of Ontario by Hamilton East MPP Andrea Horwath entitled Bill 111, Workplace Safety and Insurance Amendment Act (Bob Shaw). On that day, my mother and I were present in the House prior to the bill's introduction.

“Bill 111 is named in my father's honour. Robert N. Shaw was a dedicated firefighter with the city of Hamilton for 27 years. Tragically, he passed away on March 24 of 2004 at the young age of 55 years old. He died from cancer of the esophagus, an occupational disease obtained while fighting the Plastimet fire, a warehouse fire here in Hamilton that burned PVC plastic for four days in 1997. Plastimet has been called one of the worst industrial disasters in North American history. Burning plastics create a huge number of toxic chemicals, including compounds called nitrosamines, which are known to be associated with the development of esophageal cancer. My father was the first to pass away as a result of what happened at that fire, but more men have since gotten ill and died due to their extreme toxic exposure. Medical experts support my father's death as an occupational disease.

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“Esophageal cancer must be included in presumptive legislation.

“Based on all the facts and expert analysis presented, it is clear to all except the Workplace Safety and Insurance Board ... that my dad's illness was the result of his

job. Whether it be his family physician, his oncologist or a highly respected epidemiologist who specializes in occupational diseases for firefighters—they all support his death as being caused by his job. Esophageal cancer is a horrible disease, and it is devastating that my own province is denying firefighters like my dad who make the ultimate sacrifice.

“Ontario law must catch up to what everyone else has already concluded. Premier, now is your chance to step up and take a position of leadership on the issue of occupational disease for firefighters.

“Bill 111 is a law that ensures Ontario firefighters and their families never again have to suffer the indignity of having their compensation claim denied for a work-related illness. Too many firefighters and their families endure crippling financial, emotional and physical burdens as a result of their occupational disease not being recognized.

“The unjust system of forcing ill workers, their widows or other survivors to prove the cause of illness before the WSIB is wrong. It should not take years and numerous costly appeals for sick firefighters to get the compensation they deserve. Justice delayed is justice denied. Of the 463 compensation claims for work-related illnesses, like my father’s, at the WSIB, almost 300 have been rejected. The injustice must end.

“The science is clear. Full-time firefighters are two to three times more likely to die from cancer than the general population. Increased toxic exposures as a result of their job means an increased risk of contracting cancer. Firefighters are the only occupational group that legally cannot refuse to undertake work that is dangerous and harmful. These heroes obtain occupational disease from their livelihood, not their lifestyles.

“Firefighters and their families are not alone in this call for change. Countless broadcast and print media have weighed in and done reports supporting Bill 111 and the approval of firefighters’ cancer claims. Fifteen municipalities in Ontario have now passed official motions supporting presumptive legislation, with more to come. And momentum continues to grow in the general public, who want the government to treat Ontario firefighters and their families fairly and recognize them properly for the heroes that they are.

“It is time for Ontario to stop trailing other provinces, stop denying firefighters the recognition they deserve, and stop leaving families of fallen firefighters behind. It is time for Ontario to lead.

“Premier, you have before you a tremendous opportunity to bring a sense of closure and fairness to firefighters and their families right across the province. I ask you from the bottom of my heart to do what you know is right.

“Pass Bill 111.

“I ask for the opportunity to meet with you to discuss this issue further. I look forward to your response on this matter, and appreciate your time in reading my letter.”

A thank-you to Nathan Shaw. As I said, I’m sure your dad would be very, very proud of you, as firefighters

should be. I thank you on behalf of my colleagues in my party for working with Andrea to bring this matter forward.

I note, for those who are worried about the financial consequences of this, because they may be notable, when you’ve got 15, 16 municipalities, many of them pay the WSIB premiums on behalf of their firefighters as part of the negotiated agreements. Certainly in volunteer areas like mine—or mostly I have volunteer firefighters in Simcoe–Grey—the local taxpayers foot the bill, and I think they’d be happy to do that. They obviously have expressed that on 15 or 16 occasions through motions from their councils, speaking on behalf of the ratepayers. I think that deals with the financial aspect of this.

I just urge the government to send this to committee so we can find out the cost and iron out the details. But don’t waste time. When I went to the library—I was only there 10 minutes—I got 40 articles on fallen firefighters with occupational diseases who are not being covered right now, or their widows or families are going through a horrendous fight with the WSIB.

I note that an article that was in the Windsor Star, quoting firefighters in Ottawa and the Ontario Professional Fire Fighters Association, said that there’s now a database of some 600 firefighters, many of whom have died since they were put on the database, and that’s sad. We all remember 9/11. Certainly every month in my riding we do something to honour firefighters. As politicians, we’re often opening new stations, renovating, getting equipment or whatever, so there have been lots of occasions since 9/11 to thank our firefighters and to recognize them for the heroes they are. If your house is on fire or you’re in a car accident or whatever, you’re sure glad to see the red trucks pull up and the emergency vehicles come to your rescue and the rescue of your loved ones.

As Ms. Horwath has pointed out and as Nathan pointed out, Ontario professional firefighters have to go in and rescue people. They don’t have the luxury of standing on the sidewalk or at the side of the road letting people die. It’s their job. It’s a sacred oath they take to the people of Ontario, whom they serve. The least we can do is back them up when they get sick and support their families in their time of need.

Mr. Peter Kormos (Niagara Centre): I’m pleased and proud to be able to speak in support of this legislation.

People will know that New Democrats Andrea Horwath and Peter Tabuns attended the first firefighters’ memorial service last weekend at the monument that’s been erected to pay tribute to firefighters who have died in the course of serving their community. While those memorial services are important and the establishment of that type of monument is very relevant, I say to you that all of the monuments, all of the memorial services, all of the flowery speeches and platitudes don’t address the tragedy of a firefighter suffering the diseases enumerated here—the cancers.

Let’s take a look at some of them: primary-site brain cancer; esophageal cancer; colorectal cancer. There are

far too many of us who have lived with family members, loved ones, or have neighbours who have suffered these cancers, who know how incredibly tragic, painful and overwhelming they are.

I, for one, am not worried about retroactivity. Dammit, these people don't live a long time. You die when you have these cancers. I'll be damned if I as a member of this Legislature, or any of us, should be putting firefighters or their families in a position where firefighters who suffer these diseases as a result of performing their incredibly valuable and heroic duties on a daily basis should have to spend the rest of their living days not only in pain as a result of the disease they acquired in the course of doing their job, but also with fear that their families might not be cared for once they're gone because they can't establish eligibility for WSIB compensation.

Let's not kid ourselves. This bill is not going to stop firefighters from getting these diseases. They know it. While we should be working along with the firefighting community to ensure that as many, and more and more, devices as can be developed to help safeguard firefighter safety when they're performing their duty are indeed developed and made available to firefighters—that's one thing. Oh, I hear so often in this Legislature that it's one thing to talk about the technology that's available; it's another to make sure that firefighters have it out there. You know what I'm talking about.

This bill isn't going to stop firefighters who, as a result of their exposure to toxins in the course of suppressing a fire, are going to get esophageal cancer, stomach cancer, colorectal cancer or brain cancer, and whose lives are going to be cut oh, so short and whose families are going to be left desperate, who leave behind kids—bright, talented kids—who will fear that they won't be able to go to university or college or pursue the careers that they aspire to because their mom's or dad's death will be unrecognized by a workers' compensation system that will be far less than what it should be without this legislation.

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I want people to know right here and now that New Democrats aren't going to tolerate more studies, more inquiries, more consultations. You have provinces like Saskatchewan, Manitoba, British Columbia and Alberta that have already adopted these standards. There is a need to tinker with some of the language. Let's get it in committee; we'll do committee next week. I tell you, as House leader for this group of dedicated legislators, New Democrats, I will commit myself to having a committee hearing any of the days of the week that the government wants—morning, afternoon or evening. We'll sit to midnight, if need be, to accommodate this bill in committee.

We'll do anything that has to be done to accommodate its passage so that maybe this Christmas, 2006—not 2007, not 2008, not 2009, not 2010, not after firefighters have died and been buried—some families might understand that a parent, a mom or a dad, who suffers one of these diseases as a result of doing their duty will be able

to pass away knowing that there will be some support for their spouse and their children. I encourage speedy support of second reading, speedy accommodation of this bill in committee and speedy entertainment of third reading.

Mr. Khalil Ramal (London–Fanshawe): Before I start, I would like to extend my deepest sympathy to the loved ones of those firefighters who have died.

I think this is an important bill. That's why, as my colleague from Brant said, we have nothing else except support on this bill because we recognize as a government, as people of this province, the job, the hard work that firefighters do on our behalf to protect us on a daily basis.

I had the chance last year to visit firefighters stationed in my riding to experience for one day the firefighter's job and how much firefighters face on a daily basis: the heat, the fires, the difficulties when they battle blazes or wildfires, how they climb into high-rise buildings to try to save and rescue victims who got caught in a fire. It's a very difficult job. I want to commend the firefighters across Ontario for the great job they do on behalf of us on a daily basis.

I think as a government we've been working with the firefighters since we got elected. We work with them; we try. We passed the OMERS reforms that protect and give firefighters some kind of supplemental benefit. We also worked to support them by giving them \$30 million as a grant to distribute among 385 Ontario municipalities. And we passed so many different regulations to prevent fires from happening.

Having said that, we're still working with firefighters to address all these issues. I and my colleagues last year attended a seminar at the London Health Sciences Centre, organized by firefighters, to tell us how much firefighters face on a daily basis and how much hazardous material they see and face that will cause some kinds of diseases. That's why we are supporting this bill. Hopefully this bill will go to second reading and third reading and will pass, to give a great indication to firefighters in this province and a recognition of the very hard work they do on behalf of us and of all the people of the province.

It has been mentioned by my colleague across the way and my colleague from Brant how much firefighters face on a daily basis, how they work hard to rescue people in car accidents, how they rescue people in fires, how they go to any environmental disaster to rescue people in very tough weather, very hard conditions. They come for us all the time. I think it is our duty as elected officials to pay them respect by passing this bill and by working with them to address the issues.

As I mentioned, I met a couple of firefighters who contracted an occupational disease last year. They explained to me how much they suffer psychologically and how much their families are suffering from the diseases they contracted from the fires they battled when they were trying to rescue people.

I want to commend the member for Hamilton East for bringing this bill forward. I hope all the members of the

House support her, not just for herself but to support firefighters across the province and recognize the great job they do to protect us and work for us to have a safe environment. I also want to commend the Minister of Labour, who asked his parliamentary assistant to conduct an intensive review to see how we can prevent fires in order to have safe workplaces to protect not just the firefighters but all the workers across the province of Ontario.

I want to support this bill and hopefully all the members of this House will support the bill too.

Mr. Peter Tabuns (Toronto–Danforth): I really want to thank the member, Andrea Horwath, for bringing forward this bill. I was at the memorial service this past Sunday at the monument to the firefighters just down here. I know that the firefighters in this province, the firefighters in this community, have made extraordinary sacrifices for us. They put their lives on the line so people can live, so that cities are not destroyed.

We know what happened a century ago in the great fires in Toronto, San Francisco and other places. The ability to control fire, to contain it, is crucial for us. But when people go into a modern fire, they're dealing with problems they didn't have a century ago. They are dealing with an extraordinary range of toxic chemicals mixed and reshaped in novel and unpredictable ways, and it's clear from the statistics that firefighters are dying from the impact of those chemicals. They must not be put in a situation where they have to fight for compensation. There should be no question. They have been extraordinarily generous with us—generous with their heroism, generous with their lives. At the very minimum, we can be fair with them. Adopt the bill put forward by the member and truly show respect and honour for the firefighters in this province.

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): On October 1, 2006, Premier Dalton McGuinty, at a memorial service honouring firefighters, uttered these words: "It takes a special kind of person to crash through a door of a building filled with smoke, to face chemicals that are as dangerous as they are invisible. It takes a special kind of person, one who is prepared to die so that others might live. In a world coloured with so many shades of grey, we don't often speak of heroes. But when danger strikes, when the world is black and white, we need heroes."

Yes indeed, we do need heroes.

On March 24, 2004, Hamilton lost two of its heroes. One was 55-year-old Robert Shaw, a dedicated Hamilton firefighter of some 27 years. According to the medical reports, which of course I have reviewed, Mr. Shaw died from an occupational disease obtained while fighting the famous Plastimet warehouse fire, a fire that burned PVC plastic for four days in 1997.

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Like his father, Harry, who was also a firefighter, Bob Shaw clearly understood the risks associated with his calling, and right up to the time of his death, he wouldn't

complain or cast blame. He simply told his friends, "I was just doing my job."

His wife, Jacqueline, who is with us here this morning, reports that when Bob came back from his first day battling the Plastimet fire, eyes burning and coughing up phlegm, he wouldn't heed her plea to stay home because he "didn't want to let the other guys down."

His son Nathan, in a letter to the Premier, has this to say:

"My dad gave his life for his job. For his case to be rejected in such a way by his own province is indescribable. The WSIB is so powerful and steadfast in their unjust ways that I feel helpless when it comes to challenging their flawed policies in the areas of recognition and compensation for Ontario firefighters.

"You and your government," Mr. Premier, "have done much to honour living firefighters through various policy initiatives. Now it is time to step up and honour those firefighters who are sick, ill, injured or have died tragically like my father.

"I am a 21-year-old university student who no longer has a father. For my own province not to recognize who my dad was, what he did or why he is gone is indescribably painful and wrong.

"I lost my dad, my best friend and my role model. Our community lost a hero.

"I ask you from the bottom of my heart to please do what you know is right."

Friends, while I believe that our government will ultimately move to correct this injustice through government legislation, in the meantime I intend to support this private member initiative, to stand shoulder to shoulder with Jacqueline and Nathan Shaw and with our professional firefighters—

Interjections.

The Deputy Speaker: Order. Can we take the conversations outside, please? Thank you.

Mr. McMeekin: —to ensure that we do more than engrave the names of fallen firefighters on a wall, but also etch their memory in our hearts.

I mentioned two heroes who died on March 24, 2004. The other was my good friend and mentor Dominic Agostino. Dominic repeatedly raised the tragedy of Plastimet and warned of the illnesses that would surely follow. Dominic was a friend of Hamilton but especially follow the men and women who placed their lives on the line for us every single day. If Dom were with us today, I know he would be standing in his place and speaking out. I'm also sure he would join me in congratulating Nathan Shaw, Bob's son, who has fought a long and difficult battle to win justice for his family.

Nathan, thank you for having the wisdom and the courage to keep at it. Your dad and your granddad would be very proud of you. So am I. Thank you for reminding us that we do need heroes and for being that hero for us today.

Ms. Cheri DiNovo (Parkdale–High Park): I first of all want to say thank you to our member, Ms. Horwath. I quote her when she describes the situation in this prov-

ince: "They hang workers out to dry in this province. Firefighters and other workers who contract diseases from exposure to workplace toxins have no protection in this province. That's not only wrong; it's immoral."

I also rise in this House to speak to that morality. My job before being a member here was as a minister at Emmanuel Howard Park United Church in the west end of Toronto. One of our members there is a firefighter: Mark Reynolds. His family are very active in our church—Mark and Carol Reynolds and their children Denis and Charlotte. I know what it's like to be in a congregation that depends on someone like Mark. Whenever we watched the news and saw an incident where Mark would be called out to a fire, such as the one that killed your father, Nathan, we would all, as a body, pray for that family.

I also rise because I lost my husband and the father of my children 14 years ago. He died in a traffic accident, and the first people on that scene to help save him—unfortunately, they were unsuccessful—were firefighters. So I thank you, on behalf of my family, my children, for what your father, Nathan, and your husband, Jacqueline, and other firefighters do for all of us. I don't think there's a member in this House who hasn't dialled 911 and knows that the first people on the scene are the firefighters. We all are indebted to you, and I absolutely urge that Bill 111 be passed as soon as possible.

The Deputy Speaker: Further debate? Is someone going to stand up? Waterloo–Wellington, thank you.

Mr. Ted Arnott (Waterloo–Wellington): I was standing up, Mr. Speaker.

I'm pleased to have an opportunity to speak briefly on Bill 111, An Act to amend the Workplace Safety and Insurance Act, 1997, with respect to occupational diseases and injuries of firefighters.

This bill has been brought forward, as we know, by the member for Hamilton East. When she brought it forward on May 4 earlier this year, I believe the same day or approximately the same week she had a press conference, which was an effort to raise awareness of this issue. The member deserves credit for her sincere effort to bring forward an important public issue in the Ontario Legislature affecting firefighters.

This bill is an expression intended to amend two rebuttable presumptions relating to health conditions affecting firefighters:

"Subsection 15.1(3) states that if a firefighter gets certain types of cancer or a degenerative neurological disease, the cancer or disease is presumed to be an occupational disease that occurred due to employment as a firefighter. The presumption applies for a cancer or disease if the worker has worked as a firefighter during at least the prescribed period or series of periods.

"Subsection 15.1(7) states that if a firefighter suffers heart damage while attending at a fire or emergency, or within 24 hours after attending at a fire or emergency, the heart damage is presumed to be a personal injury by accident that occurred due to employment as a firefighter."

I have had a number of other things that I've had to do this morning, including a meeting outside of the chamber. So unfortunately, I haven't heard all of the debate, but in a brief conversation that I just had with the member for Brant, it's my understanding that the government is expressing support for this bill in principle and that it's the intention of the government that this bill should go to committee. Certainly, I think that is the appropriate course of action that should be pursued.

I think that what's most important is ensuring that the organizations that are supportive of this bill—I understand that the Ontario Professional Fire Fighters Association is in support and the Ontario Association of Fire Chiefs has expressed support as well—should have the opportunity to bring forward their scientific and medical evidence that demonstrates that these illnesses need to be compensated, that people who have these illnesses or these severe health conditions, and their families—surviving families, in some cases—be compensated appropriately. It's something that I would support.

In fact, I have a private member's resolution that I brought forward a little while ago, and it called upon the government to establish a benefit for the surviving families of any firefighter who loses their life in the course of their duties. It's something that I brought forward some time ago. It's actually before the order paper. I don't have the information right in front of me, unfortunately, but it is on the order paper right now. It is a similar resolution, similar in principle to what the member for Hamilton East is bringing forward: the idea that we owe a great debt to any firefighter—or any emergency responder, I would suggest—who loses their life in the course of their responsibilities protecting the rest of us. Obviously, we have to be prepared and willing to ensure that those families are looked after. That's why I support this bill.

I know there may be some concerns about the cost, and I would expect that, in the course of discussion, there would be an estimate of what this is going to cost. Certainly, I think that's something that needs to be brought forward and discussed. But through the public hearings process, all of the concerns and all the ideas relating to this issue can have a full public discussion, a full airing. I would certainly welcome an opportunity to participate, if possible, if my schedule permits, to some degree in terms of those public hearings and discussions that might take place at a standing committee.

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In closing, I want to express my appreciation to all our firefighters across the province. As you know, Mr. Speaker, I have had an opportunity to raise many issues with respect to the fire service during the 16 years that I've been privileged to sit in this House. In 1994, I brought forward a private member's bill to allow volunteer firefighters to use the flashing green light on their personal vehicle when they're going from home or work to the fire station or to an emergency. That was a bill that was passed by the NDP government while I sat in opposition, something that I very much appreciated.

In the late 1990s, I brought forward legislation with respect to workers' compensation for volunteer firefighters, because there was a need to ensure that municipalities, if they wished, would be given the opportunity to purchase the highest level of workers' compensation coverage for their volunteer firefighters. That bill was brought forward in the Legislature. As it turned out, shortly thereafter, there was an identical government bill standing in the name of the Minister of Labour of the day which was, in fact, passed by the Ontario Legislature into law.

Most of the members will recall the double-hatter firefighter issue, which I've been involved in for some time. I continue to express my personal belief that full-time professional firefighters who may live in a small town nearby should be permitted to serve as volunteer firefighters, protecting their neighbours in their home communities, if they wish to do so. I continue to hold that view very strongly and continue to advocate for it.

Most importantly, this Bill 111 is before us today. Again, certainly it is a bill that I support in principle. I hope that as the bill moves forward for public discussion at committee, all of these issues can be reviewed and that we can do what we can to support our firefighters in the province of Ontario.

The Deputy Speaker: I would ask the members present to join me in welcoming, in the members' east gallery, the mayor of Mississauga, Hazel McCallion. Welcome.

The member for Beaches–East York.

Mr. Michael Prue (Beaches–East York): I rise in support of my colleague Andrea Horwath's Bill 111. I have to tell you, in the 18 years now that I have been in public life as a councillor, as a mayor, as a megacity councillor and as an MPP, I have never once had a constituent have anything but praise for our fire departments, for the people who work in them and for the service they provide. I have to tell you as well that if there are any heroes that are constant in the public mind, they are firefighters. On those terrible days when a firefighter succumbs at the scene of a fire or an industrial accident or the places where they put their life on the line, everyone in the community mourns, everyone commends and remembers the bravery of the firefighter, and everyone gives thanks that they were willing to, and did, put their lives on the line.

Since the 1990s, we have known only too well that firefighters who go out to fires, particularly to big industrial fires, put their life on the line in more ways than one. We have known that many of them will succumb, unfortunately, to industrial disease. Five provinces have recognized those studies that took place in Ontario. Ontario, sadly, has never recognized its own research. Today, when a firefighter succumbs months, years after a tragedy, there is silence in Ontario. Worse than that, worse than the silence that they experience, is the fact that when they go before the workers' industrial safety board, when they go before WSIB, they are denied something which is absolutely apparent to them and

absolutely apparent to everyone who lives in this province. They have got an occupational disease: and they have got it from their job.

We need to pass this bill into law; we need to do it very quickly. Firefighters are our heroes. They do what no one else will do. They put their lives at risk when no one else will, not only at the scene of the fire but in the events and the days and the months and the years that pass, when they find themselves subject to occupational disease.

Mr. Gilles Bisson (Timmins–James Bay): There are moments like this when I stand tall as a New Democrat and am proud to be a New Democrat and to be in a caucus such as one that has people who are prepared to take on the tough issues that face our society. We know that far too often, workers—in this case, firefighters—by way of duty, have died because of exposure to the toxic chemicals they're exposed to as they rush into a fire to save a life and to try to make property safe for those people who live in those communities.

I've got to say to my good friend Andrea Horwath: This is a job well done. It's one that should have been done, unfortunately, a long time ago. There have been attempts, but it looks like you're going to be successful. To you, I tip my hat and say that today I am proud to be a New Democrat and part of a caucus that is able to take on these issues.

I say to other members in the House, I'm hopeful and I believe that all members will vote for this legislation. It's high time. Unfortunately, far too many firefighters have been exposed and continue to be exposed to the toxic chemicals that are in those burning buildings and, as a result, become ill, and eventually some of them succumb to those illnesses.

Actually, on October 18, the Timmins Fire Department, which we all know very well, will be holding a memorial as a result of the death of Tom McGee, who died in 1995 of colon cancer that was related to his exposure to some of those toxic chemicals in a fire he had fought. I'm hoping that I can be there. Unfortunately, it's on one of those duty days when we're here in the Legislature, but I know that our thoughts are with him.

I say to all those families out there who have unfortunately been affected negatively by the illness of a loved one that there is hope in the future. I'm hopeful that this bill will not only pass second reading but will get the support it needs at committee so that it finally can become law and, in the end, give justice to those people who deserve that justice.

To you, as firefighters, I say here today, as a New Democrat, we want to thank you for the support in helping us bring this bill forward and for helping my good friend Andrea Horwath, and we look forward to better times ahead.

The Deputy Speaker: Ms. Horwath, you have two minutes to respond.

Ms. Horwath: I want to thank the members for Brant, Simcoe–Grey, Niagara Centre, London–Fanshawe, Toronto–Danforth, Parkdale–High Park, Ancaster–

Dundas–Flamborough–Aldershot, Waterloo–Wellington, Beaches–East York and Timmins–James Bay—I hope I didn’t miss anybody—for their kind remarks.

I thought I’d use my last two minutes to quote from a document that Nathan Shaw sent in February:

“The WSIB should presume occupational diseases and deaths of firefighters like my father are caused by their exposures to toxic substances. The unjust system of forcing ill workers or their widows and other survivors to prove the cause of illnesses is immoral. Based on all the facts and expert analysis presented, it is clear to all except the WSIB that the esophageal cancer my dad suffered and that killed him was the result of his job. The onus should be on the WSIB to prove it was not.”

Later on in the letter, he says:

“It is understood that being in harm’s way is part of a firefighter’s career. But it is expected those firefighters’ families will be taken care of if something tragic does indeed happen. It is horrible enough that I used to worry my dad might not be coming home. Now, after that worry has become reality, my mother and I should not have to also deal with the loss of financial security and our future.

“My dad gave his life for his job. For his case to be rejected in such a way by his own province is indescribable. The WSIB is so powerful and steadfast in their unjust ways that I feel helpless when it comes to challenging their flawed policies in the areas of recognition and compensation for Ontario firefighters.”

We’re here to tell Nathan that he’s not helpless. We’re going to fight with you and get this done for the firefighters of Ontario.

In fact, at the memorial service last Sunday, the Premier, talking about the firefighters being memorialized, said, “Each of them was fearless. Each of them died in the line of duty. But it wasn’t one fire, in particular, that killed them. It was all the fires. All the smoke. And all the chemicals.”

We know that, and we’re going to make it better for firefighters and their families in the province.

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

CLIMATE CHANGE
AWARENESS DAY ACT, 2006
LOI DE 2006 SUR LA JOURNÉE
DE SENSIBILISATION
AUX CHANGEMENTS CLIMATIQUES

The Deputy Speaker (Mr. Bruce Crozier): We will first deal with ballot item number 49, standing in the name of Mr. McNeely.

Mr. McNeely has moved second reading of Bill 139. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 96, Mr. McNeely, this bill will be referred to committee of the whole. Agreed?

Mr. Phil McNeely (Ottawa–Orléans): Mr. Speaker, I would like to see this bill referred to the committee on general government.

The Deputy Speaker: Mr. McNeely has asked that the bill be referred to the standing committee on general government. Agreed? Agreed.

WORKPLACE SAFETY
AND INSURANCE AMENDMENT ACT
(BOB SHAW), 2006

LOI BOB SHAW DE 2006
MODIFIANT LA LOI SUR LA SÉCURITÉ
PROFESSIONNELLE ET L’ASSURANCE
CONTRE LES ACCIDENTS DU TRAVAIL

The Deputy Speaker (Mr. Bruce Crozier): We will now deal with ballot item number 50, standing in the name of Ms. Horwath.

Ms. Horwath has moved second reading of Bill 111, An Act to amend the Workplace Safety and Insurance Act, 1997 with respect to occupational diseases and injuries of firefighters. Is it the pleasure of the House that the motion carry?

All those in favour, say “aye.”

All those opposed, say “nay.”

In my opinion, the ayes have it. Carried.

Ms. Andrea Horwath (Hamilton East): Mr. Speaker, I’d like this bill to be referred to the standing committee on general government.

The Deputy Speaker: Ms. Horwath has asked that it be referred to the standing committee on general government. Agreed? Agreed.

All matters relating to private members’ public business having been dealt with, this House is adjourned until 1:30 of the clock.

The House recessed from 1201 to 1330.

MEMBERS’ STATEMENTS

GREEN LEGACY PROGRAM

Mr. Ted Arnott (Waterloo–Wellington): The Environmental Commissioner of Ontario has issued the McGuinty Liberal government a devastating and damning critique in its annual report to the Legislative Assembly. Entitled Neglecting Our Obligations, this urgent clarion call for action includes 224 pages of constructive suggestions and stern admonishments directed primarily at the provincial government.

It is abundantly clear to the people of Waterloo–Wellington that the protection of our natural environment for the benefit of future generations must be one of the government’s highest priorities. Even as this government fails to show leadership, local communities are showing us the way.

A perfect example of local people taking action to protect our environment can be found in Wellington county, with its impressive Green Legacy tree-planting program. Originally launched in 2004 as part of the county's 150th anniversary celebrations, the bold vision, set out by Warden Brad Whitcombe and the county's chief administrative officer, Scott Wilson, was that we'd plant 150,000 trees in Wellington county in one year.

The county formed partnerships with the Grand River Conservation Authority, the Ministry of Natural Resources and the Wellington County Stewardship Council. Working together, they have teamed up with local environmental groups, service clubs, schools, municipalities and private landowners, including farmers. Not only was their ambitious objective of 150,000 trees in 2004 achieved, now they have made it a permanent county program, with 151,000 trees planted in 2005 and 152,000 trees planted in 2006.

I want to again express my sincere appreciation to the hundreds in our county who have made Green Legacy such a success, showing leadership on the environment that the rest of humankind should follow.

AL BIRNEY

Mr. Brad Duguid (Scarborough Centre): I rise today to pay tribute to a constituent and a friend, John A. Birney, known to most of us as Al. Al Birney passed away quite suddenly last June.

In my city council days, I came to know Al as a devoted husband, father and grandfather. He was involved in his community and concerned with its well-being. But I really got to know Al as a passionate supporter and advocate for the Schizophrenia Society of Ontario. Regrettably, Al came to this role through personal family tragedy.

Every time I drive over the Bloor Street viaduct, I remember Al Birney. Many years ago, as chair of the city of Toronto's community services committee, a proposal came to me for consideration to erect a barrier on the Bloor Street viaduct to prevent suicides. My first thought was that it wouldn't be too effective, but Al Birney, the project's leading advocate, persisted, asking me to read through some of the international research on what have been referred to as "suicide magnets."

He educated myself and many other members of council about the importance of this project, about the impact it would have, about the lives it would save. It eventually went ahead and, as a result, lives indeed have been saved. The barrier now stands as a legacy of the persistence, diligence and passion of Al Birney. In 2002, Al Birney was named as co-recipient of the city of Toronto's Volunteer of the Year Award to acknowledge his incredible efforts.

On behalf of Premier Dalton McGuinty, my colleagues on all sides of the Legislature and myself, I extend our condolences to Al's wife, Kathleen, his children and the entire Birney family. Al will be missed by us all.

DIAGNOSTIC SERVICES

Ms. Laurie Scott (Haliburton–Victoria–Brock): I rise today to tell the people of Ontario that, though the Minister of Health says he's fixing health problems in Ontario, patients continue to suffer.

Recently the minister, in another one of his famous photo ops, proudly stated that the Trenton hospital will be receiving a CAT scanner. The hospital in Belleville has sent back the money you gave them for new CAT scanning equipment, saying that they don't have enough radiologists to deal with the backlog of cases in Belleville. Minister, it is the same group of radiologists in Belleville who will be reading the images coming from the CAT scan in Trenton.

If the minister truly cared and listened to their concerns, he'd know that where they clearly need help is in obtaining radiologists. For a hospital to send back money is an unprecedented move and is indicative of this government's poor planning and its attitude of simply throwing taxpayers' money around with no real plan but to hope it gets them past the next election.

I respect the member from Prince Edward–Hastings. He's a tireless advocate for the people of his riding. I don't blame him for not running again. His own health minister refuses to do what's needed to help patients in Belleville and Trenton.

This government and this minister will say anything or do anything to get elected. The minister likes to cover his failure and his lack of concern for health care in Ontario by trying to be clever and saying that previous DNA makeup has caused the issues which he fails to properly address. I agree that there's clearly a DNA problem, but it's actually the Minister of Health doing nothing about it.

Interjections.

The Speaker (Hon. Michael A. Brown): Order.

Mr. Ted Arnott (Waterloo–Wellington): On a point of order, Mr. Speaker: I was listening to the statement of the member for Haliburton–Victoria–Brock, and I heard him threaten to withdraw health services from her riding because of her statement in this House. That is another example of his abysmal conduct as Minister of Health and Deputy Premier.

Interjections.

The Speaker: Order.

Interjections.

The Speaker: Order, the Minister of Agriculture, the member for Waterloo–Wellington and the Minister of Health. We all know that heckling is always out of order, and it is particularly out of order if one is not in their proper seat. I would caution members to not make comments when they're not in their seat.

NURSE PRACTITIONERS

Ms. Shelley Martel (Nickel Belt): In Ontario today, there are far too many unemployed and underemployed nurse practitioners. Their scope of practice now allows

them to provide many primary health care services that patients need. Applying these skills and expertise benefits all Ontarians, but if nurse practitioners aren't able to work, that's a huge waste of talent, energy and skills in the health care system.

Over nine months ago, I supported an application to establish a nurse practitioner-led clinic for the city of greater Sudbury. In a city with over 20,000 orphaned patients, you'd think the McGuinty Liberal government would be interested in supporting this proposal, especially as the nurse practitioners were going to focus their work in the outlying communities, where primary health care needs are the greatest. This excellent proposal was turned down. There's been no change in the number of orphaned patients. The outlying communities are still underserved. Local nurse practitioners can't get work in their field. There's something wrong with this picture.

On August 9, the Registered Nurses Association of Ontario wrote to Minister Smitherman and said, "This is a tremendous squandering of talent for the individuals who sacrificed much to become qualified for this vital role, for the communal resources that have subsidized their training and, most of all, for the people of Sudbury who are desperately seeking access to primary care."

Doris Grinspun urged the minister to turn his attention to this urgent issue. I too urge the Minister of Health to turn his attention to this matter. We have seven nurse practitioners ready to provide primary health care services to thousands of patients in our area. When will they be able to, and when will patients benefit from their skills and expertise? One has already been forced to leave.

PARKINSON'S DISEASE

Mr. Dave Levac (Brant): On Sunday, September 24, I participated in SuperWalk for Parkinson's 2006 in Brantford. The SuperWalk raises money for Parkinson's research, and it is something that is near and dear to my heart. My brother was diagnosed at 49 years old and is continuing to fight this dreaded disease. He's a hero in my heart.

Estimates say that 100,000 Canadians are fighting Parkinson's disease, and almost 40,000 of them live here in Ontario. Although Parkinson's has been thought of as a disease of the elderly, as I just said, people are often diagnosed during their most productive years when they are raising families, building careers, caring for aging parents and making significant contributions in their community. People with Parkinson's pay a huge price. They lose their ability to work, to manage simple tasks, to communicate and care for themselves. But the impacts are not borne by the individual alone. Spouses and partners and children become caregivers, so that their focus shifts away from their own goals and aspirations towards helping their loved ones fight this insidious disease, which they do lovingly and without hesitation.

Management of Parkinson's disease involves coordination of efforts of family members, along with multi-disciplinary teams from health professionals. Effective

management of Parkinson's requires an integrated system of care for the highest possible quality of life.

The number of Ontarians with Parkinson's disease is expected to increase significantly over the coming years. We need to do all that we can to help families that have people with Parkinson's.

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MINISTER'S COMMENTS

Mr. Robert W. Runciman (Leeds-Grenville): Yesterday I asked the Premier to require an appropriate apology from his Minister of Northern Development for scurrilous comments made in this House on October 3. My question followed an offensive and superficial apology from the minister that trivialized the situation and the serious nature of his insult. The minister did not explain the reason for the apology, did not offer to withdraw his offensive comment, and then went on to trivialize the issue by extending birthday greetings to a family member. In response to my question, the Premier indicated that the minister had apologized personally to my leader, John Tory, and myself, and that was good enough for him.

The minister did not apologize to either Mr. Tory or myself. He simply said, "I made a dumb comment." That's a statement of fact, not an apology. When a minister of the crown can say something like "Tories abuse children" and not be compelled to appropriately apologize by his leader, that speaks volumes about his government and his party.

The Premier endorsed vicious personal attacks in the recent Parkdale-High Park by-election, politics through character assassination, and recently promoted his chief mudslinger, the Minister of Health, to Deputy Premier status.

The Premier's own words and actions encourage comment like those spewn by the Minister of Northern Development, and it reflects badly on all members of this assembly.

YOUTH SERVICES

Mr. Bas Balkissoon (Scarborough-Rouge River): Let me take this opportunity to report about wonderful things that have happened to young people in my riding of Scarborough-Rouge River.

The Malvern community was identified by the United Way as an underserved neighbourhood in need of programs to help youth at risk. This past summer, 87 youth from the Malvern area had the privilege to participate in the Ministry of Children and Youth Services' summer jobs for youth program. They served in many leadership and confidence-boosting roles such as camp counsellors, office staff and computer technicians. These opportunities helped them develop self-esteem and acquire new skills. This program has proven to be tremendously successful for these youths. And there is more to report.

The Malvern Family Resource Centre welcomed two outreach workers supported by the Ministry of Children

and Youth Services' new youth outreach worker program. This initiative gave the centre a one-year budget of \$128,000 to fund two outreach workers who are focusing on outreach services for highly at-risk youth in Malvern.

Recent government-funded projects and programs such as these are working in my community. They are giving our young people chances to succeed.

Focusing on education and investing in youth programs has brought meaning back into the lives of troubled and neglected youth. Clearly, this government has taken steps in the right direction.

The residents of Scarborough–Rouge River and I send thanks and praise for recognizing youth as a priority—

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

WORLD TEACHERS' DAY

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): Today is World Teachers' Day, and it is my pleasure to rise in the House to mark this important occasion. This year's theme is "Quality Teachers for Quality Education," and I offer my sincerest congratulations and thanks to the many teachers who work so hard to make Ontario's education system among the best in the world.

Certainly the teaching profession is very near and dear to me, having spent over 32 years teaching elementary school in my riding of Stormont–Dundas–Charlottenburgh. It was during those years that I had the privilege of teaching and connecting with some of the finest young people in the province. They came from all backgrounds and walks of life, and I stay in touch with many of them to this day. I can say that nothing gives me greater pleasure than to connect with them and to see them succeed and find happiness.

The best teachers provide our children not only with the necessary skills in subjects like languages, math and history, but they inspire a thirst for knowledge that fuels their learning and development over a lifetime. As the Greek philosopher Plutarch once said, "The mind is not a vessel to be filled, but a fire to be ignited."

Today is also a day to celebrate the achievements we have made in education since forming a government in 2003. It is with the hard work and dedication of teachers that we have been able to get class sizes down, test scores up and more students graduating. We have made success this year and in past years and we shall continue to do so in the future.

HOSPITAL SERVICES

Mr. John Milloy (Kitchener Centre): I rise today to speak about the McGuinty government's partnership with Grand River Hospital in my community of Kitchener-Waterloo. The McGuinty government and the Ministry of Health are pleased to announce that the people of Kitchener-Waterloo can count on increased stability in the ER at Grand River Hospital. As a result of tremendous hard work, the ER will be staying open.

At the same time, the government is working together with the Ontario Medical Association to stabilize emergency rooms across the province. Through the mechanism of the Physician Services Committee, the government and the Ontario Medical Association, we are working to make sure the appropriate conditions exist to not just keep ERs open, but to ensure stable coverage to meet the needs of our patients. They will be looking to innovative models of care employed in ERs across the province, such as at St. Joseph's, which is an example of the system helping the system, that will lead to better care in the emergency room. We are bringing in the leadership of Tom Closson, the former CEO of the University Health Network to look at emergency medicine in the entire Kitchener-Waterloo area.

I am proud to be part of a government that's committed to working with its partners in the health care system. I want to congratulate and thank the Premier, the Minister of Health, the leadership at Grand River Hospital, as well as doctors, nurses and other medical personnel who work so hard to provide medical care in my community.

INTRODUCTION OF BILLS

LEGISLATIVE ASSEMBLY AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT LA LOI SUR L'ASSEMBLÉE LÉGISLATIVE

Mr. Kormos moved first reading of the following bill:

Bill 144, An Act to amend the Legislative Assembly Act respecting severance for members who resign /
Projet de loi 144, Loi modifiant la Loi sur l'Assemblée législative en ce qui a trait à l'allocation de départ des députés en cas de démission.

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

The member may wish to make a brief statement.

Mr. Peter Kormos (Niagara Centre): This bill repeals and replaces subsection 69(2) of the Legislative Assembly Act with new provisions specifying that a member is only entitled to a severance allowance on resignation if he or she is incapable of carrying out his or her duties. The burden of proving that he or she meets the entitlement to severance rests with the member.

STATEMENTS BY THE MINISTRY AND RESPONSES

WORLD TEACHERS' DAY

JOURNÉE MONDIALE DES ENSEIGNANTS

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): I rise on this day, World

Teachers' Day, for three very good reasons. The first is, if I don't I'm going to be in a lot of trouble when I get home tonight. It's simply too cold to spend the night in the garage. My wife Terri is a teacher, and an excellent one at that, and if I failed to recognize her work and the work of so many talented teachers like her, I would deserve the detention she would undoubtedly give me.

The second is simply, and most importantly, our children. There is a saying that captures the joy and angst that comes with parenthood, and it goes like this: "To be a parent is to forever have your heart go walking outside of your body." Every single day, we parents entrust what we treasure most of all in this world, our children, and our hopes and our dreams and ambitions for them, to our teachers, and it gives us great comfort to know that our heart is in good and caring hands.

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The third reason I stand before you today is clearly our teachers. An author by the name of Henry Adams once said, "A teacher affects eternity; he can never tell where his influence will end." I am sure that each and every one of us in this House can recall a teacher who profoundly touched our lives.

Je me rappelle mon enseignante de cinquième année, M^{me} Guillet. M^{me} Guillet a pris les rênes d'une classe de jeunes garçons indisciplinés et particulièrement actifs et elle a fait des miracles. Elle nous maintenait à l'ordre et elle nous a littéralement fait chanter le même refrain. Mais plus que cela, elle nous a fait partager sa passion pour la musique, qui faisait en sorte que l'on voulait chanter avec le même empressement que l'on réservait à nos joutes de hockey sur la patinoire dans la cour d'école.

I was saying that in particular I remember my grade 5 teacher, Madame Guillet. Madame took a class of unruly, rambunctious 10-year-old boys and worked nothing short of miracles. She kept us in line, and she literally got us all singing from the same songbook. But more than that, she shared with us a passion for music that made us look forward to singing with a joy that we had reserved, until then, for hockey in winter on the schoolyard rink.

Today, when I hear a song I enjoy, I can't help but think of the teacher who so enjoyed song. You see, as much as our teachers teach, and teach well, the fact is, they do so much more: They coach and mentor, lead and illuminate, enable and encourage, include and inspire.

Most of all, they are purveyors of hope: hope for a brighter future, hope for a stronger society. It's been said that teaching is the single greatest act of optimism. A cynic can never be a great teacher, because cynicism is corrosive and great teachers are creative. A pessimist can never be a great teacher, because pessimism only sees limits while great teachers see only potential. And a defeatist can never be a great teacher, because defeatism knows only how give up the fight, and great teachers never, ever, give up on a child.

Notre province est une province qui compte de remarquables enseignantes et enseignants. Je sais cela parce que, lorsque nous avons offert à nos enseignants une formation améliorée sur une base optionnelle et selon

leur horaire, ils ont rempli les lieux. Je sais cela parce que, lorsque nous leur avons demandé de s'adapter au changement et de travailler avec nous au nom de nos enfants, ils ont accepté avec un esprit ouvert et un extraordinaire professionnalisme.

Our province is a province of great teachers. I know that because when we offered our teachers enhanced training on an optional basis and on their own time, they packed the place. In fact, 17,000 Ontario teachers have pursued optional training.

I know that our province is a province of great teachers because when we asked them to embrace change and work with us on behalf of our kids, they met us with open minds and tremendous professionalism. I know that because we set the bar high for student achievement, and student performance is improving year after year. But I know that most of all because, while governments can be transient, policies can be temporary and politics are almost always volatile, Ontario teachers' commitment to our kids is a constant.

I want to end with a final quotation, and it's this: "To learn, and never be filled, is wisdom. But to teach, and never be weary, is love." So on behalf of all Ontarians, I thank our teachers for passing on wisdom, of course, but most of all, for sharing their love.

Hon. Kathleen O. Wynne (Minister of Education):

I rise in the House today on World Teachers' Day to echo the Premier's comments about the hard work and determination of Ontario teachers. I see teachers as the single most important influence, apart from family, in shaping the future of our children and our province.

Each of us, I know, can remember a teacher who influenced our life, offered advice, supported at a critical moment or became a touchstone throughout our life's journey. Personally, I remember several teachers—and a special mention to Bonnie Parkhill and Jim Reid—who taught me during my youth to be strong, focused and a team player at Richmond Hill High School.

Ces personnes m'ont poussée à relire et à peaufiner mes rédactions, elles m'ont encouragée lorsque je m'entraînais sur la piste de course et elles m'ont aidée lorsque je butais sur un problème de chimie.

They also inspired me to become an ESL adult teacher and a lifelong advocate for public education.

Teachers are a beacon for students, all of whom need guidance, support and encouragement.

I was fortunate enough today to have lunch with the teachers recognized by the Ontario Teachers' Federation as our province's finest. I'm proud to welcome them to the members' gallery:

Mohini Basran is a reading recovery and ESL teacher in Mississauga who has demonstrated exceptional leadership in helping immigrant students and their families overcome cultural and language barriers.

Interjections.

Hon. Ms. Wynne: I know the people on the opposite side of the floor would like to hear these names.

Yvonne Dufault is a French immersion, ESL and special education teacher in Markham who engages students using music, crafts and technology.

Elaine Ireland is a grade 2 teacher in Smiths Falls who gets her students to share stories with children, or e-pals, from other parts of the world.

Finally, Gregg Lee is a high school business and hospitality teacher in Mississauga who brings to the classroom a passion for business and a focus on social responsibility and diversity.

To all of you, and to the more than 120,000 teachers across our province, I have two simple but profound words: Thank you.

I also had the privilege this morning to visit with teachers and students at Blythwood public school in Toronto. Last year, those teachers helped 96% of their grade 6 students achieve the provincial standard in reading, writing and math. That's a 10% increase from 2002-03. I know they won't be satisfied until every student makes the grade.

The Premier and I regularly visit schools to talk with teachers about the needs, challenges and opportunities facing today's students. We want all provincial politicians to gain the same insight into education, so, for the sixth year in a row, we're challenging all MPPs to head back to the classroom for a day. We encourage MPPs to participate in school activities, talk with parents, teachers and students, and then report their experiences to their communities and to this Legislature.

Let me conclude by thanking all teachers in Ontario who are working with us to transform our public education system into the best in the world.

Je remercie en particulier toutes les jeunes femmes et tous les jeunes hommes qui entament leur carrière dans l'enseignement. Nous avons besoin de vous. Notre avenir est entre vos mains.

With the help of more than 120,000 public school teachers in Ontario, we will reach every student.

FIRE PREVENTION WEEK

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I rise today to mark the upcoming Fire Prevention Week 2006. Fire Prevention Week offers us a great opportunity to raise the profile of fire safety and ways we can help prevent fires. This year, Fire Prevention Week runs from October 8 to October 14.

I would like to take a moment to remind Ontarians that fire prevention is everyone's responsibility—the fire service cannot do it alone.

Fire Prevention Week has its roots in the great Chicago fire of 1871, which killed 250 people and destroyed more than 17,000 buildings.

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To better educate the public about fire safety and prevention, fire safety organizations across North America began Fire Prevention Week in 1922. Each year, a new focus is added, and this year's theme, "Prevent Cooking Fires—Watch What You Heat," is a significant and timely one.

While fires can start anywhere in our homes, they often begin in the kitchen with the stove or the oven. In our fast-paced society, it is very easy to be distracted while cooking, by a knock on the door or a ringing telephone. It is in these precious few seconds when we're not paying attention that fires can start and spread throughout our homes.

It's not surprising that cooking is ranked as the number one cause of preventable home fires in Ontario. These fires result in death, serious injury and major property damage. Simple things like remembering to turn off the stove and not leaving cooking food unattended, even for short periods, will go a long way in protecting our homes.

Despite our best efforts, fires do happen, and we must ensure that Ontario's fire service has the tools it needs to keep our communities safe. That is why the McGuinty government has provided municipalities with an unprecedented \$30 million in one-time funding through the Ontario fire service grant for training and equipment, as well as fire prevention and public education. No previous government has made such a significant investment in over 20 years.

Working smoke alarms are another great tool to help prevent home fires. The McGuinty government amended the Ontario fire code to require that all Ontario homes have working smoke alarms on every storey, as well as outside all sleeping areas. This new regulation means safer homes and safer communities.

We are providing more resources and more tools to fire services, because we are on the side of Ontario families concerned about safety, and one of the best tools to help prevent fire is education. Fire Prevention Week is an excellent opportunity for Ontarians to learn first-hand from firefighters about what they can all do to promote fire safety and prevent fires at home.

Thanks to the work of Ontario's fire service, the rate of fire fatalities in Ontario has fallen by 43% over the past 10 years. Last year, there were 85 fire fatalities in Ontario. This is the lowest number in the past 10 years. But, despite our success, we cannot afford to rest on our laurels. Even one death is one too many.

I urge all members of the House to join us in spreading the word to their constituents during Fire Prevention Week that the best way to prevent cooking fires is to "watch what you heat."

WORLD TEACHERS' DAY

Mr. John Tory (Leader of the Opposition): I'm delighted to rise as the leader of the Ontario Progressive Conservative Party and speak on behalf of our party in acknowledging World Teachers' Day. In fact, this is the first time in my relatively brief tenure as a member of the Legislature that I've had an opportunity to comment on teachers and on the teaching profession.

I want to associate myself with many of the comments made by the Premier with respect to the crucial importance of this profession and its members; and I want to

join the Minister of Education in recognizing some of the very special teachers who are here today, who have been recognized for their excellence in their profession.

I think the Premier is right when he says that all of us have had at least one teacher who had a significant impact on our lives, and we remember the impact that teacher had on our lives.

Indeed, I recall former Premier William Davis—who is my political mentor—often saying that if you look behind or around or beside every person who has carved out a track record of success in any field, there will be at least one teacher who played a leading role in helping to make that happen. I think the statements made by both the current Premier and the former Premier are correct.

Since I entered provincial politics, I have tried to learn more about the profession, the people in it and the very special challenges faced by teachers. Indeed, I have taken the advice, proffered again today to all members of the Legislature by the minister, to go to schools and to watch what the children do, what happens in the classroom and what the teachers do. Each time I visit a school and sit in a classroom and watch, I'm repeatedly struck by the difficulty, by the challenge, of the job—trying to take a diverse group of young people, each one with their own talents and abilities, some with special challenges of one kind or another—and somehow the teachers have to find a way to address each one of those individuals and their needs but at the same time to fill the needs of the class as a whole.

I recall, for example, being in an east-end Toronto special education class last spring and watching the teachers tend with such care and such devotion to the needs of the students. There were only a few students in the class.

I was invited to be at a backyard gathering of a class, during the summertime, with their teacher and the educational assistant. I was invited there because the child of the host family was autistic. To watch the devotion going both ways, between the teacher and the educational assistant and between the student and the teacher, was something that was remarkable to see.

I've also taken note of the contributions teachers make beyond the classroom, and indeed it is often here that the impact can be even more profound than in the classroom, as important a place as that might be. Giving that bit of encouragement or advice or guidance or helping to nurture an athletic or an artistic talent or providing some comfort when things may be difficult at home—these are all things that go well beyond reading and writing and arithmetic in developing well-rounded and well-grounded and stable young people.

I sometimes think we've put too much pressure on teachers; that more of that comfort and guidance and advice should be provided, perhaps, at home. In that case, maybe we've come to rely on teachers too much for what they can do.

The other thing that convinces me completely of the real dedication of teachers to their students is the degree to which they remember and care about their students

long after they have left and moved on in life. I run into teachers who taught each of our four children at the very same Blythwood public school that the minister was at this morning, and they remember them by name, they remember some of the trouble they caused, they remember some of the abilities and special qualities that they had. I'm amazed, given the fact that since that time hundreds of students have passed through those classrooms, that they remember our kids as individuals.

Mr. Dave Levac (Brant): They never forget them.

Mr. Tory: I'm sure that's true.

Indeed, soon after standing as a candidate for public office, I received a phone call from my grade 1 teacher, Ms. Helen Faulkner. I can still picture what she looked like in those days, although I never saw her again. She called to say how she had been watching my career. I thought how remarkable it was that she would remember, although it may well be that some members opposite would think it was because I was one of her more spectacular failures, but I hope not.

There will be days when there'll be differences of opinion between the teaching profession or individual teachers and the government or the school board or even parents, for that matter—we've all been to those parents' nights where there seemed to be parents who thought they knew more about teaching than the teachers did—but those differences must never take away from the gratitude that we have for the profession as a whole or for individual teachers. It should never cause us to waver in our belief that teachers always bring that special combination of professionalism and experience and affection and ambition for their students to bear on the job, even when they have policy differences with one authority or another. That is because they are professionals.

So, beyond gratitude, I want the members of the teaching profession to know that they have my respect and they will at all times have my respect for what they are, for who they are and for what they do.

Mr. Rosario Marchese (Trinity-Spadina): I want to spend one minute to praise teachers on World Teachers' Day, and then I'm going to spend four minutes to attack the government, the Premier and the Minister of Education on the issue of education. I know it seems disproportionate, but I think teachers will see that the division of time is well-deserved.

I've got to tell you, a whole lot of people believe that teachers do a very, very difficult job, today more than ever, because teachers are asked to do many things, not just to educate. They're often surrogate parents, they are often counsellors and psychologists, and they're often policemen and women, and that job, that task, which has become multiple tasks, is getting more and more difficult by the day. That's why, in the past, I have referred to teachers as heroes—because they do a very difficult job.

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I remember Ms. Lewis in grade 2. When I came from Italy, they put me in grade 3, but because I couldn't speak a word of English and because I didn't understand what the teacher was asking me, they put me in grade

2—the same day. It happens with so many poor immigrants; it's really depressing to think about. But I was fortunate enough to be in Ms. Lewis's class, because she was the most extraordinary person that I have ever met as a teacher and helped me unlike anyone else. I remember her bringing Bad Boy T-shirts to our home: Mel Lastman Bad Boy T-shirts. I couldn't believe it. She took us—and me—to High Park. She was an exemplary teacher who made a profound difference. So yes, I have, as do New Democrats, profound respect for teachers.

There is a lot to say about education that this government doesn't talk about. Oh, yes, they talk about the fact that teachers are doing a great job of improving the test scores, but they're doing that because the government has been able to manufacture it in such a way that the results are what they want. They have manipulated the tests by allowing young kids to use calculators; by allowing young kids to have the full day, if they need it, to do the test; by giving them a whole lot more multiple choice questions; by allowing the tests to be easier; and by giving teachers, over the years, the opportunity to teach to the test. So inevitably—and you teachers know this—you're going to get the result that McGuinty wants. Next year, the results will be better, and year in and year out.

What the government doesn't talk about—because he wants to reduce his accomplishments to three things. He wants to reduce class size in grades 1, 2 and 3. But he doesn't want to talk about grades 4, 5, 6, 7 and 8. He says that you can track class sizes in grades 1, 2 and 3, but can you track class sizes in grades 4, 5, 6, 7 and 8? Is it on the Web? How come we can't have tracking for grades 4, 5, 6, 7 and 8? Because we claim, as we know from teachers we talk to, that class sizes have jumped up.

And what about ESL? By the way, think about this: The Premier is the education Premier. ESL needs have grown under the Liberal government, and we have fewer ESL teachers under a Liberal administration. Special-ed needs are growing. I remember mon ami Kennedy saying we had 40,000 students on a waiting list waiting to be identified. There are still 40,000 kids waiting to be identified under the Liberals. Autism continues to be a problem under the Liberals. The block funding they are about to give to our schools will not meet the needs of special-ed kids, and I wager that \$500 million will be taken out of the educational system from the special-ed budget.

What about transportation? We've been waiting for a new funding formula for transportation—waiting, still waiting. We have nothing.

On the capital needs: Schools, even crumbling schools, are waiting to fix their schools but are not getting the money for it. We're waiting for music teachers, art teachers, guidance teachers, librarians. We don't have them under a Liberal administration. It isn't good enough just to be a little better than the Conservative Party; you've got to raise the bar a little higher. As one trustee in the Catholic board said in relation to the Conservatives' flawed funding formula, when you send in a hangman—as you're about to do in Peel—it doesn't matter whether he is sent by the Conservatives or

Liberals, whether he is well shaven or not; the result is the same. They're going to have to make program cuts, and we attack those cuts.

VISITOR

Ms. Monique M. Smith (Nipissing): I think it's only appropriate on World Teachers' Day that I ask my colleagues in the House to help me welcome a legend in teaching in my area, a retired teacher and principal, Mr. Garth Goodhew, who's visiting with us today.

RELEASE OF PUBLIC ACCOUNTS

The Speaker (Hon. Michael A. Brown): On September 25, 2006, the member for Leeds–Grenville, Mr. Runciman, rose on a point of order concerning the circumstances surrounding the release of the 2005–06 public accounts during the summer recess. The member indicated that these circumstances amounted to a contempt of the House because the scrutiny and oversight function of the House and the standing committee on public accounts, one of the pillars of the convention of responsible government, was frustrated by the process surrounding the release of, and briefing on, the public accounts on August 24, 2006, a day when the House was not sitting.

The member for Niagara Centre, Mr. Kormos, and the Minister of Finance, Mr. Sorbara, also spoke to the matter.

Having had an opportunity to review the Hansard for the day, the written submissions of the member for Leeds–Grenville and the Minister of Finance, the standing orders and the parliamentary precedents and authorities, I am now ready to rule on the matter.

The member for Leeds–Grenville argued that:

“[T]he Minister of Finance usurped the role and responsibilities of the broader membership of this assembly and the membership of the standing committee on public accounts. Indeed, this instance interferes profoundly with the role of the Legislative Assembly and its officers in a system of responsible government.

“Providing access to public accounts to the media first to the exclusion of elected members of this assembly and denying elected members the same briefing afforded the media was not only unhelpful, it was a disrespectful offence to the authority and dignity of this House and represents a contempt of the Legislature.”

That is what the member for Leeds–Grenville said.

Before considering whether a prima facie case of contempt has been established, I want to say a few words about the orderliness of what happened on August 24, 2006. On that day, the public accounts were filed with the Clerk's office, pursuant to subsection 13(3) of the Ministry of Treasury and Economics Act and standing order 39(a).

Subsection 13(3) of the Ministry of Treasury and Economics Act states that the Treasurer has 180 days after the fiscal year-end to submit the public accounts to the

Lieutenant Governor in Council. The act does not empower the House or the Speaker to set the submission date within the 180-day time frame, or to conclude that the government should have selected a different submission date. Under the act, if the assembly is in session on the day that the public accounts are ready to be laid before the assembly, then the Lieutenant Governor in Council lays them before the assembly. If, however, the assembly is not in session when the public accounts are ready to be laid before the assembly, then the Lieutenant Governor in Council makes them available to the public and lays them before the assembly pursuant to a different procedure. In the case at hand, August 24 was not a day on which the House was sitting, but it was in session, and so only the “in session” procedure could be invoked on this day.

But how can the public accounts, or any document for that matter, be tabled on a day on which the House is not actually sitting? Standing order 39 provides the answer to this question. It specifies a mechanism whereby such documents can be tabled, regardless of whether or not the day of tabling is a sitting day. That standing order reads as follows:

“39(a) Reports, returns and other documents required to be laid before the House by any act of the assembly or under any standing order or resolution of the House, or that any minister wishes to present to the House, may be deposited with the Clerk of the House, whether or not on a sessional day, and such report, return or other document shall be deemed for all purposes to have been presented to or laid before the House. A record of any such document shall be entered in the Votes and Proceedings on the day it is filed except that where it is filed on a day that is not a sessional day, it shall be entered into the Votes and Proceedings of the next sessional day.

“(b) The minister concerned shall distribute copies of all reports to all members of the House and copies of any background material to the critics of the recognized opposition parties.”

Standing order 39(a), then, provides for the tabling of a document with the Clerk’s office instead of within the House, and such a tabling is as valid as if it were done in the House. Therefore, when the public accounts were filed with the Clerk’s office on August 24, they became sessional paper no. 242, and this was duly noted at page 10 of the Votes and Proceedings for September 25, 2006, the first sessional day after the filing. In other words, the public accounts were properly tabled and nothing was out of order. Indeed, since 1985, there have been five other occasions when the public accounts have been tabled pursuant to what is now standing order 39(a) on a day on which the House was not sitting. Some of these tablings occurred during the summer recess or the intersessional period.

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It is important to understand the rationale for this standing order in the context of public accounts. Standing order 39(a) provides a mechanism for the government to comply with the Ministry of Treasury and Economics

Act, to respect this assembly’s pre-eminent role in the consideration of the public accounts and to expedite the timely and official dissemination of this important document. Because it implicitly requires the assembly to receive the public accounts officially before they are released to the public, this standing order effectively answers the very process concerns that were raised in the case at hand.

The member for Leeds–Grenville also made reference to a 2003 ruling, which can be found on pages 44 to 50 of the Journals for May 8, 2003, in which Speaker Carr found that a prima facie case of contempt was established in circumstances where the government presented a budget document at a time when the Legislature stood prorogued. In both cases, that incident and the case at hand, the events were preceded by the tabling of a financial document pursuant to standing order 39(a). That is where the similarity between the two incidents ends.

In the 2003 ruling, Speaker Carr ruled: (a) that the government had indicated that the impugned process was motivated by a desire to have a direct conversation with the people of Ontario, (b) that the government appeared to be suggesting that parliamentary institutions and processes were interfering with the government’s message to the people, (c) that the government’s statements tended to reflect adversely on parliamentary institutions and processes, and (d) that there was widespread public criticism of the government’s actions. That cannot be said in the present case.

The process followed for the tabling of the public accounts is the same whether or not the House is actually sitting. There is no formal presentation of the document in the House when it is sitting, and no expectation of such. The minister in either case simply submits the requisite number of copies to the Clerk’s office and ensures their distribution to all members, thereby commencing the scrutiny process.

Turning now to the matter of the media briefing, Speakers have been reluctant to rule that media briefings are a matter of order or privilege. I refer members to a ruling at page 268 of the Journals for November 17, 1993, when Speaker Warner ruled that no privilege was violated when a government body had not invited a member to a media event, and that the Speaker has “no authority outside the precinct that would permit him or her to ensure that announcements are made in a certain fashion.” In addition, at page 221 of the Journals for November 6, 2001, Speaker Carr referred to media briefings as an “external apparatus which precedes what occurs in this House.”

While I concur with those rulings, I would also counsel that it is in the best interests of this institution and the citizens that we serve when the representative function of members is respected. As a matter of courtesy, then, the government should in all cases make every effort to ensure that members on both sides of the House are adequately briefed and informed.

The member for Leeds–Grenville also indicated that “access to the briefing meant access to the public

accounts” and “denied access to the briefing meant denied access to the public accounts.” However, members were all provided with copies of the public accounts in the manner which they always receive them at the time of tabling. The release of the public accounts during the adjournment does not pre-empt, prevent or impede the usual public accounts process. In fact, since the public accounts have now been tabled earlier than in previous years, the process can now be commenced earlier.

For these reasons I find that a prima facie case of contempt has not been established.

I thank the member for Leeds–Grenville, the member for Niagara Centre and the Minister of Finance for their views on this matter. I also thank the member for Leeds–Grenville and the Minister of Finance for their helpful written submissions.

ORAL QUESTIONS

HOSPITAL SERVICES

Mr. John Tory (Leader of the Opposition): My question is for the Premier. Premier, I wanted to ask you about the province-wide emergency room crisis that has been gripping large portions of the province and your plans or lack of plans to deal with it. First, I would like to deal today with the appointment of Mr. Tom Closson as the inspector of the Grand River Hospital. As I said when I was asked about this last night, there’s no question but that Mr. Closson is a highly respected individual, but we do understand that the terms of reference for Mr. Closson’s appointment contain no timeline for Mr. Closson to report.

I understand the fact that it has taken you three years to do anything about this issue at all, but given the crisis that is affecting 20 hospitals across the province—which means an impact on dozens of communities in every region of the province and an impact on literally hundreds of thousands of people, including people who are waiting hours in hospitals that haven’t been put on the list yet—I would have thought that the minister, your government, and you, Premier, would have wanted to put some deadline on this, even so that we could get some advice, the alternative being to be without the advice of Mr. Closson for a long period of time. We’ve seen a pattern of conduct where you put these things off indefinitely, maybe even beyond the election. Will you ask—in fact, insist—that the minister put some timeline on both an interim report and a final report for Mr. Closson’s work so we can—

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

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

Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care): I appreciate the question from the honourable member. I’m very

pleased to see the response about Tom Closson as the investigator. It’s also our intention to move forward, pending the support of cabinet, for Mr. Closson to play the more direct role of supervisor in the context of Grand River.

We haven’t put a specific time frame in there only at his request. But everybody, to be clear, is operating on the expectation that a short number of months—perhaps three at the outside—would be the appropriate amount of time to come to some resolution on the matters of emergency room services as related to the Kitchener-Waterloo region.

In addition, I’m pleased to say that the Ontario Medical Association and the government of Ontario, working through the mechanism of the physicians’ services commission, are working on an expedited report related to some of the broader issues on the physician side. We expect to be able to have a report that would give us a chance to move forward within a period of less than two weeks.

Mr. Tory: There were a number of bits of interesting information in that answer, and that was closer to an answer than I have perhaps ever experienced here. It’s amazing.

As the Premier would know—and my question is to the Premier—the people of Toronto are facing huge wait times in their emergency rooms. Your report, released this week, shows that the wait times in Toronto are more than eight hours. It’s affecting ambulance off-load times. The city of Toronto is having difficulty with the number of paramedics who are being kept off the streets serving people because they are sitting in emergency rooms waiting for the patients to be processed, to be dealt with, for hours on end.

Councillor Gay Cowbourne of the city of Toronto was quoted on Global last night as saying, “It’s not that we don’t have sufficient paramedics, but it’s the lack of staffing in hospitals to take over patient care from EMS.”

We’ve had no response from your government at all this week. We’ve had the inkling of some report that might be coming in two weeks, and I would ask this question, since the minister chose to reveal this thing for the first time: Is this report coming in two weeks what we will expect to see—a comprehensive plan to deal with the emergency room crisis across this province, including in the city of Toronto? Will that be the time we will receive the comprehensive plan that we all need and deserve?

Hon. Mr. Smitherman: I do believe that as the honourable member works harder to ask better questions, he will get a lot more information that can help him in putting together what is a complex circumstance. What’s for sure is that the challenges with respect to emergency rooms are ones that have bedevilled the Ontario health care system for decades, and no one has suffered through this more excruciatingly than the honourable member who sits beside the Leader of the Opposition.

The point is that the circumstances in Toronto have already been addressed in part through the work of the response to the Schwartz commission report, which

looked very specifically at the issue of ambulance off-load. In fact, the circumstances which we celebrate in terms of improvement in the emergency room at St. Joseph's are an outflow of that report, which has seen us invest more than \$80 million in a critical care capacity response, including adding ICU beds.

So we have improved ambulance off-load delay issues in Toronto. Of course, there is more work to do associated with providing care to people in appropriate settings and this is, in part, about rebuilding our workforce in the form of doctors and nurses, and we—

The Speaker: Thank you. Final supplementary.

Mr. Tory: It was the Premier, of course, during the course of the election campaign in 2003, who made the promise to unclog emergency rooms. The people of Ontario know, after three years now, that what we have is a full-blown crisis across the province in at least 20 hospitals, probably more. That means that is yet another broken promise.

1430

The Hamilton Spectator today carries a story about the Henderson General Hospital, which cancelled no fewer than 15 surgeries last week due to a lack of beds, and the ER there is overflowing before we even get to the flu season. Recent news that the flu vaccine is going to be late arriving is only going to exacerbate an already dire situation. Ottawa Hospital CEOs are concerned about bed shortages.

Having heard that there are little bits and bites here in response to this report or that report, you have another report—endless reports—you just received, which you held back from making public for some period of time. What we want to know is not the bits and bites. Is what you're going to give us in the two weeks, which you just mentioned, or any other time—are you going to give us a comprehensive solution to the emergency room crisis facing this province, a comprehensive solution that all emergency rooms will know—

The Speaker: The question has been asked. Minister?

Hon. Mr. Smitherman: A few things. Firstly, in the case of Hamilton, it's important to note that the circumstances we deal with include providing more appropriate care at the community level. I'm pleased to see that, through the evolution of the family health team, 3,642 patients previously orphaned can now claim a family doctor. This is part of the rebuild that is necessary toward the comprehensive strategy the honourable member speaks about.

In addition, with respect, he has spoken about the necessity of building back beds. He speaks about Ottawa specifically. I would remind the honourable member that our government is in the midst of more than doubling the size of the Montfort, we've recently completed expansion at Queensway Carleton, and other hospitals in the Ottawa area are seeing part of our expansion—2,000 additional beds being built back into the acute care system, an 8% increase, which helps to address the very clear fact that the honourable member's party, while in government, cut acute care services by 22%. These are all elements of a

comprehensive strategy to address the damage that was done by the honourable member's party while in government.

BAIL VIOLATIONS

Mr. John Tory (Leader of the Opposition): I'm assuming that the answer on a comprehensive plan for the emergency room crisis is no.

My question is for the Premier. Today, the two suspects charged in the murder of Danny Rabti are in court. One of those suspects, Jodie Wheatle, was out on bail for another gun crime at the time of the alleged murder.

The victim's mother, who immigrated here from Iran with her children, had this to say: "I wanted to raise them here because I believed it was a nice country. If I knew the system was like this, I would have stayed in my country." She went on to say, "I came to Canada as a refugee. The system killed my son, not these two guys."

Premier, can you tell us if your crown attorney has appealed the granting of bail to Mr. Wheatle when he was charged with gun crimes three weeks earlier than the crime he's appearing in court in connection with today?

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

Hon. Michael Bryant (Attorney General): I think all members of this House obviously want to offer their condolences to this mother who spoke, not only on her behalf but, as it turns out at that particular event, on behalf of a number of victims of crime, and of gun crime in particular. All of our condolences are with her and with them.

The member is asking me about a matter that is actually subject to a publication ban. The publication ban does not permit the crown or the attorney to reveal information about the positions the crown took during the proceedings, so I'm going to have to abide by the publication ban. I'm sure the member will respect that, although I'm happy in the supplementaries to address broader issues of the position that crowns take on bail and the policy and practice thereto.

Mr. Tory: Perhaps we can broaden it out to address the question of whether you have given express direction that, in cases where people have previously been involved in crimes involving guns, your crown attorneys have express direction to oppose bail for those people, and whether in cases where bail is nonetheless granted after the crown objects, you're going to appeal each and every one of those bail decisions, where it involves someone who has previously been involved in criminal activity involving a gun. Secondly, I think something you probably can answer in this case is, has the \$10,000 surety posted for Jodie Wheatle's bail been collected? Has that been collected?

Hon. Mr. Bryant: Again, the publication ban covers that particular question on that particular matter, and I'm not going to violate the publication ban.

The question about the policy and practice of crown attorneys when it comes to bail involving gun crimes: It

is the policy and the practice of crown attorneys to (1) oppose bail for gun crimes and (2) where there is a bail review available—it depends on the offence—and it is a circumstance in which the crown believes there can be success at the bail review, absolutely they do. At first instance in many cases, through policy and practice, they are able to oppose bail successfully. In some cases—the member is right—that doesn't happen and a bail review is sought, and the bail review will be sought in those cases where it is the independent view of the crown that that is the law of Ontario.

Again, it is the policy and practice of crown attorneys to oppose bail for gun crimes, period.

Mr. Tory: In order that we can see, because there is grave doubt certainly on this side, and I think in other quarters, about whether that in fact is being carried out, as you said, in practice, beyond what might be written, maybe I could ask you to table with us the most updated copy of your policy manual, I think it's called, where these kinds of directives would be set out, and secondly, ask you why it is that when we put forward amendments, for example, to Bill 14 that would have required the Attorney General to report annually, among other things, on the number of bail violations, the number of sureties collected or not collected as a result of bail violations and other statistics like that, your party voted down that kind of amendment. We did that only in the interests of transparency of the justice system so that people could see, as I'm asking now, that you're actually doing the things you say you're doing. There seem to be a lot of cases where people are not finding bail aggressively opposed by the crown, where you're not seeking a bail review and where these people are ending up walking the streets, only to then end up getting involved in other criminal activity.

Will you consider or reconsider the position you took on these amendments? Will you get us the information to show you're doing what you say you're doing?

Hon. Mr. Bryant: The crown policy manual that sets out those directives is public. I'm happy to table it in the Legislature. If the member wishes, he can also go and obtain that information online. It's up on a website. This government put it up on the website. It previously had not been available to the public.

The broader issue is really about bail law, as I think the member knows very well. I'm hoping he spent some time with the federal justice minister, talking to him about the changes we need to our bail laws. That's why Ontario is going to the federal-provincial territorial justice ministers' meeting next week in Newfoundland: to take a very strong position about very important changes that need to be made to our bail laws.

We have to be tightening up our gun laws. That's why this is the government that supports a handgun ban. That's why this is the government that wishes to tighten up the gun laws. That's why this is the government that is fighting, in fact, to toughen up our bail laws, whereas that is the party that is going in a very, very different direction. We're proud of our position.

EDUCATION FUNDING

Mr. Howard Hampton (Kenora–Rainy River): To the Premier: Parents with children at the Dufferin-Peel Catholic District School Board sent you a message today. The parents are tired of dirty schools, with no soap in the washrooms. They're tired of no staff supervising the hallways. They're tired of seeing children who need extra help forced to go without. Most of all, they're getting tired of a McGuinty government that is more interested in photo ops than in fixing the problems in the classroom.

The parents told their trustees not to implement your cuts in the classroom and the trustees listened. The question is, Premier, will you respect this democratic decision of the school board trustees, or is the McGuinty government going to take over the school board and force your cuts in the classroom?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): We are very pleased with parents such as those, who are devoted to the well-being and the quality learning environment that all our children deserve throughout the province, but particularly those from the Dufferin-Peel Catholic District School Board who came today and made their opinions known. We welcome that advice.

I must tell you, though, that 68 out of 72 of our provincial school boards have managed to balance their budgets. Undoubtedly, in many of those instances it would have been somewhat of a struggle, just as we in government have the responsibility to work towards balancing our budget as well. There are always, always some trade-offs to be made in those circumstances.

But having said that, I also know that trustees welcome the additional investment we made in public education: some \$2.7 billion. The per pupil increase for this particular school board was 18%. So again, 68 of the 72 have managed to balance their budgets. We will continue to work with this particular board to ensure that we can help them do that as well.

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Mr. Hampton: Premier, Sharon Hobin is a parent with a child at Loyola Secondary School. Ehretia O'Hearn has children at Mount Carmel and St. Therese. After three years of the McGuinty government, what they see in their schools is washrooms without soap, school foyers that don't have secretaries and classrooms that don't have the programs to help kids at risk.

Your solution, as we see, is to force the school board trustees to make your cuts, cuts that will devastate good literacy programs like reading recovery. The question is this, Premier, and you can't duck it: Will you respect the democratically elected school trustees who refuse to make your cuts, or are you going to take over the school board and force your cuts in the classroom? Which is it going to be, Premier?

Hon. Mr. McGuinty: Again, so that we have the benefit of some facts before us, we've increased funding for that particular school board by \$128 million over three years. That's a 22% increase. I think that's pretty

significant. That means we've increased funding per pupil by \$1,300. That works out to an 18% increase per pupil. During the course of that time, working together with our trustees—to whom we attach a great deal of merit, so much so that we said to them, "You can, in fact, increase your own pay"—we brought class sizes down in over one half of our early years classes. We've hired 137 new teachers. Test scores in that particular board are up by over 10%. Together, we are rebuilding crumbling schools. Almost \$60 million has been invested in projects to fix schools within that particular board, 85 projects having already been completed. So together, I think we're making some real progress.

Mr. Hampton: Premier, the parents who are here today won't be appearing in your taxpayer-funded feel-good TV ads because these parents are real parents. They're tired of you putting your photo ops ahead of their children. They say good literacy programs like reading recovery shouldn't be cut. They say firing school custodians and school secretaries will make our schools more dirty and less safe. Premier, you admit that the school funding formula is flawed and inadequate and you promised to fix it, but you haven't. No wonder these parents are now calling you Dalton McHarris. The question is—and you deserve to give these parents an answer: Are you going to take over the school board and enforce your cuts, or are you finally going to fix the funding formula that you admit is flawed and inadequate and that you promised to fix? What's it going to be, Premier?

Hon. Mr. McGuinty: Again, for this particular board we've been pleased to be able to increase funding by \$128 million. That's a 22% increase.

The member made reference to the funding formula. That's always to be a work in progress. But let me tell you about some of the things we have done. Not only have we increased funding by some \$2.75 billion, which, on a province-wide basis, is \$1,600 per student, but we created a new \$1.1-billion school foundation grant that ensures that every school with more than 50 students is funded for a principal and a secretary. We've created special-purpose grants, because we recognize that one size does not fit all. Rural boards are now going to receive an additional \$125 million this year. We've updated the formula's salary benchmarks, which means that teacher salaries no longer have to be taken from other areas of school board budgets. I have a lengthy list of other amendments we've made to the funding formula.

Again, 68 out of 72 school boards have managed to balance their budgets. What we're asking all of our trustees to do is to work hard, living within our fiscal constraints, understanding we've increased funding by \$2.75 billion, to ensure we do so in a way that does not compromise—

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

HOSPITAL SERVICES

Mr. Howard Hampton (Kenora–Rainy River): To the Premier: The parents who came here today didn't

come to congratulate you; they came to point out that much of what you're saying in respect of their schools simply isn't real.

Premier, you've also broken your promise to take the pressure off our hospitals so that people will not have to wait long hours in overcrowded emergency rooms for necessary care. As a result of your failure to keep that promise, we have a hospital emergency room crunch that is 20 communities and growing. Every day, we learn of another community. Today, one of them is Windsor: the emergency rooms at Windsor Regional Hospital and Hôtel-Dieu general hospital, where wait times have hit an all-time high. Yesterday, dozens of Windsor patients couldn't get hospital beds. They were, instead, being warehoused on ER stretchers. Premier, how do you explain this growth of hallway medicine under Dalton McGuinty's government?

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

Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care): The best explanation for that scenario is to be found in the heart of the honourable member. It is that if he looks deeply into his heart with a little honesty, a little objectivity, he will know where the roots of that challenge lie: His fingerprints are there. The reality is that the challenge that we experience, as the recent report that was provided helps to indicate—decisions taken through the 1990s by those two parties while in government on two very particular issues have been the most significant contributors here: a significant reduction in the number of acute care beds, 22% alone under the Conservatives, and a challenge with respect to the sufficient capacity of doctors. We know that the size of our medical schools was shrunk, and the reality is that through that action and subsequent inaction, 1,000 doctors were lost to Ontario. We're working hard to make that up by increasing the size of our medical schools and by building 2,000 additional acute care beds and by the largest single investment pattern in community-based care. These are the initiatives taken together that will have—

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

Mr. Hampton: The Minister of Health and the McGuinty government are so desperate to blame somebody for their difficulties that they're even now blaming the wannabe leader of the Liberal Party that the Minister of Health is supporting.

Premier, the ER crisis may come as a surprise to the McGuinty government, but it's no surprise for Ontario patients, who have experienced at first hand how bad the situation is. Patients in Windsor aren't the only ones facing hallway medicine. In Hamilton, dozens of patients are stuck on stretchers waiting for beds that just aren't there because of the McGuinty government's broken promises. Last week, Henderson General Hospital in Hamilton cancelled 15 surgeries because the hospital is filled to overflowing.

I say to the Premier again: Instead of looking for someone to blame, what is your explanation for this

surge in hallway medicine now in your fourth year of government, when, by now, you've had time to fix the problem?

Hon. Mr. Smitherman: There it was in those final few words—"now that you have had time to fix the problem"—where the honourable member's already failing credibility takes another hard whack. The reality is that he hasn't yet stood up in this place, not once, with any degree of objectivity and apologized to the people of the province of Ontario for having, as he just acknowledged, spent five years in government in the bathroom, that when all of the tough decision were going on, all of the difficult discussions—

Interjections.

Hon. Mr. Smitherman: Oh, there, I've hit a touchy spot. Now it's the one that didn't apologize for running away on the public insurance debate. He squealed out of the parking lot rather than being on the scene and on the job.

In Windsor—they asked a specific question—they closed two emergency rooms there. We've increased funding at Windsor Regional by \$29 million. We've increased the size of medical schools by 23%, and we're building a satellite—

The Speaker: Thank you. Final supplementary.

Mr. Hampton: If the Minister of Health wants to apologize for the wannabe leader of the Liberal Party whom he's supporting, he should go ahead and do that. I want to talk about the situation in our emergency rooms today.

Here's the problem, Premier, and here's the problem, Minister: You haven't built the long-term-care beds we need, so frail, elderly seniors are being warehoused in high-cost hospital beds and people who need access to the hospital are lying on stretchers in the emergency room.

Here's a quote the Premier might remember: "You said you were going to make things better and ... you refused to put in place and get up and running long-term-care beds. That's what you did. This crisis is the result of your gross mismanagement and incompetence." Who said that? Dalton McGuinty. Today they're calling you Dalton McHarris because you've changed nothing.

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Premier, no patient in Ontario should have to wait in the hallway. So, in year four of your government, what's the McHarris plan—

The Speaker: The question has been asked. Minister?

Hon. Mr. Smitherman: Any time Howard Hampton stands up and starts talking about Mike Harris, any Ontarian with a good memory will think back to that debate in 1999 when Howard Hampton's arms weren't long enough—his reach wasn't great enough—to wrap them around Mike Harris and ensure that he got re-elected. This has been the agenda of that honourable member. We know about that political lover relationship he had with Mike Harris.

Here's the circumstance: 2,000 additional acute care beds being built that that honourable member opposes

because he's not in favour of construction; 5,000 additional long-term-care beds already open and in service—unprecedented levels of community-based investment.

Our government inherited a circumstance where, for 13 years in our province, community-based mental health programs had not seen one penny of new resources. This is but one example of our unprecedented investment at the community level. These things taken together are a comprehensive strategy to get over the circumstances that were manufactured by that—

The Speaker: Thank you. New question.

Mrs. Elizabeth Witmer (Kitchener-Waterloo): To the Premier: Despite all the rhetoric today, the reality is there is an emergency room crisis in Ontario today that you and your minister have known about for 18 months. The only reason that the emergency rooms in K-W are going to remain open is because of the doctors and the local leaders who worked hard to make it possible.

But I ask you today, why are you trying to distract attention from this crisis by only penalizing our community and sending in Ken Deane, an investigator and a supervisor?

Hon. Mr. McGuinty: I want to remind the former Minister of Health in the Conservative government of a few headlines that appeared during her term as minister:

"Chatham ER in Critical Condition," from the Chatham Daily News; "City Could See Part-time ER," Windsor Star; "ER Doctor Shortage Looming at General," St. Catharines Standard; "ER Wards Closed at Record Rates," Toronto Star; "Emergency Backlog Hits Worst Level in Three Years; As Bad as it Could Get," National Post; "Overflow Crowd Closes Local ER," Welland Tribune; "ER Out of Control, MD Says," Kitchener-Waterloo Record; "Death Prompts Inquest into ER Overcrowding," Kingston Whig-Standard.

I could go on, but there's only an hour allotted for question period here in the Ontario Legislature.

I want the former minister to take a good, long, hard look in the mirror and understand that the challenges we face today have been some time in the making, and she's made a wonderful contribution to that challenge.

Mrs. Witmer: The headlines that the Premier reads have to be cold comfort to the people who are suffering in our emergency rooms and hospitals. Furthermore, the Premier needs to know that the headlines today are about him. He's had three years to take action and there is no action whatsoever. If he wants to read the headlines, he should go back to Elinor Caplan in 1998 and 1999 and the emergency room situation.

Interjections.

The Speaker: Order.

Interjections.

The Speaker: We can wait. Minister of Public Infrastructure Renewal, member for Lanark-Carleton, I need to be able to hear the member from Kitchener-Waterloo.

Mrs. Witmer: Again I say to you, Premier, today the headlines are there because of your inaction on this issue, and if you want to reach back, reach back to Elinor Caplan in 1998 and 1999. I tell you, the worst problem and crisis was at that time when a woman was refused

access to an emergency room. I believe there were 14 that turned her back.

But I ask you today, why have you decided not to come up with a solution for the more than 20 hospitals in this province that have an emergency room crisis and why are you instead focusing only on the region of Waterloo and Grand River and sending in Ken Deane, an investigator and a supervisor?

Hon. Mr. McGuinty: I completely reject the implication that somehow we're doing anything other than working in a collaborative, co-operative fashion with a particular hospital and a particular administration and particular medical personnel which have some particular challenges. I think the member opposite would have to search long and hard to find anybody within the medical community who would somehow attack the integrity of somebody like Tom Closson or Ken Deane, an innovative approach to dealing with their emergency room challenges. We will continue to work with this particular hospital and any other hospital which finds itself in a position where—

Interjections.

The Speaker: Member for Erie—Lincoln will come to order. Member for Renfrew.

Premier?

Hon. Mr. McGuinty: I know that it is not the intention of the member opposite to luxuriate in the challenges that stand before us, particularly as they relate to her community. I know that she wants us to do everything that we possibly can to come together and resolve these challenges. I know that she wants to work with us in a co-operative way in the interests of patients who need access to that emergency room. I'm sure that over the days and weeks ahead we will continue to bring that sentiment to work together in a co-operative fashion, and I look forward to that.

LONG-TERM CARE

Ms. Shelley Martel (Nickel Belt): I have a question to the Minister of Health. Minister, on August 18, 2005, your government's own seniors' advisory committee on long-term care wrote to you, urging you to appoint a seniors ombudsman for long-term-care residents. They said, "We feel the current system, which relies solely on government staff, is simply not responsive enough to ensure seniors' rights are protected in an objective and fair" way.

Your government's committee represents over a million seniors in Ontario. It includes some of the following groups: United Senior Citizens of Ontario, Retired Teachers of Ontario, Concerned Friends of Ontario Citizens in Care Facilities, Ontario Coalition of Senior Citizens' Organizations, and on and on.

Minister, why did you ignore the advice of your government's own seniors' advisory committee and fail to put in place a seniors' ombudsman in your no-minimum-standards-for-seniors act?

Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care): I'm very

pleased to hear from the honourable member. She would know by a review of the legislation that we have placed in there a provision that allows us to create even greater resources to assist patients and their families related to long-term care. But it really is a difference of opinion with the honourable member—and some others, of course.

We think that the ombudsman function in the context of long-term care is a reactive approach. We prefer one that creates a circumstance where complaints are acted upon immediately, and that's what we've put in place with our 1-800 action line and with very strenuous compliance objectives and expectations that are at the very heart of the bill.

Here's what some others said about it. Lois Dent, Concerned Friends of Ontario Citizens in Care Facilities: "We are pleased that the long-term-care legislation is finally being introduced. We recognize that a lot of hard work has gone into developing this act, a great deal of consultation took place, and it appears that the result reflects a resident-centred approach." We can thank the honourable member for Nipissing for her leadership in this issue.

Ms. Martel: Minister, not only did you ignore your own government committee's advice, but you also broke a promise that you specifically made to the Royal Canadian Legion, Ontario command, with respect to an ombudsman. In a press release that was issued today by the Royal Canadian Legion, Ontario command, they say that at a meeting in March 2005 the Minister of Health indicated that his government would have a solution and create an ombudsman to oversee long-term-care homes and investigate complaints of care. The Legion says it also has on file many letters of support from Liberal MPPs encouraging the same thing.

Minister, there is no ombudsman proposed in your no-minimum-standards-for-seniors act. Why have you broken the promise you made to the Royal Canadian Legion?

1500

Hon. Mr. Smitherman: It is an example of the extent to which both myself and the member from Nipissing have been working with so many interested parties that we indeed did meet with the Legion. I recall those meetings very, very pointedly. While I did indicate that it was our intention in the legislation to have a mechanism, which is there—the office of the long-term-care adviser—I told them that from the standpoint of language, we would not necessarily call it that. I've never put that in writing; the honourable member knows that very well.

I think I'd like to offer one other quote:

"President Maureen Hutchinson, a resident herself, and I were very pleased at what we heard, proud of our involvement over the years in advocacy with and for residents of long-term care—and looking at a bright future ahead. Thank you for all the work by so many people.

"Patricia Prentice

"Executive director (A) Ontario Association of Residents' Councils."

BOTTLE RECYCLING

Mr. Bob Delaney (Mississauga West): Mine is a question to the Minister of the Environment. Minister, one of the most anticipated environmental developments of late is the government's decision to launch a deposit-return program for containers from the LCBO. Whether I'm sitting in a living room meeting or I'm talking in a classroom or working with groups of students or discussing things at the door with constituents, one of the things people say to me very often with regard to recycling is that they can return many types of containers for a deposit, but their containers from the LCBO have to go into the recycling bin.

My constituents are, first of all, very, very pleased that they can do their part to protect the environment, and they would like to know a little bit more about this program. Could you tell us a bit more about it?

Hon. Laurel C. Broten (Minister of the Environment): The constituents in Mississauga, the constituents right across the province, are wholeheartedly embracing recycling. We are pleased to be able to provide, through the bottle return program, yet another tool for Ontarians to be able to ensure that products are used to their highest and best use. Effectively, what we are offering them is the opportunity to expand their recycling efforts: to return their liquor and spirit bottles to ensure that that valuable product, glass, is used to its highest and best use.

It's projected with this deposit-return program that we will keep as many as 80 million bottles out of landfills and road-building applications and use them for a more valuable use. It will also allow communities right across the province to build on their blue box programs by freeing up space for municipalities to expand into areas like electronics, household hazardous waste and organics, just to name a few.

Mr. Delaney: Many of our constituents are familiar with the deposit-return channel used at the Beer Store. Most of us know, if we're going to bring back our returnable bottles to the Beer Store, how to go about it. But many people who, first of all, are not beer drinkers or, secondly, don't frequent the Beer Store ask about this particular return channel. Tell me a little bit about the channel of returning LCBO containers through the Beer Store. Would it represent an inconvenience for consumers? How would that channel work?

Hon. Ms. Broten: As we seek to develop and expand our opportunities for recycling and increased diversion across the province, one of the things that we take a look at is ensuring that it is accessible to Ontarians. What our research shows us is that 80% of Ontarians purchase product at the LCBO and the Beer Store. In this developed program, what we've been able to do is build upon a return network that is already in place and that in fact has an incredible track record: some 96% of bottles are returned to the Beer Store. So we have a system in place that we can build upon. It's an efficient, effective, consumer-friendly program to help us, most importantly,

increase diversion of waste from landfill and recycle and reuse a product such as glass that has much higher and better uses than ending up in a landfill.

CHILD PROTECTION

Mrs. Julia Munro (York North): My question is for the Minister of Children and Youth Services. Minister, on March 8, 2005, your ministry issued a news release with a commitment to introduce legislation that spring, 18 months ago, to make Ontario's child advocate independent. Your office said that this "would better protect the interests of vulnerable children and youth."

Then Minister Bountrogianni claimed that the "planned legislation deliver[ed] on a key commitment of this government and a promise we made to Ontario's youth and children." Is this just another broken promise in your three years of broken promises?

Hon. Mary Anne V. Chambers (Minister of Children and Youth Services): I appreciate the question and I look forward to the member opposite supporting this legislation when it comes forward so that we can have quick passage of it. In the meantime, what we have been doing is working to ensure that the proposed legislation is in fact reflecting the needs of children in Ontario. We've been working very closely with the sector and also with the current child advocate to make sure that what we bring forward will indeed serve the children of Ontario well.

In addition to that, as you know, we have been taking other steps to provide supports to children and their families in Ontario, not the least of which is Bill 210, which will be proclaimed next month and will ensure greater protection for children and their families.

Mrs. Munro: Minister, during the estimates a few weeks ago you claimed to be "doing very extensive consultations" on this issue. This week I had the opportunity to meet with representatives from Defence for Children International-Canada. DCI has been a lead advocate on this issue for years. In fact, this summer they published a comprehensive report entitled Child Advocacy Renewal in Ontario: Progress Report and Agenda for Action.

According to DCI, they have been unable to secure a meeting with your office. Despite your assertion that you are conducting extensive consultations, your office denied formal meeting requests from DCI from February 1, 2006, March 22, 2006, and June 2006, and repeated telephone requests for meetings. Minister, why have you dismissed meeting requests from this very important group?

Hon. Mrs. Chambers: As a matter of fact, I very recently responded to that organization, providing them with details on what we have been working on. You cannot start to imagine how many requests for meetings we receive. I think that one of the reasons I receive as many requests for meetings as I do is because the word is out there that I am very much about engaging and consulting, and that has indeed increased the demand for meetings with me.

To all who would like to meet with me on everything that's important to them, I appreciate their interest. I make a point of responding to their correspondence and, wherever possible, I do meet with them. But a meeting in itself, whether it takes place or not, is not an indication of whether or not I'm interested in the topic, and they know that. They will have very recently received a very comprehensive response on what we're doing with this issue.

WINDSOR RACEWAY

Mr. Michael Prue (Beaches–East York): My question is to the Premier. On Monday and Tuesday of this week, I was compelled to act in the interests of Windsor residents because your Windsor-area ministers failed to do so themselves. I repeatedly asked your Minister of Economic Development and Trade to tell her electors when—and I underline the word “when”—she was apprised of the details of the racetrack relocation that will rob the city of Windsor of \$2.4 million of gaming revenues and another \$600,000 in property taxes. Put bluntly, the minister was evasive and refused to answer.

Premier, we know that decisions like these are not made in a vacuum. We know that you and your ministers and your most senior members of cabinet must have known about this. Tell me, when did you personally and your most senior ministers first learn of this body blow to the Windsor economy?

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

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): I'm happy to respond to the member's concern. I can tell you that Ontario Lottery and Gaming has not received a business plan from the track owners, so it's difficult to comment on the specifics. There have been some media stories and some announcements locally. When they do approach us, we'll be in a much better position to comment.

1510

I can tell the member that my understanding of the proposal—at least from the media reports—is that the track owners have decided to relocate within the Essex region, so there will be no loss of jobs. In fact, there will be significant reinvestment in here. I understand from the media reports that there is a supportive horsemen's association. I understand, as well, that this is certainly in keeping with the kind of vision they have talked about for a reinvigorated horse-racing sector.

We'll be very interested in the proposal when the owners of the track present a business case to Ontario Lottery and Gaming.

Mr. Prue: The Premier won't answer, and the minister who doesn't know anything about it gives a “blah blah.” That's what I just heard today.

Premier, I'm back to you, because I want you to answer this: Your Windsor ministers seem to be serving

the Liberal Party before their own constituents. Windsor county Councillor Dave Brister said that Papatello and Duncan “are not stepping up to the plate” to defend Windsor's interests.

A Windsor Star columnist wrote today: “Talk about shameless. Here's \$2.4 million annually to be confiscated from hard-luck Windsor and handed to prosperous Tecumseh and Papatello has the gall to call it a good thing for the county. Good grief, Sandra. You were elected by Windsor voters, not by Tecumseh backroom politicians and county standardbred owners.”

Help set the record straight and tell us when your government made this decision—or are you going to hold onto all this until after November 2 and your thousand-dollar-a-plate fundraising dinner, and then are you going to—

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

Minister?

Hon. Mr. Caplan: It's quite mystifying. Obviously, the member should go to Windsor. In fact, if he did, he would see the significant investment that this government delivered by three of the finest members of this Legislature, representing the people of Windsor: over \$1.2 billion of investment—\$400 million at Windsor casino alone; the Children's Rehabilitation Centre of Essex County; rebuilding the Windsor jail; upgrading signage in the jury box at Windsor; additional JPs; Windsor Regional Hospital; the Cada Complex Library improvement; road and bridge projects.

This member really should leave his Toronto riding if he wishes to go to a community that has done incredible work in terms of gaining investment there.

When we are approached by the owners of this particular venue, we will be in a much better position to respond—

Interjection.

The Speaker: Order. The member for the third party has been warned.

Hon. Mr. Caplan: —but so far, OLG has not received a business case from the Windsor Raceway.

EDUCATION

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): My question today is for the Minister of Education. I'd like to start by extending my congratulations to her on her appointment to cabinet and wishing her success in a very challenging portfolio and in meeting all of the commitments our government has set out.

Minister, the McGuinty government has been here now for three years. We've come a long way during that time to recover from the decimation left by the Harris-Eves era. The government has invested heavily in education, more than any other government in the history of Ontario. The most rewarding part of our investments, though, Minister, is that the students are actually receiving higher-quality education.

For example, students in my riding are seeing improved test scores in grades 3 and 6, in reading, writing and math. The Durham Catholic board is seeing an average increase of some 13%, and the Durham district board is seeing an average increase of 11%. I have no doubt that we're on our way to meeting our target of 75% of students across Ontario meeting or exceeding the provincial standard by 2008.

Minister, the investments we made are making a difference to students in my riding. Can you remind the members opposite why our investments are so important to Ontario's children?

Hon. Kathleen O. Wynne (Minister of Education): Thank you to the member for Pickering–Ajax–Uxbridge for his work with teachers and parents in schools in his community.

To answer his question in an immediate way, the reason our investments are all so important—we talk about investments in schools, we talk about investments in the funding formula and in school boards—is that we are creating better learning environments for the children of this province. That's why they're so critical.

I want to talk about the success in his riding being mirrored around the province. Our overall investment of \$2.75 billion has led to lower class sizes, to student achievement going up, to graduation rates going up and to the presence of labour peace and stability in all of our schools. Our test scores in writing, reading and math are up 10% for elementary students. Nearly 60% of primary classes this year are going to be meeting the target of—

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

Mr. Arthurs: Minister, the Premier has already spoken today to World Teachers' Day, and I know that you, like others, were visiting schools even as early as this morning to extend thanks to teachers and their partnership as we transform public education into the best in the world.

I want to take the opportunity to thank the teachers in my riding for the excellent work they're doing on a day-to-day basis. They're helping to reduce class size and boost student achievement. The two boards in my ridings have received funding for some 308 new teachers, and that's important.

Minister, we're certainly making a difference in regard to what's happening in education. We all know that at the end of the common-senseless revolution there were 15,000 fewer teachers, and Ontario schools had lost 26% of teacher librarians and 22% of physical education teachers. Can you help this House understand some of the investments that we've made for teachers in the province?

Hon. Ms. Wynne: We have done so much. We've come so far in three years. The respect for teachers that is shown on this side of the House is measurable. Funding for 7,000 teachers has been put into the system; 1,600 new secondary student success teachers; 3,600 teachers to create smaller class sizes—1,200 just this year. Sixteen hundred elementary teachers will be delivering more

music and more phys ed for specialty programs. We've trained 16,000 new teachers in literacy and numeracy. We've put \$4 million in the system to support professional development and provided two days of professional development that were not there under the previous government. We've repealed teacher testing. We have demonstrated that we hold a deep respect for teachers, and we will continue to make those investments.

LONG-TERM CARE

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): My question is for the Minister of Health and Long-Term Care. Minister, again this week we were treated to more empty rhetoric about what you've been pretending to do to address the challenges in our long-term-care centres. The good people operating our LTCs, such as Miramichi Lodge and Bonnechere Manor in my riding, just don't know if they can take much more of the kind of help you're offering. You promised \$6,000 more per resident, 20 additional minutes of personal care. You have not delivered. When will you begin treating our most vulnerable with the dignity and respect they deserve and replace your rhetoric with the support you promised? Or is your word simply worth nothing?

Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care): I want to say that we're very, very proud of the work we've done on long-term care. This is, of course, the place where we provide care to about 75,000 of our province's most vulnerable. I'm very grateful for the leadership work that the member from Nipissing has provided. As I quoted earlier in question period, others are very satisfied as well.

The honourable member talks about long-term care but doesn't find any capacity to acknowledge that there are 3,140 additional people working inside long-term care on the front lines, providing care to these very loved ones that we all agree need it.

In addition, the legislation which we're proud to have introduced this week, if passed, will enhance the standards and will also enhance the very protections associated with the quality of care that we all expect. They will outlaw neglect and make it incumbent upon all of us to make us aware of it, and they will offer important whistleblower protection in the instance that anyone feels reprisals.

There is always more work to do. This is an impressive and important piece of work related to long-term care, and we're proud to bring it forward.

Mr. Yakabuski: More rhetoric and empty promises.

Minister, I've had the opportunity to visit long-term-care centres in my ridings and shadow staff, shadow the good people serving our most vulnerable residents in those facilities. I appreciate the work they're doing. You know who else appreciates it? The families of those residents. They've told me, as well, that they appreciate the great work that they're doing. But do you know what

they don't appreciate? They don't appreciate your breaking your word to the people of the province of Ontario.

I've got some advice for you, Mr. Minister: Stop being so flippant, condescending and threatening. Stop worrying who John Tory is going to beat in the next election. Roll up your sleeves and start delivering on the promises you made to the most vulnerable people in this province.

1520

Hon. Mr. Smitherman: It's a bit Freudian, maybe, that the honourable member would speak out about one of the most glaring vulnerabilities about his party, the fact that his leader does not have the courage to run in the riding where he lives and, instead, is running home to his parents' house. Here's what we've done—and he is in for it. I mean, it was all a ploy on my part, of course, because we wanted to have a race—

Interjections.

Hon. Mr. Smitherman: —we wanted to have the showdown between the advocate for private education and the advocate for public education.

Mr. Yakabuski: Where do you live, Kathleen? Maybe you should get into the riding you serve in.

The Speaker (Hon. Michael A. Brown): I'm not going to warn the member for Renfrew–Nipissing–Pembroke again.

New question.

APPOINTMENT OF OPP COMMISSIONER

Mr. Gilles Bisson (Timmins–James Bay): My question is to the Premier. On September 1, Angus Toulouse of the Chiefs of Ontario sent you a letter with a very reasonable request. He wants you to consult with First Nations before you appoint a new commissioner of the Ontario Provincial Police. I'm sure you will agree that after Ipperwash, Big Trout and Caledonia, the need for consultation with First Nations has never been greater.

Premier, today we learned that you're poised to name a new OPP commissioner as soon as tomorrow—without any consultation, we now know, with First Nations. My question is simply this: Premier, why did you refuse to involve First Nations in selecting our new commissioner of the Ontario Provincial Police?

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

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): I would say to the member that the hiring of the commissioner of the OPP, as you know, is a worldwide search that is carried on by the government of Ontario and is done at a very high level. No citizens in the province are consulted when it comes to that. The interviews are done at the very highest level under very secure circumstances, as it is a policing matter, and it's done independent of government.

Mr. Bisson: Well, we'll find out tomorrow just how worldwide this search was, but that's for another day.

I just say, listen: You understand, Premier, and your ministers understand that in this environment of today, a commissioner must be very sensitive to issues of the community that he or she represents. First Nations are an integral part of our community of Ontario and we need to make sure that whoever we hire, he or she is sensitive to First Nations issues.

But I want to say, Premier, you promised on behalf of your government after being elected, about a year ago or two years ago, a new relationship with Ontario aboriginal communities. Tell me how this is anything different than before when it comes to creating a new relationship when you won't involve the First Nations in even consulting them over this hiring.

Hon. Mr. Ramsay: As the member knows, we have a consultation process involved right now with First Nations, with Grand Chief Angus Toulouse, in regard to all government responsibilities as to how we are to be consulting in the future. I am awaiting the response from the Grand Chief as to how he wants to engage the Ontario government in that exercise. We have offered capacity support in terms of money. We're waiting for the response to come back, and in what forum he wants to engage.

I think we have to understand that the previous commissioner, Gwen Boniface, made wonderful connections with the aboriginal community in this province. I must say that I was very pleased, and I know that she's in her final days now, on the response that she has had to aboriginal issues. They're very difficult issues, and Ontario has been served very well by her.

TECHNOLOGIES DE L'INFORMATION

M^{me} Monique M. Smith (Nipissing): Ma question est pour la ministre déléguée aux Affaires francophones. Vous revenez d'un voyage en Roumanie, où le onzième Sommet de la Francophonie s'est déroulé. Ce sommet avait comme thème les technologies de l'information dans l'éducation. Les technologies de l'information sont devenues des outils indispensables, presque aussi ordinaires que le papier et le crayon. Cependant, l'accès à ces outils et leur utilisation n'est pas également répandu dans le monde, et cela crée des disparités.

Le développement durable est étroitement lié à l'éducation, et l'utilisation des technologies de l'information dans l'éducation s'impose comme une nécessité.

Quels exemples pouvez-vous nous donner sur la contribution de l'Ontario à ce domaine?

L'hon. Madeleine Meilleur (ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones): L'Ontario, et l'Ontario francophone en particulier, continue de s'affirmer comme un leader au niveau international dans les domaines de l'éducation, des nouvelles technologies et des nouveaux médias.

TFO, par exemple, est un de nos fleurons dans ce domaine et a déjà primé pour son site Web, conçu pour donner un accès instantané aux enseignants et enseignantes à des ressources en littéracie et numéracie.

Le Service d'apprentissage médiatisé franco-ontarien, SAMFO, est un autre exemple d'innovation et d'excellence en éducation.

L'Office des Affaires francophones avait présenté au kiosque du gouvernement fédéral ces deux outils d'enseignement et de nouvelles technologies, qui ont été reçus d'une façon incroyable. Je veux prendre cette opportunité pour féliciter ces deux organismes pour le beau travail qu'ils font en éducation, et ça a été reconnu au Sommet de la Francophonie par toute la communauté qui était là.

Alors, j'en profite pour les féliciter.

PETITIONS

PENSION PLANS

Ms. Andrea Horwath (Hamilton East): I have a petition to the Legislative Assembly of Ontario and it reads:

"Whereas every Ontario worker has the right to a secure pension that is indexed to inflation and provides the dignity of a stable and sufficient income for retirement;

"Whereas pensions represent workers' deferred wages and all pension contributions belong to the workers;

"Whereas people who work all their lives deserve the right to retire with a decent pension at age 65 without having to worry about making ends meet;

"Whereas the pension system is sorely in need of reform; it hasn't been reviewed since 1987 and many Ontario seniors have seen the value of their pensions vastly reduced over the years;

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

"We call on the government of Ontario to form a special legislative committee on pension reform to study ways to ensure that all workers have the ability: (1) to participate in a pension plan; (2) to have a real say in how the plan is managed and governed; and (3) to have vesting from day one, indexing, portability from job to job and absolute protection of their pension through a much-enhanced pension benefit guarantee fund and stronger provincial legislation."

I agree with this petition. I'm sending it to the table by way of page Norah.

FISH HATCHERY

Mr. Dave Levac (Brant): I'm offering this petition on behalf of the member from Algoma—

The Deputy Speaker (Mr. Bruce Crozier): Manitoulin.

Mr. Levac: Manitoulin Island, right. He's the Speaker, so I get to do this on his behalf.

"To the Legislative Assembly of Ontario:

"Whereas fishing is such a tourist attraction for Manitoulin Island, and in turn provides economic benefits to the island; and

"Whereas the Gore Bay Fish Hatchery has been in operation for 20 years, with over three million fish of various species being raised in the hatchery and stocked in Manitoulin waters (North Channel and Lake Huron); and

"Whereas little or no financial support is being provided by the Ministry of Natural Resources or by any provincial or federal government agencies; and

"Whereas volunteers have operated the hatchery for the vast majority of its existence;

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

"Provide funding for the hatchery, which will close permanently in October, as it is increasingly difficult for the volunteers to raise money."

I sign this name and hand it over to our page Sarah, who will hand it in to the Clerk.

HIGHWAY 26

Mr. Jim Wilson (Simcoe-Grey): "To the Legislative Assembly of Ontario:

"Whereas the redevelopment of Highway 26 was approved by MPP Jim Wilson and the previous PC government in 1999; and

"Whereas a number of horrific fatalities and accidents have occurred on the old stretch of Highway 26; and

"Whereas the redevelopment of Highway 26 is critical to economic development and job creation in Simcoe-Grey;

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

"That the Liberal government stop the delay of the Highway 26 redevelopment and act immediately to ensure that the project is finished on schedule, to improve safety for area residents and provide economic development opportunities and job creation in Simcoe-Grey."

The reason I started these petitions again is that the minister was up to the riding three weeks ago, met with the mayor and didn't look at the highway, and hasn't given us any answer on whether the Liberals are going to get restarted on this thing or not.

1530

LONG-TERM CARE

Mr. Peter Kormos (Niagara Centre): On behalf of Shelley Martel, the member from Nickel Belt, I present the following petition.

"To the Legislative Assembly of Ontario:

"Whereas, in June 2003, Dalton McGuinty said, 'Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios'; and

“Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

“Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

“Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

“Whereas a coroner’s jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

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

“That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day.”

Signed, in addition to the signature of Shelley Martel, by myself.

IMMIGRANTS’ SKILLS

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

“Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

“Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, managerial and professional talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

“Whereas action by Ontario’s trades and professions could remove many such barriers, but Ontario’s trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

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

“That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario’s regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario’s employers, Ontario’s newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families.”

I agree with the petition and also sign the petition.

WATER QUALITY

Ms. Laurie Scott (Haliburton–Victoria–Brock): “Amend the Clean Water Act.

“To the Legislative Assembly of Ontario:

“Whereas every Ontarian wants the best water quality possible; and

“Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

“Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

“Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

“Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

“Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

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

“To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place.”

It’s signed by many people from the International Plowing Match in Peterborough.

FAIR ACCESS TO PROFESSIONS

Mr. Mario G. Racco (Thornhill): “In Support of Skilled Immigrants—Bill 124.

“Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

“Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

“Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

“Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

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

“That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature”—and the key words are “prompt passage.”

SCHOOL FACILITIES

Mr. Jim Wilson (Simcoe–Grey): I want to thank Tim Peterson, the member for Mississauga South, for signing my Highway 26 petition, as I am his MPP in that area.

The Deputy Speaker (Mr. Bruce Crozier): We’d like to hear the petition.

Mr. Wilson: This is another one now. "To the Legislative Assembly of Ontario:

"Whereas the parents of St. Paul's elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

"Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul's elementary school; and

"Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

"Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

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

"That the Minister of Education immediately deem St. Paul's elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul's can be educated in a facility that is secure and offers them the respect and dignity that they deserve."

Of course, I agree with this petition.

IMMIGRANTS' SKILLS

Mr. Shafiq Qadri (Etobicoke North): I have here a petition addressed to the Ontario Legislative Assembly regarding access to trades and professions in Ontario.

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, managerial and professional talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

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

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's

employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

Of course, I heartily support this and send it to you by page Julia.

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe-Grey): "To the Legislative Assembly of Ontario:

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

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

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

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

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

If the Liberals would only do this, they'd be national heroes.

The Deputy Speaker (Mr. Bruce Crozier): We read the petitions, and the time is for all petitions to be read. We should keep any addition to a minimum.

1540

IDENTITY THEFT

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

"To the Parliament of Ontario and 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;

"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 credit card numbers.

“(2) Should a credit bureau discover that there has been a breach of consumer information, the agency should immediately inform the victimized 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 with this 100%, I'm delighted to sign this petition.

SCHOOL TRANSPORTATION

Mr. Jim Wilson (Simcoe–Grey): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty has promised to make the needs of students a priority for his government and that students deserve to have a bright future with a good education; and

“Whereas Dalton McGuinty has promised not to give up on students or Ontario's public school system;

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

“That the provincial government work with the Simcoe Muskoka Catholic District School Board to establish an evening bus route from St. Joan of Arc High School in Barrie to the outlying communities. This would allow students to participate in extracurricular activities and help them to fulfill their potential, secure a bright future and receive the best educational experience possible, as promised to them by the Premier.”

I agree with this petition and I've signed it.

BUSINESS OF THE HOUSE

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): Speaker, I'd like to rise pursuant to standing order 55 and give the Legislature the business of the House for next week.

On Tuesday, October 10, in the afternoon, second reading of Bill 124, the Fair Access to Regulated Professions Act; in the evening, third reading of Bill 43, the Clean Water Act.

On Wednesday, October 11, in the afternoon, second reading of Bill 50, the Traditional Chinese Medicine Act; in the evening, third reading of Bill 51, the Planning and Conservation Land Statute Law Amendment Act.

On the afternoon of Thursday, October 12, second reading of Bill 130, the Municipal Statute Law Amendment Act.

ORDERS OF THE DAY

ACCESS TO JUSTICE ACT, 2006

LOI DE 2006

SUR L'ACCÈS À LA JUSTICE

Mr. Caplan moved third reading of the following bill:

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

The Deputy Speaker (Mr. Bruce Crozier): Mr. Caplan.

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): Speaker, I'm going to be sharing the time with Mr. Zimmer, the member for Willowdale, the very able parliamentary assistant to the Attorney General.

Just some very quick comments. I have received a number of calls from very concerned residents in Don Valley East. They would like to see speedy passage of this bill. I will be supporting it, I say to my friends and neighbours in Don Valley East. I do hope it receives speedy passage by this Legislature.

Mr. David Zimmer (Willowdale): Today we proceed with third reading of the Access to Justice Act, 2006. This is a comprehensive and significant piece of legislation. The bill, if passed, will modernize and improve Ontarians' access to the justice system and provide greater openness, transparency and accountability. It will regulate paralegals and reform the justices of the peace system. It will also amend the Provincial Offences Act, the Courts of Justice Act and the Limitations Act, and create the new Legislation Act.

The Attorney General introduced Bill 14 on October 27, 2005. Before introducing this bill, we consulted extensively, including meeting and speaking with the bar, paralegal organizations, the business community and consumer protection groups. After the bill received second reading, it was referred to the standing committee on justice policy on April 11, 2006. The committee held nine days of public hearings and received over 300 written submissions. We have listened to concerns raised and introduced in the committee several amendments that would improve the bill.

I will take the time allotted to me to detail some of these proposed changes for the benefit of all members of the House, our stakeholders and interested members of the public.

First, let me speak to paralegal regulation. Currently, paralegals are not regulated in Ontario. They can provide legal services without receiving training or carrying liability insurance. Right now, there are no uniform standards and no educational requirements. There is no public body to investigate complaints made against paralegals or to discipline a paralegal in the event of dis-

honesty or unscrupulous conduct. The regulation of paralegals would contribute to increased efficiency and effectiveness in the justice system. Regulation would improve access to representation by qualified, trained professionals. It's now time to regulate paralegals in this province.

Ontarians deserve access to high-quality, affordable legal services. This government is committed to enabling the people of Ontario to get those services, while ensuring they are fully protected. Our government is committed to becoming an international leader in providing the best possible paralegal services by creating a modern regulatory and educational program to train qualified paralegals.

It's important that the public has confidence in the justice system, particularly in legal representation. Under the legislation, the public would be protected by established practice standards and a code of conduct; requirements for ongoing professional development; a transparent complaints and investigation process; and mandatory professional liability insurance.

By regulating paralegals, we would be increasing access to justice by giving consumers a choice in qualified legal services while protecting people who get legal advice from non-lawyers. We believe that the Law Society of Upper Canada is best positioned to assume this responsibility. It has the experience and the ability to regulate professionals providing legal services. It has the infrastructure and the expertise to take on the regulation of paralegals.

The law society has governed the practice of law in the public interest for over 200 years in Ontario. It has set educational and ethical standards for lawyers, addressed complaints from consumers of legal services and disciplined lawyers in the public interest. There has been some concern about whether the law society would be in a conflict-of-interest position when it comes to regulating paralegals. Let me assure you that the mandate of the law society would be to regulate legal services in the public interest. The law society's role would be to ensure that consumers who use legal services, whether through lawyers or paralegals, are properly protected.

The public is better served if one body regulates all legal services. With one governing body, it would be clear where all questions or complaints regarding the provision of legal services, whether by lawyers or paralegals, could be directed by members of the public.

1550

There are protections and safeguards in the regulatory system for paralegals. Paralegals will have a prominent role in the governance of the law society and, in particular, over the regulation of paralegals. A paralegal standing committee within the law society, with a non-lawyer majority and chaired by a paralegal, would take the lead in implementing paralegal regulation for the law society.

In addition, the legislation calls for various reports to be prepared on the development of the paralegal regulatory scheme, its effect on the public and its effect on

paralegals. An interim report would be required two years after royal assent, which would address the details of paralegal regulation to determine if it follows the law society's recommendations in its 2004 report on paralegal regulation. Final reports would be required five years after the system is up and running, one from the law society and another from a non-legal appointee of the Attorney General. These reports would review the way in which paralegals have been regulated and the effect of paralegal regulation on the public in Ontario.

We heard from some individuals and groups who supported paralegal regulation but do not believe that the regulatory scheme should apply to them. We have listened to their concerns, and the bill now contains some exemption as follows:

(1) persons in a profession or an occupation already governed by another statute;

(2) an employee or an officer of a corporation in relation to a document for the use of the corporation or to which the corporation is a party;

(3) a person acting on his or her own behalf; and

(4) an employee or a volunteer representative of a trade union or a union member in certain types of proceeding.

Bill 14 would also provide the law society with the authority to exempt persons or classes of persons from licensing requirements through its bylaws.

We've also heard that paralegals who are licensed by the law society should be members of the law society. We have listened to those concerns. In response, we've proposed an amendment that would make persons licensed to provide legal services "paralegal members" of the law society. The law society would have the responsibility to regulate all legal services in the public interest. We expect that the law society will continue to consult with legal, paralegal and consumer groups and the public as the regulatory scheme is developed over the years.

We've heard from some parties who believe that paralegal regulation will deprive the public of the opportunity to retain the paralegals they choose. This is simply not the case. Under the proposed Access to Justice Act, paralegals will be able to do everything that they can legally do now. Paralegal regulation is about encouraging qualified, independent paralegals to continue to provide professional services to the public. This bill will strengthen the role of paralegals in Ontario.

Now I want to go over some of the other portions of the Access to Justice Act that were introduced this past fall. First, let me speak to justices of the peace reform. Through the proposed Access to Justice Act, we're also making major reforms to the justices of the peace system. As justices of the peace are playing an increasingly important role in the justice system, it's time to bring the justice of the peace system into the 21st century. The proposed reforms in Bill 14 will ensure continued public confidence in the justice system by creating a more open and transparent appointment process and by establishing minimum qualification standards for the appointment of justices of the peace. Amending the Justices of the Peace

Act would establish minimum qualifications for prospective justices of the peace: a university degree or a comparable community college diploma or a comparable equivalency experience, including life experience, and at least 10 years of paid work or volunteer experience.

There have been questions raised about why justices of the peace do not have to be lawyers. Justices of the peace are often the first and the only encounter that most people have with the justice system. It is important that justices of the peace reflect the diverse communities that they serve. The long tradition in Ontario of a lay justice of the peace has served the justice system in Ontario well.

We would also establish a new Justices of the Peace Appointments Advisory Committee to increase the openness and the transparency in the appointment of justices of the peace. Community and regional input would be incorporated into the appointment process. Changes to the Justices of the Peace Act would expand the power of the Justices of the Peace Review Council to allow it to deal with a broad range of complaints. It would have full power to hold a hearing and impose a range of penalties, including, in an appropriate case, removal of a justice of the peace.

The bill would increase flexibility for the court in scheduling justices of the peace, including for Provincial Offences Act proceedings. All future justice of the peace appointments would be full-time presiding appointments. Presiding justices of the peace can perform a broader range of functions than non-presiding justices of the peace, including presiding over trials under the Provincial Offences Act such as Highway Traffic Act offences.

We would also help manage caseload workload by allowing retired or retiring justices of the peace to provide continuing services after retirement on a per diem basis. Per diem justices of the peace could be exclusively dedicated on a temporary basis to specific matters, including Provincial Offences Act proceedings and the backlog issues in local jurisdictions.

We have heard that some stakeholders want to know why we are not establishing a part-time bench that would be available 24 hours a day, 7 days a week. A full-time presiding bench would provide the court with the greatest flexibility in scheduling. Justices of the peace are, in fact, currently available 24 hours a day. Municipalities have said that they need more justices of the peace. The Access to Justice Act will increase the availability of justice of the peace services. In addition, over the past three years we've appointed 40 full-time presiding justices of the peace, and more are on the way.

We have support for reforms in this bill. For example, the Association of Municipalities of Ontario, in its submission at committee hearings, stated, "These changes will provide municipalities with greater access to justices of the peace specifically to preside over POA offences ... it will not result in new costs but will provide access to a wider pool of justices of the peace to clear up case backlogs. Moreover, the new generation of justices of the

peace will be better prepared for the challenges that face them."

The Police Association of Ontario told the standing committee at its hearings, "We would like to congratulate the government for moving forward with reforms to the justice of the peace system."

Let me say a few words about the Provincial Offences Act. The Access to Justice Act bill would, if passed, also make an important amendment to the Provincial Offences Act. It responds to concerns expressed by municipalities, police and others. The Provincial Offences Act establishes procedures and processes to enforce and prosecute offences created by provincial statute and municipal bylaws. Our amendment to the Provincial Offences Act would permit witnesses in proceedings under the act to be heard and cross-examined by electronic means, such as video conferencing. This would allow police officers and others to give evidence from locations outside the court, allowing for the more efficient use of their time. It would also lessen the burden on the Provincial Offences Act courts by moving cases through the system efficiently.

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Fears have been expressed that the use of electronic means may deprive defendants of their right to cross-examine the witnesses for the prosecution. These fears are misplaced. First, the right to cross-examine is an integral part of our trial process and is protected at all times by the Charter of Rights and Freedoms. This government will never attempt to abolish that right or weaken that right in any way. Second, we will be working with all of the stakeholders to ensure that the technology offers full communications capacity so that everyone is clearly and fairly heard. The permissible methods will be set out in regulation so that everyone has notice of them ahead of time.

Finally, court proceedings are controlled by the presiding judicial official, who can decide if justice requires some other procedure in the circumstances.

We are modernizing the procedures for prosecuting provincial offences by using available and modern technology. In addition, we are working with our municipal partners to make our justice system more effective and responsive. Our government's City of Toronto Act and the proposed Municipal Statute Law Amendment Act, if passed, would also permit municipalities to impose administrative penalties as an alternative means of enforcing parking bylaws. We will also continue to work with the judiciary and our justice partners, including the municipalities and the police, in these areas.

Let me say something about the Limitations Act amendments. The province's Limitations Act was passed in 2002 with all-party support. This important law governs how long a person has to start legal proceedings. Claims not started within the time limit may not be permitted to proceed. Following the passage of the legislation, some groups and individuals have said that the law needed further changes.

The act currently prohibits parties from agreeing to limitation periods that are different from those set by the

legislation. In effect, this makes it difficult to engage in commercial transactions and settle legal disputes without commencing a legal action prematurely. As a result of consultations undertaken by the government, we proposed changes to the Limitations Act, 2002. The standing committee on justice policy has also just finished hearing from groups and individuals asking us to reform this area of the law. The amendments to the act would give businesses flexibility to establish their own limitation periods. Those who are parties to a legal dispute would have the opportunity to give themselves more time to settle their dispute without being forced prematurely to go to court.

We have also provided balance for those businesses that respond to tenders and cannot negotiate limitation periods on a level playing field. For those businesses, we have provided an additional amendment that would prevent businesses from establishing a limitation period beyond 15 years, unless the limitation period is extended for the purpose of settling a claim discovered within the limitation period.

It was suggested in committee that consumers or senior citizens need a longer limitation period than the existing two-year period to assert their rights when they've been preyed upon by deceitful or negligent investment advisers. The government does not want to go back to the old and confusing system where we had different limitation periods for different people and for different causes of action. It is essential to note, however, that the two-year limitation period applies only—and this is important—from the time that the claim is discovered. Moreover, our amendments would provide that only businesses—only businesses—can agree to shorten a limitation period. When consumers are involved, the limitation period can only be lengthened, never shortened.

If a person has been harmed by an investment adviser or anyone else and does not realize it, then the limitation period does not start to run. It starts to run when the person knows that a wrong has been done. As noted, the current amendments will allow people to extend limitation periods by agreement and give them more time to settle their matter.

In our view, the clarity of the law and the protection of the public are both improved by the bill in its present form.

Let me say a few words about the Courts of Justice Act amendments. The proposed Access to Justice Act would also, if passed, amend the Courts of Justice Act to provide greater transparency and accountability for the administration of the courts. The goals of court administration and the roles and responsibilities of the Attorney General would be clarified, and the publication of an annual report on the operations of the courts would be required by law, although the ministry has in practice been posting such reports on its website for the last few years. It will now become a matter of law to do that.

Under the current Courts of Justice Act, every change, every minute change to a court rule, no matter how

minor, must get cabinet approval. This can delay needed procedural changes, to the detriment of the people using the court system on a day-to-day basis. For example, even correcting a spelling error on a form, under the current system, has to get cabinet approval. Under the proposed amendment, only the approval of the Attorney General would be needed for these simple changes. This will promote a more efficient and a more streamlined rule-making system, while continuing to maintain public accountability.

Since 1987, the Ontario government has been paying part of the insurance premiums that Ontario doctors pay for medical malpractice. Amendments to the Courts of Justice Act would increase the number of cases where the costs of a plaintiff's future care in medical malpractice cases would be paid out in instalments over time, rather than in a lump sum.

Lump sum payments can be problematic for a number of reasons. First, for example, the person must invest the money to earn enough interest to pay for future care. The money earned on a lump sum payment is taxed, while periodic payments are not subject to income tax. Under Bill 14, periodic payments would be ordered where future care costs are more than \$250,000, unless to do so would be unjust to the individual plaintiff.

This new provision would reduce the cost of judgments and should reduce the cost of medical malpractice insurance, about 80% of which is paid for by the taxpayer. But it would not affect the ability of the plaintiff to pay for future care.

This is not a radical departure in our law. A similar provision has existed in the act since 1989. What the bill does is improve the interpretation of that provision and make it more rigorous. Similar provisions already apply to auto insurance accidents and have been instituted in other provinces in Canada.

Let me say a few words about the creation of the Legislation Act. The proposed Access to Justice Act would create a new, single source for Ontario laws called the Legislation Act. Currently, the government publishes its statutes and regulations online through e-Laws, as well as in print. This bill would make statutes and regulations from e-Laws admissible in court without proof of their accuracy as statements of law. The public, lawyers and judges have come to rely on electronic access to Ontario legislation. That's why we are proposing legislation that would make e-Laws official and give legal recognition to its reliability.

1610

The Legislation Act, 2006, would replace or re-enact several existing statutes. The proposed act rolls numerous provisions about the publication, technical citation and interpretation of Ontario laws into one, single act. Statutes would automatically come into effect on the day of royal assent and would generally become enforceable at the end of that day. Currently, legislation comes into force 60 days after the end of the legislative session, unless otherwise provided. Regulations would be enforceable after the electronic publication on e-Laws

without waiting for the traditional print publication in the Ontario Gazette or an actual notice to the person concerned.

Our province, like other jurisdictions in Canada, is no longer publishing a revised and consolidated list of its statutes every 10 years. People nowadays rely instead on the online version, as I have noted earlier.

Changes to the Interpretation Act would modernize the language and recognize the bilingual nature of Ontario statutes, as well as current practices in drafting such as incorporating outside documents into law by reference. The new legislation, if passed, would make all legislation easier to understand and facilitate government business. If passed, the act would also clear a large number of outdated and obsolete laws off the statute books of Ontario.

The proposed Access to Justice Act is a good, comprehensive piece of legislation. If passed, it is going to benefit all members of Ontario society. I would urge all members of this legislative body to read the legislation carefully. I urge you to support this legislation.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. Jim Wilson (Simcoe–Grey): I was interested in the honourable member's comments and in this legislation. About three weeks ago in my riding, I held a town hall justice meeting in consultation with the Ontario Bar Association. Mr. Runciman from Leeds–Grenville had had one earlier. The bar association is going around, and they hope to do this in 30 or 40 ridings, either with federal or provincial members or federal and provincial members. We had a really good turnout in Collingwood.

I have two questions for the parliamentary assistant: One is—and it was asked today in the Legislature—why are sureties not collected in this province? I asked the Library of Parliament two weeks ago why sureties are not collected in this province. It seems to me rather strange that if you put up a \$10,000 surety, as in the case of the shooting in December in Toronto, and the person violates their bail provisions—shouldn't the crown, or however it works, shouldn't somebody be collecting that money? Apparently we don't even track that in this province. I've been around here 16 years, elected, and I didn't even know that. What's the sense of abiding by your bail restrictions or your conditions of bail if there's no financial penalty, if the surety is never collected when violators go around violating their conditions of bail? That's one question from a layman.

The second one is court time in Collingwood. This bill doesn't do anything, as far as I can tell, to help me with a problem that I didn't know about. There were 14 lawyers who showed up, all from Collingwood, many of them female lawyers who do family law, and apparently they only have about two days a month or something where court time is done in the Collingwood courthouse. We're shortchanged vis-à-vis other courtrooms in Ontario. I've been trying to get an answer out of the ministry for the last couple of weeks on that: Why are there not enough resources put into the Collingwood courthouse so that we can have more time for family law hearings?

Mr. Peter Kormos (Niagara Centre): I tell you, I'm looking forward to my opportunity to have an hour to address this bill. That's all I'm allowed because of this government's approach toward debate. Even as the critic and as the person responsible for the lead, the government's rules only want to hear from the opposition for a maximum of one hour, and I understand why in the instance of this bill.

Let me say to the parliamentary assistant, I have read the bill carefully. I've read it over and over and over again. And each time I've read it, I've found more flaws, more inconsistencies, more defects, more failures to introduce meaningful policy. I've found more and more attacks on professional, committed, disciplined, well-trained paralegals who want to serve folks in their community. As I read the bill over and over again, oh, so carefully, section by section, clause by clause, word by word, I realized that this is another Bryant special. First there was the pit bull ban and now there's the paralegal ban.

The most fundamental of observations by none other than Mr. Justice Cory was neither rebutted nor refuted. Mr. Justice Cory, like so many others, said the fundamental conflict of interest between the law society and lawyers and paralegals wasn't addressed. That conflict wasn't addressed. I was eager to hear it addressed. I was eager to hear some reconciliation of that conflict. Not a word.

Looking forward to my hour, Parliamentary Assistant.

Mr. Peter Fonseca (Mississauga East): I have to commend the Attorney General, and the parliamentary assistant, the great member for Willowdale, David Zimmer, for the comments that he made on the Access to Justice Act, 2006.

I know that my constituents are looking for a justice act, a system, that is modernized, that brings in various aspects of the justice system that haven't been fixed, and it's long overdue.

Let's look at what's happening with the justices of the peace and the modernizing of the JP bench. Creating minimum qualifications for the JPs is wonderful. What we'll be doing with this piece of legislation is looking at who should be a JP, through their skills, their knowledge, their experience, and making sure they are the type of people we want making very important decisions in people's lives.

We want to make sure that they are open-minded, that they are good decision-makers, that they are impartial, that they are objective, and that they do have some knowledge of the law. They don't have to be lawyers, but they should have a good understanding of the law, and they should have experience. They should have experiences in the community. Maybe they've worked with youth or they've worked with our seniors, they've been involved in many different projects and organizations in the community and have a good understanding of the community, because the decisions they will be making will have huge impacts on the communities they live in. Their attitude also should be one that is community-

minded, so that when they play their role, they should be thinking about how this will impact the community.

So as we go through the creation of the justices of the peace appointments advisory committee, we'll advertise for these positions, we'll interview, and we'll recommend these JP candidates.

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Mr. Ted Chudleigh (Halton): I'm somewhat disappointed in this bill; first of all, in the way it treats paralegals. It puts Wal-Mart in charge of Zellers. It's not being fair to the paralegals of this province.

I was also disappointed in the committee when the Liberal majority in the committee voted down the PC amendment that would have provided a lot of transparency to our justice system. It would have allowed statistics to be kept on court bail violations, for instance. There are no statistics kept on how many bails are violated, on how many sureties are collected in this province. There are no statistics kept on that. If you can't measure something, if you don't keep track of it, then you can't manage it either. There are no statistics kept on remands, how many of those are taken care of; or on court cancellations, something that wastes a tremendous amount of time for the courts in this province. There are no statistics kept on how much time the courts lose through court cancellations. It also would have kept track of offences committed by people on bail, on parole or on probation.

The member from Simcoe noted a few minutes ago the very tragic death of Danny Rabti three weeks before Christmas last year, when someone who was out on bail for a crime that he was suspected of committing only three weeks before—and it was a gun-related crime. This person was out on bail and is now accused of this heinous crime when this young person was murdered.

Those would have been very positive amendments to this bill. They would have made at least one section of it a little more worthwhile.

The Deputy Speaker: The member for Willowdale, you have two minutes to respond.

Mr. Zimmer: I just want to take a moment to offer my thoughts, indeed my assurance, to all members of the public, especially our seniors and perhaps all of the other members of our society who are especially vulnerable with respect to matters that come up under the Limitations Act.

I spoke about the issues of the amendments to the Limitations Act in my remarks, but I wanted to make it absolutely crystal clear that the limitation period is going to run from the time you find out that you've been hurt or harmed. We heard from seniors at the committee hearings that they were concerned that they may not even know they've suffered a wrong. The limitation period, in the meantime, has run, and by the time they find out that they've been cheated out of their money or there is some other harm to them, it's too late for them to sue in the courts.

The Limitations Act is set up such that the limitation period, as it affects seniors and ordinary members of the

public and vulnerable members of the public, runs from the time that the person found out they had been cheated or they had been stolen from or they had suffered some other grievous harm. That's when the limitation period will start to run, and they have a couple of years after that to think about what happened to them, discuss it with their family, consult a paralegal or a lawyer, and take the appropriate action. I wanted to make that quite clear on the record.

The Deputy Speaker: Further debate?

Mrs. Christine Elliott (Whitby–Ajax): I understand that we have unanimous consent to defer our lead with respect to this bill.

The Deputy Speaker: The member has asked for unanimous consent to defer the official opposition's lead. Agreed? Agreed.

Mrs. Elliott: I rise today on behalf of the Progressive Conservative caucus to express my concerns with respect to Bill 14. I will say at the outset that this is an omnibus bill in which the Attorney General is attempting to deal with six complex sections, each important in its own right. It would have done justice to each to deal with them separately. Nonetheless, we have what we have to deal with, and in my remarks today I wish to comment on schedules A, B and C, which are the subject of our greatest concerns. My colleague the member from Leeds–Grenville will be commenting more fully with respect to all of these sections at a time to be determined by this Legislature.

Schedule A deals with amendments to the Courts of Justice Act. This section deals with various aspects of court administration, but the most important change is to section 116. Section 116 is an innocuous-looking provision with huge potential ramifications in the court system. With this one small change, 200 years of common law are overturned. It has always been the plaintiff's choice in a successful action to receive an award in a lump sum, to do with it what they wish—to spend it, to invest it; it's their choice. This single provision turns access to that choice on its head and requires the plaintiff to accept a structured settlement unless the judge considers it unjust to so order.

I should say that structured settlements are very often appropriate in cases of catastrophic injury where someone has been rendered a paraplegic or quadriplegic and there are significant future care costs. In those cases, it makes sense to establish a structured settlement, because it will ensure a steady stream of income, as established by the company setting out the structure, over the life of the injured person. However, not every case is appropriate for a structured settlement, and specifically cases where the plaintiff's future care costs are not known, so locking the judgment into a structured settlement is not appropriate. In fact, it is patently unfair to some plaintiffs.

Of course, this is not applicable to all plaintiffs, but only those involved in medical malpractice actions. For example, plaintiffs who are successful in a personal injury action arising from a motor vehicle accident are

not affected by this provision, but only medical negligence accident victims. One has to wonder why. We have no idea. It was never explained to us. However, it would seem that this is a small piece of tort reform, taken out of context, that makes no sense. This should have been dealt with in a comprehensive manner, in context, and not just pulled out of the air and inserted into this act.

Another serious concern we have with this amendment to section 116 is the fact that inflation is not formally dealt with. It's mentioned, but it's not guaranteed. Section 116.1(2) provides that "the court shall determine the amount and frequency of the periodic payments without regard to inflation," and then requires that the structure or annuity contract "include protection from inflation to a degree reasonably available in the market for such annuities." This is so loosely drafted that what it really does is create a field day for lawyers, and therein lies the problem. It was on this point that the committee heard some of the most compelling and poignant testimony before it.

Before I comment on the specifics of this testimony, I should comment on the general nature of medical malpractice actions. They are very often a David versus Goliath situation. On one side, there is a plaintiff who is alleging the medical negligence. Very often that plaintiff is an injured child who has suffered a catastrophic injury, and often the plaintiff and his or her parents, or the plaintiffs themselves, are people of modest means. But even if they are relatively comfortable financially, the costs involved in bringing forward a medical malpractice action are enormous. The effect of this provision in failing to guarantee inflation protection is to ensure several more days of court appearances as the plaintiffs and defendants argue over the issues of (a) whether inflation should be taken into account in the first place, and (b) the appropriate measure to measure the inflation that should be allowed.

The testimony before the committee from Mr. Kolody on behalf of himself and his wife, Ms. McIsaac, was compelling. Mr. Kolody is the parent of a young child who was seriously and permanently injured as a result of the medical negligence that he is alleging. In his submission to the committee, he states: "What this legislation does, because it is ambiguous, is create a whole new battleground for litigation called annuity indexing. The courts will be confronted by many expert witnesses for both the plaintiff's side and the defendant's side to argue about what the inflation rate will be for the time period of the next 70 years.... A trial that would have lasted eight weeks will be stretched out to 12, all to hear from a whole panel of economists, each with their own opinion on what inflation will be."

He continues by adding that "the additional cost in litigation is actually borne by the victim, because the costs awarded by the court today to bring forward a case do not come anywhere near to covering the real true costs. So any more additional litigation required comes out of the bottom line and what's available to the victim of medical negligence."

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How can this possibly lead to better access to justice for Ontarians? All it does is make more money for lawyers arguing about something that shouldn't really be in question in the first place. For these reasons, our party is unable to support this section of the act.

Next, I will speak to schedule B of the act, which deals with justices of the peace. At the outset, I should state that no testimony was heard before the committee from any justices of the peace, which is a great shame, because I'm sure they would have had very valuable input into the whole process. However, given the fact that this government has refused to appoint justices of the peace, and the lack thereof has now reached crisis proportions in our courts, I know that our hard-working justices of the peace simply were not able to take time off in order to come and give testimony before the committee.

The Attorney General and his staff have indicated to the municipalities and to the public that they have been unable to appoint new justices of the peace until Bill 14 has been passed, and that the opposition has been unnecessarily holding up passage of the bill by taking an unreasonable position in committee. The municipalities and the public are rightly concerned that some people are able to walk away from their charges and that there are heavy fines that could have been levied that can't be levied and collected because of the lack of JPs.

This, however, has nothing to do with inordinate delays by the opposition, but has everything to do with inordinate delays by the Attorney General. He has had three years to appoint more justices of the peace to deal with delays in our courts, but has done nothing. To blame this on the opposition is disingenuous at best. In fact, the Attorney General has made a few—all too few—appointments already. He does not need Bill 14 to be passed in order to make appointments. The process for appointing justices of the peace contained in Bill 14 has already been informally used for some time.

Leaving that aside, why do we oppose this section of Bill 14? There are several significant reasons. First of all, the bill provides that the mandatory retirement age for JPs is age 70, yet the mandatory retirement age for judges is 75. There's no reason, especially given this government's position that people should not be forced to retire at age 65, that they should have this artificial timeline for retirement imposed upon them. Second, similarly, Bill 14 does not allow for the appointment of per diem justices of the peace, which will allow for greater flexibility by allowing justices to work outside of normal court hours and outside of courthouses. This would allow much better flexibility and would serve the public better. But, again, we can't support this provision because it simply doesn't allow access to justice for ordinary Ontarians.

Finally, I wish to speak to schedule C, amendments to the Law Society Act and related amendments to other acts, which deals with the regulation of paralegals here in the province of Ontario. There is nothing in Bill 14 as contentious as the issue of paralegal regulation. This

issue has been the subject of two major studies, the first by Dr. Ianni in 1990 and the second by Mr. Justice Cory in 2000.

The issue here has never been about the need to regulate paralegals. All parties, and indeed paralegals themselves, have agreed that it is necessary, for the protection of the public, that paralegals should be regulated. Probably every member of this Legislature has heard some horror stories about paralegals who have been acting outside the boundaries of their knowledge and experience, who have caused unnecessary damage, loss of money and considerable concern to many members of the public. But we've also heard from paralegals representing the vast majority of their members, who also want to see order and discipline required of their membership in the same way that adherence to certain rules is required by lawyers.

There are two major problems identified with this part of Bill 14. The first problem is the fact there is considerable confusion about the type of work in which paralegals can engage. Bill 14 speaks about practising law and the provision of legal services. There were many groups and organizations who appeared before the committee who were concerned that the work they perform in the normal course of their duties would be caught up in the act, and they would be subject to regulation in the same way paralegals are—groups like title insurance companies, banks, human resource organizations and many others. Although it was stated at committee that they would not in all likelihood be captured under Bill 14, the fact remains that there is considerable confusion about the scope and effect of the bill that needs to be clarified.

The more significant concern, however, is with governance, and this is where we heard the most serious testimony from many parties. The eminent study on paralegal regulation that I mentioned earlier, which was completed by Dr. Ianni, outlined three models for the regulation of paralegals: regulation by the Law Society of Upper Canada, self-regulation, and regulation by the appropriate government ministry with a view to self-regulation down the road. The concept of immediate self-regulation was rejected, on the basis that paralegals were not yet ready to assume this responsibility, but it was seen to be the best model if gradually introduced. The concept of regulation by the law society was discarded, on the basis that there was an inherent view, held by paralegals, that the law society would be placed in a conflict of interest in having to make a determination between the best interest of lawyers and the best interest of paralegals.

Mr. Justice Cory considered the same question in 2000 and came to the same conclusion. He stated that, "At the outset I would emphasize that it is of fundamental importance that paralegals be independent of both the Law Society of Upper Canada and the province of Ontario. The degree of antipathy displayed by members of legal organizations towards the work of paralegals is such that the law society should not be in a position to direct the affairs of the paralegals."

The Paralegal Society of Ontario has also expressed their concern with respect to Bill 14 as recently as yesterday. In a letter addressed to the Premier and copied to all members of the justice committee, Ms. Eileen Barnes, president of the society, stated that, "The board of the Paralegal Society of Ontario along with the board of the Paralegal Society of Canada would like to express our dismay over this government's handling of the issues surrounding Bill 14. Despite an overwhelming number of presentations to the committee outlining the flaws in this legislation, this government has failed to address the fundamental issue of the conflict of interest in placing the Law Society of Upper Canada in charge of regulating paralegals."

Ms. Barnes went on to say that she feared she would be forced out of the business that she had carried on for the last 18 years in the area of uncontested divorces and Family Court paperwork. Although she indicated that she could go to work for a lawyer and perform this type of work under his or her supervision, she also had this to say: "Mr. Premier, what about my customers, most of whom are poor, immigrants and have no way of affording lawyers' fees? They will muddle through on their own, clogging up the Family Courts, taking up court, time or they will just give up in despair of ever reaching a resolution. This is not access to justice, and the people of Ontario deserve more consideration than they are being given."

Given these two reports by eminent authors, who heard from many individuals and organizations through extensive public hearings, and hearing the views from many paralegal organizations, what did the Attorney General do? He went to the law society and asked them to regulate paralegals. This defies any kind of logical analysis.

To their great credit, the law society agreed to take on this responsibility, and they should be congratulated for agreeing to do this. There's really no question that the law society could take on this responsibility; they are fully qualified to do this. The question really is, why should they when the Attorney General has given them an impossible job? How can the law society possibly manage to regulate paralegals when they are so adamantly opposed to it? They are in a no-win situation brought about by the Attorney General, who wants a quick fix to this situation. It's not fair to the law society and it's not fair to paralegals.

Paralegals have a concern that their activities and scope of practice will be significantly curtailed as a result of regulation by the law society. The problem is, it's hard to say because so little has been regulated in the terms of the legislation. Much has been left to the law society to determine by bylaws. This has caused an extremely high anxiety level among paralegals, who fear that they will be precluded from doing anything other than appearing in Small Claims Courts and Provincial Offences Act matters and that anything they do which may fall within the realm of solicitors' work, such as Family Court matters, will be forbidden to them. If the act does not prescribe

the type of work in which paralegals may engage, and if the paralegals are concerned that the law society may cut them out of certain kinds of work, how is the law society to deal with this in any kind of reasonable manner? More importantly, how does this provide better access to justice for all Ontarians?

We have heard from many Ontarians at the committee hearings, and also in many e-mails since the committee hearings were completed, that if paralegals are prevented from representing family law clients, in particular, there are many clients, particularly women of modest means, who will be left without any type of legal representation whatsoever. I think we can tell by many recent events that we really have a need to provide whatever support we can to women and men in family law matters. This is an area that has serious consequences for many people and really, really needs to be dealt with. Not everyone can afford a lawyer, but often people can afford a paralegal who can assist them with basic legal functions. It's important for there to be some measure of choice for the consumer so that all Ontarians, regardless of their income, can have access to some level of legal assistance.

This seems to have been totally disregarded by the Attorney General in presenting Bill 14. Bill 14 speaks about access to justice. In actual fact, if passed, it will do exactly the opposite, and for this reason we cannot support it.

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The Deputy Speaker: Questions and comments?

Mr. Kormos: I very much appreciate the contribution of Ms. Elliott, as the member from Whitby–Ajax, to this debate here. I also thank her for her effective contribution to the committee process. It was important that we had somebody with her background and with her skill sitting on this particular committee. I don't, though, doubt for a minute that she had and continues to have much of the same frustration that I had about the fact that this government is hell-bent on pushing this bill through in short order, whether it was done right or not, whether it addressed the issues or not, and whether or not the debate had been satisfactory, not from the point of view of volume, but from the point of view of reconciling some very distinctly different and disparate interests.

I'm going to speak in a couple of minutes' time about the bill to the extent that I can with the incredibly restrictive rules that this government imposes in the course of debate, because this government is no fan of debate, just like it's not a fan of question period. This government has evening sittings so that it can have sessional days without question period. It doesn't like having its feet held to the fire. This government uses time allocation as if it were kiddie Aspirin. If it doesn't get its way, it has a little standing-order temper tantrum and serves notice of a time allocation motion. That what this government does. This is the government that was supposed to be an advocate of democratic reform, democratic renewal. My foot. Horse spit. The farthest thing from it. This is a government that simply wants to get its own way, and to heck with the people it's hurting in the process.

Mr. John Wilkinson (Perth–Middlesex): It's always fascinating to go after my friend the good member from Niagara-left-of-centre.

I just want to say to my friend the member for Whitby–Ajax, I listened to her dissertation about what she felt were the flaws of Bill 14, but I think the Access to Justice Act is access to all.

After speaking with the Attorney General and particularly my good colleague David Zimmer, our member from Willowdale, he was able to explain to me that in my community of Stratford, in Mitchell, in Listowel, this is going to do a lot of good work to make sure that there's better access. One of the things that our friends from the Association of Municipalities of Ontario, AMO, were telling us is that we have justices of the peace who are very, very experienced, and they turn 70 and they have to retire. What this bill says is that they can continue to serve their community on per diems. I know municipalities were saying that they thought this was a wonderful idea.

I thought of my cousin Scott Campbell, who is a Stratford police officer: 17 years as a high school teacher and then he became a police officer. Part of his day is spent, not protecting those of us in our fair community of Stratford, but instead sitting around waiting to give evidence. I know, as the parliamentary assistant to the Minister of Research and Innovation, that our government has a commitment to innovation. The ability for those police officers to give video evidence so that their time can be maximized, not sitting around waiting for our court system, but instead doing their job, the job we pay them to do, the job that they love—they didn't sign up to be police officers to sit around waiting to give evidence. That we can actually bring them in so that at the appropriate time they can participate in the evidentiary procedure, I think, is going to free up our assets and allow our cops to be cops, which is what we need them to do; to play that special role when they have to give evidence as officers of the court and then get back to work. I think that's great for the taxpayers and the people of my riding.

Mr. Wilson: First of all, I want to compliment my colleague Christine Elliott, the member for Whitby–Ajax, for an eloquent 20-minute dissertation on the bill. I think she explained it very, very well and in very plain language so that a fellow like me, who's not a lawyer but was a court clerk at one time at old city hall, could understand it all.

The fact of the matter is, with what the honourable member across the way for the Liberal Party just said, there's a little confusion there. My understanding of the act is that everybody has to quit at age 70, which is a little unfair, because judges can stay on until age 75. I remember the old system, when you could go get a warrant from the local JP—Merle Miller was her name—in Wasaga Beach. You didn't have to go to Barrie; you didn't have to do it electronically. You could go to her house at one o'clock in the morning and you could get the warrant or whatever you needed for the police to do their job. Then when everybody moved to full-time

presiding justices, they became inaccessible. You had the structured court system with the structured times and all of the rules and regulations and labour rights that went around that, and you couldn't get warrants when you needed them.

I heard the honourable parliamentary assistant say that there is some flexibility, there will be per diem justices, but only those who are retired. Anybody else that's full-time and under the age of 70—let me see. See, there's the confusion: You have to retire in order to be a per diem justice so that there's flexibility in rural areas like mine, but you all have to quit at age 70. So I don't really understand how you're improving the system at all, frankly.

There are many other points to make. Fifty per cent of people in Family Court now, I was told at the town hall meeting I had in Collingwood three weeks ago on justice, are representing themselves—self-representing litigants. At least paralegals, as my honourable colleague said, can help these people out. Many of them are women of very few means. Not having enough court time in Collingwood means they're remanded, they're remanded, they're remanded. The lawyer sits around at \$200 an hour in some cases, sometimes \$300 an hour, all day, waiting for the case to come up. The case doesn't come up. It gets put off to another day. We only get two days a week. You're adding thousands and thousands of dollars of expenses to these people.

Mr. Michael Prue (Beaches–East York): I listened with considerable interest to the member from Whitby–Ajax, knowing full well that, prior to coming to this august chamber, she spent many, many years as a lawyer. So what she had to say I listened to intently.

She made five or six points that I felt were the most important in her speech. The first one is that with the advent of this bill, the cost to litigants is likely to go up. I want to show you that I was listening. I agree with her, because everything I have heard from the government benches does not indicate that this is going to save money for ordinary citizens. Everything appears to be heading to where they're going to have to spend more and more money to seek justice, whether it be from a lawyer, whether it be through the system, whether it be alone. It is simply going to cost more money.

She says that it's going to make more money for lawyers. Well, if ever there was a truism, this has to be it. If you ever get into any kind of litigious debate, if you ever find yourself in the court, in the end, it's not the two people who are fighting who end up with one winning and one losing. There are only two winners, and that's the lawyers who represent them. That is a truism. I think almost every Canadian and every Ontarian would agree.

She talked about the problem of the delay of the appointment of justices of the peace. I am stymied to try to understand why this government has not appointed justices of the peace and why they are so far behind. I don't know what that has to do with this bill, and she's hit it right on.

She talked about the mandatory retirement and the dates. I fail to understand the member from Perth–

Middlesex. I fail to understand what he's saying, because I think he does not understand the circumstances of what she has spoken about. She is absolutely right, that this is not going to work.

She talked about the paralegals needing to be regulated, and they do, but Dr. Ianni, where she closed off—self-regulation is probably the one that is, in the long term, going to work best, and this bill does not go there.

The Deputy Speaker: The member for Whitby–Ajax, you have two minutes to respond.

Mrs. Elliott: With the greatest of respect to the member from Willowdale, whom I have the greatest of respect for, I would say that the provisions in this act, while they state that they will provide access to justice for most Ontarians, in fact, really won't do that, because if you don't have choice in the system, if you don't have different levels of legal representation, from lawyers to paralegals, you can't possibly provide justice for all Ontarians because not everybody can afford a lawyer, and we heard a lot about that. It's not necessarily to say that paralegals will not be able to work in non-advocacy roles, but certainly there is that fear on the part of paralegals, and I have no doubt that there will be some considerable degree of pressure on the Law Society of Upper Canada in order to keep those areas restricted because that's what, frankly, most lawyers practise in.

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So again it's putting the law society in an untenable position in having to deal with this, and at the same time potentially cutting out access to justice and to court and legal representation of some kind for many, many Ontarians, people who are simply not able to afford a lawyer but who need help. They need help with filling out court paperwork, they need help with filling out files, particularly in Family Court matters, where there are essential interests that have to be protected, particularly around custody and access to children—children being our most vulnerable citizens. Their rights need to be protected, and there has to be some way of protecting them, if not by a lawyer, then by a very competent paralegal, who I've no doubt could do a good job for them.

The Deputy Speaker: Further debate?

Mr. Kormos: I'm pleased to be able to participate in this debate. Here we are. It's been a long, long haul. I remember all the way back in the late 1980s, when the drive for regulation of paralegals began. It was a Conservative backbench private member's bill that first provided some sort of legislative framework for regulation of paralegals.

But here we are, having had all this time, and my sad, sad fear is that perhaps out of frustration and perhaps out of eagerness, perhaps out of ambition, we're proceeding with a bill that is far from fully written. This is another Bryant bungle, another Bryant boondoggle. The last time we went through this exercise was with the Bryant pit bull ban, the one that was so inadequately contemplated and considered and so driven by politics and personal ambition and so driven by the media photo op that we ended up with legislation that threw out such a broad net

that even Staffordshire terriers were included, the so-called nanny dogs of Britain. Michael Bryant, in his zeal and in his indifference to the evidence—all of the evidence—just banned breeds helter-skelter. We urged him to ban vicious dogs, but he'd have none of that. I quite frankly wish that this bill were about banning bad paralegals and ensuring that the ones who are recognized as paralegals are qualified, disciplined and well-trained professionals. But no; just like with the pit bull legislation, Mr. Bryant this time, rather than banning pit bulls and Staffordshire bull terriers, is going to ban paralegals. That's wrong.

That takes me nicely—I hope the folks who are interested in the precise and specific focus of Bill 14 won't mind—to the fundraising efforts of the Staffordshire Bull Terrier Club of Canada. They are challenging constitutionally the so-called pit bull ban, amongst other things because a Staffordshire bull terrier is not a pit bull, nor is it in any way, shape or form a prima facie vicious dog. So what they're doing is selling these calendars, and if you want one of the calendars you can go on your Internet, your keyboard, to www.staffordcanada.com and order one of these calendars. It's called "Beautiful Staffies"—Staffordshire bull terriers—"and their ladies."

The Deputy Speaker: The member for Niagara Centre, we might as well get it established early: You can put the calendar down and you can speak to Bill 14, please.

Mr. Kormos: But Christine of August 2007—

The Deputy Speaker: Put it down, Mr. Kormos. Put the calendar down. You can sit down while the Speaker is standing. Now, if you're ready to proceed on Bill 14, please do.

Mr. Kormos: Thank you kindly, Speaker. If I've done anything to offend you, I apologize. If your lunch did anything to disturb you, I apologize on behalf of the cafeteria.

I do want to reflect on Mr. Bryant's persistent bungles, but it is Thursday and people are tired. Some people are going to be crankier than others.

The Deputy Speaker: You know that in this place we don't refer to each other by name. You can refer to him by title. Please, we'd like to hear your debate, but on Bill 14, and in the manner that we're accustomed to in this place.

Mr. Kormos: Well, I'm so pleased that we're accustomed to referring to members by their ridings.

The Deputy Speaker: I said "title."

Mr. Kormos: "Title." Well, Mr. Bryant, of course, is the Attorney General, and he is the member for some downtown Toronto riding. Whether or not he lives in it, I don't know.

Interjection.

Mr. Kormos: But he screwed this up too. He couldn't handle the breed-specific ban legislation, and what's consistent is what that big, brave Attorney General does after his photo op: He sends in his parliamentary assistant to carry the pit bull bill through the Legislature and through committee.

And what did he do again? In the most despicable of ways, the Attorney General fled from this bill. He fled from this legislation. He was nowhere to be seen. It was like playing "find Waldo"—

Interjection: "Where's Waldo?"

Mr. Kormos: "Where's Waldo?", Mr. Speaker? Where's the Attorney General?

The parliamentary assistant did all of the heavy lifting. The parliamentary assistant had to swallow his pride and his dignity, read the marching orders and steward, if that is an appropriate word at all, this incredibly, incredibly embarrassing mishmash through a committee hearing that I tell you observers found bewildering, at times outright amazing and, at the end of the day, thoroughly disgusting: government members voting on sections when they had no idea as to what they were about; none. Your colleagues, government members, voting for sections of Bill 14.

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Which of the paralegals is going to produce a calendar to raise funds to defeat Bill 14 once it becomes law? Will they pose with their Staffordshire terriers, like members of the staffordcanada.com club have, or will they pose with Ontarians of modest means who can't afford to pay lawyers and who want and need trained paralegals to guide them through, oh, Family Court matters?

I want, at the very outset, to specifically thank research officers Margaret Drent, Avrum Fenson, Philip Kaye and research assistant Sal Crisanti. I want to thank them because they produced voluminous material in response to queries put to them by members of the committee. I probably did more than my fair share, and I apologize for the pressures they had to work under, but they delivered stellar material. They deserve credit for their contribution to what was otherwise a rather unsavoury and distasteful exercise.

I want to thank those people who appeared in front of the committee. There were so many of them, but it was especially delightful to have some young paralegals in front of the committee. One of them was Susan Koprach, who is bright, well educated, eager, ambitious, and just so enthusiastic about the prospect of working as a paralegal in a regulated profession; and David Kolody, who appeared in front of the committee with an incredibly effective contribution.

That takes us to this insidious little piece of legislation that deals with amendments to the Courts of Justice Act, that is going to permit either plaintiffs or defendants in medical malpractice—oh, this government is in the back pocket of the insurance companies once again. For the life of me, it's déjà vu all over again.

I remember the first time I got to Queen's Park back in 1988. It was a Liberal government, no more competent than this one, that was in the course of imposing no-fault insurance on innocent victims across the province of Ontario; I remember that as if it were yesterday.

Interjection.

Mr. Kormos: You weren't here. It was a government that was bending over backwards to accommodate the insurance companies.

Are there advocates who support eliminating the judge's discretion when it comes to awarding so-called structured settlements? Of course there are. I'll be darned. Why, if I wasn't just taken aback to see that the Canadian Medical Protective Association advocated that. Well, no spit, Sherlock. Of course they did. They're the insurers for doctors. They can call themselves a co-operative of doctors or whatever it is. They're the insurers for doctors. They thought it was a wonderful idea that a plaintiff—don't forget, we're talking about innocent victims. We're talking about people who've been left paraplegics, quadriplegics, as a result of medical malpractice, people, quite frankly, for whom no amount of money can ever make them right. This government's going to let the defendant, the perpetrator of the harm, dictate how that person's award in court is going to be set up, either by a structured or lump-sum payment? I think not, but I regret so.

It was not a very honourable moment for this government to knuckle under to the insurers. We're not talking about huge numbers of cases. Medical malpractice in this province, in this country, God bless, is not a common occurrence, nor do our courts entertain frivolous claims. But when there is a successful claim, it means that somebody's been hurt real bad. I'm not talking about a broken arm that heals in a couple of months' time. I'm not talking about maybe a little scar on the neck from an improperly lanced boil. We're talking about horrific injuries, life-altering injuries. We're talking about people whose lives will never be the same.

You see, David Kolody is the young father of one of those victims—he and his wife, Deirdre McIsaac. He came as a layperson. It was a very sophisticated presentation; it was a well-studied, a well-thought-out presentation. He pointed out to the members of the committee the injustice of depriving the judge of discretion, because, you see, this bill—Mr. McGuinty's bill, the Liberal bill—compels the court to listen to the defence lawyers when there's an innocent victim and let them decide how the judgment will be awarded. Mr. Kolody also pointed out the weaselly—Liberal weaselly—ineffectiveness of the provision that purported to protect that structured settlement from inflation.

Mrs. Elliott was there. She heard. She read the bill and she understood. Government members were there, and they heard too. They didn't give a damn, because they had marching orders and they were going to do their master's bidding.

I don't care at all for myself—like the parliamentary assistant, I'm a middle-aged male, and if we should succumb to some sort of injury as a result of medical malpractice, well, to be quite fair, we're in our middle ages—but I care about the kids. Childbirth, as you well know, is one of those areas where sometimes significant injuries can occur. We're not talking about the balance of 15 years of some middle-aged person's life; we're talking about kids, babies, who have got 60 and 70 years left to their lives.

Mr. Kolody—David Kolody, the dad—wasn't there for himself; he was there for his kid. Because, you see, at

some point David Kolody knows that he and his wife, Deirdre, aren't going to be around to take care of that disabled child because they're going to be old and at some point dead. So they were there fighting for the parents of innocent victims of medical malpractice who want to make sure that the victim can control to a reasonable extent the way an award is structured to best provide for that innocent victim through the balance of their horrifically altered life. Oh, and it only applies to medical malpractice. How cute. How revealing. How embarrassing.

1710

Let me talk about schedule B. There may well be people who preferred it when I was talking about the pit bull legislation, but let me talk about schedule B. Justices of the Peace Act reform? Who do you guys think you're kidding? The incredible dishonesty contained in statements like, "As soon as we get this bill passed the flood gates will open"—said Crone, referring to the failure of this government to appoint adequate numbers of justices of the peace in municipalities across Ontario.

This bill has nothing to do with Dalton McGuinty and the Liberals' failure—oh, Premier McGuinty and the Liberals' failure—to appoint adequate numbers of justices of the peace, or to appoint qualified ones. You had a chance. You had a chance, during the discussion of this bill, to talk about dramatically altering the nature of that bench.

Young Paul Hong—those of you who bothered to be in the committee room will remember him. He was the Osgoode Law School graduate, also Richard Ivey School of Business graduate, currently enrolled in a master's program at the Royal Military College of Canada, a bright young man. He came to us with his recently published paper, *A Second Look at Justice of the Peace Reform in Ontario*, published in the *Criminal Reports*. I'm extremely grateful to young Mr. Hong, because he was the only person who came forward with meaningful contributions to the discussion around JP reform. He raised, very appropriately, the question as to whether or not we should be maintaining a lay bench here in the province of Ontario. There were contra views, and while I won't purport to speak for him, I know that the member for Leeds-Grenville has some strong views about maintaining a lay bench, and he may well speak to those when he does his lead next week.

It's an important debate, and it didn't take place. Opposition members called upon this committee to defer clause-by-clause because we hadn't heard from a single justice of the peace about the proposals in this bill, and we thought it was incredibly important that we get a better understanding of the adequacy of training on that bench and of the effectiveness of the selection process.

There was something incredibly revealing, though, in the government's own legislation. You see, I think this government is full of hooey, on a good day, when it says it's going to upgrade the JP appointment process.

I've known some brilliant and outstanding justices of the peace. To name a couple, and I don't mind doing it at

all, people like Tony Argentino, now dead, a former police officer, an outstanding justice of the peace; cops weren't crazy about his rulings from time to time, but an outstanding justice of the peace nonetheless. Gabe Tisi, a lay JP, worked in the lab at Atlas Steels; an outstanding justice of the peace, bilingual. Morley Kitchen had been a provincial prosecutor down in Welland, a former RCMP officer, provincial prosecutor, justice of the peace; a brilliant JP.

But oh, I could name so many dogs, political hacks who had no business sitting on the bench. They had no business signing a parking ticket information, never mind hearing evidence and adjudicating—political hacks, nothing more, nothing less. The problem with that bill is that the government has maintained the JP appointment system as a process to reward its political friends. How do I know that? Because it calls upon the screening committee that hears applications to recommend highly qualified applicants, but also merely qualified. That means the Attorney General wants to go fishing in that pond, making sure it's well stocked. Hell's bells, Speaker. Why would we want merely qualified when the committee is being told they should be recommending highly qualified? Can you figure it out? Didn't think so. What that means is that this government has no intention of cleaning up the JP appointment process. It didn't want to debate that, either.

I think there should be some consideration to abandoning the lay bench. The JP is the most critical player in the justice system. He or she is the person who can deprive a person of their liberty, like that, by signing an arrest warrant, by denying an application for a release order during a bail hearing. A JP, the most critical link in the chain of the administration of justice, she or he, like that, can thoroughly violate your privacy by issuing a search warrant so that every corner of your house is turned inside out and upside down and the contents of dresser drawers are left strewn on the floor of your home—an incredibly powerful role. A very important one, because just as he or she, just like that, can deny an application for release during a bail hearing, he or she can grant an application without a thoroughly adequate consideration of all of the facts, so that you've got gun-toting killers killing people while they're out on bail.

I say this government not only dropped the ball when it came to justice of the peace reform, but betrayed the people of this province. What a lost opportunity. What a lost opportunity, because don't think that the next government is going to be eager to open this stuff up.

Schedule C: What a half-hearted, half-baked, insincere, lazy, irresponsible, outright negligent exercise at creating a responsible regulatory regime for paralegals in this province. Ianni, Cory: the first a requisition by a Liberal government that was soundly defeated in 1990—the government, not the report; the second by the Conservative government in its second term.

1720

While Dr. Ianni is no longer with us—he's dead—his report is. I've got the executive summary here. Mr.

Justice Cory sure as heck is here. One of the fundamental observations that Cory made—a fundamental premise—was that there is a conflict of interest between lawyers and paralegals. You may not agree with Judge Cory about his recommendations in terms of oh, let's say, scope of practice. I know that he rattled some cages when that report was released. You may not agree with him, because that's something about which there can be honest disagreement. Unfortunately the government had no interest in debating scope of practice during the course of the consideration of Bill 14 by either this Legislature or by the committee. Did you know that, Speaker? You do now.

You may disagree with Cory about the recommendations on the scope of practice, but there wasn't a single word said by anybody from the government, the Ministry of the Attorney General, the law society or anybody else, for that matter, who addressed the problem that was created when Judge Cory said that lawyers and paralegals have a conflict of interest. It was crying out to be addressed. I would dearly have loved to hear it being addressed, but nobody did.

Once again opposition members—Mrs. Elliott, Mr. Runciman, I—pleaded with the committee to defer its clause-by-clause consideration until we could have a chance to invite Judge Cory to appear before the committee. Maybe he had changed his mind. Maybe we were misinterpreting—although for the life of me, he said it so bluntly and clearly and concisely that I don't think we were—what he said about that conflict.

The government's got a real problem, and now it's created a problem for the law society and created a problem for the paralegals. The problem was, you see, that there wasn't any single significant group or community of paralegals that agreed with the proposition of the Law Society of Upper Canada regulation of paralegals that was contained in the bill.

St. Brian Lawrie: I say he's the patron saint of paralegals because he fought the fight. The law society went after him all the way to the Court of Appeal, trying to shut him down. Brian Lawrie is a former police officer who was defending people in provincial offences court, Highway Traffic Act court. He's a brilliant advocate. POINTTS, which is the company that he is the spokesperson for, is a major player and is one of the finest paralegal operations in this province; make no mistake about it. They're very limited in their practice. They do Highway Traffic Act defences. I'm familiar with some of them. Bruce Scott, down in St. Catharines, is just a brilliant advocate and does tremendous work. Mickey Parker works with him as well from time to time.

If all paralegals were POINTTS, then Brian Lawrie wouldn't need a regulatory regime. But they're not all like Brian Lawrie and POINTTS. Brian Lawrie, like more than a few who came forward, said, "Well, okay, if the law society was going to regulate us, so be it." And then we had the list of "buts" and "however's," remember? But Brian Lawrie is but one person. You see, I'm interested in contrasting Brian Lawrie and POINTTS

because Brian Lawrie and POINTTS Highway Traffic Act defences are entitled as such, by law, as agents to represent people. You see, they don't have as big a stake in this bill as some other paralegals do.

It's trite to note that there is a crisis in our Family Courts with respect to unrepresented litigants—usually women, usually low-income or downright plain poor women, women with no means whatsoever or the most limited of assets, many of those same women working at minimum-wage jobs. I take a little flak from some of the members here because of comments I make about how MPPs, notwithstanding maybe long hours, don't exactly do a whole lot of heavy lifting. I remember one government member was particularly upset because I was quoted as saying that the most likely injury an MPP was likely to get in the workplace was a paper cut or maybe a bruised ego. But it's true.

You know who works hard? Single moms raising families. They work hard. Down where I come from, they get employment in Niagara Falls in the hospitality industry in high-rise hotels. Single moms who work cleaning hotel rooms during the day and then do a 7-Eleven shift during the evening—huh?—for minimum wage or just a few pennies above it. They work hard.

You see, but notwithstanding that they work that hard and notwithstanding that their legs are just pounding from being on their feet all day, when they have to protect the custody of their kids, for instance, they can't afford the \$300, \$400, \$500 an hour in legal fees that highly staffed law offices charge. Legal aid certificates don't do them any good because most lawyers won't take legal aid certificates. And the lawyers who do know that they can't charge for enough hours because the legal aid certificate is capped in terms of the number of hours of time that a lawyer can spend on the file.

I don't know with certainty whether or not paralegals should be permitted to operate in the Family Courts in the practice of family law. But I do know that there's a need, and I do know that if there's a need, there's a need for that to have been debated during the course of the discussion of this bill. Why weren't other committee members as interested? I would very much have wanted to hear from, well, some Family Court judges if there have been problems with paralegals, if there have been concerns about the level of training, because if there have been concerns about the level of training, let's talk about the training standard for paralegals who are going to operate in Family Court, representing these low-income women who are in dire need of advocates.

I suspect there's a whole lot of folks who simply don't understand how frightening and intimidating it is to be standing in one of these courtrooms. You've got the judge sitting up there with the black robes and the red sash or the green sash or the black sash, and people are curtsying and bowing, and bringing him or her glasses of chilled water, and there's all sorts of pomp and “oyez, oyez, oyez.” The clerk calls out the names and all that stuff. It scares the hell out of most of the people—it scares the hell out of more than a few lawyers who

appear. It's an incredibly intimidating environment, it really is, especially for a person who has maybe not had a whole lot of sophisticated exposure to the legal world, for a person whose only exposure has been a television drama series.

1730

Surely we can set standards of education. Surely we should have at least discussed it to facilitate paralegals representing people, at least in some of those initial stages, in more simple levels of family litigation taking place in our family courts. It would have been helpful to the courts too.

One of the things a judge dreads most is unrepresented litigants. The judge has to enter the fray then. The judge has to be hyper-cautious in terms of how he or she responds. The judge has to assist in the course of examining and cross-examining. Really, it takes a whole lot more time for a case, a trial, a process, with unrepresented litigants to go through the process, to go through the system, than it does with represented litigants.

What was interesting is that the law society's task force of paralegal regulation recommended in its recommendation 1 that paralegals not be permitted to appear in family court. It's right there. Paralegal task force, Law Society of Upper Canada: no representation by paralegals in family court. Not interested, wink, wink, nudge, nudge, Mr. Parliamentary Assistant.

The subcommittee is going to have paralegals on it, but the ultimate decision is going to be made by the benchers of the law society, on which there will be how many elected paralegals? How many? An equal number? Maybe one-third? How many paralegals? Two. Give us a break and come clean for once. Two. That's an insult. The games you've played with these people, actually letting them think you're going to have paralegals on the subcommittee and they'll make recommendations. The recommendations have already been made, and they're pretty darn clear.

Whether it's government indifference or outright laziness—I suppose we'll wait for your memoirs, Mr. Parliamentary Assistant—or whether it's simply washing your hands of the whole affair because you're tired or you're bored, the attention deficit disorder has kicked in and you say, “Ah, to heck with it. We don't have to bother with the paralegal issue anymore. It's become tedious, it's become too hard. We'll just call the law society and ask them.”

“Oh, the paralegals are not mature enough to be self-regulating.” That may be true. Then why didn't you read Ianni, because he talked about the need for the government to set up a registrar of paralegals. The Ministry of Consumer and Commercial Relations: Set up a registrar of paralegals. In short order, you'll have cleaned out the bad ones, you'll have set the standards. It seems to me, where I come from, that they would be as ready to self-regulate as real estate people, mortgage brokers, car salespeople—oh, lawyers. I mean, if it's six of one, half a dozen of the other, why don't you set up a paralegal

regulatory body and let them regulate the lawyers? There's nothing to fear. What the heck?

There was no consideration whatsoever of assuming the totally appropriate state role of being the regulatory body as the state until such time as there can be self-regulation by paralegals. Shame. You had the chance and you blew it.

And it's not just academic. There are folks out there who need these services. Family law: crisis—literally a crisis. It's pretty darn clear to me—read the report from the law society—that there's no intention whatsoever on the part of the law society of letting paralegals appear in provincial court, criminal division, defending summary conviction matters. The very specific exclusion of matters under the Criminal Code—you're not even going to let a paralegal appear in a provincial court on behalf of someone who's been named in a peace bond application, where there's no criminal conviction involved, are you? What a disservice. Access to justice? Horse feathers. There's nothing about access to justice here.

I want to draw this Legislature's attention to what, for me, was just illustrative of this whole distasteful process. When we reached section 26 of schedule B, I specifically wanted the committee to have to consider section 26 by itself. Section 26: "Every person who is licensed to practise law in Ontario as a barrister and solicitor is an officer of every court of record..." You notice that it very specifically excludes paralegals.

So the traditional lawyers are officers of the court. I knew that, Mr. Zimmer knew that, Ms. Elliott knew that, because we're lawyers. Why would you exclude paralegals? What kind of substandard status does that create, or is there no intention whatsoever of ever letting them appear in a court of record? Think about that, huh? You ain't exactly David Copperfield, you know. We see the strings being pulled: "Oh, look over there, guys." Come on, it wasn't that smooth. It was some pretty clumsy sleight of hand.

1740

But even more dramatically, I certainly wasn't going to in that committee purport to be able to provide a definitive explanation of what constituted an officer of the court and what that meant, what the rights and obligations were. The other two lawyers weren't in a position to do it either. The bureaucratic staff, who provided extremely high levels and qualified levels of assistance, weren't prepared to do it either. They didn't know. Nobody could answer that. So here we were, we were faced with a section to be voted on, and nobody had any idea what it meant. You get what I'm saying? It was dumb and dumber all over again. Nobody had any idea.

You see, several days earlier I had asked legislative research to prepare a paper on that. Because of the huge workload that legislative research had, the paper wasn't available on the day that we had reached section 26 for clause-by-clause voting. So once again I said, "Look, there are people watching us here. You know what I mean? We've got an audience. This is a little embarrassing. Nobody in this room, neither government caucus

or opposition caucus and their members, has any idea what this means. And it clearly means something, because you've excluded paralegals from the status or role or function of officers of the court. Yet you're saying you're ready to vote. How could you be ready to vote on it when you don't know spit from shinola as to what it means?"

Is that responsible legislating? Is that mature, intelligent legislating, you being caught with your knickers down at your ankles like that, not knowing what you're voting on but being prepared to vote for it anyway? Opposition members asked, very politely, believe it or not, for the vote on section 26 to be held down until we could get the paper from Ms. Drent. The government refused. On a recorded vote, I refused to vote on this section, because I think it's the height of irresponsibility to vote for something about which you know nothing. I wasn't even prepared to pretend that I knew what it meant, or to wing it, or to feign knowledge. I said "No, look, we clearly don't know what this means and what its effect is and what its impact is, and it could be important. Why don't we just hold it down?" But the marching orders from the bunker were to the contrary. I don't know what people were—"Oh, it could be a trick." What the heck were people thinking? And the shamelessness of the government members, there wasn't even a hint of a flush when they voted for a section that they acknowledged they knew nothing about and had no idea what impact it had. Do you remember that? There wasn't even a little flush up the neck showing some modest embarrassment.

Ms. Drent has since delivered her paper, and indicated in a very articulate way that being an officer of the court, having that status, that role, imposes some pretty serious responsibilities on the person—in this case, and up till now, only lawyers, who are officers of the court—a duty on that person not only to his or her client, but to the law and the court itself. Why shouldn't paralegals have that same duty—unless you have no intention whatsoever of ever letting them appear in courts of record. And if you don't have any intention of ever, ever, ever letting them appear in courts of record, then have the guts to say so, rather than simply force this bill and sections like this through committee.

I regret not having more time to address this whole issue, but the clock is running out. I didn't want to finish my comments without speaking about the lost opportunities when it came to the amendments to the Limitations Act. I understand—and I want to speak about immigration counselling. Yes, you bet your boots I do, Parliamentary Assistant, Mr. Zimmer.

This government had an opportunity to address the concerns of seniors who were being ripped off by bad and incompetent and outright criminal investment and financial advisers. I know the government explanation, and that is that the clock on a limitation doesn't begin to run until one becomes aware of the misdeed or the act that gives rise to the action. I understand that's the drafting that the smart young people in the Ministry of the Attorney General do late at night when they're

writing stuff for the minister and his or her parliamentary assistant. I don't buy it. I don't think we served those victims of investment fraud very well, and I find that regrettable.

I also find it so unfortunate that one of the biggest scam areas out there is in immigration counselling, immigration advocacy. Why, even Jimmy K. is reported as being in the business from time to time.

Laughter.

Mr. Kormos: Mr. Zimmer chuckles, not inappropriately at all. I'm not being critical of him. I find that rather humorous myself.

Nobody in the government was prepared to resolve the incredible potential for this province's inability to regulate bad immigration counsellors and consultants as paralegals in light of the federal self-regulatory regime established in an indirect way by the federal government.

I use that as but my final, although certainly not my only—and there are oh so many more—reason to tell you that this bill is not ready to be put to the Lieutenant Governor for his signature. Again, you missed the boat. I don't think you can stand up here and assure us that all the scam artists out there parading as immigration counsellors and consultants are going to be covered by the regulatory regime for paralegals. I don't think you can say that to us. That means that some of the most horrendous rip-offs and ones with serious consequences—you see, if people's refugee application files are screwed up, they get sent back to where they come from. Sometimes that means you get shot, you get imprisoned, you get hung, you get slaughtered. It's really a life and death sort of thing, isn't it? The issue was raised, there was some modest discussion, but you missed the boat.

1750

You've got a whole lot of people mad at you. Like others, I've been getting e-mails from a whole lot of women because—you talk about being irate—they feel betrayed, particularly people like Kaitlyn Kavanagh from St. Catharines, people like Delia Plastina from North York, people like Ana Canario from Cambridge, people like Amanda Foerster from Kitchener, people like Deborah Peters from St. Clements, people like Anna DiSalvo from Bolton, people like Marisa Pincente from Bolton, people like Julia Pincente from Brampton, Ava Pincente from Brampton, Helen Bauer from Kitchener, Tammy Forwell from London, and a whole lot more. I refer you to the ones I have because it illustrates—these are folks from across this province. They aren't political hacks. They aren't paralegals. They're people who understand how important a properly regulated paralegal regime could be to women and their kids.

It's a bad bill, Mr. Zimmer. Did I tell you New Democrats won't be voting for this? We're not going to tolerate this sort of stuff here in this Legislature.

The Deputy Speaker: Questions and comments?

Mr. Zimmer: I just want to address one thing, and that is the business of the paralegals. The regime today is

that there are paralegals out there without any real definition. They're paralegals, really, by self-definition.

It seems to me that one of the best things we can do for the public, and particularly women who find themselves in need of legal services and so on, is to ensure that when they go to a paralegal, they have the benefit of knowing that that paralegal has been through a required training course and has met certain standards and has certain expertise that that person can rely on.

The second thing that the consumer should be able to rely upon, in addition to the standards and the training, is that there's insurance if something goes amiss and the whole deal falls apart and there's harm suffered by the person, just the way lawyers have insurance to protect themselves and to protect the public from their negligent acts or errors and omissions.

The third thing that I think someone who goes to a paralegal should be entitled to is a complaints process whereby if the paralegal did not act properly for them or was guilty of some misfeasance, they could have their complaint about the paralegal addressed and have certain disciplinary proceedings initiated against the paralegal.

What this regime does is it makes a level playing field. When people now go to a paralegal, they have none of those protections: standards and training, insurance, and a disciplinary process. If we provide those three things, it will be a better system for the end user.

Mrs. Elliott: I would certainly agree with the member from Willowdale that it is important to have paralegals regulated, that there be certain standards, that there be certain minimum educational requirements. Of course, that's a given. But, respectfully, I don't think that's the issue.

The issue is, what can they be allowed to do? All the education and all the regulation in the world isn't going to help all the women whom we've been hearing from—e-mail upon e-mail upon e-mail from women across Ontario who are telling us that they're very, very concerned that paralegals are not going to be allowed to work in any family law matters whatsoever. I would agree that whether they should be acting as full counsel or in a very restricted manner is certainly open to question, but the fact of the matter is that we've never even discussed it, because it was never on the table. The scope of practice for paralegals has been left to the law society to determine by bylaw.

This is, in my respectful opinion, something that we should be dealing with as members of this Legislature, because it is a matter of fundamental importance and it does put the law society in a really untenable position. They're going to be pressured on the one side by lawyers who want them to restrict paralegals and on the other side by paralegals who are going to be wanting to do certain things.

The law society is going to have to make a determination about this. With all due respect, it is not something that, in my view anyway, they should be determining, because they are conflicted on this position.

I think that's really the issue we need to grapple with and something we never really heard about in committee: what paralegals should be licensed to practise in, what areas they should be allowed to work in and what areas they shouldn't be. But that matter never even came up before the committee, and I think that's a great shame.

Ms. Shelley Martel (Nickel Belt): Let me make a couple of comments with respect to the speech that was made by my colleague. I have received all kinds of letters, from seniors' groups in particular who are extremely concerned about the statute of limitations, any number of them who begged MPPs to do whatever they could to ensure that this would be at least six years. This was raised with the government, many of these were read into the record and the government refused. Also, when the government talks about how they want to protect seniors and even have a minister responsible, why is it that the government couldn't see to make its way to doing that small but very important thing on behalf of seniors?

Secondly, from time to time I turned the television on and watched these proceedings as the public hearings were taking place. I found it so very interesting when my colleague would ask some of the groups who were before the committee, particularly the paralegals, did they support this bill? And he did it because the Attorney General, when he brought in the bill, was quick to point out that he had the support of paralegals in terms of the legislation he was putting forward. But time after time, when Mr. Kormos asked paralegals who made presentations, did they support the bill, were they in favour of the provisions, the answer was, "No, no, no, and no yet again." I don't know where the Attorney General was when he was drafting this bill, but he sure wasn't sitting with the paralegals, talking with them about legislation that would be appropriate to regulate their profession.

But at the same time, I'm sure there are still professionals out there who can provide low-cost legal advice to so many people, particularly women, who frankly can't afford lawyers' fees. At the end of the day, we certainly haven't resolved that issue. We've just made it a whole lot tougher for a lot of women to actually access justice in the province of Ontario.

Mr. Bob Delaney (Mississauga West): I'd like to mention two words that Bill 14 will take out of the practice that paralegals engage in, and those two words are "caveat emptor"—buyer beware. This establishes minimum qualifications for paralegals. In laymen's terms, what does it do? It protects the good ones and gets rid of the bad ones. At the moment this House is debating another bill, Bill 124, which helps people with qualifications get down to work. Here we have Bill 14, which helps people without qualifications either get themselves certified or find something else to do.

This brings to mind the paradigm other members have brought up: the single mother who might need legal representation. How does this individual sort through the

qualifications of all the people representing themselves as able to defend this particular person in a legal matter? Bill 14 says that, once enacted, you'll be able to assess whether or not this particular person might or might not be qualified, might or might not be able, might or might not be experienced to do the work for you. You'll be able to have a common standard, a level playing field in which you can look at the person and say, "Okay. I understand where you've been trained; I understand what you're qualified to do. I can now make a better-quality decision on whether or not, in this particular legal matter, you can represent me." It applies as well to corporations. If, for example, a particular paralegal is just expert in drafting documents, it might well take a small business. If they would otherwise get bad advice, by enabling them to assess the qualifications of a paralegal, they can make a better decision on where to get good work done.

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

Mr. Kormos: You just don't get it. There are a whole lot of folks out there who aren't that sure that the law society has been that effective at protecting them from incompetent and negligent and criminal lawyers. How the hell is it supposed to do it with respect to paralegals? That's one of the fundamental hurdles you've to overcome here. Please.

Dental hygienists, who have to work in a dentist's office with a dentist present, can't work as stand-alones, are regulated by their own regulatory body, a self-regulatory body. Paralegals who are to be practising on their own, not under the supervision of a lawyer, are going to be denied a regulatory regime that is unique to paralegals. Why do we have numerous regulatory regimes? Why don't we have just one big regulator for everybody: for car salesmen, for insurance salesmen? Because there are cultural distinctions between these various professions. Different professions have different needs and different areas of expertise. That's why you have a College of Physicians and Surgeons of Ontario as compared to a similar college of dentistry, but the two aren't combined. That's why chiropractic is regulated by yet another college.

I say to paralegals, if you've got to raise money to fight it, consider the calendar that the staffordcanada.com people did. If anybody wants a copy of that calendar—and here's July with a Staffordshire terrier—just drop me a note and I'll send you a copy of the staffordcanada.com calendar. I'd be pleased to share it with you; otherwise, go on their website, staffordcanada.com, and for a \$20 donation to their campaign, you'll get your own copy of the calendar.

Thank you kindly, Speaker. I've enjoyed working with you today.

The Deputy Speaker: It being past 6 of the clock, this House is adjourned until Tuesday, October 10, at 1:30 of the clock.

The House adjourned at 1802.

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