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Tuesday 21 November 2006

Mardi 21 novembre 2006

Speaker
Honourable Michael A. Brown

Clerk
Claude L. DesRosiers

Président
L'honorable Michael A. Brown

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 21 November 2006

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 21 novembre 2006

The House met at 1845.

ORDERS OF THE DAY

TIME ALLOCATION

Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 107, An Act to amend the Human Rights Code, that the standing committee on justice policy be authorized to meet from 9:30 a.m. to 12:30 p.m. and after routine proceedings on Wednesday, November 29, 2006, to consider and complete clause-by-clause consideration of the bill; and

That the deadline for filing amendments to the bill with the clerk of the committee shall be noon on Wednesday, November 29, 2006. On November 29, 2006, at no later than 5 p.m., those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond the normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than Thursday, November 30, 2006. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the standing committee on justice policy, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, on the day the order for third reading for the bill is called, the time available for debate, up to 5 p.m. or 9:20 p.m., as the case may be, shall be apportioned equally among the recognized parties; and

That when the time allotted for debate has expired, the Speaker shall interrupt the proceedings and put every question necessary to dispose of the third reading stage of the bill without further debate or amendment; and

That the vote on third reading may be deferred pursuant to standing order 28(h); and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to 10 minutes.

The Acting Speaker (Mr. Ted Chudleigh): I think in the fourth last paragraph you said "5 p.m." and I believe that it reads "5:50 p.m."

Hon. Mrs. Dombrowsky: I stand corrected.

The Acting Speaker: Thank you very much. The minister has moved motion 248. Would the minister like to say a few words?

Hon. Mrs. Dombrowsky: I do want to make some comments on Bill 107 and the motion today and why the government believes that it is very important that we move this legislation along.

As we have heard in the Legislature today, certainly the Attorney General and our Premier have taken the opportunity to remind the people in this assembly that this is legislation that has been awaited for a very long time. I remember, when I was in opposition, I met with many groups in my constituency office who had concerns about the human rights bill and where there needed to be improvements. I congratulate the Premier and the Attorney General because they have moved this forward. They have recognized that there is a need to ensure that people who wish to avail themselves of the justice system can receive that justice in a timely way.

1850

Just a few points that I want to make on behalf of the bill. Under this proposed legislation the Ontario Human Rights Commission will be strengthened. It will have a mandate that will focus to address issues such as education promotion to share with the people of the province how they can better and more easily access the justice system. There is a public advocacy component, and I think all of us in this House certainly appreciate how important it is that people across the province of Ontario have it made known to them what their rights are and how they can seek justice if they believe that they are victims in any way, in that particular circumstance. The bill also accommodates for research and monitoring.

I've had the opportunity to review the bill. One component of the bill—it is obviously not a part of the present bill that Ontarians have to deal with—is the fact that in this bill, number one, there is a requirement that the commissioner will provide an annual report to this

assembly. So accountability is a big part of this bill. Also, there is a requirement in the bill that the legislation would be reviewed in five years. Going forward, if there are shortcomings in the legislation or in the operation of the commission, if they are identified, this piece of legislation actually directs that in five years there would be a review and therefore an opportunity to improve and/or correct any parts of the bill that are not adequately meeting the needs of the people of Ontario. We, however, do believe that the changes that were being contemplated when this bill was drafted have been made after much consultation and many years of consideration on how, going forward, we can better ensure that the rights of Ontarians are considered and defended and represented.

Other features of the bill are to address the systematic discrimination that may occur from time to time in our province. There are very specific commissions in the tribunal, very specific responsibilities. As a result of the kind of input and the real-life stories that have come to us, we have been directed by those. As a result, we have, I believe, brought forward a piece of legislation that will better enable people in the province of Ontario who may be victims of racism, for example, or who may be disabled and feel that they have been victimized because of their disability—this bill provides that they would have better access to justice to have their cases heard.

I have to say that I have heard anecdotally a number of stories from constituents who right now have been caught up in a human rights system where it can take literally years and years to be resolved. In some cases, the parties who brought the action forward are no longer even involved in their roles. In many cases when the processes drag out that long, you really have to ask: Has justice really been served if it has taken so long to actually complete?

I listened very carefully to the Attorney General today when he was answering questions during question period, and I think the point he made that, for me, perhaps makes this piece of legislation most relevant to my constituents is that Bill 107 is going to provide real, adequate and timely justice for the people in the province of Ontario. In many cases—in far too many cases—that has not happened.

Our government is an activist government. We believe in acting on behalf of the good and the well-being of the people in our province. There is no question that any time a government would look to act on legislation of this nature, it's going to evoke controversy. We think that is a very good thing. That is the reason why we have scheduled so many days of committee hearings, so we could hear that response, that reaction, that this kind of legislation understandably does inspire. We have listened very carefully. I know that the Attorney General has been working very hard to ensure that folks who have a desire to make their feelings known about this legislation have had the opportunity. I know that he works very hard to ensure that their issues have been and will continue to be addressed. I know that he is going to be proposing amendments.

So I think it's very important, for the members of this House and most importantly for the people of Ontario, that they recognize that our government believes that it's important to act swiftly, that people have had to endure delays in justice for far too long and our government is not going to tolerate that anymore. We maybe don't understand but certainly respect that there are parties in this House who really have no interest in moving this legislation forward expeditiously, if at all. Well, we're not going to be a part of that. We're here to act on behalf of the people of Ontario. We will do what we believe is best in their interest, and we believe that, by considering Bill 103 and having it dealt with in the matter, what we're doing this evening is what's best for the people of Ontario. I thank you very much for this opportunity.

The Acting Speaker: Further debate?

Mr. John Tory (Leader of the Opposition): In the short time that I've been here, I think this is the first time I've spoken on one of these time allocation motions. I realize that this is not the first time in this House, by governments of any party, that time allocation has been used. In fact, we had had quite an interesting recitation today, I think from the Attorney General, of various times it's been used in the past.

What is particularly sad about this is that the one thing that I find frustrating about being involved in the political process and being involved as an elected representative is the degree to which it's difficult, quite often, to engage members of the public in the pieces of legislation that we're passing here, to get people in large numbers to show genuine interest—pro, con or otherwise—on things that we're doing here, to get people to actually decide that maybe they're interested enough to watch the television at 7 o'clock at night, watch some of the debates we're having.

This bill, because it is what I described earlier today as a foundation piece of legislation, which I think really has a lot to do with the way we live our lives, the way we govern ourselves—a lot of the things that we talk about in here, in terms of basic core values of Ontario citizenship—is one of those pieces of legislation that I'm not surprised the people of Ontario have a great deal of interest in and would like to see us amend and reform with great care.

I thought that the Attorney General today, quite frankly, was outrageous in talking about how the only part of the record of the Progressive Conservative Party with respect to the human rights legislation was to cut it. In fact, I just went back and got out Hansard from 1961, where it talked there about the fact that that was the day on which the Ontario Human Rights Code—it was then called the Ontario Code of Human Rights—was introduced. It was a consolidation of bills, every single one of them passed by a Progressive Conservative government: the Racial Discrimination Act, 1944; the Fair Employment Practices Act; the Female Employees' Fair Remuneration Act; the Fair Accommodation Practices Act; the Ontario Anti-Discrimination Commission; and on it goes. Every one of those things was introduced

by a Progressive Conservative government. In fact, the Attorney General, aside from being unfair in that characterization today, also suggested that this was the first time in 44 years that this bill had been amended in a significant way. That, too, is inconsistent with the facts, in that Dr. Bob Elgie, the member at the time for York East, led a very significant reform to the Human Rights Code in 1980, which Mr. Lepofsky referred to today when he was on the premises at Queen's Park. It was said by Mr. Warrender, the Minister of Labour in 1961, "We all agree that respect for the dignity and rights of every human being is the foundation stone of peace and justice in this country and this world. The promotion of the kind of society where men and women of all races and creeds can come together in co-operation and goodwill is the basic objective of Ontario's Code of Human Rights."

It was very interesting, because on that day we had speeches in this Legislature from members of the New Democratic Party and members of the then official opposition, the Liberal Party. I'll come back to this at the end, because the spirit within which that was dealt with at that time was quite different from what is going on here today.

1900

Having looked at that history, I did want to correct the record in that regard because I think the Attorney General's comments were totally inconsistent with the facts and were outrageous. Having said that, what is equally outrageous is the history of this matter in the recent period of time. The first thing we have—and the Attorney General will recall this, as will other members of the House—is that there was a series of questions asked last spring about the degree to which there had been adequate consultation undertaken before the bill was introduced. As I recall—and I can't quote it; I don't have it in front of me—the Attorney General had made a commitment, at that time, that before any bill was introduced—I think I'm correct in saying this—there would be full consultation. He was able to stand up in this House and read off a long list of groups that he'd consulted, and I take him at his word. I'm sure he did. The problem was that we were able to get up in this House and read a long list of groups that said they had not been consulted and wanted to be consulted. So already, at that time, the minister was not acting in a manner consistent with his word in that he failed to consult a lot of these groups that said they weren't consulted.

So we started off, on a matter that should be of common cause between all parties, common cause as best one can pull it together—and I know it's not easy—to try to get a consensus behind this most fundamental foundation piece of legislation in our society with a group of people who felt, inconsistent with the word of the minister, that they were left out.

The minister then has answered for this, or not answered for it, as the case may be, throughout a period of time since then—because we've asked various questions about when you were going to consult—and every time, I think it's fair to say, it's, "Don't worry; we will. Don't worry; we'll consult. Everybody will be heard."

The most explicit he was on this was just a week ago, on November 14, when in this House, in question period, in response to a question from my colleague from Whitby–Ajax, he said, "I look forward to the matter being debated in the committee, not only tomorrow and the next day but however long it takes." That is exactly what he said: "however long it takes." He didn't say, "however long it takes as long as it's over by next Tuesday," or "however long it takes if we can hear the next eight groups that want to be heard," most of which, by the way, were favourable to the government's legislation. It's an odd coincidence that the people who probably were lined up to speak first—because the government knew it was going to do this, notwithstanding that the minister's word, given in this House, was that we would have this discussion go on and hear from people, to use his words, "however long it takes."

That may have been the minister claiming he misspoke himself. I don't know. He hasn't explained yet why he said one thing and did another, notwithstanding that we all understand that that is the hallmark of the McGuinty Liberal government. But the very same day, he signed a letter to Ms. Margaret Parsons, executive director of the African Canadian Legal Clinic, in which he talks about looking forward to the committee holding additional public hearings in the winter on dates and in locations to be determined—in the winter. I don't think he thinks it's winter now. It's not winter yet. "Winter" means after December 21, by which time the guillotine will have been brought down on this bill and people will have been shut out. Why did he write and sign that letter on the 14th, giving his word that there would be opportunity for people to be heard and that this was in the hands of the committee, which is what this letter says? Those are the two things we have from him most recently, on top of all the things from the spring where he gave his word that people would be heard, even those whom we identified as not having been heard earlier on.

Then it gets even more interesting because the next day the committee meets, and it has a report from the subcommittee recommending more hearings be held, including hearings after Christmas, to make sure we heard from all those who wanted to be heard.

What happens that day? The committee unanimously votes to accept that report to have the extra hearings. I know there is this fraud that is perpetrated that sort of says, "Oh, the committees really control their own affairs. We never have anything to say about that." That's kind of like last week, when the Premier wrote a letter to the Ombudsman saying, "Don't worry. You'll be heard and you'll get the time that you want at the committee." Meanwhile, his members were ordered to vote down the Ombudsman having 15 more minutes of time that the Ombudsman wanted.

In this case, lo and behold, what we have here is a good thing. All the members of the committee from all parties—as it should be on a piece of human rights legis-

lation like this—vote in favour of having the extra time and the extra hearings and, on the strength of that, the clerk of the committee goes out and spends 106,000 taxpayer dollars buying ads in the papers to say, "Come to the hearings. We want to hear from you." That's money we now can't get back, by the way, but this is not about money. It's just interesting that they permitted that to happen.

Lo and behold—that's on November 15—five days later, on November 20, the guillotine comes out, so obviously what happened here is that the Liberal members knew what they wanted and they did vote to have the hearings go ahead. The Premier's office and the Attorney General's office ordered that this debate be shut down because it was inconvenient to them to actually think they might listen to some people from across the province. I wonder what it is they're afraid of hearing. We are trying—I think we should be trying, in any event—to develop a consensus as broad as we possibly can when it comes to the Ontario Human Rights Code and what the minister I think has correctly described as "fundamental reform."

By the way, the minister got up and asserted—or I guess it was the Premier who did today—that we, the Progressive Conservative Party and the New Democratic Party, are opposed to reforming the Human Rights Code. No one has ever said that, but we do think that, if you're reforming as fundamental a foundation piece of legislation as this, you take the time to do it right, you hear the people who want to be heard, especially when we have so much trouble engaging people in legislation and things we do here, and especially when a lot of people do have some concerns about the bill. So we should get it right, as opposed to getting it done quickly.

The fact of the matter is that passing it now versus passing it, which we offered to do, first thing up in the spring, after the people have been heard today, is not going to make a material difference in terms of eliminating the old backlog or getting started on the new one, where the minister himself has been extraordinarily vague about the degree of legal advice people are going to be able to get: how much of it, how many lawyers, where they are going to be. Heaven knows, we won't even be able to hire the people between now and the time when we could have that vote taken in March, after everyone had been heard and with a much greater chance that we will have developed a consensus by that time that will allow for this legislation to be passed in the manner that it should be passed, and so we have the guillotine.

I want to just share a couple of quotes. We have pages and pages of these, and it's almost nauseating to read them. But we have the government House leader, and he said, "Each of the time allocation motions which close off or choke off debate in this House seems to be more drastic as it comes forward ... more sinister as it relates to the privileges of members of this House and as it relates to healthy, democratic debate for the people of this province." That was December 16, 1977.

Then on the same day he says, "The opposition role is to help to slow the government down, and I think ultimately better legislation for all the people of this province emerges when the government is forced to take a little longer to pass that legislation." Well, they're singing quite a different tune today about how that delay is going to be the worst thing on earth and that the world is going to come to an end if we don't jam and ram this through on a couple of hours' notice.

Then we have again Mr. Bradley, the member for St. Catharines, on December 10, 2002: "I find it most unfortunate as well that this bill will be rammed through with what we call a time allocation motion or what is known as closing off debate. If nobody cares about this, governments will continue to do it. No matter what those governments are, they will continue to do it. It's not healthy for the democratic system. It relegates individual members of the Legislature to the status of robots, and that's most unfortunate."

What really pains me is that the people who are most being relegated to being robots are the people on the Liberal side of the House. I predict with certainty that there won't be one who will have the guts to get up in this House and say, "This is wrong," that we should be hearing from these people who want to be heard, that this is a fundamental, foundation piece of legislation that this Legislature is considering, that these people have every bit as much right to be heard as the people who spoke in favour, whom they did allow to be heard last week. They will do what they're told. They will do what they're ordered to do.

They showed a rare glimmer of independence in voting for the additional hearings, but then the hammer came down on them and said, "How dare you vote with the Progressive Conservative Party and the New Democratic Party for more hearings and to actually have people be heard? We've got to shut her down—shut her down. We don't want to hear from those people. We know what's best. We're the McGuinty Liberal government. We don't care that our word is on the record saying that we'll listen to people, that we'll take however long it takes. Our word means nothing. You Liberals here in caucus should all know that. We're closing it down."

That, of course, brings us finally to the honourable Dalton McGuinty, now Premier of Ontario, who said on December 19, 2000, "For a government that promised to be open, this closure action is the height of arrogance, the height of exactly everything you campaigned against and you said you were for." Well, guess what? I will stand here in this House today and say to the Liberal Party, Premier Dalton McGuinty and the Attorney General: This is the height of arrogance. It is the height of exactly everything you campaigned against and said you were for. It is a total disgrace.

1910

I want to just finish with two last points, and I think it's worth reading into the record—my friend from Niagara Centre, or maybe his leader, today read into the record a couple of passages from Barbara Hall's letter.

This is Barbara Hall, my friend and my classmate from law school, whom I commended on her appointment to the Ontario Human Rights Commission and who was appointed by this government to that post. She said earlier this week that she was generally content with some of the amendments, or whatever she said. But she wrote a letter today which said this, and I want to just read a few quotes from it:

"[T]he commission has commented on the need for full consultation by the Ministry of the Attorney General." I think she's referring in this next sentence to what I talked about last spring. She says, "What should have been a broad, consensus-building exercise in the best traditions of promoting human rights was undertaken in a way which, instead, caused division within the communities concerned." Doesn't that say a lot, that the person charged with the responsibility of administering this act and protecting human rights in this province, the chief human rights commissioner, says that the way in which the government has handled this is causing divisions within the communities concerned?

She goes on to say "that the committee's hearings," it had been hoped, "would lead to further progress with more common ground being found." That's what we're trying to find too—to listen to people to see if we can find more common ground. She goes on to say, "In particular, there is a need to fine-tune the Attorney General's proposed amendments and to allay fears within the community by making clear the transition from the old system to the new. By bringing an abrupt halt to the proceedings," Ms. Hall goes on to say, "that opportunity is lost; I fear the existing divisions will become more polarized and bitter."

What a great legacy this will be for you, Attorney General, I say through you, Mr. Speaker, to have the existing divisions "become more polarized and bitter;" to have the most vulnerable people in our society, whom you claim to be protecting better through this piece of legislation, in fact saying that you had no time to listen to them.

We have nothing but time here. If we had to sit extra time to hear these people, we have said we will sit in the winter months. You have said, "No. Shut it down. We know best. We don't need to listen to these people. We don't need to hear those most vulnerable people. We don't care that the chief human rights commissioner of the province of Ontario says this is going to lead to bitterness and division in this province," because you're choosing to do this the way that you're doing it.

She concludes the letter by saying this: "On behalf of the commission, I urge you to withdraw the motion for closure. This should be a time to encourage discussion, for consultation and for healing of divisions. All sides share the goal of a stronger, more effective human rights system for Ontarians and care passionately about human rights. It is crucial in this context to seek common ground, for the sake of the people we both serve. Please"—the letter concludes—"let their voices be heard."

Well, I can tell you, speaking on behalf of our party, and I know it's true of the New Democrats—they will speak for themselves—that we too "share the goal of a stronger, more effective human rights system." We too reject the fact that there should be a backlog that lasts for a year and a half, or whatever period of time it is. Changes need to be made.

We are saying, though: Listen to the people who want to be heard. We have people demonstrating their interest and their engagement. Listen to the people who want to be heard and give them a chance to come here and say what they have to say. Maybe they might actually have a valuable contribution to make; in fact, I am certain that they will.

I want to conclude with a little bit more history from the very same day on which—if I could find it here—the new human rights legislation was introduced. In this case, it's a little while later; I guess it's actually the end of the second reading debate, February 22, 1962.

It's very interesting. History always teaches you a lot of lessons about a lot of things, but in this case it shows how it could be done, because the bill I referred to earlier and the reference I made to the speech introducing the Ontario human rights code or whatever they called it—the Ontario Code of Human Rights—then was followed by some very interesting speeches by Mr. Bryden, who was a long-time member of the New Democratic Party. He taught me political science at the University of Toronto—a wonderful man, a totally engaging man. He got up and spoke about the bill and said—you know what he said in his speech? It's interesting. He said, "In introducing the bill, the minister said that he wasn't really changing any principles involved in the bill, but I think he shortchanged himself." He went on to indicate that there were some important principles in a positive sense that had been brought forward by this new bill introduced by the then Progressive Conservative government. This is the critic for the NDP saying this.

Mr. Robarts made the concluding speech on the second reading debate. He was the Premier at the time. He said, "If you go back to the beginning of this type of legislation and the human rights legislation that has been introduced here, I think you will find that over the years, there really has never been a sharp difference of opinion on the underlying principles between the various groups in the House."

He goes on later to conclude, in talking about the very same thing, "I think the hon. Leader of the Opposition (Mr. Wintermeyer), the hon. member for Woodbine (Mr. Bryden), and I all realize that this bill is an important step in what we are trying to achieve. The codification of the act will promote understanding and acceptance of the principles involved in them. What we are really attempting to do is to place education and legal sanctions together...." He then goes on to conclude his speech. What a sad commentary it is that that can be the way they managed to do it in 1962.

In fact, I remember, because I was here, and frankly there was more controversy within our own party—

Mr. Peter Kormos (Niagara Centre): In 1962?

Mr. Tory: In 1982—when Bob Elgie introduced the changes to the Human Rights Code at that time that took huge steps forward in a number of areas of discrimination that became prohibited areas of discrimination, and probably there was more dispute inside our own party—I'm being honest about this—about the wisdom of those things, but ultimately they passed, obviously with the support of the government and with the support of the other parties, because that's how we recognized at that time that you do these things: that you hear people and that you work together as parties to build a consensus so that we can say to the people proudly, "We have moved forward and reformed and improved the human rights legislation of this province, and we've done it through consensus building and by listening to people and getting better ideas as to how we could do things better."

On pieces of legislation like this, the fact of the matter is, there is no division between the three parties about what it is we're trying to achieve. But there are different ideas sometimes as how best one can achieve it, and there are certainly going to be some different opinions about that among members of the public, while they don't differ on the principle involved.

So I say to the government, I made an offer today—and I will conclude on this last note—and for the life of me, I don't understand what's wrong with it. I don't understand what's wrong with it, and the minister didn't answer today and the Premier didn't answer. I said that when we come back in the spring, if they agree to have the hearings that they had agreed to have and that their members had voted to have, and that they placed ads in the paper to have and so forth, that the minister gave his word that we would have—the Attorney General's word was given on this—if they agree to have those hearings, speaking for our party, we will agree to have this matter brought to a vote. And everything that the government talked about being so important today will happen on the first couple of days back, whatever works for the government House leader.

But to me, to adopt the approach that they're adopting now, to bring down the hammer, to jam and ram this through, to completely give the back of the hand to all of these groups of people and all these individuals who want to be heard, I think is a disgrace. It is inconsistent with why we're here, it is inconsistent with how this has been handled in the past in this Legislature when major reforms have been brought about, and I think the government is letting themselves down. I think they are letting the people of Ontario down. I think they are letting down the people who care very much about the human rights legislation. That is why I wanted to speak tonight against this time allocation motion, because I think as a matter of process, as a matter of principle, it is a grave mistake that we will pay for, as said by no one less than, no one other than, the chief human rights commissioner. It will create the kind of bitterness and division she talked about, and we will rue the day that we did it this way.

Mr. Kormos: New Democrats oppose this time allocation motion. We're going to be voting against it. I think it's important that we review some of the history of Bill 107 before the justice committee. I do want to indicate that it was not only a pleasure but a very useful experience to have had Ms. Elliott and Mr. Runciman as Conservative representatives on that committee. I know that they will find some of my recollection of the history of the bill before the committee familiar because, of course, they were involved very actively in subcommittee meetings and in negotiations around ensuring that this bill even got to committee.

Let's understand what the government's obsession was with. It was with Bill 14, the paralegal bill. Let's understand that the government had made a decision to displace Bill 107. It had. Mr. Bryant made a choice. Opposition parties—the Conservatives and the New Democrats—agreed, notwithstanding, again, the tremendous concern around Bill 14—don't think this is the only contentious bill that bears the fingerprints of one Michael Bryant—around which there has been no resolution of the tremendous conflict.

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I recall very, very clearly sitting in subcommittee as well as the House leader's office and talking about the fact that opposition parties worked as much as we had to after the Labour Day holiday to get committee hearings done on Bill 14, to accommodate the people who wanted to speak to Bill 14, and to make our best effort to get it reported back to the House by the time the House began sitting. I also remember some of the inevitable delays, not caused by opposition members but by the incompetence of government members, by government amendments that had to be read into the record that were pages and pages and pages long. The whining and the whinging that took place was incredible. In fact, opposition members, the Conservatives and myself as the New Democratic representative, assisted as best we could and as best the rules allowed to get Bill 14 back to the House for third reading. Were we happy with the result? No, we weren't. But do we understand the process? Yes, we do.

Throughout the very beginning of the summer, the latter part of the spring, there was, of course, discussion around Bill 107. Opposition caucuses—Ms. Elliott, myself, Mr. Runciman—told the government that there was undoubtedly going to be a lengthy list of persons who wanted to be heard with respect to Bill 107 and that we were prepared to begin hearing them when the committee was freed from its responsibilities around Bill 14. The government bizarrely, peculiarly, strangely, with no seeming rationale, insisted that at the beginning of August, we travel to three cities: London, Thunder Bay and Ottawa. I remember opposition members agreeing to sit extended hours in those cities where there was tremendous demand. The opposition members offered to sit extended hours to accommodate the folks in those cities. It was Ottawa, as I recall, that had the lengthiest hearings, although somebody could correct me.

I remember that it was government members who were whining about the travel arrangements. A plane had been chartered. There were actually government members who got to Thunder Bay on the charter plane who wanted to hire commercial flights to come back to Toronto rather than come back on the charter because it was too uncomfortable. I recall suggesting to them that that wouldn't be the most astute thing to do, because I would undoubtedly expect to read about it in a Toronto tabloid the next day. Do you understand what I'm saying? A plane had been chartered, and that, in and of itself isn't unreasonable. It was an uncomfortable—there were two little planes. It wasn't a very comfortable journey. Again, we were accommodating folks in these three cities. And there were government members—dumb as bags of hammers, if you ask me—who were going to buy tickets and then charge them back to the committee to travel home on a commercial flight from Thunder Bay to Toronto. Have I got the two cities right, Ms. Elliott? Yes.

That, in and of itself, is just a story. It's an accurate one. Ms. Elliott, am I wrong?

Mrs. Christine Elliott (Whitby–Ajax): No.

Mr. Kormos: Ms. Elliott replies. Well, let's not have any rewriting of history here. Stalin died over 50 years ago. We shouldn't be rewriting history here at Queen's Park.

We then had House leaders' meetings and discussions—Mr. Wrye will recall that; he's sitting there behind the Speaker's chair—indicating that we expected Bill 107 to be lengthy. We also expressed—we, the opposition members, told the government members, "Are you guys nuts? You're advertising for three days in the beginning of August, and you've got to advertise extensively because you're appealing or addressing an ethnic community, amongst other things, but then you're going to have advertise all over again."

You see, none of this happened without the government's approval, because the government has the majority of members on the committee. The committee has to approve the subcommittee recommendations. When we were cleared of Bill 14, I remember the subcommittee meetings, and I remember that it was opposition members who suggested to the government, "Let's get moving on this. We've got to get some ads out. We've got to get the legislative broadcast advertising, which doesn't cost anything to do. And let's get going. We've got a list already. Let's not wait for the ads to go out; let's start hearing submissions," and indeed we did start hearing submissions last week, November 15 and November 16. It was opposition members who suggested that the committee sit to 12:30 rather than the usual hour of 12. Ms. Elliott, is that correct?

Interjection.

Mr. Kormos: We also indicated, opposition members Ms. Elliott and myself—I remember asking Ms. Elliott, "Is it okay?" I know she's got kids. She has three sons who are teenagers now, and she's a very dedicated mother.

Mr. David Zimmer (Willowdale): I'm coming back.

Mr. Kormos: "I'm coming back," Mr. Zimmer says. I'm sure you are, Mr. Zimmer.

I remember us suggesting to the government, "Let's start our committee hearings—to start dealing with this, four days a week—a week after New Year's Day." I remember the Chair of the committee—do you remember that, Ms. Elliott? Because if you want to tell what happened, let's tell everything that happened.

Mr. Rosario Marchese (Trinity–Spadina): Do we really need to know?

Mr. Kormos: Oh, I think you'll be fascinated. See, the Chair of the committee, one Mr. Dhillon, says, "January is kind of difficult for me." I said, "Why, Chair, how could that be? Why would January be difficult for you? You're being paid as Chair; surely you can chair the committee." He said, "I'm supposed to go to India with the Premier." The Premier is taking a junket to India in January. I said, "Well, Mr. Dhillon"—and I'm sure he is; he's of South Asian background, ethnicity. I said, "That's okay. You don't have to go. Mr. Kular can go." Mr. Kular is familiar with the region. He said, "Mr. Kular is going." I went, "Oh." I said, "Tell you what; maybe Shafiq Qaadri can go." Mr. Dhillon said, "But Shafiq Qaadri is going too." And I said, "This is no longer a mini-junket; this is a full-blown, full-fledged junket entourage." Full-blown, full-flight, junket entourage; taxpayer-funded tours of India. I said, "Mr. Dhillon, surely your responsibilities as Chair of the committee are superior to your interest in going on a junket"—

Mr. Marchese: Transcend.

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Mr. Kormos: —as Mr. Marchese says, "your responsibilities as a Chair transcend your desire to go on a taxpayer-funded junket to India." Well, somehow, somewhere—and don't tell anybody about the junket, okay? Don't spill the beans. If we can keep it in the room, the third floor won't pick it up; the Sun and those people won't pick up on it. Look, I promise not to tell anybody if you promise not to tell anybody, okay? Speaker, are you in? Shh. Nothing about the junket that would interfere with Mr. Dhillon's ability to—you see, the point I'm trying to make is that Ms. Elliott, with three teenaged boys, was prepared to say, "Notwithstanding that it's the so-called winter break, I'm prepared to spend it here at Queen's Park—four days a week, eight or nine hours a day—listening to submissions."

That's the way it happened. We made that agreement in the House leader's office. The government member of the committee agreed to it in the subcommittee, didn't he, Ms. Elliott? Why, as recently as last week, the Attorney General was telling you in this House—and I believe the Attorney General because he's no Charlie Harnick. Mr. Hoy understands what I'm saying. The Attorney General said, "Well, we'll keep on meeting and hearing these people and their concerns." Did you believe him then, Ms. Elliott?

Mrs. Elliott: I certainly did.

Mr. Kormos: She replies. You know what? So did I. I believed the Attorney General. I was amazed, shocked

and awed to learn—don't go away, Mr. Berardinetti; we're going to be talking about you too in just a few minutes. I don't want to do it in your absence.

Mr. Marchese: Are you a member of the committee?

Mr. Kormos: Mr. Marchese says, "Is he a member of the committee?" Yes, that's the whole point. Remember last Wednesday? You wouldn't know that he was a member of the committee, would you, Ms. Elliott?

Just who's playing games here? Because on Wednesday, when Mr. Zimmer, as parliamentary assistant, sat through that committee, when Ms. Elliott sat through that committee and I sat through that committee, we saw five government chairs, one of them empty for the whole day—we're down to four members. We had another chair empty for the largest portion of the day—we're down to three members. Even though there was no music playing, there was musical chairs being played. It makes you wonder just how serious the government was even from the get-go, huh?

I remember the parliamentary assistant bringing to the subcommittee the request to have the minister appear on the first day of committee hearings, and I remember Ms. Elliott and I readily agreeing that we should adjust the agenda to include the Attorney General. It wasn't a matter of showing good faith; it was a matter of simply acting in good faith.

I remember the next request, when Mr. Zimmer, the parliamentary assistant, needed permission to bring the chair of the tribunal to the committee. Opposition members of the subcommittee, Ms. Elliott and I, said, "Well, of course. We'll accommodate. We'll sit later into the lunch hour to make sure that he gets a 30-minute slot rather than the mere 20 minutes that were available."

We know this is a contentious bill. We know that there are some very mixed views about it out there in the province of Ontario. I understand those who advocate for the bill; I understand what they're saying. I happen to disagree. But when New Democrats, along with Conservatives, agreed to sit for however many weeks it would take in the winter break to accommodate those people, we knew we'd be hearing from advocates for the bill as much as we'd be hearing from opponents. And whether it was in Ottawa, Thunder Bay or London, none of which were particularly successful for the government, it just didn't happen that way. I can't recall opposition members being anything other than courteous to advocates for the bill. It was an argument. It was a debate. It was a difference of opinion. As a matter of fact, there are two very different perspectives on how you deal with human rights abuses, how you deal with discrimination in a jurisdiction. New Democrats just happen to believe that the identification of, the detection of, the exposure of, the apprehension of discrimination should be a public function in the public interest.

One of the most capable parallels that I recall speaking to during second reading debate was the comparison of the Human Rights Commission to, let's say, the crown attorney's office. If somebody is a victim of a crime in this province, in this country, you call the police, a public investigative body; you report a crime. Police do their best to collect evidence, lay a charge, initiate a prosecution, and then a crown attorney has to assess it and determine whether or not there's a reasonable likelihood of conviction—that is the test, isn't it, Attorney General?—and then prosecute it or, in the case of more than a few frustrated victims, explain to victims that there isn't a case here, that there's no reasonable likelihood of conviction. Is that the test, Ms. Elliott? That's the test, as I recall it, for crown attorneys vetting charges.

We still have a private system whereby, if Mr. Marchese has his car stolen, he can litigate. He can sue the thief for conversion. Or should someone assault him, he can sue that person for assault and battery. That's a private exchange in a public forum, in a public courtroom. But it's in the public interest that we prosecute crimes.

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Of course there's consideration of the victim—increasingly, thank goodness. We've seen that evolution in the last short while when we talked about victims' rights, for instance, and ensuring that the role of the victim is not diminished in the course of a public prosecution, in the public interest, of a crime. We New Democrats very much see the Ontario Human Rights Commission as the parallel of that crown attorney's office and police force. Are there huge backlogs in our criminal courts? You bet your boots there are. Could we solve those backlogs by saying, "I'll tell you what: If you're a victim of a crime, don't bother calling the cops and don't bother going to the crown attorney's office. Hire a lawyer and sue for assault and battery, or sue for conversion, or sue for trespass"? That would sure eliminate the backlog, wouldn't it? That would clean up that mess.

But we regard criminal offences to be of such a serious nature that there's a strong public interest in their detection, investigation and prosecution. We don't prosecute criminal cases, crimes against you or you or you, in the specific individual interest of you or you or you; we do it because we have an interest as a community in suppressing crime. That's not to say that judges can't and won't make restitution orders, or that they're not part of probation orders. Any number of things can and do happen.

There is a clear difference of opinion. We're not afraid of the arguments being made on behalf of Bill 107. We're prepared to hear them. We're prepared to hear the proponents of Bill 107 and understand why and how they believe that this is a superior regime. However tedious the prospect might have been, Ms. Elliott and I were prepared to sit for three weeks, four weeks, five weeks listening to them. Why? Because we're gluttons for punishment? No. Because we believe that people have a right to make those submissions. That's why we told the government, "Let's start sitting in January." We've got the winter break. We're coming back March 19. The bill will be ready for third reading by March 19.

The Acting Speaker: If I could interrupt for just one moment, I'd like to introduce Gary Malkowski, a former

member of the House, the member for York East in the 35th Parliament. He served from 1990 to 1995, and he was the first deaf member of this House. I wanted to introduce him while Laurie Scott was there, the member for—

Ms. Laurie Scott (Haliburton–Victoria–Brock): I'm trying to interpret for him.

The Acting Speaker: I didn't know that she knew sign language. Welcome to the House.

Mr. Kormos: The opposition parties have tried to be very accommodating. Has the government? No.

Let me tell you about John Rae, a submitter to the Bill 107 hearings, who was at the committee last Wednesday, when the Attorney General announced his proposed amendments. We knew, the government knew, that Ontarians with disabilities, people with disabilities, in this province have a strong interest in this bill because of the betrayal they perceive it as being in the context of the ODA that they supported. Mr. Bryant made his announcement. Mr. Rae stood up from the floor and said, "What about me?" Mr. Rae wanted to be able to review the proposed amendments too. They'd been distributed to everybody, but Mr. Rae said, "What about"—you see, Mr. Rae's blind. He needed a version of the amendments that he could read via Braille or in html or text version that he could plug into his computer so that his computer could read it to him because he's blind. He can't read, but he can hear. We raised it in the committee that day, saying—and the Ministry of the Attorney General had staff there: "Please, will you accommodate Mr. Rae? This is about human rights, after all. It is about fighting discrimination, and surely that means fighting discrimination against blind people and ensuring they have access too."

By Thursday, the next day, when Mr. Rae made his presentation, he still hadn't received either a Braille version or an html or text version that he could put into his computer so the computer could read it to him. Not very accommodating, is it? The Ministry of the Attorney General didn't give a tinker's dam about Mr. Rae and his right to be involved in the process. It was simple enough, because when I spoke to Ms. Stokes that afternoon, early afternoon—she's the clerk of the committee. Ms. Stokes, because she's the custodian of submissions, arranged for Mr. Rae to receive an html or a text version of the submission so that he could pop it in his computer or however it got to him; whether it was e–mailed or not. So the clerks' office fulfilled its responsibilities, made sure that Mr. Rae wasn't the victim of discrimination. The Ministry of the Attorney General demonstrated disdain, indifference and downright callousness. They're the one with all the big resources. They've got staff coming out of their yingyangs.

Interjections.

Mr. Kormos: Well, they do. The clerks' office is the opposite; it has the stressed committee budget in terms of advertising and travel. They do. This last round of—what?—110 grand that the government spent on committee hearings that it had no intention of ever holding didn't exactly help the solvency of the clerks' committee travel budget.

We understand the thrust and parry of adversarial partisan politics; we do. Quite frankly, I think New Democrats can certainly give as well as we take—maybe a little better than most—but we also have a true and genuine and real passion about a bill that has this much significance, that has this much impact, receiving full and thorough consideration, especially when the government agreed. Hogwash, I say to the Attorney General, and I'm being as parliamentary as my vocabulary permits me, when he says that he had to bring in time allocation because Ms. Elliott was going to—what were you going to do? Suspend the committee?

Mrs. Elliott: Part of the reason.

Mr. Kormos: My goodness. I recall exactly what Ms. Elliott proposed. She proposed a method whereby those people who had been denied the opportunity in their submissions to make comments on the proposed amendments be given that opportunity. The Attorney General says that it was back in August, way up in Thunder Bay, that this member from Niagara Centre, a small-town member, a mere backbencher, declared he was going to filibuster the bill.

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Mr. Marchese: What power you've got, Peter. I'm impressed.

Mr. Kormos: Well, it took a long time for the Attorney General to get with it. That was back in the beginning of August. In fact, if people are thoroughly honest and read the Hansard, they'll understand that there was an exchange whereby this backbencher from Niagara Centre—we are, indeed, small-town Ontario and maybe we're not as slick as big-city people. I don't wear expensive suits; I understand that. I don't wear Rolex watches, and I don't have a big fat Mont Blanc pen sitting in my pocket. I don't eat at—I don't know; where do these people eat in Toronto? I don't eat at Prego Della Piazza or Bistro 990. But we do our best.

You see, the whole government theme has been a vilification of the commission. Do you understand what I'm saying? The whole government rationale for this legislation has been a vilification of the commission, trying to create the impression that somebody is incompetent or corrupt. They didn't say who. Is it the front-line staff? Some incredibly outrageous allegations were being made against them. When I confronted one submitter, one Mark Hart—do you remember that one?—with the data from the commission for last year—2005-06, if I remember correctly—Mr. Hart said, "Oh, the commission spins their numbers." "Well, shame on you, Barbara," I said over his shoulder, because Barbara Hall was sitting two rows behind him. I thought, that's interesting. The commission spins their numbers. Let's see what Ms. Hall has to say. I said, "Ms. Hall, do you spin your numbers?" She said, "Of course not."

What's the story here? What's going on? What's the problem with the commission? Is it incompetent staff or incompetent management? It's not a big corporation. It

ain't Weston. There's a pretty small number of people. Is it incompetent commissioners? Which one is incompetent? Ms. Hall? Mr. Norton? Ms. Frazee? Tell us which one. We'd like to know, if that's your allegation, if that's your raison d'être.

So New Democrats, with the support of Conservatives, made a modest proposal. We said, "Why don't we get some of these front-line workers in here to the committee?" Because we heard some pretty incredible stories about delays. We said, "Let's get some of these workers in here to find out about the delays."

Then there was a suggestion to get commissioners in, and Mr. Zimmer said, "Let's get all the commissioners in." I said, "Fine." It's what you said, isn't it? And I said, "Fine," or words to that effect. We said, "While we're at it, let's get some managers in here. Let's find out what the hell has been going on there." Then we get the outrageous proposition that the government has to time-allocate this, shut the door on committee hearings, all because the member from Niagara Centre—that's me, by the way, folks—wants all of the staff to appear. Cut the crap. You know damned well that isn't what I wanted, nor what I proposed.

The fact is, your government blocked from the get-go the attendance of any front-line staff members, any OPSEU members. You blocked their participation in this committee hearing. You sure as hell didn't know what they had to say, and you weren't going to let them say it, nor were you going to let managers come. There's something going on here. I'm convinced that this government is apprehensive about what it is that the front-line staff people would have to say—oh, not ones cherry-picked, hand-picked, by the ADM.

Barbara Hall wrote you a letter. Barbara Hall appeals to you. She's your commissioner. If you don't have confidence in her anymore, fire her. That's just so apparent. If you don't have confidence in Ms. Hall, if you're not going to heed her counsel, then fire her. I'm serious. Or are you going to wait till she quits?

Ms. Hall has tried to temper her enthusiasm for Bill 107, but she has made no secret about her support for the fundamental proposal. However, did she blow it when she showed up and said, "By the way, we'd like to see the restoration of appeals," huh? Did she overstep her bounds?

Mr. Robert W. Runciman (Leeds–Grenville): Probably.

Mr. Kormos: Mr. Runciman says.

"Dear Premier,

"I wish to express my profound dismay at your government's notice to invoke closure and prematurely end debate on Bill 107...."

Look, you can say what you want about us; we expect it, coming from you. You're going to allege everything under the sun, the moon and the stars about us. What do you say about Ms. Hall? What axe is she grinding when she talks about the premature end of debate? Is she full of crap, too, or is she just stupid, or does she not know what she's talking about, or is she trying to filibuster the bill, or is she trying to obstruct it from getting through the House?

Come on, Attorney General. Why is Ms. Hall calling upon you to avoid the premature end of debate on Bill 107? Has she been turned? Is she some sort of dupe? Are you going to announce some kind of conspiracy theory? You had enough confidence in her to hire her; do you have enough confidence in her to heed her advice?

You're insisting that this bill has had exhaustive debate. Ms. Hall says you're full of bunkum—amongst other things, I presume.

"I urge you to withdraw the motion for closure. This should be a time to encourage discussion, for consultation and for healing of divisions. All sides share the goal of a stronger, more effective human rights system for Ontarians and care passionately about human rights. It is crucial in this context to seek common ground, for the sake of the people we both serve. Please"—please, please, please, Mr. Attorney General—"let their voices be heard," says Barbara Hall, your commissioner, not the assembly's—a hand-picked, partisan appointment.

Say what you will about the motives of opposition members. Tell us what the motive is of Ms. Hall—or is she just corrupt or incompetent, like you're alleging previous commissioners, inherent in your argument, to have been? I don't think so.

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I'd like the Attorney General to come clean. Don't give us that stuff about Kormos promising or threatening to filibuster the committee hearings in August in Thunder Bay when in fact the argument was because one Mr. Berardinetti started to get paranoid about our request to have staff members come up. I said, "Oh, for Pete's sake, get with it. Don't be stupid. We're trying to open the shutters here and get some light on this stuff to find out what the hell is going on." And there was the clear suggestion in his tone that I was going to filibuster. Oh, for Pete's sake. How dumb is a bag of hammers? Useless; dumb as wallpaper. Filibuster, for Pete's sake—the government's got a majority. What's the matter with these people? Read the standing orders. The last effective filibuster in this Legislature was back sometime around 1989, give or take a year.

Suspend the hearings—Ms. Elliott has been as courteous, yet as effective, as engaged, as adversarial yet accommodating, a member of that committee as you could ever want. She's been nothing but productive in her role on the committee. And the absurdity, the embarrassment of your somehow suggesting that, oh, she was trying to bugger up the committee—that is shameful. That warrants an apology. She was doing her job as a committee member. I wish some of your colleagues would do theirs, I say to the Liberals. Start by reading the bill. Then, second, you can start by listening to some of the folks who have concerns about the bill.

Mr. Runciman: Start by listening to your own appointees.

Mr. Kormos: Mr. Runciman notes that you can start by listening to some of your own appointees.

The very first presenter to the committee was Toni Silberman, immediate past chair, Ontario, League for Human Rights of B'nai Brith Canada. She gave an articulate and effective presentation. Like some others, she expressed concern and dismay that she wouldn't have a chance to consider, analyze and then comment on the proposed amendments. On November 21, 2006, she writes expressing "grave concerns regarding the government's motion asking the Legislature to invoke closure on Bill 107....

"This bill ... has been fraught with difficulty since its inception, including limited and one-sided consultation on its drafting, reluctance to hold hearings into its merits, and the ambush of the democratic process taking place at the hearings by the last-minute introduction of proposed 'amendments.'"

Somehow the Liberals have managed to conjure up a sufficiently high level of arrogance so that everybody is wrong but them; everybody is wrong but the Liberals. I caution you, friends, about hubris.

Let me just speak for a moment—because I've only got a few moments left. By God, I wish—you see, this is the problem. The bill is capable and worthy of some significant and lengthy analysis and discussion in debate. This is what time allocation does. Let's talk about your so-called commitment to set up a services centre. What do you mean? Like the Office of the Worker Adviser, so understaffed, so underresourced that the lineups aren't at the WSIB and WCAT tribunals; the lineups are at the Office of the Worker Adviser—two years, three years, to get your case taken on? You haven't talked once—Ms. Elliott has raised it a dozen times—about the costing of this so-called legal representation. Your legal aid clinics limit and limit and limit the scope of the work they do for people and, of course, impose a means test at the same time. Your legal aid certificate system—bankrupt. Women aren't getting representation in Family Court; they aren't. If any of you think that's funny, I invite you to go down to a provincial court, family division, some day and see the misery that's lined up in those hallways: beaten women, abused women, who can't get representation because the legal aid certificate has a cap on the number of hours and there's a precious few number of family law lawyers with any competence whatsoever who will represent them. In fact, they'll put a cap on the number of hours, because they know they can't do it adequately and in a responsible way. Oh, please. What a stupid sop. You expected people to fall for that? My goodness. You don't give the people of Ontario very much credit; not very much credit at all.

Oh, no—you give them more credit than we thought, because you slammed the door in their face when it comes to committee hearings around Bill 107. You know full well that the current lineup of people wanting to appear in front of that committee could be accommodated during the winter months and this bill could be reported back for third reading, should your government wish it to pass through committee in time for the spring session. There's something going on that you're not talking about, that you're not telling about, that you're doing your very best to conceal. I think the Attorney General simply cut and run. He can't handle the debate; can't handle it. The Attorney General and the Liberal government embarked on a privatization process, privatizing human rights and human rights advocacy here in the province of Ontario. Opposition parties don't want anything to do with it, nor do a whole lot of Ontarians, and you're afraid of the debate. You won't engage in the debate. You run from the debate. You flee from the debate. You silence those who are critics of your legislation and your policies. And you call yourselves the government of democratic reform and democratic renewal and openness and transparency? I say, shame on you. It's a disgusting moment in the history of this government.

Ms. Scott: On a point of order, Mr. Speaker: Because Gary Malkowski is here today without a sign language interpreter and because of the closure on Bill 107, which muzzles what is a basic human right, it's shame on you, the Liberal Fiberals.

The Acting Speaker (Mr. Jeff Leal): I'm not sure it's a point of order.

Mr. Kormos: Further to that point of order, Mr. Speaker: The government knew that persons with disabilities were going to have an interest in this bill. For that reason they ensured that signers and interpreters and other assists and aids were available at committee hearings. I say to you that unless this chamber, in and of itself, unless this assembly is going to be guilty of discrimination against those very same people with disabilities, we should be providing those same resources for persons with disabilities sitting and attempting to be members of this province of Ontario right here and now.

The Acting Speaker: Further debate.

Mr. Kormos: You don't say "further debate"; you rule on my point of order.

The Acting Speaker: It's not a point of order, I tell the member for Niagara South.

Mr. Zimmer: I want to speak more directly to the issue of closure. That's what this debate is all about. This bill has been before this House now for about 200 days, and I think the common ground of all members in this Legislature, from all sides of the House, is that the system as it exists is in real need of reform, and essentially the reform is needed because the system has ground to a halt. We've heard about the backlogs and the difficulty in getting hearings and the long waits. That's not surprising, because the system is 40 years old. Our demographics in Ontario and in Toronto have changed dramatically in the 40 years since the legislation was first introduced. Now, in the year 2006, there is a whole new set of demands from a whole new diverse, ethnic, cultural, religious community out there that has needs for an effective human rights system that can effectively and quickly process their claims. That's what this legislation is all about.

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It's very difficult for members of this House, members of good faith, whether they're on the Liberal side, the

Conservative side or the NDP side, because I think everybody wants to see the system reformed. Certainly in the last 200 days, all of the correspondence that's come in, all of the e-mail traffic that has come in, all of the visits to our various constituency offices from constituents, the debates we've had in this House, the five days of hearings and the ongoing debate since we've completed those five days of hearings all centre around, have a commonality about it, and the commonality is that the system needs to be fixed.

We've had experts in the human rights world come and say that the way to reform the system is to move to what I'll refer to as the direct access model as contemplated in the legislation. There are, of course, experts on the other side of that debate who have appeared and communicated with us, met with us in stakeholder meetings, who have another view, and their view is that the existing system should be modified and adjusted, and that's the best system. What all of those people have in common is a desire to fix the system.

What are these two views that have emerged? There's the direct access view and "maintain the system as it is but"—I'll use the expression—"beef up the current system."

As I've said, I sat through the five days of hearings and I've read through submissions. I've read through the e-mail traffic, and when I read a submission or I hear from one of the expert witnesses, whether it's the former chairs of the commission or the human rights lawyers on one side of the debate, I listen to it and I understand what they're saying. Within the context of the argument they're making, the syllogism of it, it makes sense. When I hear arguments from people who are opposed to our model and I listen to it within the context of their argument and follow the syllogism, it makes sense. So there's our dilemma: We've got good-meaning people on both sides of this debate.

It's my sense that, having been through the five days of hearings and gone through all of the correspondence and so on, if we were to continue the hearing process for another five days, another 30 days, another six months and receive additional submissions for the next few months, at the end of that exercise I dare say what we're going to have is a longer line of people on one side of the debate—that is, the people who support the direct access model as contemplated in this legislation—and we'll have an adding line on the other side of the debate, people who want to beef up the current system.

What does a government do, faced with that sort of a debate that's going on there? A responsibility of government at the end of the day in dealing with these issues is to make choices, to make decisions. That's what the art of government is. When we're thinking about whether we should vote for this closure motion, I think we have to ask ourselves: Are we, as a government, as a Legislature, able to make an informed choice, an informed decision whether to proceed with this legislation or not, or do we need more hearings, more submissions? I would say to this House, this Legislature, that we've heard all of the arguments. We've heard five days of hearings—and I remember the hearings in Ottawa, London, Thunder Bay, and two days in Toronto. The hearings were structured: There was a supporter of the proposed legislation; there was someone who was critical; there was a supporter of the legislation; there was someone who was critical. And that's how the hearings evolved.

I think, in fairness, if you asked any of the people on that committee—whether they were on the Liberal side or the NDP side or the Conservative side—if they answered the question objectively and fairly, thought the question through, they would have to say to themselves at the end of the day, as I've said, "Do I understand the issue here? Do I understand the pro arguments? Do I understand the contra arguments?" And I do. I think all of us in this Legislature, no matter if we had hearings for another 30 days—there's nothing further to add to the debate.

We're now getting to the point where government has to take the responsibility of making a decision, making a choice. It's time now to close the hearings off. I think, and I can genuinely say on behalf of my Liberal colleagues, that if there was a sense that there was something new that we could learn from continuing with hearings, we'd want to continue with the hearings and hear something new. Tell us something that we haven't already heard. Tell us some theme that hasn't been developed almost ad infinitum. And these themes and these submissions, as I say, are presented by experts on both sides of the debate.

So the government has taken a decision to bring the closure motion and to move ahead, to take a decision by effecting closure and moving on to the next stage. We'll continue the hearings that are set for next week, then we'll go through clause-by-clause, and then it'll come back for a vote. I think a responsible act of the government is to take that decision, make that choice in good faith, knowing that it has all the arguments before it.

The government could certainly, as I've said before, continue with the hearings, but ask yourselves: Is there a greater benefit to be obtained by hearing another 25 or 30 arguments for the proposed legislation and another 30 or 35 arguments against the legislation? What is that continuing hearing process or that continuing debate going to serve? At some point, like most things in life, one gets to the end of the book, and this has been a very thick book with lots of information in it. But I don't think there's anything new to be learned.

That's why we're debating this closure motion: so that we can move on and get the legislation behind us, because the greater benefit is to reform the system and move ahead with it so that the people who have complaints can start having their complaints dealt with quickly, effectively and fairly.

Mrs. Elliott: Thank you for the opportunity to speak on this government's motion to choke off debate on this very important issue respecting human rights in Ontario. I'd like to say that each and every member of this Legislature has a solemn obligation to respect the views and

the rights of all of his or her constituents to the best of his or her ability—all of their constituents, and that includes people with disabilities, people who are members of racial minorities, people who have been victims of discrimination. These are among the people who are the most vulnerable citizens in our society and in our communities, the people who most need our support and protection.

Yet what have we seen from this government? What has this government proposed to do to protect the rights of these people? Nothing; in fact, I would say, worse than nothing, because this is the government that has led these people along—these people who trusted in them to do the right thing and to do the things they said they were going to do—for seven months, promising full public consultation, fair hearings, and open and transparent processes with respect to the changes that they propose to make to our human rights system. Yet what have they done? They've slammed the door in their faces, told them that their views don't matter and to just go away. How can you possibly believe that things could have gotten to this point since April when this matter was first brought before this Legislature?

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When this was first raised on April 26, 2006, in this Legislature by the Attorney General, there were numerous complaints from many organizations respecting people with special needs and people who had been the victims of discrimination that they had not been consulted with before this bill was presented. This goes back to a time when the Ontarians with Disabilities Act was proclaimed, which was before my time in the Legislature, but I'm told by these people that they were assured by the Attorney General at the time that they did not need an enforcement mechanism built into the act because the Ontario Human Rights Commission was going to protect them.

Then they were faced with this legislation and felt betrayed. So what happens? Then we go ahead with this. The Attorney General stated in the Legislature on April 26, "We need to continue to have public debate and consultation. That must continue. We will continue to meet with those in the human rights community to get their input as the bill progresses through the Legislature, and I look forward to province-wide public hearings on this bill to take place as soon as possible."

There we have it. We undertook three days of travelling hearings in early August, long days of hearings in London, Ottawa and Thunder Bay, as was rightly pointed out by my colleague the member from Niagara Centre. It was agreed at the time among all the members of the subcommittee of the justice policy committee that we would do our very best to accommodate every person who wanted to make representations before the committee because the matters were so important, so we scheduled very long days in order to be able to do that. Yet, despite that, there were still some people in the London area whose views could not be heard, and we were assured that they would have time to make their representations in due course. Fine.

We then go through the committee hearings, and I would like to say that at those committee hearings in London, Ottawa and Thunder Bay there were very many presenters—in fact, the overwhelming majority of presenters at that time—who indicated that they did not support Bill 107 and had very cogent reasons for saying so. Even those people in the minority who represented that they were in support of this bill did so with such significant caveats to what they were saying that it was apparent, to some of the members of this committee in any event, that they were not really supporting this bill at all. The pillar in all of this that has been touted by the Attorney General is a legal support centre, and we didn't see anything. All of the presenters—everyone, without exception—indicated that the legal support centre was critical to the success of this bill.

So we went on. Nothing happened. We then hear that this matter is going to be coming before the subcommittee to determine the rules for the Toronto hearing. We meet at the committee. On October 26 we had a subcommittee meeting and ended up with 21 detailed recommendations that the subcommittee wanted to advance before the full committee on justice policy. There was a consensus amongst all the members in the subcommittee that, as we had established by the precedent in Ottawa, Thunder Bay and London, we would do our utmost to accommodate all the presenters who wished to make public presentations to us at the hearings in Toronto. That would include advertising again in all the newspapers at a cost of $106,000 to taxpayers. Though it's not about money, you have to wonder how this government can so cavalierly toss away $106,000 of taxpayers' money when they really had no intention of proceeding with these hearings in the first place.

We were prepared to continue these hearings. We were prepared to sit as long as it took to hear from every single person. I hear from the parliamentary assistant that we've heard enough to make a decision. How do we actually know we've heard enough until we actually hear from the people who want to make presentations? How can we presume to know what every single person is going to say with respect to this matter?

Nonetheless, we proceed to the subcommittee. Then we hear on November 14, the day before the presentations are supposed to commence, that the Attorney General wants to appear before the committee on November 15. In the spirit of accommodating everyone who wants to appear before the committee, Mr. Kormos, the member from Niagara Centre, and I agreed: Of course the Attorney General should be able to appear before the committee. The Attorney General, after talking to the press at length about the dozens of amendments that he proposes to make, shows up at the committee with a four-page backgrounder document of little substance. He talks about the proposed amendments, doesn't actually say what he intends to say, and uses a lot of magic buzzwords that people want to hear because they want to

believe that he is going to do what he says he's going to do here. But the actual facts speak for themselves. The Attorney General says he's going to establish a human rights legal support centre and entrench it in the legislation and that he's going to fund the legal support centre.

It became apparent to me, as we proceeded to hear the first presenters, on November 15 and 16, that there was a huge amount of confusion among not only the members of the subcommittee but the presenters who were appearing before the committee about what this actually meant, in the face of the Attorney General's comments that he was prepared to look at some amendments but was not prepared to put any more money into the system. Well, how can you have a full legal support centre without committing significant money to the system? It just flies in the face of any kind of logic to expect that the members of the committee, the presenters who wanted to appear before the committee and the people of Ontario would actually believe that.

Because of my concern about the degree of confusion and because of the concern that the presenters have a right to know what it is that the Attorney General is proposing, I suggested in the committee that we suspend the committee hearings until the full text of the amendments became available—in fairness to the presenters—which is not what the Attorney General said in this Legislature. He said half of what the truth was here. He said half of it: that I wanted to suspend the consultations. Nothing could be further from the truth. What I wanted was for every person to have an opportunity, knowing the full text of the amendments and knowing what the Attorney General's full intentions were.

I know that many of my colleagues want to speak to this, but I would also like to say that one of the significant presentations that we heard was from Ms. Toni Silberman, from the League for Human Rights of B'nai Brith, who was the first presenter after the Attorney General appeared before the committee. I would like to quote from a letter that she has written to Premier McGuinty, of today's date:

"In a highly unusual gesture, the Attorney General introduced proposed changes to Bill 107 mere minutes before the Toronto hearings began last Wednesday. We were scheduled as the first presenters, and were therefore unduly prejudiced by this action—an action which effectively removed the existing bill from the table and replaced it with a revised bill. A subsequent technical briefing delivered by Ministry of the Attorney General's staff confirmed our fears that the amendments were not, in fact, amendments, but further amorphous promises with neither the fullness of thought nor the wherewithal necessary to implement them."

I couldn't say it any better myself, and that's what I was attempting to express to the committee and to the Attorney General through the parliamentary assistant: that it was essential, because the Attorney General was stating to the members of the committee that he wanted to make these amendments, that we should know exactly what the amendments were saying. Numerous other presenters agreed with that. But probably the most telling of all are the comments made by the current commissioner, Ms. Barbara Hall, also in a letter of today's date, to the Premier. Sections of her letter have been quoted, but there's another section that I think is quite important here:

"It may seem trite to remind you that justice must not only be done, but must be seen to be done. This is an essential truth within the law and, particularly, in regard to human rights. Such rights have come to form the foundation of our democratic principles. There are those who will see your actions as a denial of those principles."

It has been said that one of the marks of a civilized society is the respect and protection it affords to its most vulnerable citizens. Well, this government has demonstrated very clearly that it does not respect our vulnerable citizens and has betrayed their trust not once, but twice: in failing, first of all, to consult with those people who will be most affected by this legislation before bringing forward this bill as they promised, and secondly, in choking off the debate and failing to hear from all of the people who have something to say with respect to this bill, thereby committing a double betrayal.

This is a very dark day in Ontario's history if this motion is passed: the day that this government turned its back on our most vulnerable citizens.

2030

Mr. David Orazietti (Sault Ste. Marie): I'm pleased to join in the debate this evening on the closure motion with respect to Bill 107, a piece of legislation long overdue to be passed in the province of Ontario. I want to commend the Attorney General for his efforts in bringing this piece of legislation forward and for his willingness for broad consultation to take place on this bill. As a member of the standing committee on justice policy, I had the direct pleasure of listening to many of the concerns expressed by those individuals who appeared before the committee.

I want to say a couple of things this evening. First of all, our government is moving forward to reform legislation that has fundamentally remained unchanged in 44 years. Reports have been done, evidence has been gathered, recommendations have been made, and past governments—both Conservative and NDP governments—failed to act on these recommendations, on these reports, to move forward on much-needed human rights reform in the province of Ontario.

Today the opposition parties suggest that there has not been broad enough consultation, that there has not been enough discussion about the changes needed to move forward with Ontario human rights reforms. I want to say otherwise, and I'm going to reference some of the speakers who both appeared at committee and who have also given their endorsements to Bill 107.

Let's take a minute to check the facts, first of all, on the system that we've got in place today, and what that means to Ontarians trying to get their human rights issues dealt with and addressed. The commission takes an

average of about 2,500 cases per year. The commission refers to the tribunal, on average, 50 to 100 cases per year. The commission provides legal support to only 50 to 100 of those cases, a far cry from the 2,500 a year that are submitted.

The average length of time for a case to be referred to the tribunal is three to four years. The Attorney General said it this afternoon: Justice delayed is justice denied. There's no justice at all for many of these people. The average length of a hearing is one year. Therefore, the average length of time, from filing to resolution before the tribunal, is four to five years. I don't know how anyone in this Legislature could possibly think that that was fair and swift justice for many of these people who have very serious human rights complaints.

On average, 30% of cases closed by the commission are dismissed. Investigations done by the commission are then redone by tribunal lawyers, if a case goes to the tribunal.

Eighty-seven per cent of the commission's budget is spent on processing, mediating, investigating and litigating complaints. It's no wonder it takes four to five years.

Commission decisions to dismiss a case provide only broad written reasons and sometimes no reasons at all. Parties cannot appear before the commission to present their case. It's very problematic in terms of the present operations of the commission.

Previous governments commissioned studies, which were then ignored, and both parties cut funding to the commission when they were in government. Our government will stand behind recommendations that have been made for more than a decade.

Let me share with you some of the comments of a few of the presenters who appeared during hearings last week. With respect, the Association of Human Rights Lawyers, Mr. Mark Hart, appeared before the committee and he said this:

"The current state of affairs is completely unacceptable and is notorious to anyone who actually works on the front lines of the current system, as we in the association do. This horrendous situation has not gone unnoticed.

"In 1992, a report was released by a blue ribbon task force headed by Mary Cornish, who's in the front row today. She's one of the most prominent human rights lawyers in this province. The task force also included leading human rights advocates from racialized groups, the disability community, the lesbian and gay community and the First Nations community. This task force crossed the province and heard from everyone who wanted to speak. Giving careful and deliberate consideration to all they heard, this task force recommended that the existing human rights process be substantially reformed and replaced with a system where human rights claimants have direct access to a hearing at the tribunal with publicly supported legal representation available to them, which is precisely the model we see before us in Bill 107."

That's what Mr. Hart said.

"In the year 2000, another blue-ribbon task force, this time headed by Justice La Forest, formerly of the Supreme Court of Canada, released a report to reform the federal human rights system, which is the same as the one in Ontario. This task force crossed the entire country again and heard from everyone who wanted to speak on the issue and came to the same conclusions as the Cornish task force.

"The plight of human rights claimants in this province has not gone unnoticed by the international community as well, which, in 1998, condemned Canada and this province for its backward and paternalistic human rights system and urged Canada and this province to guarantee that human rights claimants have access to a hearing.

"Through all these years, the association and the many vulnerable clients we represent," according to Mr. Hart, "have watched and waited as governments came and went and still no action was taken on human rights reform.

"Now, finally and at long last, Bill 107 provides us with a golden opportunity to achieve what so many have been studying and recommending and advocating for so many years."

What do we have today? We have opposition members standing up and saying, "Let's drag this process on and on and on"—more process.

"If anyone thinks that the current system is still working"—this is what Mr. Hart said at committee hearings, the committee hearings we had, unlike the Conservative Party, which barely held hearings on anything. I think it's fairly obvious that there's a difference there. "If anyone thinks that the current system is still working, I'd ask that you take a moment to sit with one of our clients to hear about the devastation they felt when, after they've pursued their complaint through the commission's process for so many years, they got tossed out with this little slip of paper with this inscrutable reasoning.

"Bill 107 will fix this by getting rid of the commission veto over whether or not claimants are entitled to a hearing and ensuring that all claims get filed with the tribunal and have access to a hearing, where the claimant will actually get to interact with the decision-maker, participate in the process and understand why their case wins or loses." It sounds fairly straightforward. I can't understand the opposition to doing this.

"The next significant problem in the commission is the inordinate and inexcusable delay. You've heard about this, I'm sure, from your constituents, many, many times." I know I have in our constituency office, about the human rights commission and the present process. "The delays are horrendous at the commission, and I'm sure there are a lot of statistics thrown around that you may have heard of and may yet hear of at this committee hearing. The significant one for our clients is that when a case goes to investigation, the average time it takes for the commission to deal with the case is three years: That's the average time. I have represented clients where the cases have taken six, eight, or even 10 or more years," if you can believe that, to go through this process.

Yet I hear opposition members suggesting, "Let's delay and delay and delay and delay the process of this bill."

"We are here to say"—here's what Mr. Hart said, so you should listen to what Mr. Hart said, not me. Mr. Hart said this: "We are here to say to this committee today that the fundamental structure of Bill 107 is sound and is in keeping with the recommendations of the reports which have studied these issues and is consistent with our international obligations.

"We are aware that there are some who disagree, some who have been our colleagues in the human rights community over the years, and we have seen the so-called blueprint for reform which is being promulgated by David Lepofsky and two other dissenters. No doubt you will hear about this blueprint in submissions to come. I like to call this blueprint 'two steps backwards.'" That's how Mr. Hart refers to it.

It goes on and on. It's quite easy to continue to refer to presenters who have come before the committee to indicate their support for Bill 107.

According to Mr. Hart, "Read the Cornish report, read the La Forest report, and see how Bill 107 embodies the recommendations and will repair and reinvigorate the human rights system in this province and make it a beacon for other jurisdictions struggling with the same problems."

A number of other presentations were made: Mr. Raj Anand, the former chief commissioner; the Coalition for Lesbian and Gay Rights in Ontario; a former commissioner, Mr. Tom Warner, who added his comments to the discussion and also endorsed Bill 107.

The time to act is now.

John Fraser, executive director for the Centre for Equality Rights in Accommodation, said, "The move to a model where all complaints can proceed to the Human Rights Tribunal with publicly funded legal supports, and where the commission can focus on what it does best—public education, research, advocacy and public interest complaints—is a huge step forward. In our view, Bill 107 could produce one of the most advanced and progressive human rights systems in the world." Yet we get delay, delay, delay from the opposition.

2040

Michael Gottheil, chair of the Human Rights Tribunal of Ontario, also presented.

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

Lorne Sossin, a law professor at the University of Toronto: "Reform of the human rights system is long overdue....

"Given the discussions that gave rise to this set of proposals and the many studies and consultations that have preceded this round, it is difficult to imagine any views on this matter remain hidden." Yet that's what we hear from the opposition tonight: "Let's delay and delay and delay." We stand here to talk about making important changes to the Ontario Human Rights Commission, and members suggest that we've not listening to stakeholders out there. I read stakeholder after stakeholder who has been consulted who endorses the bill, yet we get those kinds of comments from the opposition. I'm not sure where they're coming from. It's just bizarre sometimes.

Robert Sexsmith, secretary of the board of directors: "We want to applaud this undertaking ... made in the Legislature to establish a new human rights legal support center that would provide real assistance to claimants at each stage of the new process."

I could go on and on. Jessica Carfagnini of the Ontario Coalition of Rape Crisis Centres executive committee: "Our centre was relieved to see the Attorney General's introduction of Bill 107 and that this government will be proceeding with long-outstanding human rights reforms to include the right of direct access to a hearing."

There are pages and pages of recommendations by stakeholders in this province who have said it is time to move on. Opposing the closure motion for the sake of opposing the closure motion is, in my mind, against the interests of Ontarians who have said time and again, "Listen to the reports. We're happy to see a government that's showing leadership on the human rights issue in Ontario, that didn't just produce some expensive report, shelve it and go on to make excuses as to why they're not acting on this legislation."

I want to commend the Attorney General and our government for showing leadership on reforming Ontario human rights, something that hasn't been done fundamentally in 44 years. It's long overdue. Let's get on with it.

The Acting Speaker (Mr. Ted Chudleigh): Further debate? The member from down east—Brockville.

Mr. Runciman: Thanks very much, Mr. Speaker. I appreciate that introduction from the Chair.

It was interesting to listening to the Liberal member from Sault Ste. Marie talking about the opposition. Not once did he reference the very serious concerns of the Liberal-appointed chair of the Human Rights Commission, Barbara Hall, whose letter was read in the House today by the leader of the third party and by John Tory as well. They're trying to ignore the existence of the heartfelt concern of the individual they felt was qualified to serve as chair of the Human Rights Commission.

I want to say a couple of quick things about the folks who have been speaking out in opposition. We hear those stories about "delay, delay," which is not the case at all, Mr. Speaker, as you know. Our Progressive Conservative representative from Whitby–Ajax is Christine Elliott, who's a relatively new member to this assembly but has been doing an outstanding job speaking out on behalf of many people concerned about this legislation and all Ontarians; she has done just a magnificent job. The House leader for the third party, Mr. Kormos, Niagara Centre: One of the pleasures, if there are pleasures, of going back into opposition after eight and a half years in

government has been the opportunity to work with him and sit in committee with him. He has developed his own persona around this place. There's no question about it. He doesn't wear a jacket, doesn't wear a tie. He can be a wee bit outrageous at times. But I tell you, from an opposition perspective, I don't think too many members can say that he doesn't make an enormous contribution to this place in keeping the government on its toes, and I applaud him for that. This is another case in point where he has once again outlined the concerns.

I'm not going to talk about the bill. I haven't sat in on the hearings. I sat in on some of the Ottawa hearings, but that's about it. I want to talk about the process here and what's happening with this government and the way they're approaching this issue.

I think this is essentially about integrity, about honesty. We heard the Attorney General in the House today. This is just another case in point of members of this government taking liberties with the truth. My colleague Ms. Elliott talked about this, where the Attorney General got up to defend what they're doing here and talked about Ms. Elliott, the member from Whitby–Ajax, wanting to suspend the hearings. Mr. Speaker, there are certain words I can't use in this place, but what an atrocious example. This is the chief law officer of the crown getting up and making a statement like that, suggesting that Ms. Elliott was in agreement with the stoppage of these hearings and not allowing hundreds of people to appear, people who have every right to make their concerns known. He was suggesting, implying, that we were in support of that and that Ms. Elliott, our critic, was in support of that. That's completely false, and I think it reflects badly on the office of the Attorney General.

The House leader of the third party and I have been around this place a long time, and I don't think we've witnessed the kind of performance we've witnessed from this individual in terms of an Attorney General. We talked about the passing of Ian Scott. We sat in this House with Ian Scott. We sat in this House with so many honourable people—Roy McMurtry—people who have filled that role as Attorney General with dignity, with respect for all members of this place. What we've seen from this Attorney General on so many occasions is that kind of partisan rhetoric—not just partisan, but going over the line with allegations like those he made with respect to the member from Whitby–Ajax, which is truly unfortunate. It does this place no good. It does all of us as honourable members no good. This Attorney General has nothing to be proud of. We were baffled, as House leaders, when we went through these discussions. He blames us for this. Well, the reality is that he seems to—I call Mr. McGuinty and his Attorney General the Laurel and Hardy of Ontario politics. McGuinty, as Laurel, is always saying to the Attorney General, "This is another fine mess you've gotten us into, Ollie; another fine mess you've gotten us into." And it's one mess after another, not just for the members of the government but for the people impacted by the messes the Attorney General creates.

I guess we have to surmise that this is the creation of some kind of legacy, that the Attorney General wants some kind of legacy when he leaves this place. He doesn't want it just to be pit bulls. As the leader of the thirty party mentioned, we think we heard more witnesses on pit bull legislation than this Attorney General is allowing with respect to this very significant foundation legislation for Ontario dealing with human rights for everybody in this province. He gives more time to pit bulls. That's the reality and of course he's embarrassed by it. So what does he want to do? And then he blames us for this and for Bill 14. We talked about this also, trying to have agreements as well with respect to paralegals. We said, "Bring in stand-alone paralegal legislation and we can deal with it in a timely way." What does he do? This legacy builder throws everything but the kitchen sink into an omnibus bill, which creates all sorts of difficulties for every member of this Legislature in terms of coping with this. We did it in an agreeable way, with negotiations with the House leader of the government, and then at the end of the day, what do they do? They bring in over 100 amendments again. This is the kind of operation the Attorney General and the McGuinty Liberal government is operating. They don't know what they're doing. They don't know what they're doing from one day to the next.

He blames everybody else for it. He talks about our critic causing the problem and the House leader for the NDP causing the problem. It's not his fault and there's no responsibility on his part. That's the message we hear over and over again from this Liberal government. When anything ever goes wrong, "It's not our responsibility. Oh, we took advice from experts." But then when you ask them who those experts were, of course they will not reveal the names of experts. What does that say about honesty and integrity? The Premier gets up and says, "Well, now it's my responsibility," once the heat was on with respect to coal-fired generation. They were blaming it on experts, and we want to know who those experts are. The Premier tries to deflect by saying, "No, it's really my responsibility." Well, were there any experts? Our critic for energy, Mr. Yakabuski, has posed this question on a number of occasions: "Were there any experts?" I think there's a serious doubt that there were any experts. This is another fabrication on the part of the Liberal government of Ontario, led by one Dalton McGuinty, who has to assume complete responsibility for the lack of honesty and integrity in this Liberal government.

2050

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex): Certainly, it has been a very interesting evening, with lots of good debate. I sit on the standing committee for justice policy. It's a real honour to sit with the members from Whitby–Ajax and Niagara Centre and my colleagues.

As we discuss the whole issue of human rights and the code, I still think it's wonderful and an absolute honour

to be able to sit and discuss that and debate it. We're in a country and in a province where we can do that. We have human rights here, something that a lot of people in this world don't even enjoy. I think that is a real privilege, so I want to thank all the members of the standing committee for that opportunity. I think it's a privilege and an honour to sit with all of you.

But along with that honour and that democratic right comes responsibility. The responsibility of a government and of standing committees is to come to a point of going beyond the debate and going beyond the hearing and starting to make decisions, because if we don't come to a point of making decisions, then we are in danger of becoming inactive as a government, and possibly even being paralyzed.

I have certainly heard many different sides to the debate. We've heard from many people, and I think honestly we've heard both sides quite well. I think we need to come to that point where we need to start debating what we've heard and we need to start moving forward with the amendments and the decision-making process.

One of the things I'm really particularly, not so much concerned, but something that I think I have learned in listening to people, including when we travelled from London and Ottawa and Thunder Bay—I heard from my own constituents in London about things. I heard about things such as the delays that were taking place, and the amount of time. What I really had a sense of was that a lot of people didn't have a sense that they had any real control, that they gave this over to the commission and they basically gave up control of their complaint at that stage, that they had to wait and had no way of knowing what was happening with it or how it was moving forward. At the end, when they did have a decision on this whole process, it was a decision for them. It didn't make any systemic change. Certainly, a number of people have individual complaints and the ruling is for them and it addresses their issue. But I think a lot of times what I heard from a lot of people was that they were representing others as well, and when they won a decision, it was for themselves, but it didn't change the system.

One of the things that this bill will do is free the commission to deal with systemic problems. I think that's a very important thing to have happen. There is really nothing to be gained by forcing citizens to go one after another with the same complaint, trying to win one-offs all the time. When people come forward and they have an issue and they win, it should mean that the entire system is examined, to make sure that it doesn't happen to other people. How often do we hear people say they go through this so that no one else will have to? Yet that's exactly what this system, as it currently stands, forces them to do.

So I want to see this move forward. I think we need to move. When we say that justice delayed is justice denied, I think we have to take that very seriously as legislators. We need to move forward. We need to provide that justice. We need to provide those human rights for our citizens.

The Acting Speaker (Mr. Joseph N. Tascona): Further debate? The Chair recognizes the member for Halton.

Mr. Toby Barrett (Haldimand–Norfolk–Brant): Haldimand–Norfolk–Brant, Speaker. I appreciate the opportunity. We even look alike sometimes.

I appreciate the opportunity to address the government's time allocation of this proposed legislation, Bill 107. I took a look at Hansard, going back four years ago. I don't know whether the Attorney General will recall. On September 30, 2002, Mr. Bryant spoke out against the time allocation motion, at that time calling it a "guillotine motion." We see somewhat of a transformation in this minister of the crown, now our Attorney General. Essentially, four years later, we have an Attorney General who has stolen some pages from the book of Maximilien Robespierre of French Revolution fame, sending public debate on a flawed bill to its fate under the guillotine. I will point out that Robespierre himself was guillotined, allegedly face-up. Can you imagine how that would feel to have the blade come down and you are forced to watch it come down?

So this change of heart on closure indicates to me that the McGuinty Liberals will basically say anything, whether it's true or not, if they think they can get an extra vote or ram through or jam through this kind of legislation. We all know this is the case. Anything will be said if required. I suggest that we have members opposite who may pay lip service during a campaign for greater protection of some of the rights that we're talking about but will vote no on something like this.

This is where we see what I consider a fallacy on democracy and human rights in this case, coming from the McGuinty Liberal government. Prior to election, Liberals opposed time allocation; today they support time allocation. They claim to support human rights but refuse to listen to input on actually improving their human rights legislation.

I give an example of another bill. This was last month. Bill 57 was a private member's bill put forward by myself which proposed amendments to the Ontario Human Rights Code. If passed, it would have restored property rights not only to landowners but also tenants in the province of Ontario. When it came down to the vote, I was pleased to see that several members of the NDP joined forces with the opposition to vote in favour of land rights and responsibilities. It was neither a left nor a right issue. It seemed to be an issue where members opposite were coerced, if you will, to vote against that bill and to vote against what I consider and what much of rural Ontario, land-owning Ontario, would consider an important amendment to the human rights code. So I'm very disappointed that this particular piece of legislation is being rammed through. Very simply, I'm disappointed.

Hon. Michael Bryant (Attorney General): Let me start by saying that the government doesn't have the luxury of choosing between human rights reform without time allocation versus human rights reform with time

allocation. There's really only one option here under the current circumstances.

There's no question, if you look at the history of this reform and if you look at the history of this bill, that there has been no amendment to the human rights complaint system in 44 years. The leader of the official opposition was right to say that the code has been amended, and it has. He mentioned that Mr. Elgie amended it; Attorney General Scott also amended it. But he referred quite proudly to Premier Robarts's creation of the human rights system. It was a proud moment for his party, it was a proud moment for Ontario and it was a proud moment for Canada when Premier Robarts created it. But since then, there has been no change to the system.

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It's also interesting that the leader of the official opposition would talk about the way things worked, I think he said, in 1982. He was referring to the way they did it in 1982 and the amendment of the Conservative member who amended the code at that time. It doesn't work that way around here anymore. I sat in justice committee beside Mr. Kormos when I was in the opposition, and I learned a lot; I did. Mr. Kormos has a particular perspective on history as to what happened to this place and to the committee system. Up until 1990 and the way things worked up until 1990—and I'll let him speak for himself—it worked; it seemed to work. There was a certain consensus that was achieved. After 1990, he told the rookie MPP from St. Paul's sitting in opposition beside him in justice committee—I remember Mr. Kormos saying to me, "I wish you had been here when it worked well. I wish you'd been here when you saw that the committee system worked well and when you saw that the parliamentary system worked well." The member for Niagara Centre said that with some sincerity.

I live in the here and now, and this is the reality that we have under the current standing orders. Everything about this reform for the last 44 years has been about cutting and running. There were task forces occasionally, studies occasionally, but never a bill before the House, and certainly never a bill before the House that was passed.

The foundation legislation that the official opposition refers to: Believe me, if we look back to 1990, if we're going to take modern parliamentary history, the amount of debate and committee hearings for this bill more than exceeds the bar set for foundation legislation, as set by NDP and Conservative governments. This more than exceeds any review of the number of days of the second reading debate, third reading debate and committees for foundation legislation under the Conservative government.

The member for Niagara Centre may correct me if I'm wrong, but I don't ever remember a single bill between 1999 and 2003 where the justice committee had hearings for more than eight days. Maybe there was one; I don't think so. In any event, committee hearings took place last summer after the bill was introduced in the spring and after there were, I believe, two full days of second reading debate. There were committee hearings in London, a full day on August 8; in Ottawa, a full day on August 9; and in Thunder Bay, a full day on August 10. On November 15, we had committee hearings that were extended by an hour. On November 16, committee hearings were extended by an hour; on November 22, I understand the committee hearings will be extended by an hour; on November 23, committee hearings as well; then on November 29, clause-by-clause hearings; and then back to the House for third reading debate.

I remember in 2003, when I was sitting over there, there were time allocation motions by the Conservatives where there were no committee hearings—zero—and no third reading debate. I understand that prior to 1990, not having third reading debate was not all that unusual, but that was after an agreement was made on second reading debate and on committee hearings.

Is the system working right now as it might? I don't know. But in the history of this reform, there is no question that it is either that we see this bill through and bring it to a vote or it will never happen. The New Democratic Party does not support this bill and it will do everything it can to derail this bill. It will do everything it can to stop this bill from passing. They will do that. The government at some point has to say, "Do we want this bill to go to the Legislature for a vote, or are we going to blame the NDP for not getting the bill passed?" Well, no—we want this legislation to come to the floor for a vote so that we can say to the people who go to the human rights system in the future that it's a system they can be proud of.

You didn't hear anything about those people tonight in the debate; you didn't hear anything about the people who come to the commission and years later find themselves without justice. You didn't hear about Stephanie Payne and her experience before the commission that she talked about this morning: 10 years. Can you imagine? You feel that you're a victim of discrimination, you go to the commission for relief, and 10 years later? If that isn't revictimizing victims, I don't know what is.

Suvania Shiu: Eight and a half years. She made a complaint to the commission in 1995; dismissed in 2004. She said she spent over $50,000 to fight the commission; she said herself she was revictimized by the commission.

There are thousands of people who go to the commission every year. They don't see justice within a year, typically, and that's wrong. That's wrong. They should get relief. Back when the system was created 44 years ago, the idea was and Premier Robarts's vision was this: It is not good enough that people go to the courts only to get remedies for discrimination. In other words, 50 years ago, if you found yourself a victim of discrimination, what would you do? You'd have to retain counsel yourself at your own expense, you'd go to the courts, take your chance with the Superior Court, with no necessary expertise, and sue them under tort law. So no expertise, no assistance and, in many cases, no justice. So they created a system where you could go to the human rights system, you would get assistance, you would get legal

advice, you would get expertise and you would get a result—and typically you'd get a result within a year. And it continued. It worked in the 1960s.

I heard from a commission counsel who worked in the 1970s for the Human Rights Commission and he said it worked then, too. What happened, I heard again and again, is that over the years—1960s, 1970s, 1980s and 1990s—decisions came down and process upon process was built up, it became more and more adjudicative until the point where you may have had the right to a lot of process when you went to the human rights system, but there was no remedy. There is no remedy and there is no justice.

We say that justice delayed is justice denied, and we say it in debates such as this, but what does it mean, really? What does that mean, "Justice delayed is justice denied"? It means for Stephanie Payne that she feels she's a victim of discrimination, she goes to the human rights system and nothing happens after one year, then two years, then three years, then four years, then five years, then six years, then seven years, then eight years and more. No justice; no justice.

This is a process where somebody can go to the human rights system and within a year you can get a result. That's justice.

I read with great interest the following remarks—

Mr. Gilles Bisson (Timmins–James Bay): And you're the Attorney General? You're the Attorney General for how long? Three years of inaction. Come on.

The Acting Speaker: The member for Timmins–James Bay, this is a debate. We're going to try to listen to the Attorney General. Can we do that?

Mr. Bisson: Oh, he's the AG. I'm sorry; I didn't realize.

The Acting Speaker: There will be no other warning. That's it.

The Attorney General.

Hon. Mr. Bryant: In the House, the following is said, and I take this from Hansard: "When I announced measures to clear the backlog of cases at the Ontario Human Rights Commission, I also gave a firm commitment to review the Ontario Human Rights Code. Clearing the backlog of cases is absolutely critical to providing justice to complainants who have waited far too long. But the backlog is symptomatic of a more fundamental problem: outdated enforcement procedures that cannot respond to the increasing and complex cases of today." Do you know who said this, Speaker? I didn't say this.

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Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): You just did.

The Acting Speaker: The member for Renfrew–Nipissing–Pembroke, what's going on? We're trying to hear the Attorney General, okay? Can we do that?

Hon. Mr. Bryant: I didn't say those words. I didn't talk about the outdated enforcement procedures. It was the Honourable Elaine Ziemba. Do you know who said that? It was the Minister of Citizenship in 1991 for the NDP government. They knew then, when they were in government, about the problems of the human rights system. They yuk and they guffaw and goof it up over there, but they had a chance to make a difference. They had a chance to make a change. They had a chance to deal with the backlog, a backlog "symptomatic of a more fundamental problem." So what did they do? They had a task force. Oh, a task force. As it turned out, it was a good one. It was a very good task force. Mary Cornish headed it up. It was extensive and exhaustive, and they came forth with recommendations. They called for a direct access system and they called for the empowerment of the Human Rights Commission. The NDP government took Mary Cornish's report and the speech of the Honourable Ms. Ziemba of the New Democratic Party and they shelved it. They didn't do anything. They didn't introduce a bill; they didn't do anything. They ducked. That one was going to be too much trouble, I guess. Forget about the fact that their own minister said there was a systemic problem with backlogs and a systemic problem with procedures. They ducked it.

There were more inquiries and task forces. The La Forest commission went across the country to canvass Canadians about the state of human rights complaints. Then of course we in this House—occasionally the New Democratic Party asked questions about it when they were in opposition. I think they did.

So then we have an opportunity with this bill, presented to the House, to finally reform the human rights system. And what happened? We've had debate, we've had public hearings and we've heard all sides. The New Democratic Party just said they don't support it. They think it's a step backwards.

Mr. Michael Prue (Beaches–East York): And it is.

Hon. Mr. Bryant: They say it is. They've had their say. They've had their say again, and they'll have their say again and again and again and again and again. But at some point we have to come back to this House and not continue the delay and not continue justice denied, but finally, for the sake of those thousands of people who go before the human rights system and get no justice and for the sake of those thousands and thousands and thousands of people to whom the Human Rights Commission, if this bill passes, will be able to reach out and make systemic claims on behalf of—it is for those people that we need to bring this matter forward to a vote. It is for those people, who deserve a better human rights system, a human rights system that Premier Robarts started 44 years ago and that the McGuinty government is changing and improving for a better human rights—

The Acting Speaker: Thank you.

The Chair recognizes the member from Nepean–Carleton.

Ms. Lisa MacLeod (Nepean–Carleton): It's my pleasure to join this debate tonight. I want to congratulate my colleague, my very good friend Christine Elliott, for shepherding this through for the Conservative Party tonight, because she's been working very hard since both of us were elected. I want to applaud her.

I want to thank my leader, John Tory, for reminding this Legislature—even though he and my colleague Christine Elliott's words have been grossly distorted by the minister, who has suggested that our party has no legacy on human rights in this province and in this country. That is absolutely false, whether we're talking about John Robarts, John George Diefenbaker or the current Senate Speaker in the Parliament of Canada, Senator Noël Kinsella, who is Canada's foremost human rights lawyer and advocate.

I also want to say thank you to my good friend, my colleague from Leeds–Grenville, who is a man of unimpeachable integrity and I think has added an enormous amount to this debate tonight.

But what I'm concerned about is that this McGuinty government has once again decided, since I've been here in this very short time, to force legislation through without public consultation. It makes people, especially new members like myself and the member from Whitby–Ajax and my new colleague from Toronto, very cynical. What is especially shameful is that not only is this government shutting down public debate, but they have also not tabled the amendments they have drafted. Sure, they've given some vague statements of what it's going to be about, but let's be clear: The consultation is being shut down and the major amendments to this act have not been made public and have not been provided to the opposition members. No one, no member of the public, knows what this legislation will look like at the end of the debate.

I have a very short time here, so what I'm going to do is speak for the people that they won't speak to. Close to 200 people want to speak to this legislation whom they're ignoring. They spent almost $106,000 on advertising, and now they're telling people not to show up for consultation. The gall of this government to not have a simultaneous interpreter tonight for the people who actually have human rights—but they're not being met tonight by this government.

I'm going to mention their names: Catherine Dunphy and David Lepofsky of the Accessibility for Ontarians with Disabilities Act Alliance; Avvy Go of the Metro Toronto Chinese and Southeast Asian Legal Clinic; Margaret Parsons and Royland Moriah of the African Canadian Legal Clinic; Emily Noble, president of the Elementary Teachers' Federation of Ontario; Orville Endicott and Dawn Roper of Community Living Ontario; Nancy Schular and Seema Shaw of the Ontario Disability Support Plan Action Coalition; Malcolm Buchanan of Civil Rights in Public Education; Steven Adler of the Canadian Jewish Congress; and Rosalyn Forrester of the Canadian Transsexuals Fight for Rights. Those are some of the 200-plus people in this province who have not had an opportunity to speak to this legislation, and they have a right to. Unfortunately, the people across the way are ignoring that fundamental right to speak to legislation that should be the centrepiece of all human rights in this province. You're not affording them the fundamental right that they should have to speak to this legislation. In fact, the McGuinty Liberals' decision to prevent those individuals from expressing their views on human rights is not only an affront to our democracy but it's contrary, quite ironically, to what this legislation is supposed to be about.

In the very short time I have left, I want to close by saying something that the chief government whip once said: "Stop this closure stuff. Let's get on with business and consult with the people. Let them have input into this piece of legislation."

The Acting Speaker: Ms. Dombrowsky has moved government notice of motion 248. Is it the pleasure of the House that the motion carry?

Those in favour, say "aye."

Those opposed, say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 2118 to 2128.

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

Ayes

Arthurs, Wayne	Gerretsen, John	Orazietti, David
Bentley, Christopher	Hoy, Pat	Parsons, Ernie
Berardinetti, Lorenzo	Jeffrey, Linda	Peters, Steve
Bradley, James J.	Kular, Kuldip	Qaadri, Shafiq
Brownell, Jim	Lalonde, Jean-Marc	Ramal, Khalil
Bryant, Michael	Leal, Jeff	Sandals, Liz
Caplan, David	Levac, Dave	Sergio, Mario
Chambers, Mary Anne V.	Matthews, Deborah	Smith, Monique
Delaney, Bob	McNeely, Phil	Smitherman, George
Dombrowsky, Leona	Milloy, John	Van Bommel, Maria
Duguid, Brad	Mitchell, Carol	Wilkinson, John
Fonseca, Peter	Mossop, Jennifer F.	Zimmer, David

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

Nays

Barrett, Toby	Klees, Frank	Prue, Michael
Bisson, Gilles	Kormos, Peter	Runciman, Robert W.
Chudleigh, Ted	MacLeod, Lisa	Scott, Laurie
DiNovo, Cheri	Marchese, Rosario	Tabuns, Peter
Elliott, Christine	Martel, Shelley	Tory, John
Hampton, Howard	Martiniuk, Gerry	Wilson, Jim
Hardeman, Ernie	Miller, Norm	Yakabuski, John
Horwath, Andrea	Murdoch, Bill	

The Clerk-at-the-Table (Ms. Lisa Freedman): The ayes are 36; the nays are 23.

The Acting Speaker: I declare the motion carried.

It being past 9:30 p.m., this House stands adjourned until 1:30 p.m. tomorrow.

The House adjourned at 2131.

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