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## **Official Report of Debates (Hansard)**

## **Journal des débats (Hansard)**

**Tuesday 28 November 2006**

**Mardi 28 novembre 2006**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 28 November 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 28 novembre 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### EGG PRODUCERS

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** It's shaping up to be supply management week here in the Ontario Legislature. I'm pleased to report that the Egg Farmers of Ontario were here this morning for their annual breakfast. I had cheese, tomatoes and mushrooms in my omelette—delicious.

There are 430 egg producers and pullet growers in Ontario, producing 200 million dozen eggs annually. Egg farmers operate within a system, as we know, called supply management. At a time when nearly all farm commodities are in crisis, the supply-managed sectors continue to be the foundation of our rural economy. However, our egg farmers are worried about trade negotiations that might jeopardize supply management.

Last winter, John Tory and the entire Progressive Conservative caucus signed the FarmGate5 petition in support of supply management. Since then we've gained two new MPPs, both of whom have signed online.

We are dismayed with the internal divisions within the McGuinty caucus over supply management. Minister Smitherman and his 31 Liberal followers are still refusing to sign the FarmGate5 petition despite the appeal, as recently as yesterday, from Lisa MacLeod, the member for Nepean–Carleton.

On behalf of John Tory and the entire PC caucus, we salute Ontario's egg producers and we urge George Smitherman and his fellow anti-farmers to support supply management.

#### LANDFILL

**Mr. Peter Tabuns (Toronto–Danforth):** On the heels of the Liberals passing their Clean Water Act, ministry approvals were given to the design and operation of site 41, a landfill that's to sit atop an Ontario aquifer that holds some of the purest water on earth. The timing of these approvals, to put it mildly, rings of irony. It's also in keeping with how Liberals make decisions that contravene the precautionary principle, a measure they refused to incorporate into the Clean Water Act.

The landfill, located northwest of Barrie near Wyevale, is set to open in the fall of 2007. Water from the aquifer was tested at the University of Heidelberg's

internationally renowned clean lab, which is capable of detecting even the slightest impurities in water. Results suggested that the groundwater underlying the proposed site for this landfill could be among the cleanest groundwater on earth. For example, lead levels were found to be below those in Arctic ice cores dating back 5,000 years—but perhaps not for long.

In addition to legislation around source water protection lacking requirements to follow the precautionary principle, this government has failed to follow through with its pledge to divert 60% of waste from landfill. There is still time to act now on a variety of fronts, starting with passing legislation that disqualifies site 41 from being a landfill site on the basis of source water protection.

#### ONTARIO FEDERATION OF SCHOOL ATHLETIC ASSOCIATIONS

**Mr. Bill Mauro (Thunder Bay–Atikokan):** I am pleased to announce that OFSAA recently hosted their cross-country running championships in Thunder Bay. The event was a major success and included over 1,500 registered runners with over 300 coaches, making it one of the largest one-day sporting events ever held in Thunder Bay.

As you are probably aware, OFSAA is an organization comprised of student athletes, teacher coaches, principals and sports administrators who are all committed to the philosophy of education through school sport. Ontario students who participate in OFSAA championships can use the opportunity to deal with issues such as drug-free sport, equity, fair play and safe schools.

Over 170 volunteers came together to make these championships a success. I would like to specifically recognize the co-convenors, David Pineau and Roger Slomke; organizing committee members Don Grant, Clarke Loney, Andrea North, Bryan Nunan, Rob Murphy, Alicyn Papich, Kip Sigsworth, Don Sutherland and Natasha Tracz; the contributing school boards who gave their teachers time off to participate in the events; and the local businesses and organizations who made financial contributions. A special thank you to Thunder Bay Nordic Trails and specifically Kamview Nordic Centre, especially Peter Crooks and his gang.

Most importantly, I would like to recognize all the student athletes. Everyone's combined effort made this such an enjoyable event.

Once again, I would like to congratulate the city of Thunder Bay and OFSAA for all their hard work and

recent success. Hopefully, we'll see many more OFSAA championships in Thunder Bay in the years to come.

#### LIBERAL CAMPAIGN PROMISES

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Dalton McGuinty said he would not raise your taxes, and he proceeded to break that promise immediately upon having been elected. He was also elected on a promise of transparency and openness in government. That's where we got the \$6-million contract for the Liberal-friendly ad agency: an untendered, secret backroom deal to take a letter out of the OLGC lottery logo.

But today we find out that this government has now gone to the depths of not publishing the fact that the location of a caucus meeting would be moved, not publishing that in the Premier's agenda. Premier, caucus business is behind closed doors, but the time and location of that meeting is for the public and the media to know. Christina Blizzard, the president of the press gallery, said that in all her time in Queen's Park it is unprecedented that a government would move a caucus meeting without telling the press and giving them due notice of its time and location.

We find out that the Premier had election planning people coming to this caucus meeting. Were they the same experts who told him he could shut down the coal plants in 2007? If so, I'm suggesting you get some new advice. But I'm going to ask the Premier a question on behalf of the people of the province of Ontario: Dalton McGuinty, what are you trying to hide now?

1340

#### MARIJUANA GROW OPERATIONS

**Mr. Mario Sergio (York West):** I want to address the issue of the huge grow-op on Jane Street in my riding. Unfortunately, I was not advised of the meeting that took place this past weekend, but let me say nonetheless that concrete action is needed to allay the concerns and fears surrounding the health risks associated with such operations. I believe that the best restitution we can make to all the occupants of this building is to give them the peace of mind that indeed those steps will be taken, and provide them with the assurance that living in this building will be safe and will not be a threat to their health.

I call on the mayor and the local councillor to have each unit of this building inspected by the fire, health and building departments and charge the owner with all associated expenses in conducting such inspections, and, further, to carry on as expeditiously as possible all the repairs and removal of mould and other chemical traces.

The local councillor believes that this building was targeted because the majority of its tenants cannot speak English. I would like to remind the local councillor that if this is the case, we have all over the area, all over the city, entire buildings where the majority of residents do not speak English. Therefore I would call on the councillor and the mayor to initiate inspections of all these

buildings, and maybe then we can assure all our tenants that living in their buildings is safe and provide them with peace of mind.

#### CONSIDERATION OF BILL 107

**Mrs. Christine Elliott (Whitby–Ajax):** Despite an all-party endorsement by the justice policy committee to hold hearings into the winter to accommodate the hundreds of groups waiting to be consulted with respect to Bill 107, and despite commitments by the Attorney General to do the same, it seems nothing will stop this McGuinty government from quashing debate on this fundamental piece of legislation.

The irony of not consulting with people on what is certainly among the most vital and essential pieces of legislation we have to protect the people seems to be entirely lost on this government. As Keith Norton, former chair of the Ontario Human Rights Commission, aptly put it, this decision is just "unconscionable."

This morning our leader, John Tory, joined with the member for Niagara Centre, Peter Kormos, and David Lepofsky, the disabilities act alliance's human rights representative on this bill, and Mr. Norton in a non-partisan press conference to make a final effort to convince Premier McGuinty and his Attorney General to honour their government's promise to extend public hearings.

"This should not be about politics," said Mr. Tory.

"There was no trickery; this was decided upon by all three parties," said Mr. Kormos in reference to extending the hearings.

"The government has not heard everything. More importantly, they have not listened," said Mr. Lepofsky.

"I implore the government to try to find a way to get this back on track," said Mr. Norton.

We have repeatedly asked the Attorney General to come forward with his plans to fund the linchpin of the overhaul, the legal support centre. He has repeatedly refused to answer my question. I'm simply confounded by this government's arrogant belief that it knows better—knows better than a former chief commissioner, knows better than the current chief commissioner and knows better than the champions of vulnerable people across all—

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

#### FRENCH-LANGUAGE POST- SECONDARY EDUCATION ÉDUCATION POSTSECONDAIRE DE LANGUE FRANÇAISE

**Mr. Phil McNeely (Ottawa–Orléans):** I'm pleased to express my gratitude to Premier McGuinty and Minister Bentley for last week's investment of \$29 million in francophone post-secondary education.

This investment will provide more high-quality French-language programs, increase post-secondary op-

portunities for francophones, provide additional opportunities for French-as-a-second-language students to pursue post-secondary education in French, and support financial aid for students studying in French.

L'Ontario est la province comptant la plus grande communauté francophone hors Québec, avec plus de 100 000 apprenants de langue française à tous les niveaux. En 2005-2006, 16 000 étudiants francophones se sont inscrits dans des établissements postsecondaires, dont plus de 12 000 dans les six universités bilingues et près de 4 000 dans les deux collèges de langue française.

I'm proud to tell this House that La Cité collégiale, in Ottawa, in receiving \$7.3 million in 2006-07 through a partnership with the federal government to expand the range of the French-language programs and services it provides.

The McGuinty government has also invested \$4.7 million in 2006-07 to enhance the quality of French-language programming at Ontario's bilingual universities; and \$15 million in 2006-07, rising to \$55 million by 2009-10, in new programs to increase access to post-secondary education for francophones, aboriginal peoples, people with disabilities and first-generation students.

De la part de tous mes commettants, je voudrais remercier le premier ministre ainsi que le ministre de la Formation et des Collèges et Universités pour l'investissement dans l'avenir de la francophonie ici en Ontario.

#### AGRICULTURE INDUSTRY

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** First, let me pass on greetings to the Egg Farmers of Ontario, who were kind enough to serve up a delicious breakfast this morning here at the Legislature. They, and all Ontario farmers, continue to play an integral role in this province, and it was wonderful to have the opportunity to dialogue with them today.

I would like to take this opportunity to congratulate the new president of the Ontario Federation of Agriculture, Geri Kamenz. Geri will bring a strong voice to the federation, ensuring that issues in agriculture receive due attention.

Geri has indicated that his approach will be on working with other farm organizations, consulting with farmers and being comprehensive in his search for solutions to agricultural issues. This is the right approach, and this government will be happy to continue with the OFA to address the concerns of the farming sector.

I myself look forward to working with Geri, as the last time I had the opportunity to see him at work was as a student in my classes at Viscount Alexander Public School in Cornwall in my riding of Stormont–Dundas–Charlottenburgh. As any educator will tell you, it is always a treat to see a former student succeed. I have the privilege of also standing here as a proud MPP, looking

at a former resident of my riding stepping forward to serve his province.

I want to wish Geri the best in his new role, and I am confident he will do extremely well. I would also like to pass on words of thanks to former OFA president Ron Bonnett for his tireless efforts on behalf of the agricultural community.

#### SAFE DRINKING WATER LEGISLATION

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** I rise today to share details about a productive meeting in my riding yesterday addressing the Clean Water Act with special guest the parliamentary assistant for the Minister of the Environment.

The Clean Water Act is significant, groundbreaking legislation which evolved from recommendations made by Justice O'Connor in the Walkerton inquiry. Yesterday's round table involved environmentalists, conservation experts, municipal representatives, private sector members and key leaders from our agricultural community. It was an excellent opportunity to debunk many of the myths that surround the Clean Water Act.

The Clean Water Act is the first drinking water program of its kind in Ontario. If passed, it will make \$7 million available in 2007-08 for early actions to protect drinking water: \$5 million will support action to protect land and water surrounding water wells and municipal intakes; and \$2 million will support education and outreach related to source protection planning. The act requires consultation and collaboration with community partners to ensure safe drinking water.

The Clean Water Act is an example of the tremendous effort and importance our government places on working with local members of communities to achieve the best results for all Ontarians. The act will bring together the best minds in our community to protect our most valuable natural resource: our water.

I want to thank the parliamentary assistant.

#### MOTIONS

#### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Tuesday, November 28, 2006, for the purpose of considering government business.

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

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1349 to 1354.*

**The Speaker:** Mr. Bradley has moved government notice of motion number 240. All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arthurs, Wayne	Gravelle, Michael	Peters, Steve
Balkissoon, Bas	Hoy, Pat	Phillips, Gerry
Bartolucci, Rick	Jeffrey, Linda	Pupatello, Sandra
Bentley, Christopher	Kular, Kuldip	Qaadri, Shafiq
Bradley, James J.	Kwinter, Monte	Racco, Mario G.
Brownell, Jim	Leal, Jeff	Ramal, Khalil
Cansfield, Donna H.	Levac, Dave	Sergio, Mario
Caplan, David	Marsales, Judy	Smith, Monique
Colle, Mike	Matthews, Deborah	Smitherman, George
Crozier, Bruce	Mauro, Bill	Van Bommel, Maria
Delaney, Bob	McMeekin, Ted	Watson, Jim
Dombrowsky, Leona	McNeely, Phil	Wilkinson, John
Duguid, Brad	Mitchell, Carol	Wynne, Kathleen O.
Duncan, Dwight	Oraziotti, David	Zimmer, David
Fonseca, Peter	Patten, Richard	

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

#### Nays

Arnott, Ted	Kormos, Peter	Prue, Michael
Barrett, Toby	Marchese, Rosario	Runciman, Robert W.
Bisson, Gilles	Martel, Shelley	Tabuns, Peter
Chudleigh, Ted	Miller, Norm	Tascona, Joseph N.
DiNovo, Cheri	Munro, Julia	Tory, John
Elliott, Christine	Murdoch, Bill	Yakabuski, John
Hardeman, Ernie	O'Toole, John	
Horwath, Andrea	Ouellette, Jerry J.	

**The Deputy Clerk (Ms. Deborah Deller):** The ayes are 44; the nays are 22.

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

## STATEMENTS BY THE MINISTRY AND RESPONSES

### INTERPROVINCIAL TRADE

**Hon. Sandra Pupatello (Minister of Economic Development and Trade, minister responsible for women's issues):** I've just returned from a very successful mission to the Alberta oil sands to capitalize on opportunities for Ontario manufacturers.

What we said when we were there, quite frankly, was that Alberta is the fascination of the nation. The oil sands project has meant unprecedented economic growth in Alberta, creating a fierce demand for everything from skilled labour to industrial supplies. Alberta needs their companies' thousands of workers to construct these facilities and added manufacturing capacity from across Canada.

We think that's where we come in. Opportunities for growth are opening up in a big way, and we'd like to be a part of that. There are more than \$100 billion in long-term projects over the next 10 to 20 years, and I want to ensure that Ontario manufacturers play a major role in meeting Alberta's capacity demands to keep projects on

time and on budget. There was tremendous interest in this mission across Ontario and in fact, on short notice, 27 manufacturers joined me in Alberta.

I had excellent meetings with Alberta's economic development minister, Clint Dunford, and intergovernmental affairs minister Gary Mar. We talked about the Alberta oil sands project and how there are benefits for all of Canada, including Ontario manufacturers.

Ontario has tremendous manufacturing capacity. What we looked at was our interests that could actually help Alberta in the area of innovation, automation and outsourcing. More than one million Ontarians work in manufacturing here. Ontario manufacturers not only have the capacity but the skill and expertise to meet the needs of Alberta companies. The potential for partnerships is great for both Ontario and Alberta.

It's important that we establish new partnerships across the country and match Alberta companies with Ontario suppliers. That is what we started with on this mission. In fact, they named me the ambassador for the Leduc-Nisku Economic Development Authority.

For years, governments and countries geared their alliances on a north-south axis, but that's what economies dictated then. Now, opportunities for partnership exist within the borders of our own country between east and west. It's important that we find, as the minister there put it, a made-in-Canada solution. Our finance minister, Greg Sorbara, indicated in his recent fall economic statement that we should encourage interprovincial trade by matching the industrial needs in Alberta with the industrial capacity in Ontario. We should also explore the merits of joining the Alberta-British Columbia trade agreement.

This is not simply about Ontario's interests or Alberta's interests; it's part of the process of nation-building and what we as partners can do to help each other to grow and prosper. My colleague the Honourable Harinder Takhar, Minister of Small Business and Entrepreneurship in Ontario, worked as well to establish stronger partnerships between the regions across Canada when he visited Alberta and British Columbia about a month ago.

#### 1400

In the meantime, we're working closely with the Canadian Manufacturers and Exporters and the Canada and Alberta governments. We're encouraging Ontario manufacturers to participate in the Canadian Manufacturers and Exporters National Buyer/Seller Forum in Edmonton next March. It's an excellent opportunity for Ontario suppliers and Alberta companies to be matched in future phases of the Alberta oil sands project.

At the same time we're supporting our manufacturing sector through the advanced manufacturing investment strategy, which in this first phase alone created \$187 million in investments and 600 jobs. New investments will be announced shortly as we continue to encourage companies to invest in leading-edge technologies and processes.

We recognize that we must be proactive if we want prosperity in every region of the province. The higher

Canadian dollar affects export sales. High energy costs have a significant impact on our small and medium-sized businesses. Global competition is fierce, and it will continue. Our government is investing in programs to help Ontario manufacturers and all sectors across the province succeed. Our broad strategy as a government is to build on our education and health care system, stable energy, and infrastructure. All of these efforts lay the groundwork for Ontario to attract new investment and expand its reach around the world.

Working together with our shared expertise, we can turn opportunities into realities like the Alberta oil sands project. Our government is hopeful that Ontario and its partners across Canada will prosper in this new and exciting era.

Alberta's boom has created a challenge for Alberta companies to keep up. Ontario is up to the challenge and willing to help.

As a government, we're doing everything we can to seize the moment. We know that if we nurture those partnerships between Alberta companies and Ontario suppliers, it's good for Alberta, it's great for Ontario and, in particular, it's great for Canada.

#### IMPAIRED DRIVERS

**Hon. Donna H. Cansfield (Minister of Transportation):** I rise in the House today to speak to an important agreement that will help raise public awareness about the terrible consequences of impaired driving. The McGuinty government and Mothers Against Drunk Driving—MADD—have agreed to place roadside signs in memory of those who have lost their lives as a result of drunk drivers. MADD Canada will administer the memorial sign program and will work with the Ministry of Transportation to install the signs at safe locations along provincial highways.

These memorial signs will remind people of the high cost of impaired driving—the cost of someone's life. As Minister of Transportation I've worked closely with MADD Canada and other community groups such as the Ontario Community Council on Impaired Driving and the Ontario Safety League. I have been repeatedly moved when I hear the testimonials of those who have lost loved ones due to impaired drivers.

The McGuinty government supports MADD Canada's efforts to stop drunk driving. Ontario has some of the toughest anti-drinking-and-driving laws in North America. We have stiff fines, licence suspensions, mandatory alcohol education or treatment, and an ignition interlock program.

While I'm proud that Ontario has the safest roads in North America, drinking and driving is still a factor in about one quarter of all fatal collisions in Ontario. Approximately 16,000 people are convicted of drinking and driving every year in Ontario. That's a rate of two an hour.

There is, however, some encouraging news. The number of fatal drinking and driving crashes is falling—

down 35% in the last 10 years. The latest statistics show that the number of fatalities involving an impaired driver in Ontario fell by more than 11% in 2004 compared to the year before.

We need to get the anti-drunk-driving message out in every way we can. Drunk drivers will simply not be tolerated on Ontario roads. That's why we have the toughest drunk-driving laws and that's why the McGuinty government is working with MADD Canada, community groups and law enforcement to raise public awareness.

These memorial signs will help us to do that. They will remind people to make the responsible choice. I know all honourable members will want to help us spread this message. The message is simple: Don't drink and drive.

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

#### INTERPROVINCIAL TRADE

**Mr. Ted Chudleigh (Halton):** Maybe the minister is sensing the reality faced by Ontario's manufacturing sector and that the 105,000 lost jobs represent more than just a "cycle," as she's been quoted as saying. Yes, it is true, Minister: It's more than just a cycle. Since the beginning of last year, Ontario has lost more than 105,000 manufacturing jobs. This is a dismal record for any government to have.

Considering the rate at which Ontario's manufacturers are losing competitive ground, this government's lack of a comprehensive job strategy is really what we need to highlight in this House. The manufacturing sector in Ontario is the second most taxed amongst its provincial counterparts. Ontario's tax on corporate capital trails only China worldwide.

What does this initiative do for northern Ontario, eastern Ontario? The forest sector is vanishing in northern Ontario, and communities such as Cornwall in the east have been devastated since the McGuinty Liberals came to power.

The auto sector in this province may be alive and well, but the auto parts suppliers in Ontario are suffering terribly. Canada's auto parts sector, which operates almost entirely in Ontario, has lost 10,000 jobs since the start of 2005.

It is not just large industries that are struggling. Big industries might be able to struggle their way through another hit from the McGuinty government; small and medium-sized businesses cannot.

Not long ago, the Premier was quoted as saying that over 1,000 jobs lost at GM in Oshawa were a "small contraction." What a dismal record for a Premier. The member from Markham at the time, talking about municipalities which were reeling from plant closures across this province and were asking the government to do something, referred to these municipalities as "cry-babies." What a dismal record for a government to have. The member for Guelph-Wellington, when announcing that 550 jobs were lost at Imperial Tobacco, talked about

how their plan was working. What a dismal record for a government to have. Some 105,000 manufacturing jobs gone in Ontario: what a dismal record.

Other sector job growth is some of the lowest in Canada: a dismal record for any government. Growth rates: a dismal record. Innuendo, half-truths, stories and broken promises: a dismal record. Lost jobs, “small contractions,” “crybabies” and “Our plan is working”: a dismal record. On October 4 of next year, Ontarians will judge you on your dismal record.

### IMPAIRED DRIVERS

**Mrs. Julia Munro (York North):** I was very pleased to be able to join the minister yesterday at the signing of the memorandum of understanding. It's really a very exciting opportunity when you look at having an idea and then being able to see it come to fruition. The original resolution, of course, was passed unanimously by this House. It called for government to work with MADD Canada and the Ministry of Transportation.

Roadside memorials have two purposes. First of all, it is obviously an opportunity for the family to have a permanent memorial to recognize the needless loss of a loved one. But it's also an opportunity to provide a very important social message: “A real person died right here, needlessly, because of someone's irresponsible actions.” All fatalities and injuries that are caused by drunk driving are needless, and we have a responsibility to find effective avenues for this important social message. Roadside memorials simply add to that arsenal of opportunities to get that message out.

Our government has a proud record, one that increased fines for drunk driving, that introduced suspensions for people who had less than 0.8%, and as well, the introduction and passage of Garfield Dunlop's private member's bill on ignition interlock. When you look at all of these things, it's certainly a very strong and determined message from this party on the extreme importance of getting out that message against drunk driving.

I'm very pleased that, through the minister, we were able to see this very important social message come out. I'm looking forward to the opportunities to actually see those roadside memorials on Ontario highways.

1410

### INTERPROVINCIAL TRADE

**Mr. Gilles Bisson (Timmins–James Bay):** Finally, the government has figured out that there's an economic benefit to supporting the natural resources industry. Finally, this government has realized that if you were to do something to support the natural resources industry, it's not only businesses such as mining and forestry that could benefit but also southern Ontario, because they supply the services and means by which those particular industries are able to flourish. The unfortunate part is that the minister had to go to Alberta to figure that out.

I'm just saying, it's about time the government figured out that we have a very vibrant natural resources industry here in Ontario. We know that in northern Ontario there is the mining sector, if the minister hasn't figured it out, and there's also the forestry sector. If she, along with her government, were to do things to support the forestry sector so that we don't see the decimation of the northern economy that we're seeing today, southern Ontario and its manufacturing and service sectors would flourish.

I say to the government across the way, I guess the first step is admitting that you've got a problem, figuring out that maybe there's something you can do about it, and maybe then there is a hope, but it didn't take Alberta to figure that out. You should have figured that out in your own backyard. I say to the government that it's about time you figured that out.

We know that across northern Ontario, the forest resource industry is in deep trouble. We know that because of a number of issues this government fails to recognize by way of policy to resolve the problem. If you're sitting in Opasatika, in Hearst, Smooth Rock Falls, Kirkland Lake, Timmins, all the way across to Sault Ste. Marie, Bowater, Thunder Bay, Kenora, Ignace—and the list goes on—there are all kinds of forest-resource-based industries that have either shut their doors completely or have reduced their workforces significantly as a result of this government's policy.

Now there is still hope because the government, through this minister, has admitted a second thing today. I thought it was wonderful and refreshing to hear from the government that, finally, they've admitted the following: High energy costs have a significant impact on our small and medium-sized businesses. Well, hurray for the government. You finally figured out that electricity is related to the economic prosperity of Ontario. It is the first step towards admitting that you have a problem and finding a solution. I applaud the government for finally figuring it out.

We will work with you to develop a 12-step program to figure out that you're able to do something to respond to the crisis in both the manufacturing sector and the resource sectors. I applaud the Minister of Economic Development and Trade for finding the political fortitude to separate herself from her Premier and the Minister of Energy and to admit that—I want to repeat—high energy costs have a significant impact on our small and medium-sized businesses.

Madame Papatello, we want to say that we welcome this. You're finally becoming a champion for us on the benches on the opposite side and you will do something to move your Premier, your energy minister and others to our side towards finding the solutions that are necessary to put northern Ontarians back to work.

I say to you, Minister, I wish you well on the road of converting the rest of the Liberal caucus because, I can tell you, it is a very long road. Finally, after three years, we have one Liberal member who admits that their energy policies are costing jobs in Ontario. Bravo, Minister.



## VISITOR

**The Speaker (Hon. Michael A. Brown):** We have with us today in the Speaker's gallery the Right Honourable George Reid, Presiding Officer of the Scottish Parliament. Please join me in welcoming our guest.

## ORAL QUESTIONS

## JUSTICE SYSTEM

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. As the Premier will be aware, the Progressive Conservative caucus and I have been, for some time, calling on his government to provide detailed information about the justice system in order to ensure that Ontarians can get an accurate picture of exactly how well the system is functioning—or not. It's an idea this government has resisted, preferring instead to suggest that somehow this issue is somebody else's responsibility or that it's not important.

Now the federal government has acted, and proposed some new legislation last week. Media reports have supported our contention that the lack of evidence with respect to bail and other criminal matters as to what's going on, how many different things are happening, is a problem.

My question is this: Why has the Premier repeatedly refused our calls to provide more truth and transparency in the justice system by simply reporting more of the facts and figures as to what actually goes on in the courts to the public? Why would you refuse to do that?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I want to refer the leader of the official opposition to the crown policy manual, which is available online. I know that one of his concerns is what's happening at bail hearings for those accused who are charged with a gun-related offence. I would encourage him to look at this crown policy manual. As I say, it's available online. It says, "At all stages of the prosecution, from bail to sentencing, the prosecution of firearms offences should be premised on providing the greatest protection to the community, not on considerations of expediency." So the very clear directive that has been set out to our crown attorneys is that when it comes to dealing with prosecution of firearms offences, they should not be dealt away with—to use the common parlance—but rather the greatest possible priority should be given to protecting the community at large. That is something that is in writing, something that has been issued to Ontario's crown attorneys.

**Mr. Tory:** That is very helpful, and I have been to the policy manual many times. In fact, each time you go back you keep hoping it gets better, but it doesn't. That wasn't the question, though. The question was the results that come out of the application, or not, of that policy.

We hear anecdotal statistics from time to time about bail. For example, since you raised that, Prime Minister

Harper said last week, quoting the Toronto police, that 40% of the 1,000 gun crimes committed in Toronto this year so far were committed by someone or were alleged to have been committed by someone who is under some kind of court order; 70% of the accused in Toronto's 62 murders this year were subject to earlier court orders; 14 of the 32 people facing murder or manslaughter charges in Toronto this year were on bail in connection with another charge at the time of the alleged offence.

What we're looking for, instead of this kind of anecdotal evidence that the Toronto police happen to have handy, is province-wide statistics, including on how many times bail is granted when the crown opposes it, for example.

My question is simple: Why would your government consistently and repeatedly oppose—

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

**Hon. Mr. McGuinty:** Again, I want to provide the leader of the official opposition with more information and more specifics with respect to firearms prosecutions. Here is information I do not believe he has previously been aware of, because this is not available online, but it's part of the practice memorandum issued to counsel, criminal law division, in January of this year. It says:

"It bears repeating that the criminal misuse of firearms presents a serious challenge to a peaceful society. Given the potential for tragedy arising from such crimes, protection of the public must be crown counsel's paramount consideration, particularly as it relates to issues of bail. In all cases involving firearms-related offences, crown counsel shall, absent exceptional circumstances, seek a detention order."

So what we have in place today in Ontario is a very explicit directive to our crown attorneys to seek detention in the case of a bail application. And furthermore, now we've worked with Prime Minister Harper to ensure that we have in place a reverse onus provision. It seems to me that by any objective standard we're moving in the right direction.

**Mr. Tory:** I don't disagree that we're moving in the right direction. But I'm asking a different question, which is, with all those directives in place and all the rest of it, why can't we have tracking and reporting to the public of the data that reflect the results of the process you just spoke about? I'm asking you, if it's okay to put cameras in the courtroom, as your Attorney General says he is going to do, then why isn't it okay to keep track of the statistics as to what goes on inside that room? What we are asking for, and I'm asking the Premier again, is increased openness and transparency of the justice system. To begin tracking and reporting statistics on bail and on sureties and on sentencing deals, I think, will allow for real scrutiny and for the public to understand what's going on. Why won't you support making these facts available to the public by tracking them first and then by reporting them? It's a very simple question.

**Hon. Mr. McGuinty:** If the leader of the official opposition has raised this specific request with Mr.

Justice McMurtry, I would be surprised if Mr. Justice McMurtry agreed with this request. He has faced this type of proposal in the past. He has been very clear in expressing his concerns about that. In the past, he challenged the former Tory government's decision to allow a private member's bill calling for the tracking of individual judges' sentencing records to proceed to the legislative process. He said this was perceived as a rather heavy-handed and irresponsible attempt to intimidate judges in the sentencing process.

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So I think what my honourable friend is asking, and he may not recognize this, leads us onto a slippery slope where we begin to actually count the number of times judges grant bail and do not, and we ask them to either subliminally or directly take into account the political considerations of the day. Mr. Justice McMurtry says that's the wrong way to go, and I agree.

#### CONSIDERATION OF BILL 107

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. I asked only for aggregate statistics, not for judge-by-judge statistics, but in any event, my question for the Premier is this. It has been a week now since the Premier dropped the guillotine on Bill 107, breaking the promises of his Attorney General to hold extensive hearings on the legislation; in fact, as the Attorney General put it, to hold hearings for "however long it takes."

Today, together with the member for Niagara Centre, Keith Norton, former chair of the Human Rights Commission, and David Lepofsky, the human rights representative for the disability act alliance, we had a news conference simply to indicate on behalf of the people whom the disability act alliance represents that there are hundreds of people who want, as promised and as advertised, to have their chance to have a say on this bill. We have proposed a timeline to the government; I have proposed it to you. You allow the people to be heard; we will have this matter expeditiously brought to a vote on March 19, or the next day, if you wish. Why won't you agree to consider that proposal?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I don't know whether or not the leader of the official opposition has secured the agreement of the NDP to this particular proposal, but I'd be very surprised if he obtained their consent.

Our position has been very clear for quite some time now. We believe that there is something that seriously ails the human rights system in the province of Ontario. In fact, criticism has been levelled against this system, which we inherited, for many, many years now. Complaints take too long to be heard. Five to 10 years, in some cases, for resolution is simply unacceptable.

We believe there has been a healthy debate. We've heard from many people. Legislation has been under discussion now for over 200 days. We've heard from over 80 separate presenters. The Attorney General in his

own capacity through his office has also met with more than 40 groups over the past six months. We've heard from many Ontarians, we have received their advice, and we're acting on their advice, even more recently—well, tomorrow, in fact—with the introduction of still more amendments.

**Mr. Tory:** Well, "still more amendments" indicates in and of itself that the listening perhaps shouldn't be finished as yet. There's really no debate in the House on the need to fix the Human Rights Commission. The listening is so that we maybe can understand from other than those privileged enough to be here how to fix it.

Keith Norton, David Lepofsky, Barbara Hall, June Callwood, the Ontario Confederation of University Faculty Associations, John Rae of the Alliance for Blind Canadians, Marianne Park, Barbara Anello, the Jewish Congress, Helen Henderson, the Toronto Star: These are some of the people who have said either that they want to be heard and/or that you are wrong to cut off this debate.

Keith Norton pointed out that this is legislation that is quasi-constitutional. That's how important and how fundamental it is in our system. So I would ask you: Why, when it is quasi-constitutional legislation, why, when we've said it could be brought to a vote the first week back here on a timetable that, frankly, you can determine, will you not let these people be heard in the meantime, listen to what they might have to say, and then proceed to pass what I'm sure would be better legislation? Why won't you agree?

**Hon. Mr. McGuinty:** We are, in fact, listening. As the Attorney General indicated just a short time ago, the amendments that we plan to introduce tomorrow will reflect that.

We have been asked by the Accessibility for Ontarians with Disabilities Act Alliance, as well as the African Canadian Legal Clinic, as well as OPSEU, to make amendments to the appointment criteria of commissioners. They're right, and that's reflected in the amendments we're introducing tomorrow.

We were asked by the Human Rights Commission to mandate that the commission report annually to Ontarians. The commission is right, and that's reflected in the amendments we're introducing tomorrow.

We've been asked by the Canadian Hearing Society, Local Agencies Serving Immigrants and the Ottawa chapter of the Chinese Canadian National Council to provide for the ability to enter, examine records and compel testimony and enforce compliance. Those groups are all right, and that, again, is reflected in the amendments that we are introducing tomorrow.

We are listening to Ontarians, we are taking into account their good advice, and we're acting on that advice.

**Mr. Tory:** And the only problem that I'm pointing out to you is that there are a lot of other groups who, I think you would agree, are groups worthy of respect that may themselves have some more ideas that could make this bill even better, and you refuse to listen to them. Not only that; you make appointments to hear them, advertise

hearings that they can participate in and then shut that down in mid-process.

One of the bigger issues that we have going forward is whether or not people will be able to have access to the legal representation they will now need, as they don't under the current arrangement, to go in front of the tribunal. The member for Willowdale said on August 8, "the Attorney General has publicly committed ... to provide full legal support." The member for London North Centre said that the minister had said people will get the legal representation they need. The minister had given that assurance. We have no details. The only person asked to run it, legal aid, are themselves broke, and they've said they won't run it. There's been no budget amount set out, no real idea that anybody has.

I want to know if you, Mr. Premier, are prepared to tell the people of Ontario right here and now that people will have the full legal representation they're entitled to, that every single person will have access to a lawyer they need in front of this tribunal under your new regime.

**Hon. Mr. McGuinty:** Again, this is not a new issue that is being raised before me or certainly before the Attorney General and the committee that considered this. We have listened to and heard from countless numbers, either through the committee process itself or through the Attorney General's office in its usual workings.

The leader of the official opposition is very much focused on the process of this place. We are much more focused now, after devoting so much time and effort and energy to working as hard as we can to get the bill right, on the process that takes place and which traps so many people as they try to work their way through our Ontario human rights system. So the leader of the official opposition may continue to focus on this process; we're going to focus on the needs of people who need to avail themselves of Ontario's human rights system. There's been something troubling with that legislation for a long time. Those people out there can no longer wait, and we intend to move forward on their behalf.

#### ENERGY CONSERVATION

**Mr. Howard Hampton (Kenora–Rainy River):** My question is to the Premier. Premier, across Ontario people are worried about paying their hydro bills, keeping the lights on, polluted air, climate change and losing their jobs. This morning at the Toronto Board of Trade, I described how we could best address these challenges: by making energy efficiency the cornerstone of Ontario's energy future. I proposed some realistic and achievable solutions that would make a real difference—a real difference now—like strengthening the building code by immediately legislating EnerGuide 80 standards to cut energy waste and help people save money on their hydro bills.

Premier, can you tell us why the McGuinty government, in your fourth year of government, hasn't implemented these energy efficiency improvements already?

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

**Hon. Dwight Duncan (Minister of Energy):** I would remind the member opposite that Ontario is ranked right up with California as the best energy efficiency jurisdiction in North America. I remind him that the Canadian Energy Efficiency Alliance just recently upgraded Ontario's performance to B+ from D, which it was before we took office. We acknowledge that there is more to be done. We're in the process of doing that. We set up a conservation bureau. We've added 54 appliances under the Energy Efficiency Act. There is more to do, and we're committed to doing it. I look forward to working with the member to ensure that we continue to lead the way not only in Canada but indeed in North America and around the world.

**Mr. Hampton:** The McGuinty government has a good public relations campaign on energy efficiency, but in fact not much is happening. A strong commitment to energy efficiency would keep hydro rates down, boost the economy, sustain good-paying manufacturing jobs and save Ontarians billions of dollars on their hydro bills. It is the key to a brighter energy, economic and environmental future for Ontario.

This morning, I also proposed a province-wide energy retrofit strategy that would provide low-interest loans to make homes, businesses and industries more energy-efficient. Energy retrofit strategies are a success story in Manitoba and Quebec and California. Can you tell us, when is the McGuinty government going to get in the game?

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**Hon. Mr. Duncan:** The member may have missed it, but we have already amended the building code to provide for among the most energy-efficient standards anywhere. We brought in the energy conservation act, which that member voted against; he voted against it. We've re-implemented a number of energy conservation programs, which that member cancelled when he was part of government. We have now gone province-wide with a number of programs that we piloted. There is more work to be done.

Had this work begun 10 or 12 years ago, we wouldn't be rushing to catch up. But we are catching up, and, according to independent analysts, including the Canadian Energy Efficiency Alliance and the Suzuki Foundation, not only are we catching up but we're leading.

The member opposite talks about programs that are, in fact, worthy of consideration, as are a number of other ideas, and we will continue to look at those types of programs to ensure that Ontario—

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

**Mr. Hampton:** No strengthening of the building code until 2012, when environmental experts say it should have happened already, and no effective energy retrofit strategy: That is why this is a public relations campaign but not much is happening.

If we compare Ontario to California, that jurisdiction saved 4,000 megawatts from peak electricity use by improving the building code. They saved 2,000 more

megawatts from peak use by simply having tougher standards for appliances. In fact, they have held their electricity use per capita at a steady rate while it has increased by 20% elsewhere in the United States.

If you won't strengthen the building code, if you are not interested in an energy retrofit program, will you at least toughen up the standards for appliances and bring in Energy Star standards for all new appliances sold in the province today?

**Hon. Mr. Duncan:** Let me set the record straight, because there were some factual inaccuracies in what the member just said. First of all, residential energy standards by the end of this year: Changes to the building code's energy efficiency standards will increase home energy efficiency over the current code by more than 21%. We will have the highest energy-efficiency standards in Canada, 13% higher than has ever existed in Ontario. Homes built in 2007 will be required to have higher insulation levels: Ceilings are being increased by 29%, walls by 12% and foundation walls by 50%. It goes on and on. This government has led the way on energy efficiency and energy conservation. Do you know what else he said in his speech this morning? He said we should keep the coal plants up north open and close the ones down south. He wants it both ways. He says on one hand—that member doesn't understand energy. He doesn't—

**The Speaker:** Thank you, Minister.

*Interjections.*

**The Speaker:** Order.

#### FOOD BANKS

**Mr. Howard Hampton (Kenora–Rainy River):** The wordage from the Minister of Energy proves my case. This is a government that has lots to say about energy efficiency but energy usage is in fact going up. While other jurisdictions are implementing meaningful programs, Ontario under the McGuinty government just talks.

Premier, my question is: Why is Ontario's rate of food bank use the highest in Canada?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Let me just take the opportunity, first of all, to thank the Ontario Association of Food Banks for the good work they do and for the support they lend to their membership, which are food banks working on the ground. Let me thank all of those people who work and who volunteer at food banks throughout the province.

It's not all good news and I'm not going to pretend it is, but I think it is important to recognize when there is at least a little bit of good news. The number of Ontarians served by food banks declined by 2.4% this year over last year, but there are still close to 2.5% of Ontarians who access a food bank. That's 2.5% too many.

We will continue to keep working with our food banks, with our partners in the private sector, and of course we will assume greater leadership as a gov-

ernment on a go-forward basis when it comes to helping to address the issues which lead to Ontarians' having to avail themselves of a food bank.

**Mr. Hampton:** Premier, you constantly tell people that Ontario is a wealthy province, but the fact is that far more people are forced to use food banks in Ontario than in the three other large provinces—Quebec, Alberta and British Columbia—combined. Over 330,000 people are forced to use food banks in the province, and 17% of food bank users in Ontario work, but they don't make enough income; 40% are kids; and almost 20% are the disabled.

Premier, you tell people across Ontario that things are getting better. Why are so many poor Ontario children forced to use food banks under the McGuinty government?

**Hon. Mr. McGuinty:** Again, I like to think that we're making some progress, and the fact that food bank usage is down this year by 2.4%, at a time when we're experiencing more modest economic growth, I think speaks well of some of the policies that we've put in place.

We're spending \$10.3 billion annually now for family and social services. That's 13 cents of every dollar. By way of comparison, we spend about 15 cents on the dollar for our schools. We've increased the minimum wage now three times. We have, through combined efforts, effectively given a single parent on social assistance with two children \$1,620 more every year. That's a 15.7% increase.

We've also made some changes to the Ontario Works and Ontario disability support programs that enable them, for example, to keep drug benefits while they transition back to work. So we are making some steps in the right direction, and we look forward to doing more.

**Mr. Hampton:** Premier, the usage of food banks has increased by almost 20% in Ontario over the last five years. Not only that; 25% of the food banks in Ontario reported in the last year that their ability to meet the needs of those they serve has declined in the last year. So you may say, "Oh, there are fewer people using food banks this year," but the food banks say that they can't meet the demand. They don't have the food there to address all of the people who have the need.

There's a really disturbing part with respect to kids. Your government claws back from the lowest-income children in this province \$250 million a year of federal money that is supposed to go to those kids to help their parents put food on the table and put clothing on their backs. It works out to \$1,500 per child per year. Premier, when will you end the clawback so that some of the kids might not be forced to use a food bank?

**Hon. Mr. McGuinty:** My colleague from the NDP will know that we ended the clawback on a go-forward basis in 2004. He will also know, in keeping with the report which he is quoting from today, that the number of Ontarians served by a food bank has in fact declined this past year.

He'll also, I'm sure, want to make reference to the passage on page 17 of the same report, issued today. I

quote from that: “We have seen some changes, as our provincial government is beginning to respond to the issues that we have ignored for almost a generation. There are a growing number of vocal advocates within government, more detailed studies and reviews, and incremental changes to our income support systems.”

The fact is that usage has come down, even though somewhat modestly. This acknowledges that we are moving in the right direction, and I acknowledge myself that there is more to be done.

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#### MUNICIPAL PROPERTY ASSESSMENT CORP.

**Mr. Tim Hudak (Erie–Lincoln):** I have a question to the Minister of Finance. On June 26 of this year, MPAC chair Debbie Zimmerman sent you a letter where MPAC is seeking a minimum of an 11% increase in their budget, or \$16 million, despite the fact that there is an assessment freeze until 2009. The minister knows, as part of that spending spree, that MPAC proposes hiring an additional 225 staff, taking place during an assessment freeze in the province of Ontario. Clearly, Minister, another sign of Dalton McGuinty waste—hiring more people to do less work. Please tell me and justify: How can Dalton McGuinty’s Ontario continue to waste this kind of money? Surely you’re going to step in and say no to the increase in budget and the hiring of 225 staff during this assessment freeze.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I appreciate the question from my friend from Erie–Lincoln. It gives me an opportunity to once again remind him and people who pay attention to the Municipal Property Assessment Corp. that that corporation is an arm’s-length corporation, that it has an independent board, that its budget is set and approved by that board, and that the funds that pay for the work of MPAC come collectively from municipalities across Ontario.

Certainly it’s in our collective interest to make sure that MPAC is run very, very efficiently. We take that into consideration as we make our appointees to the board and in our reviews of how the property assessment system is working. Obviously, efficiency is one of our number one priorities.

**Mr. Hudak:** Indeed, a very strange answer from the minister who has given directions to MPAC on a regular basis already. The chair is a former Liberal federal candidate; the vice-chair is your own parliamentary assistant. So, Minister, don’t tell us about this arm’s-length relationship.

You know full well that Mayor Bradley of Sarnia wrote to you indicating that, “Given the recent announcement of a property tax assessment freeze for the next two years and given the fact that Ontario municipalities will be paying \$300 million to operate MPAC in that time period, I am requesting a rebate to Ontario communities to compensate us for the fact we are receiving no services

of any significance from MPAC during the” assessment “freeze.”

Mayor Bradley asked for a rebate; instead, Dalton McGuinty and Greg Sorbara are increasing the rates by some \$16 million, meaning that MPAC’s costs will have skyrocketed by some \$29 million, or 20%, under your regime.

Tell me, Minister, that you’re going to make a call and put a stop to this. How could you justify, during an assessment freeze, the hiring of 225 more staff—

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

**Hon. Mr. Sorbara:** I’ll tell my friend where I’m going to start. What I’m going to try and stop is his attacks on people like the chair of the MPAC board, Debbie Zimmerman, former regional chair of the region from where my friend from Erie–Lincoln comes, a very well-known and very well-respected leader in that community and a great chair of the board. He also mentions Mike Bradley, also a former Liberal candidate, if my memory serves me well.

What we’re going to concentrate on is making MPAC a much more efficient organization. We will do that by changes in regulation and ultimately, perhaps, legislation. That’s why we put in place the two-year freeze on assessments and that’s why we’re undergoing a thorough review of how that organization works on behalf of the taxpayers of this province.

#### CONSIDERATION OF BILL 107

**Mr. Peter Kormos (Niagara Centre):** A question to the Premier: Premier, today former Ontario human rights commissioner Keith Norton joined the chorus of outrage about your cancellation of public hearings into Bill 107. Government members of that committee voted unanimously to conduct hearings through to when the House rises on December 14 and then commence those hearings once again in January so that those people could be heard. You and your government promised those people an opportunity to participate in those hearings. Why are you breaking your promise to them?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I know that the member opposite is going to want to recollect and put on the record the fact that he promised that he would do everything that he possibly could to prevent passage of this bill—to filibuster. I do not question his sincerity, his devotion, his commitment or his perseverance when it comes to preventing passage of this bill, but on behalf of the thousands and thousands of Ontarians who had to suffer under a terribly-less-than-adequate human rights system, we feel a sense of responsibility to move forward, and that is exactly what we will do.

**Mr. Kormos:** That, sir, is hokey, and you know it. You know full well that if you wanted to time-allocate third reading debate, you could have time-allocated third reading debate; you didn’t have to slam the door in the faces of scores of people who you promised—your

promise—would have an opportunity to appear in front of that committee.

Keith Norton says you're wrong. Your current commissioner, Barbara Hall, says you're wrong. June Callwood, whose endorsement you relied upon when she was agreeing with you, says you're wrong. Why are you breaking a promise to people who relied upon your advertising, which indicated a December 15 cut-off date to sign up to make submissions? What are you talking about? You spent over \$100,000 of taxpayers' money on ads promising a December 15 cut-off date. Why are you breaking your promise to those people?

**Hon. Mr. McGuinty:** Sometimes it seems that the NDP caucus is the only place on the planet where heat travels faster than light. Sometimes it seems like that.

I always appreciate my colleague's passion. But I can say that we feel we have devoted a considerable amount of time, a reasonable amount of time and effort and energy, to listening to all of those who have something to offer, who have good advice, good counsel, solid recommendations. Earlier today I referenced the AODA, the African Legal Clinic and OPSEU. I have referenced the Human Rights Commission, I have referenced the Canadian Hearing Society, Local Agencies Serving Immigrants and the Ottawa chapter of the Chinese Canadian National Council. Also, we've heard from the Multiple Sclerosis Society of Canada and the Psychiatric Patient Advocate Office. All those people we have recently heard from once again, and their advice has now been incorporated into amendments to be tabled.

## EDUCATION

**Mr. Jeff Leal (Peterborough):** My question is to the Minister of Education. Minister, my question is about learning to 18 and making sure kids stay in a learning program so they have the tools they need to build a better future and a career. If passed, this legislation will make Ontario students keep learning to 18 or graduation through creative incentives that realize their individual strengths and potential.

The McGuinty government is committed to increasing the graduation rate. We have seen an increase in the graduation rate from 68%, when we came into office, to 71% last year. That translates into 6,000 more people finishing high school and improving their future prospects. When you look at the reverse statistic, Ontario has a dropout rate of 29%; that's 10 to 20 points behind the rest of the country. That's not acceptable, and this government has moved to correct that situation. We have to demand that standard, that as a minimum our students in Ontario must achieve a high school diploma.

Minister, can you tell this House what we're doing to transform our high school students through Bill 52?

**Hon. Kathleen O. Wynne (Minister of Education):** Indeed it is not acceptable to have 30% of our students not graduating from high school, so we are expanding the program possibilities for our students so that more students will graduate. In fact, we're doing nothing less

than shifting the culture in our secondary schools. What we're doing is expanding co-op credits through increased partnerships so that students can graduate, counting up to two credits towards their diploma, two co-op mandatory credits. We're allowing students to bundle their courses into a high-skills major so that when they go out into the workplace, they have a certification that says they have acquired certain skills in their high school years. We're allowing students to earn credits towards a diploma through college and apprenticeship and university courses, so we're allowing students who might not otherwise go on to post-secondary to have a taste of what post-secondary might be like, and they will go on. In fact, the member for Peterborough will be happy to know that in his two English-speaking boards, Kawartha Pine Ridge and the Peterborough Victoria Northumberland Clarington Catholic board, this year students can benefit from a pilot in dual credit that has been developed with Sir Sandford Fleming, and it's a great step forward.

**1450**

**Mr. Leal:** Besides keeping kids in school and increasing their graduation success rate, I understand that the learning to 18 legislation is designed to assist in the transition from secondary school to post-secondary education. As a member who represents a riding with both an outstanding community college and a university, I know how important a post-secondary education is to a student's success. But in addition, every individual who goes on to complete a degree or diploma or the training needed to become an apprentice contributes to the economic success of our communities and the province. That's why it's crucial that we open new pathways to creating opportunities for students who might otherwise be discouraged to learn outside the traditional learning environments. By doing so, we inspire them to continue in their studies or encourage them to return if they have left school early.

Minister, how will the learning to 18 strategy connect with students with new and relevant learning experiences that build on their interests and strengths and help them not only to complete their high school but afterwards? How can we continue along this path to success for people learning to age 18?

**Hon. Ms. Wynne:** The Minister of Training, Colleges and Universities.

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** The member from Peterborough is absolutely right: 80% of the new jobs we create require some form of post-secondary education, whether it's college, university or enhanced skills training. What we're going to do is build on the foundation of what is already working. We need to be creative, but we need to maintain the integrity of the credit process. So, for example, we're going to build on the success of the Ontario youth apprenticeship program, which engages 21,000 students every single year and gives them a taste of an apprenticeship and a high school credit at the same time. We're going to build on the success of the pilot projects we have out right now in the school/college-to-

work initiative. In fact, 2,500 students this year are going to be engaged, through 100 pilot projects of 72 boards, in getting both a high school and a college credit. We're going to build on the strengths of what's working by working with our educational partners.

### FOREST INDUSTRY

**Mr. Norm Miller (Parry Sound–Muskoka):** I have a question for the Premier. Premier, I know that both you and the Minister of Natural Resources agree that you've cured all that ails the forestry sector. In fact, your minister is on the record as saying that the forest sector in Ontario got off virtually scot-free as far as the impact of the US housing slump. I can tell you that I'm sure the industry doesn't see it that way.

Your minister said something else at the recent energy announcement in Thunder Bay that got my attention. He said that the government had now acted on all the recommendations of the Council on Forest Sector Competitiveness that he had appointed as the minister. Well, Premier, I would like to remind you about the first recommendation of that Council on Forest Sector Competitiveness: "The council recommends that the Ontario government establish an independent position of chief forester for Ontario, reporting to the Minister of Natural Resources." Premier, when did you appoint the chief forester?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm delighted to take the question. I know that the minister is on his way from BC, where he was attending a conference.

The member opposite will know that we have worked long and hard now with our forestry sector. He will also know that the challenges being experienced by Ontario's forestry sector are not dissimilar to those being experienced by forestry sectors in Quebec, New Brunswick, Nova Scotia and BC—indeed in much of North America. He will also know what we've done in terms of specific substantive supports for forestry, whether we're talking about our \$150 million over three years through the forest sector prosperity fund to leverage new capital investments, the \$75 million annually which we have now uploaded for the construction and maintenance costs of primary and secondary forest access roads, the one-time refund for stumpage fees of \$70 million, or the \$350 million in loan guarantees. He will also know that the recent announcement we made only came after we sat down with forestry sector representatives and worked with them in a co-operative and collaborative way to give them exactly what they told us they needed at this point in time.

**Mr. Miller:** Yes, and the number one recommendation they made was to ask for the position of a chief forester. And there is no chief forester.

Last week, I received an e-mail from an operator in my riding of Parry Sound–Muskoka, the day after you made your energy announcement in Thunder Bay, regarding another sawmill shutting down. He writes:

"Another one bites the dust for our supply chain. The Timmins mill equates to about 10% of our total sawdust volume.

"Are you (both) aware of the growing list of indefinite mill closures in the sawmill industry? If not, please let me know and I will gladly supply a list of indefinite closures that are affecting us."

Premier, do you really believe there's nothing more you can do to assist the forestry sector? What about many of the other recommendations—some 26—that were made by the Minister's Council on Forest Sector Competitiveness?

**Hon. Mr. McGuinty:** I have a number of supportive quotes, as you might imagine, from folks in the forestry sector, but I'll just make reference to one. This is from Tembec:

"With limited resources available, they"—the government—"appear to have shot with a rifle...."

"You need to judge the rebate proposal in conjunction with other initiatives that have been undertaken by the province on the energy file...."

"You put all those things together and they will be very helpful...."

"You stabilize that segment of the industry and you then create a situation where the sawmills have a more secure market in which to sell their chips."

I know that the member opposite does not pretend that anybody in this House could possibly wave a magic wand and absolutely guarantee that no mill would ever shut down, that no forestry sector worker would ever lose their job. But I can proudly say that we have worked with the forestry sector, we will continue to work with the forestry sector, and we will do our share as a government, in an unprecedented way, to help strengthen Ontario's forestry sector and forestry workers.

### GO TRANSIT

**Mr. Peter Tabuns (Toronto–Danforth):** My question is for the Premier. Premier, as I'm sure you know, the reality of transit funding in this province is that the majority of operating and capital costs are being carried by cash-strapped municipalities. The Toronto Star has called for the province to step in and fund the expansion costs for GO Transit. Will you take action, Mr. Premier? Will you eliminate this one aspect of provincial down-loading, go to the municipalities and tell them that the province is going to take back the cost of GO Transit expansion?

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

**Hon. Donna H. Cansfield (Minister of Transportation):** I thank the member for the question. We know that this is an important issue for the municipalities, and we are currently going through the process of extending the existing municipal GO Transit development charge bylaws to ensure that the municipalities can indeed continue to collect the development charges. We have put a

record investment in GO of \$850 million this year. We recognize that public transit—GO Transit—is an integral part of transportation strategies in this province, and we have made the commitment, for the first time in many years, towards that transit. So not only are we working with the municipalities to enable them to continue to use the development charges to deal with GO Transit, but we are making our own record investment in GO Transit, something that hasn't been done in this province for many years.

**Mr. Tabuns:** Well, the simple reality is that there are long waits for vehicles, and when buses and trains come, they're packed. People know the system is operating at or over capacity, and yet this government is not acting to help cash-strapped municipalities. It is not taking on its shoulders the burden of fully funding GO Transit. It continues to talk about something in the future.

Will the government, will this minister commit to returning to the funding formula in place before 1995: 50% of operating costs and 75% of capital costs for transit covered by the province? Will you do that?

**Hon. Mrs. Cansfield:** I thank the member for the question. Undoubtedly, he has had a wee bit of a reality check, when in fact nothing has been invested in GO Transit for many years. In fact, some folks downloaded and then uploaded it. We've made a \$1.3-billion investment in GO Transit this year. That transit funding across the province has been record investment in transit.

There is no question we need to do more, but we also had to deal with the fact that nothing had been done for many, many years. So now we are back to reinvesting in public transportation as an integral part of a transportation strategy right across this province: \$5.4 billion in roads and bridges; \$1.3 billion in GO Transit, enabling municipalities to continue to deal with their development charges. We're moving forward where you stood still.

#### INFRASTRUCTURE PROGRAM FUNDING

**Mr. David Oraziotti (Sault Ste. Marie):** My question is for the Minister of Public Infrastructure Renewal. As many of my constituents and most Ontarians know, infrastructure plays a very important role in our economy, our health, our transportation and in maintaining our high quality of life. My constituents understand how important it is to have safe drinking water and well-maintained highways and bridges. They also understand very well that a lack of leadership, vision and overall neglect in these areas can have devastating effects in Ontario.

The former Conservative government closed 28 hospitals and the NDP closed 150 schools while in office, and both previous governments had no plan to replace our decaying infrastructure.

1500

Minister, I want to commend you for your leadership in this area and ask you to elaborate on the investments the McGuinty government is making to ensure that we improve our infrastructure for all Ontarians.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I want to thank the member from Sault Ste. Marie for the question, because he is indeed correct: When we came into office in October 2003, we quickly realized that a plan was needed for critical infrastructure in this province. So we worked really hard with our stakeholders, our partners and our government ministries to develop an infrastructure investment plan that would keep Ontario competitive and maintain our high standard of living.

We developed ReNew Ontario, a five-year, \$30-billion infrastructure investment plan that acknowledges the importance of looking to the future. We're moving forward with over 100 health care projects right across this province to modernize, expand and upgrade health care facilities. As of August 2006, over 3,000 school projects are under way to repair our deteriorating schools. We're making massive investments in transit: \$1.4 billion over five years to municipal transit initiatives, and an additional \$838 million for transit in major cities in Ontario—

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

The member for Sault Ste. Marie.

**Mr. Oraziotti:** It's obvious the opposition members know they've been missing in action on this file, but I'm pleased to hear more about the infrastructure investments that are being made in transit, highways, health and schools.

Residents in Sault Ste. Marie have benefited a great deal from our government's commitment to reinvest, including 90% capital funding for our new hospital, more than \$18 million for school improvements, \$15 million for the Borealis tourism development and over \$5 million for a border infrastructure link.

Minister, I also know that many communities do not have transit and do not receive gas tax funding, yet they also require infrastructure investments for roads and bridges and to ensure they have safe, clean drinking water. What can you tell us about our plan to address the infrastructure deficits that exist in small, rural communities, which can't afford but which need new, large infrastructure investments?

**Hon. Mr. Caplan:** I couldn't agree more with the member from Sault Ste. Marie that Tories and New Democrats abandoned small-town and rural Ontario. They downloaded onto them. That's why our government has a program specifically designed to help smaller communities deal with their infrastructure investment needs.

In 2005-06 alone, to help with water and waste water projects, we invested approximately \$260 million in municipal systems. In 2006-07, a further \$127 million is planned. We've leveraged over \$1.3 billion through OSIFA financing for 130 municipalities. But along with water and waste water, my colleague the Minister of Northern Development and Mines often reminds me of the northern Ontario highway strategy, which ensures that we have safe and accessible northern communities—half a billion dollars earmarked for northern infra-



structure alone. Through COMRIF, smaller municipalities are receiving \$900 million in—

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

#### DIAGNOSTIC SERVICES

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** My question is for the Minister of Health. British Columbia, Alberta, Manitoba, Quebec, Nova Scotia and New Brunswick all give or are poised to give their patients access to PET scans. In Ontario, only a few hundred patients have access to PET scans—that is, if they meet the restrictive criteria for clinical trials which have been going on for almost five years. In London, because doctors cannot find enough people to meet these restrictive criteria for trials, they are filling the PET slots with lab animals.

I say to you today, Minister: When will you finally provide Ontarians with the time frame for completion of these clinical trials and a date when they can expect access to their PET scans?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** It's interesting that the honourable member, who in her tenure as Minister of Health was prepared to leave the people of Barrie waiting one year for an MRI, would now stand and talk about the next generation of diagnostics. It must be the reality that we've placed 78% more access to MRIs in our province that allows the honourable member to pass over what she didn't do and get on to the adoption of new technologies.

We believe that PET scans do offer an opportunity to enhance care in very specific circumstances and we're working along trials that have been adopted and adapted from other communities, including Australia and places in the United States, to ensure that PET scans are used in a fashion that offers the best clinical opportunity, considering, of course, that at \$2,500 per scan, unlimited access would be very, very impossible to meet. We'll continue to work and receive advice from clinicians who will guide us in the appropriate approach for the adoption of further access to PET scans in the context of our cancer services.

**Mrs. Witmer:** This minister continues to twist the facts. Our record is a proud one on MRI scans; we expanded it to all corners of the province. But I say to you, you continue to make excuses. These machines—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. The Minister of Economic Development and Trade will consider herself warned for the last time.

Member for Kitchener–Waterloo.

**Mrs. Witmer:** This minister has now diddled and allowed for almost five years of clinical trials on PET scans without allowing patients in this province access. Meanwhile, people go to the United States, they go to private clinics, they pay if they can afford it. The ministry sends people to the United States. Last year, your ministry paid over \$600,000. I have an e-mail here from Janet Franks of Barrie—

*Interjections.*

**The Speaker:** I need to be able to hear the member for Kitchener–Waterloo. That means that we must be quiet when she asks her question. So the next government member that I hear will be gone. Member from Kitchener–Waterloo.

**Mrs. Witmer:** Our PET machines are sitting idle while patients are forced to travel to the United States and to private clinics. Either they pay out of their pocket or, in many instances, the Ministry of Health is now paying the United States for PET scans. In fact, last year they paid over \$600,000 so that people could travel to the US, while we have machines sitting idle.

I have an e-mail here from Janet Franks of Barrie, whose oncologist requested a PET scan so it could eliminate the need for a difficult bone biopsy or provide an early diagnosis of cancer before it spreads. She has applied to the clinical trials, but guess what? She's been turned down so far because she doesn't fit the restrictive criteria. She writes to you: "I will not be waiting for the Ontario government to catch up with the rest of Canada's health care. The government encourages us to live a healthy lifestyle and promotes early detection but fails to keep its commitment."

What do you say to Mrs. Franks and others who desperately need a PET scan?

**Hon. Mr. Smitherman:** Firstly, what I say to Mrs. Franks and others, particularly reflecting the fact that the honourable member mentions someone who comes from Barrie, Ontario, is that you continue to stand in your place. That honourable member talks about diddling for five years when, for two of those years, she was the responsible party. That honourable member helped to develop the criteria that she now stands here and criticizes.

The reality for people in Ontario is that through the actions of our government, access to diagnostic services has been enhanced dramatically. She might have gone to a few announcements, she might have even gone to a ribbon-cutting or two, but the circumstances that she left behind were that MRIs were locked down tight after eight hours of service a day. Now people across the province of Ontario, through a 78% increase in access to diagnostic services like MRI, are enjoying access to a service that answers their questions. We will adopt appropriate utilization for PET scan, on the basis of the advice that is on offer to us from the very clinicians that you—

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

#### MUNICIPAL AIRPORT FUNDING

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Premier. Premier, you'll know that many municipalities across Ontario are having great difficulty to fund the costs of operating their local airports. Since 1998, you will know that things have gotten a lot worse since the province decided to eliminate much of the funding that was used to support those local airports. Communities like Moosonee, Kapuskasing,

Earlton, Wawa, Chapleau and many other communities across the north and south are struggling to keep their airports open. For many of these communities, airports are vital to their economic success.

1510

Premier, the communities of Chapleau, Manitouwadge and White River have formed a task force asking your government for financial help to keep those airports open. Are you prepared to help them financially to make sure that those airports stay open?

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

**Hon. Donna H. Cansfield (Minister of Transportation):** I thank the member for the question. Currently, this government does operate 29 remote airports; we do supply the services for 29 remote airports in northern Ontario. We do not supply the services for the municipal airports, and that is currently not within our budget. I will be meeting with the municipalities in the next while and we'll be looking at what the options are, but currently there is no provincial funding to assist those small airports.

**Mr. Bisson:** That comes as a lot of bad news because, first of all, we recognize that the province of Ontario plays a key role to maintain 29 airports across ridings like Howard Hampton's and mine in those remote communities, and we accept that, but many other communities that I've listed, Kapuskasing to Wawa to Manitouwadge, across the north and the south are having great difficulty to keep those airports open. If they're not able to keep them open, it means economic activity in those communities can come to a halt. How do you attract investment in those communities if business people are not able to get to the communities to transact what is necessary to make a local economy work?

You have to find it within your means. It's something that the province used to do in the past, and it's something that you can turn around. I ask you again, are you prepared to reverse what you've just told me now and help those communities to keep those airports open?

**Hon. Mrs. Cansfield:** The funding was actually terminated in 1997-98 for the small airports, and currently it is not within our budget provisions to support these small airports. We support 29 remote airports, which we fund 100%, which is different than any other province in this country. We undertake to do the 29 and fund them 100%. We are not in a position at this time to support the municipal airports.

#### INTERPRETER SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE

**Mr. Peter Fonseca (Mississauga East):** My question is for the Minister of Citizenship and Immigration. Minister, last week you announced the investment of \$2.1 million in language interpreter services for women who are victims of domestic violence. Can you explain how this service for newcomer women works and who is

eligible? For instance, is the service available to women in Peel region who face language barriers in dealing with domestic violence?

**Hon. Mike Colle (Minister of Citizenship and Immigration):** This is a very important service that the member from Mississauga East has pointed out, because throughout this province there are many women who don't have English as a first language and who are the innocent victims of domestic violence. Because of their language barriers, they are not able to get the services they need, whether they be legal, social or health services.

This language interpreter service that my ministry does in conjunction with the Attorney General and the Women's Directorate offers 24-hour service, seven days a week, for any woman who is a victim of domestic violence. It's available free of charge right across the province, 24/7, by expert, trained language interpreters. It is available in every community very quickly.

**The Speaker (Hon. Michael A. Brown):** Supplementary? The member for Thornhill.

**Mr. Mario G. Racco (Thornhill):** Thank you, Minister. It's great to see that you're making investments for newcomers whose first language is not English—I certainly know that and appreciate it—and who need assistance to navigate through our system.

Minister, can you please tell us more about language services for women who are victims of domestic violence? I also know of one employment pilot project that was announced last week. Could you please share with us more details about the program and how it will assist abused women in the town of Markham, in the city of Vaughan and in the region of York?

**Hon. Mr. Colle:** Again, the fastest growth of newcomer settlement is actually no longer happening in the city of Toronto. It is happening now in York region and Peel region. So non-profit agencies right across Ontario are linked to the language interpreter services.

I was so impressed last week when I went to the Barbra Schlifer Commemorative Clinic, where they demonstrated the dedication the staff have in helping women in this very critical time of trauma.

Just to remind all of the members here, if you could please let your communities know that this service is available from Kenora to Cornwall at no charge. It's confidential, by expert service providers in all our communities. Please avail them of that service.

#### NOTICE OF DISSATISFACTION

**The Speaker (Hon. Michael A. Brown):** Pursuant to standing order 37(a), the member for Renfrew-Nipissing-Pembroke has given notice of his dissatisfaction with the answer to his question given by the Minister of Energy, considering the minister's testimony to the standing committee on estimates. This matter will be debated today at 6 p.m.

Pursuant to standing order 37(a), the member for Simcoe North has given notice of his dissatisfaction with

the answer to his question given by the Minister of Community Safety and Correctional Services concerning written questions on the order paper. This matter will be debated at 6 p.m. today.

## PETITIONS

### SCHOOL FACILITIES

**Ms. Lisa MacLeod (Nepean–Carleton):** I have a petition to the Parliament of Ontario from the people in Nepean–Carleton.

“Whereas Longfields and Davidson Heights in south Nepean are some of the fastest-growing communities in Ottawa and Ontario; and

“Whereas the Ottawa–Carleton District School Board has voted to authorize the final design phases for a grade 7 to 12 school to serve the Longfields and Davidson Heights communities; and

“Whereas the government of Ontario has lifted a three-year moratorium on school closings in order to make way for new educational facilities;

“We, residents of Nepean–Carleton, petition the Parliament of Ontario to ensure that the Ottawa–Carleton District School Board continues with plans to build a new grade 7 to 12 school no later than autumn of 2008 to serve the Longfields and Davidson Heights communities.”

I support this petition wholeheartedly. I affix my signature and present it to page Mariam.

### NATIONAL CHILD BENEFIT SUPPLEMENT

**Mr. Michael Prue (Beaches–East York):** I have here a petition from the Canadian Federation of University Women from Northumberland, Ontario, and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the national child benefit supplement was created to reduce the depth of poverty across Canada for low-income families earning less than \$35,000;

“Whereas the government of Ontario claws back the supplement from families receiving income from Ontario Works or the Ontario disability support plan;

“Whereas Premier McGuinty decried the discriminatory nature of the NCBS clawback and vowed to end this practice in his first mandate;

“Whereas the government of Ontario has failed to end the clawback for those families on OW or ODSP;

“We, the undersigned from CFUW Ontario Council, petition the Legislative Assembly to end the clawback of the national child benefit supplement.”

I am in agreement and would send this down with page Simon.

## BORDER SECURITY

**Mr. Bill Mauro (Thunder Bay–Atikokan):** I have a petition from the Inter-Cultural Neighbourhood Social Services group in Mississauga on preserving cross-border travel. It reads as follows:

“Whereas the United States government, through the western hemisphere travel initiative, is proposing that US citizens will require a passport or single-purpose travel card to cross the Canada-US border; and

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

“Whereas the George Bush government proposal could mean the loss of as many as 3.5 million US visitors to Ontario, and place in peril as many as 7,000 jobs in the Ontario tourism industry by 2008, many of which are valuable entry jobs for youth and new Canadians; and

“Whereas many of the US states bordering Canada have expressed similar concerns regarding the punitive economic impact of this plan, and both states and provinces along the US-Canada border recognize that the importance of the safe and efficient movement of people across that border is vital to the economies of both countries;

“Be it therefore resolved that the Legislative Assembly of Ontario support the establishment of a bi-national group to establish an alternative to the proposed US border requirements, and inform Prime Minister Harper that his decision not to advocate on behalf of Ontarians is ill-advised and contrary to the responsibilities of elected representatives in Canada.”

I support this and will sign my name to it.

1520

### LONG-TERM CARE

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** I have a petition to the Legislative Assembly of Ontario.

“Whereas the proposed Long-Term Care Homes Act is extremely lengthy and complex and requires full and extensive parliamentary and public debate and committee hearings throughout the province; and

“Whereas the rigid ... and detailed framework proposed is excessive and will stifle innovation and flexibility in the long-term-care sector; and

“Whereas the additional burden, red tape and punitive measures imposed by the proposed legislation will aggravate and exacerbate the chronic underfunding of the sector to the detriment of residents of the homes; and

“Whereas the proposed legislation will have serious implications for the viability of the for-profit, and not-for-profit, charitable and municipal long-term-care sectors;

“Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

“We demand that the McGuinty government withdraw the proposed act, or remove the offending sections, and fulfill its commitment by a substantial increase in funding on a multi-year basis in the order of the promised \$6,000 per resident, per year.”

I’ve also signed this.

#### NATIONAL CHILD BENEFIT SUPPLEMENT

**Mr. Michael Prue (Beaches–East York):** I have another petition, this time from the Canadian Federation of University Women, Barrie and district. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the national child benefit supplement was created to reduce the depth of poverty across Canada for low-income families earning less than \$35,000;

“Whereas the government of Ontario claws back the supplement from families receiving income from Ontario Works or the Ontario disability support plan;

“Whereas Premier McGuinty decried the discriminatory nature of the NCBS clawback and vowed to end this practice in his first mandate;

“Whereas the government of Ontario has failed to end the clawback for those families on OW or ODSP;

“We, the undersigned from CFUW Ontario Council, petition the Legislative Assembly to end the clawback of the national child benefit supplement.”

I would send this down with page Philip and would sign it in agreement.

#### COMMUNITY MEDIATION

**Mr. Bruce Crozier (Essex):** Thanks to the clients of Inter-Cultural Neighbourhood Social Services in Mississauga for this petition to the Ontario Legislative Assembly with regard to support for community mediation.

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

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

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

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

greater than the small annual cost of funding community mediation;

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

I’ll send this with Sarah.

#### PEDESTRIAN WALKWAY

**Mr. Norm Miller (Parry Sound–Muskoka):** I’ve received more petitions from the people of Port Sydney to do with the Mary Lake dam. It reads:

“To the Legislative Assembly of Ontario:

“Whereas the dam at Mary Lake has historically provided a pedestrian walkway for use by the community and visitors since the dam’s construction; and

“Whereas the walkway provides a vital link and a tourist attraction for the community of Port Sydney; and

“Whereas restricting access to the walkway would result in pedestrian use of the roadway, where motor vehicle traffic poses a danger to pedestrians; and

“Whereas closure of the pedestrian walkway across the dam is inconsistent with other provincial government programs, including Ontario’s action plan for healthy eating and active living and the Trails for Life program, both of which promote active lifestyles; and

“Whereas all ministries should strive to encourage and support healthy lifestyles;

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

“That the Ministry of Natural Resources continue to permit the use of the pedestrian walkway over Mary Lake dam indefinitely.”

I support this petition.

#### FAIR ACCESS TO PROFESSIONS

**Mrs. Liz Sandals (Guelph–Wellington):** “To the Legislative Assembly of Ontario:

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

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

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

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

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

I'd like to thank the participants in the program for internationally trained veterinarians in Guelph, supported by—

**The Speaker:** Thank you. You've read the petition.

#### LAND TITLES

**Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford):** I'm very pleased to present a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas, in the current environment of an escalating problem of title theft and mortgage fraud, property protections for homeowners are warranted and real measures are necessary to address real estate fraud; and

"Whereas MPP Joe Tascona's Restore the Deed Act, Bill 136, has passed second reading in the Legislature and has been referred to the standing committee on general government; and

"Whereas, among others, the Restore the Deed Act has four primary benefits:

"—Reduce the harm by ensuring that the person who is the rightful owner of the property keeps the property. The innocent buyer or the innocent lender must seek compensation from the land titles assurance fund, as is New Brunswick law;

"—Prevent the fraud by restricting access to registration of documents to licensed real estate professionals who carry liability insurance, by requiring notification statements and the freezing of the registration, as is Saskatchewan law, and by establishing a system of 'no dealings' where landowners can mark their title, which can only be removed by them using a personal identification number prior to the property being transferred or mortgaged;

"—Access to the land titles assurance fund be reformed as a 'fund of first resort' and be operated by an arm's-length board of directors appointed by the Lieutenant Governor of Ontario, composed of a broad representation of consumer, real estate industry and law enforcement groups;

"—Victims of fraud prior to the enactment of the Restore the Deed Act will be eligible to apply for compensation under the reformed land titles assurance fund; and

"Whereas the McGuinty government's proposed legislation will not get the job done;

"We, the undersigned, petition the Legislature of Ontario to enact the measures to protect homeowners from having their homes stolen, as contained in MPP Joe Tascona's Restore the Deed Act."

I support the petition and sign it.

#### NATIONAL CHILD BENEFIT SUPPLEMENT

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** I have a petition from the Canadian Federation of University of Women which reads:

"Whereas the national child benefit supplement was created to reduce the depth of poverty across Canada for low-income families earning less than \$35,000;

"Whereas the government of Ontario claws back the supplement from families receiving income from Ontario Works or the Ontario disability support plan;

"Whereas Premier McGuinty decried the discriminatory nature of the NCBS clawback and vowed to end this practice in his first mandate;

"Whereas the government of Ontario has" to date "failed to end the clawback for those families on OW or ODSP;

"We, the undersigned from CFUW Ontario Council, petition the Legislative Assembly to end the clawback of the national child benefit supplement."

I'll share that with Daniel. It's been signed.

1530

#### LONG-TERM CARE

**Mr. Ernie Hardeman (Oxford):** I have petition signed by a great many people in Ontario. It's to the Legislative Assembly of Ontario.

"Whereas the proposed Long-Term Care Homes Act is extremely lengthy and complex and requires full and extensive parliamentary and public debate and committee hearings throughout the province; and

"Whereas the rigid, pervasive and detailed framework proposed is excessive and will stifle innovation and flexibility in the long-term-care sector; and

"Whereas the additional burden, red tape and punitive measures imposed by the proposed legislation will aggravate and exacerbate the chronic underfunding of the sector, to the detriment of residents of the homes; and

"Whereas the proposed legislation will have serious implications for the viability of the for-profit and not-for-profit, charitable and municipal long-term-care sectors;

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

"We demand that the McGuinty government withdraw the proposed act, or remove the offending sections, and fulfill its commitment by a substantial increase in funding on a multi-year basis in the order of the promised \$6,000 per resident, per year."

I affix my signature as I agree with the petition.

## NATURAL RESOURCES PROGRAM FUNDING

**Ms. Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

“Whereas the Ontario Ministry of Natural Resources plays a vital role in the protection and management of the natural resources that belong to all Ontarians; and

“Whereas MNR’s budget for 2006-07 is 24% less, in real terms, than it was in 1992-93; and

“Whereas vital programs relating to fish and wildlife, provincial parks, forestry, and other MNR activities continue to be cut back; and

“Whereas the aesthetic, economic, educational, environmental, recreational, and social value of our national resources far exceeds the cost of protecting and managing them;

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

“That funding of the Ministry of Natural Resources be increased to a level that will enable it to stop cutting existing programs and provide full funding to all existing programs as well as any new programs that may be required to ensure the effective protection and management of Ontario’s natural resources.”

I agree with the petitioners. I’ve affixed my signature to this.

## VISITOR

**The Speaker (Hon. Michael A. Brown):** I want to bring members’ attention to the west members’ gallery, where we have a former member visiting us: Wayne Wettlaufer from Kitchener Centre in the 37th Parliament.

## OPPOSITION DAY

### JUSTICE SYSTEM

**Mr. John Tory (Leader of the Opposition):** I move that, in the opinion of this House, an alarming number of murders and other violent crimes are alleged to be committed by people who were out on bail for crimes previously alleged to be committed;

That, in the opinion of this House, the government should adopt a policy to direct crown attorneys to oppose the making of all orders for bail for violent crimes;

That, in the opinion of this House, the government should seek a review of all orders granting bail for charges involving violent crimes;

That, in the opinion of this House, the issue of crimes alleged to be committed by people already out on bail is of increasing concern to the people of Ontario;

That, in the opinion of this House, the lack of statistics relating to bail orders and court proceedings prevents the public from obtaining an accurate picture of the functioning of the justice system; and

That, in the opinion of this House, the government should begin providing more detailed information about the justice system in order to ensure Ontarians have an accurate picture of whether the justice system is functioning well and in the best interests of public safety.

**The Speaker (Hon. Michael A. Brown):** Mr. Tory has moved opposition day number 4. Leader of the Opposition.

**Mr. Tory:** Thank you, Mr. Speaker. I’m going to—  
*Applause.*

**Mr. Tory:** You know there’s trouble afoot when members of the McGuinty Liberal government applaud you when you stand up. I should check my chair to see if it’s booby-trapped.

I would like to direct most of my comments today to the question of the keeping of statistics and the shedding of some light on the workings of our justice system. I’ve spoken quite a few times before in this House on the issue of the directions given to crown attorneys with respect to opposing bail applications by those who are charged with crimes involving violence or guns and with respect to the crown equally consistently asking for a review of bail orders that are granted to people like that.

I understand the fact that those bail orders are made by judges. I think what we want the people doing who are representing us in court, representing the people of Ontario, is to take a consistent position. The Premier today read me some of the provisions from the crown policy manual, which is giving direction to the crown attorneys as to what they should do. Some of that wording is moving in the right direction, but I think it is not yet firm enough in saying that in all instances where people are charged with crimes involving guns and in all instances where people in that circumstance are in fact given bail, those applications should be opposed, and when they’re given bail, it should be reviewed, or at least the crown should ask for a review, so that we can send the message on behalf of the public and on behalf of the people of Ontario. In fact, I would say that if that crown manual means anything on behalf of the government’s policy intent in putting that into the manual, that’s what we want them to do, that there are going to be—maybe not “no ifs, ands or buts,” but very few ifs, ands or buts in an extraordinary case. That’s not what we’re seeing, especially when you review some of the statistics I went over, in question period today, where you have a huge number of those charged with the murders that have taken place thus far this year in Toronto, people who were the subject of previous court orders or who were already out on bail when they were charged with the subsequent offence.

There’s a serious problem here, and to me the problem isn’t about those people—that’s a problem; the problem isn’t about their victims entirely—that’s a terrible problem and a terrible tragedy for those families; the problem is about confidence in the justice system. There is nothing more important in our society than—I’ve talked in here before about respect for the rule of law. This is tied up in the same thing. If you have disrespect for the place in which the laws are made—which can happen

when we behave in a manner here, for example, that's uncivilized—if you have disrespect for the laws that are passed by this place, regardless of the behaviour that goes on when they're being passed, or if you have a justice system that is perceived by people to be operating in a manner that is completely inconsistent with their understanding of what should be done and how matters should be dealt with—recognizing that people aren't lawyers, but they certainly do have a great degree of inherent common sense about how things should be dealt with, and that does not include people who are charged with very serious crimes walking the streets hours later, then found to be charged with another serious crime, and then found after that in many cases to be violating the conditions of their bail with seemingly no consequences.

When we have the Attorney General himself calling for tougher bail rules—and I will concede that although they did it well after us—months, almost years after we did—the Premier and the minister have recently been on-side in terms of calling for tougher bail conditions. We seem to be making some progress, thanks to the efforts and the initiative of the government of Canada, but with the support of Mr. McGuinty, Mr. Bryant and us—we were there from the beginning. So there is some progress being made. But Mr. Bryant correctly says that confidence in the justice system plummets when someone accused of a gun crime is back out on the streets the next day. If there is no confidence in the justice system, then there is no confidence in our laws, there is no confidence in the people who make the laws, and I think that is generally bad for the system we believe in so strongly.

We have Chief Faulkner in London saying, “We have seen this in other cases where individuals have multiple (instances) of failing to comply with conditions and they are still released back into the public.” He said that this was even a bigger issue than one of the particular criminal incidents that took place in his city.

We saw a huge murder bust that took place this year, where a whole bunch of people were arrested. The story in the *Toronto Star* on August 8, 2006, starts out by saying that of the 32 people charged, 21 were already under some kind of a court order before they were charged with this subsequent offence. I understand that they're innocent until proven guilty of the subsequent offence. But the fact is, they were charged with a subsequent offence when they were already the subject of a prior court order: 11 on bail, nine already banned from having a firearm, eight on probation.

When this kind of thing happens, I would argue that it dramatically undermines confidence in the justice system. We have the deputy police chief of Toronto, Tony Warr, saying that the number of people who repeatedly disrespect the law but get bail concerns him.

“‘One was on three separate firearms prohibition orders, another was on two separate orders,’ he said, looking at the statistics.

“‘They've already proven ... they don't respect the court by disrespecting their order not to possess firearms and being caught again with firearms. I think once a per-

son puts themselves in this position, the court shouldn't have any hesitation of keeping them in custody.’”

I agree with Deputy Police Chief Tony Warr. He's right about that. That's what the public thinks about this too.

What are we asking for here? We are asking for statistics to be kept and reported to the public on the number of individuals granted or denied bail. The Premier frankly tried to take this off in the direction of a red herring this afternoon when he said that what I and the Progressive Conservative Party were looking for through this motion was some kind of individual tracking system for individual judges. Not at all. I'd just like to see the aggregate numbers across the province of Ontario in all courts on the number of people granted bail and the number of people denied bail. I find it very interesting that we have no trouble keeping track and reporting, as we do every year, on the number of hours the courts operate, but we can't keep track and don't keep track of the number of instances in which bail is granted or in which bail is denied.

#### 1540

The second thing we're asking for: How about the number of people who are alleged to have committed additional crimes while out on bail? I would think that would be a good figure to know in the context of whether or not the bail system is operating properly and whether or not there really is a gross disrespect being shown, at the very least by people who are out on bail.

They tell us at the Ministry of the Attorney General that they don't keep track of that. The government says they won't keep track of that and they don't want to keep track of that, and yet we get a quarterly report each year from the Ministry of Agriculture, Food and Rural Affairs on the number of pigs that are on farms across Ontario. So we think that's an important piece of information to keep track of and report to the public, but the number of people who are alleged to have committed additional crimes while out on bail is not important.

The Ministry of the Attorney General tells us they do not keep track, and the Premier tells us he will not keep track, of the number of sureties actually collected when people violate bail. When their relatives or their friends put up the money and say they will behave themselves and show up for court, how much of that money do we actually collect when people violate their bail conditions? We don't know. They don't keep track, they won't keep track and they won't tell us, yet, they can tell us the number of calls to the “bear wise” hotline and, out of that total number of calls, the number of people who spoke to a live operator. This is information deemed vital to the public interest in the province of Ontario, and yet when our party asks, “Could we possibly keep track of the number of sureties that are actually collected on?” that information is deemed too dangerous or too hard to collect or I don't know what. We never really get an excuse other than, “We just don't do it.” And it goes on.

The last thing, but not least, we talk about in this motion is: Could we have statistics and figures on the

number of people who get these sentencing deals? I'll call them, somewhat provocatively, sweetheart sentencing deals, because some of them are. We want to know how many people get the double- and triple-time credit for the time served in custody before their sentencing. We are told that they don't track that information. They don't keep track of it, they can't keep track of it, they won't keep track of it, they're not interested, and yet we can get a report any time we want on how many eggs are laid by poultry on farms across Ontario annually. I'm sure that's a very good piece of information to know. It's important to the good people who came and fed us breakfast here in the Legislature this morning. But why is that deemed okay to report on—to collect and to make public—and the information we're asking for, in the interests of developing confidence in the justice system, is not?

I'll conclude my brief remarks so that other colleagues on all sides of the House can speak. I'll quote the Attorney General again. He said on August 24, 2006, in explaining his decision to allow cameras in certain very limited instances to be brought into the courts, "I think that our justice system is ready for its close-up." Well, I agree with him. Not only is the court system ready for a close-up, I would argue the court system needs a close-up, and it needs a close-up so that people will know what's going on, so that they can keep an eye on it. At the end of the day, these courts are the custodians of the laws we pass in this place, the laws we pass on behalf of the people. They are the custodians of the right to enforce those laws, hand out sentences and approve or not approve deals that are made.

I want to just address this one last point. It seems interesting that the Attorney General says it's okay to have some cameras in a few courts, but it's not okay to keep track of the facts of what goes on in there. I suppose that if the cameras were in there, we could sit and watch TV and add it all up, but why should we have to do that? They're adding up the eggs, they're adding up the bears, they're adding up the phone calls to the bear hotline, they're adding up the pigs and they're adding up all of these other things. There are thousands of people around government buildings adding stuff up and putting out reports they deem in the public interest, but somehow this information is not in the public interest.

I think it is high time we got on top of this and we said that we're going to open the justice system up, we're going to let some light in on this so that people can see what is going on. I think what it will do is increase confidence in the justice system. It will increase confidence. It's not going to interfere with anybody's right to make decisions.

The last point I want to make is that somehow today the Premier talked about how this was going to put a chill on judges. Let's just mention the fact that the number of people alleged to have committed a crime out on bail is a fact that is not about what judges do; it's about what people do who are out on bail. It has nothing to do with judges. The number of sureties actually collected when

people violate their bail: That has nothing to do with judges; it only has to do with what people do when they're on bail and whether we collect the amount those people put up. The number of double- or triple-time sentencing deals agreed to by the crowns: That has nothing to do with judges. I'm not after whether the judge approves the deal; I'm after whether our crown attorneys make it in the first place, and whether they should be.

The notion that the government trumps up, this whole routine that this is somehow about some chill we want to put on judges, is just hogwash. It's about confidence in the justice system. It's about openness. It's about transparency. It's time we had it. If we can have the cameras, then we can have the facts on the table. If we can collect information about bears, then we can collect information about bail. Let's get on with it. Let's do something sensible. I hope some of the members opposite recognize that this is what their constituents want us to do to make sure we can have confidence in information about the justice system.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. David Oraziotti (Sault Ste. Marie):** It's my pleasure to add, this afternoon, comments on the official opposition's motion today. It will give us an opportunity to compare and contrast with respect to our government's position on public safety and security in Ontario, because no one has a monopoly on this issue in this province. While I think that the objective is based on a premise that is committed to ensuring that Ontarians have a safe province to live in, there are a few other things that I think we should be looking at. I want to speak for a few moments about some of those things that our government has done to address this issue and make some comments on the opposition's motion today.

It's fairly straightforward in terms of looking at the lobbying effort through our Premier's efforts with respect to changing the bail system in Canada. So let's look for a moment at advocating for the reverse onus on those accused of crimes committed with a gun.

During the last federal election, the Premier wrote to the leaders of all federal parties demanding that they take action on this important public safety issue. Last week, that leadership paid off. He stood shoulder to shoulder, across jurisdictional and party lines, with Prime Minister Harper and Mayor Miller to support the reverse onus for bail when an accused is charged with a gun crime offence. I would submit that this is tremendous progress on an issue that has been plaguing not only this city but communities across Ontario where individuals are released on bail when they have committed an offence with a firearm.

We believe that when an individual uses a gun and commits a criminal offence, it should be up to the accused to convince a judge why they deserve freedom, not up to the crown to prove why they should be detained. The McGuinty government has also advocated for federal changes to strengthen bail rules for certain dangerous offenders in order to better protect the public. But, ultimately, let's look at what this means: Ultimately,



despite the best efforts of crowns to oppose bail for violent offenders, the decision to retain or release an individual on bail is made by the judge or justice of the peace at an appropriate hearing. Politicians cannot and should not be deciding who is released on bail.

The independence of the judiciary is one of the hallmarks of our justice system, and it needs to remain so. One of the fundamental principles of our justice system is that the judiciary must be free to make decisions in court without any contact or influence being asserted by outside parties, including by elected representatives. The people of Ontario are entitled to the assurance that judges will be impartial and that their decisions will be based on law, not politics. Here's what the former Attorney General, Jim Flaherty, said when in office. This is in Hansard. In June 2000, the former Attorney General, Jim Flaherty, commented in the Legislature about the process for opposing bail in responding to a question by an opposition member, Frances Lankin, Beaches—East York, with regard to the case regarding Gillian Hadley, a mother of three who was murdered by her estranged husband, who had violated bail conditions twice. Here's what the Honourable Jim Flaherty said:

“Indeed, in these circumstances, I'm told through the local crown attorney, on the second hearing that took place the crown prosecutor opposed bail being granted.” However, “those decisions, as the member opposite should know, are ... made by the presiding judge, not by the crown.” That's what Mr. Flaherty had to say when it came to this issue with regard to bail.

The reverse onus is a significant step in the right direction. I support it, our Premier supports it and we support Prime Minister Harper's initiative on this, as does Mayor Miller. But there are number of other initiatives that matter to Ontarians when it comes to addressing crime in Ontario. The investment of 1,000 new police officers has meant \$37 million every year in perpetuity to help municipalities hire those 1,000 police officers. Five hundred of these new officers will target key areas identified by the Premier, including youth crime, guns and gangs, organized crime and domestic violence; the remaining 500 will focus on community policing.

**1550**

I know that in Sault Ste. Marie this has meant eight new police officers, and in the north, 60 officers were carved out of that 1,000. They're fully funded because of some of the municipalities' challenges to participate in the program and pay for that cost. It has been tremendously positive in Sault Ste. Marie, in my community. For the first time ever, the province has stepped forward and paid the full cost for city police officers. It's historic. It's going in the right direction.

In a local news article following this, it says:

“A ‘delighted’ Mayor John Rowswell hoped the new officers translate into an increased police presence in the city's downtown and more night patrols.

“That ongoing visibility can be more effective, he said, than assigning the police service's street team as needed to problem areas.

“We just tried to make the best resources of what we had, so having eight additional officers is amazingly wonderful” news. That's what he had to say about our initiative, which is very positive.

I can add to that. The deputy police chief, Bob Kates, said, “This will give us a wonderful opportunity to put officers back on patrol to answer calls and to do general patrol work.” That's what Bob Kates, the deputy police chief in Sault Ste. Marie, had to say about this initiative, which is incredibly important to Ontarians. I would add again that this is historic.

The guns and gangs task force is another step in the right direction of combating crime that our government, the McGuinty government, is taking. The task force is made up of senior police officers and specialized crown prosecutors who work together from day one on an investigation. The crowns provide early legal advice to police, especially on search warrants and other issues arising from an investigation. They will also, where appropriate, get legal authorization for the police to conduct wiretaps. After charges are laid by police, the crowns prepare and conduct prosecutions. This is a special initiative that matters to Ontarians when it comes to combating crime in the province of Ontario.

We've also introduced—we're the first province to do this—gunshot wound reporting. We have made it mandatory by legislation that these gunshot wounds be reported by health professionals. Until our government took this step, this was not something that was mandatory. This will obviously help us move more quickly to address issues related to crime when a handgun is involved.

We've conducted blitz inspections of gun businesses to ensure gun storage and safekeeping standards are being met. This is another important step.

Through the gun amnesty program, in partnership with the Toronto Police Service, we have taken 261 guns off the streets, including a significant number of handguns, the type of weapon most often used in these types of shootings.

Community impact evidence has indicated that innovative new ways for crown prosecutors to bring community impact evidence before the courts is achieving tougher sentences in the system.

Our Attorney General is leading the discussion with the federal government, and his call for zero tolerance on gun crimes is being heard loud and clear. The federal government introduced legislation to increase mandatory minimum sentences for trafficking guns and to introduce two new offences to target gun theft. These are very important steps in addressing the issue around gun violence in the province of Ontario.

In addition, we have introduced new grow-op legislation to help local authorities identify and combat indoor marijuana grow operations. The illicit drug trade is a significant impetus that fuels the illicit firearms market. As we all know, these markets are very lucrative, and since firearms often command between two and five times their original cost, it's important that we have the

tools necessary to get at those individuals who participate in this type of criminal activity.

There are a number of other initiatives—I could go on and on—that support a healthy province, a healthy Ontario, in terms of addressing gun crime. I would say that it's worth pointing out for the record that we are taking these steps, in contrast to the past government, which cut \$181 million from the public safety ministry in 2003 and cut a further \$6 million from the Ministry of the Attorney General, and allowed on their watch a decline in police officers per capita of 8%. It's definitely a different story on this side of the Legislature, where we have made significant investments. I won't get into the NDP record on policing, other than to say that the police officers and community representatives who are the professionals and on the front lines in policing had some very negative things to say about the lack of support from the NDP.

It's important to be tough on criminals, but it's also important to be supportive of the root causes of criminal activity. I want to just reference a couple of things before I share some time with my colleagues, who I know are very anxious to speak to this motion. The community and social services ministry was gutted by the Conservative government between 1995 and 2002. The operating budget was cut by 17% and the capital budget was slashed by 57%. Between 1995 and 2002, rents increased by 24%. There were cuts for support for non-profit child care by \$66 million a year. The lowest-paid workers in Ontario saw no increase in their wages. When you continue, year after year, to ignore child development issues, to ignore education issues, to ignore the benefits of improving social programs, and you roll back social assistance and beat up on society's most vulnerable people, you help to create the conditions that allow people to gravitate to criminal activity. We need to ensure that in Ontario we are investing in the entire support network in all of these areas.

For the first time, we want to talk about the youth of our province being the future of Ontario. Here's a government on this side of the House that has created the first Ministry of Children and Youth Services, coordinated those services under the umbrella of one ministry, because we want to make a difference in the lives of the youngest and, in many cases, the most vulnerable Ontarians.

You can't take a look at this motion and chalk it up to simply saying it's a bail issue. It's a very complex issue. Our government has taken a multi-faceted approach to addressing not only the elements that occur at the end but prevention and all of these social programs that need to be addressed to support Ontarians, to reduce crime in the province.

I will not be supporting the motion.

I'd like to turn the floor over to my colleagues at this time.

**Mr. Robert W. Runciman (Leeds–Grenville):** The preceding speaker finally commented on the motion before us to say he's not supporting it. He certainly didn't

talk about more accountability in the justice system, more transparency, and that is the nub of the motion before the House today, tabled by the Leader of the Opposition, John Tory.

I think it's interesting, some of the things that the member did talk about laterally, though, about children and youth services. It's important to take a look at what's happened in that youth justice system since the Liberal government took office. I think we have about half of the young offender beds in the province empty at the moment because most young offenders are now being diverted from the court system. Some people may say that's good, but I had an example I put on the record here of a police officer telling me about a 15-year-old stealing a car. Half an hour later he was caught. The officer asked me, "What do you think the penalty for that car theft was?" This was someone known to police. I had no idea. He said "A warning letter"—a warning letter. That's the kind of approach of the current Liberal government in terms of young offenders. We're seeing increasing problems with respect to young offenders in this province.

One of first things the McGuinty government did when they took office was close down a highly successful program called Project Turnaround, a camp that had seen dramatic improvements in recidivism. That's repeat offences—recidivism—people coming back into the system. It was working extremely well, but the Liberal government shut it down, cut off the funding and closed down that approach. It may take some time to see all of the impacts of their decisions in this respect, but certainly we're seeing it in terms of empty beds. And this is all a money-saving venture.

**1600**

We talk about accountability and transparency in the justice system. I think a lot of this boils down to a basic question about the McGuinty Liberal government—a couple of questions, really—focusing on honesty and on integrity. We've heard, on a whole range of issues, opposition parties and others in the public talking about the Liberal government doing anything and saying anything to get votes. We saw it in the last election when they promised the world, and now they have broken, I think, more than 50 promises. We saw an example a week or so ago where the Attorney General appeared before the justice committee talking about the human rights legislation and promised the committee members that he would allow those hearings to go on until everyone had an opportunity to be heard. Two days later they brought in the axe, the hammer, the guillotine, whatever you want to call it, and shut off those people—after the taxpayers had paid \$100,000 plus for advertising to encourage people to appear before the committee. That is a typical approach of this government, and on the justice file it really stands out.

If you go back to 2005, which has been referred to as the summer of the gun in the city of Toronto, what was happening behind the curtains with the Liberal government was that they had retained a number of prominent people: Bill Currie, a former OPP superintendent—he

may have been a deputy commissioner at one time; I'm not sure—and George Thomson, a former deputy in justice at the federal level, who was one of the folks responsible for the implementation of the gun registry at the federal level. These folks came in and did a review in terms of how they could cut \$339 million out of the justice system in Ontario. That was the goal of the McGuinty government, to gut the justice system in the province, leading up to the summer of the gun in 2005. What was the approach of our great crime fighter, the Attorney General? He tries to portray himself as a great crime fighter. He had signed off on that. He had signed off on gutting the justice system in Ontario. His counterpart, the Minister of Community Safety, Mr. Kwinter, had signed off on that document. It had already been through some of the cabinet committee review processes. Then, of course, we had the significant gun crime during the summer of 2005.

Because we were able to access freedom of information, we found out that the Attorney General had taken the whole summer off. While all those shootings were occurring in Toronto, where was the Attorney General?

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

**Mr. Runciman:** AWOL, missing in action.

Again, this hadn't clicked in. This had not clicked in with the McGuinty government. They were still going down the path of cutting in the justice system. Then, of course, the public outcry started to grow and grow and grow, and we found out some of the things that were happening. They were going to do away with the Ontario Board of Parole. We raised it in this Legislature and they backed away from that. They were going to gut the Criminal Intelligence Service Ontario. We found out about that and raised it in here, and they backed away from that. There was a whole range of things that they were prepared to gut prior to the you-know-what hitting the fan.

Then again, it's a case of looking at the polls, reading the tea leaves and saying, "What should we do politically to deal with this? We thought we could get away with this massive gutting of the justice system, but now it's the number one issue in a lot of Ontario, certainly in the greater Toronto region, in the GTA. We have to start acting like this never happened, that we weren't planning to do this, that we're really concerned about justice issues." It hasn't been reflected in many of the actions taken by this government, and I think this is an area that, in terms of accountability in the justice system, the public wants to see addressed.

I would probably, in some respects, go a little further than our leader with respect to the reporting that is required in this area. I think there is a significant need to know what's going on in the courts. I'll get into a little bit of detail from "A Judge's Alarm," which was an editorial in the Globe and Mail yesterday that touched on some comments made by Mr. Justice Michael Moldaver of the Ontario Court of Appeal. I think he has some legitimate concerns. But I think as well that the public

has a right to know what's going on in individual courts. That's my view, not necessarily the party's view. And I think if we're looking at this, one of the problems in the court is remands—remand after remand after remand plugging the system. I think we should know where that's occurring, what courts that is occurring in.

We get into these issues, and every time you raise one of these issues—the Premier used the name of Chief Justice McMurtry today to say that this is again interference jeopardizing judicial independence. Any time you want to raise one of these issues, that's the big bogeyman: "Oh, we can't jeopardize judicial independence." We can't question what's happening in the courts in the province of Ontario because we're somehow jeopardizing the independence of the judiciary. Obviously there is a fine line here, but I think it's the sort of thing that if the government would move towards introducing legislation, we could have an opportunity in this House, through the justice committee or through a select committee, to look at these kinds of issues, to bring in representatives of the judiciary, to bring in others who perhaps have a different view of this from the legal profession, and find out where that balance should be. Right now, I think it's weighted too far on the side of protecting the judiciary—covering them up, if you will—from criticism. Or not necessarily criticism but awareness of what's happening—

**Mr. Tim Hudak (Erie–Lincoln):** To shine a light on it.

**Mr. Runciman:** To shine a light, as my colleague from Fort Erie says, on what's happening.

Certainly we know, even if you listen to Justice Moldaver, that the courts are in a mess, and it's not all a fault of the judiciary. We know Justice Moldaver talks about the defence bar and the problems that the defence bar is creating. Of course, the Globe editorial also mentions that the defence bar is up in arms over the judge's speeches. Well, I know that when I've referenced the defence bar in the past, they've been up in arms about some of my comments as well.

These people are not above criticism; they are not above scrutiny. That's the sort of thing that we have to focus on as a Legislature. Get rid of the partisan baloney that the previous speaker—he devoted all his efforts here today to partisan balderdash instead of dealing with the problems that the courts in this province are facing. We're talking about 100,000 criminal cases in the system for more than eight months. Why is that happening?

I've referenced this in the past as well when talking to a provincial judge who was a former police officer, one of the last lay people appointed to the bench. I think we need more lay people on the bench; of course, the legal profession will scalp me for saying that. But this gentleman was a former police officer, and he went into a relief position in the community of Stratford, I believe, where there was something like a three- to six-month backlog. Most of it was based on remands, and he would not put up with it. If you'd had two or three remands, you weren't going to come in with a headache or a toothache or whatever and get another remand: "You've had suffi-

cient opportunity to prepare for this case. I'm not going to excuse you; I'm not going to allow another remand. Get on with the case," and he brought down the gavel. He cleared up that backlog in about two or three weeks. That's the kind of approach that we need more of on the bench.

I want to say that I think we need this kind of information to be made available. At the end of the day, some of it may have to be retained within the Ministry of the Attorney General, but we need to know what's going on. We need to know what's going on, in my view, on an individual, court-by-court basis. Perhaps that's the kind of information that should not be made public, but I think that's the sort of thing that should be open to a very thorough discussion and review by a committee of this Legislature, with very widespread public input into those kinds of decisions.

I think there are all sorts of problems. My leader mentioned sureties not being collected. We know that's a real problem out there—and remands and bail. We talked about reverse onus as some sort of panacea. Well, if we don't have some kind of reporting mechanisms in place, how are we going to know if this is having any real impact? We won't have any clue whatsoever about what's happening.

**1610**

I had some information dropped on my desk, and I don't know where it has gone. It was just brought in in the last minute. I don't know if it went onto my colleague's desk. It was about how easy bail raises tough questions and about some of the folks who have been granted bail in Toronto. We've used this anecdotal statistic, which is based on police telling us this, of about 40% of people charged with firearms offences being granted bail. Well, we shouldn't have to rely on anecdotal statistics, and we shouldn't have to rely on saying, "Well, we've done wonderful things with respect to reverse onus, both at the federal and provincial levels, because this is going to happen." But then, at the end of the day, because we have no measuring stick available, we won't know if it has been helpful, unhelpful or neutral with respect to people. Obviously, I don't think it's going to eliminate these kinds of situations where people are committing crimes while out on bail, but, again, we don't know. We don't have the information to deal with all of these challenges.

I encourage the Liberal members to rethink their position in opposing this as sort of a knee-jerk reaction because it's brought forward by the official opposition. I think this motion makes good sense. As my colleague has suggested, it shines a light on what's happening in the justice system, and I think it will drive improvements in the justice system. So I encourage support from all parties in this place.

**Mr. Michael Prue (Beaches—East York):** This is an opposition day motion, and I am going to state at the outset that I'm going to support this motion. I'm not going to support this motion because I think it answers all the questions, but it does answer some of them.

I'd like to preface my remarks by stating, first and foremost, I am supportive in this country of our system of justice, the courts, the justices of the peace, the judges, the entire gamut from the lowliest court to the Supreme Court of Canada. In fact, when I was questioned by a student a number of years ago about our political system and about my pride in the political system, I had to inform that student that as proud as I was of the political system and of democracy as it exists in this country, I was even prouder of the system of courts that we have established, where every person can go before the court, is presumed innocent until proven guilty, where every person has an opportunity to argue his case and where justice, by and large, and almost universally, is blind, so that a person has the opportunity to go and have their day in court. I continue to believe that is the hallmark and one of the most clearly visible and wonderful parts of the system of government in this country.

I am supportive of the crown attorneys, would that there were more of them. That is a very difficult job. Everyone who has ever been inside of a courtroom knows the difficulty of a crown attorney having to balance far too many cases with far too few resources, having to broker deals, when he or she knows that the deals being made are not necessarily in the best interests of the community, just simply to get the case off the books so that they can deal with others. They have an unenviable job. If ever the federal government needs to spend more money, it is on getting more judges, more justices of the peace, more crown attorneys to adequately deal with the volume of cases before our courts.

I'm supportive, of course, of our police and all of the officers of the court who have to go forward on a daily basis to give evidence, both against and on behalf of people who are accused of crime, the police to gather the evidence to present it in an unbiased way and to try to make a case when oftentimes it is very difficult circumstances and the officers of the court, everyone from the probation and parole officers to the psychiatrist to everyone else who has to come forward and offer that evidence.

The question we have before us is one of proof for detention. In this country, as I prefaced my remarks, the preface itself is that you are presumed to be innocent until proven guilty. What is being asked here is to reverse the onus on whether or not a person is released pending trial, to presume that he or she is likely to be a danger to the public or will flee the jurisdiction—those are the two major arguments—or in fact whether or not they can be trusted to show up and not commit any crimes in the intervening period.

As I've often said in this forum before, I worked for many years in the immigration department. Certainly in the last 12 years of my employment in that department, I worked as the counsel to the Minister of Immigration. It was my job to go before the Immigration and Refugee Board and argue on behalf of the minister—in much the same way as a crown attorney would argue in court—a whole broad range of things, including bail hearings. The

onus was upon me in those circumstances to prove to the court that a person was either a danger to himself or to the public or, in the alternative, that they were likely to flee the jurisdiction. It was a difficult thing to do. Even when we knew that the person was not likely to appear or when we feared against all fear itself that the person would go out and commit additional crimes, unfortunately the way the law was structured and continues to be structured, the person would be set free. It was a very difficult time and a circumstance which I rely upon in my statements that I'm making here today.

The onus, in my view, clearly should be on the person seeking to be released whenever there is a reasonable case to be made that the person is either a danger to themselves or to the public. If there is a weapon involved, particularly if a gun or a weapon that can harm severely is involved, in my mind the onus should be reversed. I have always believed that, and I believe that today. That is why I am supporting this motion.

We have two systems of justice in this country. We have the system of justice which I am describing, which is the common law, in which a person is deemed to be innocent until proven guilty. But we only have to go a couple of hundred kilometres across the border to Quebec where they have the Napoleonic law, which is exactly the opposite. It is incumbent upon the individual to prove that they are not guilty rather than on the crown to prove that they are. The Napoleonic—

**Mr. David Zimmer (Willowdale):** The criminal law is the same.

**Mr. Prue:** The criminal law is the same, but the civil procedure under Napoleonic law is very different. My friend opposite is correct. He has found a little tiny nuance. The criminal law is identical, and of course it is, but the procedure of the courts is somewhat different, having come from two different traditions, one based in France, the other in England.

I remember a very tragic case that haunts me to this day, a very tragic case which I dealt with before the Immigration Appeal Board, or the Immigration and Refugee Board, as it later became. That was a gentleman who was convicted of many crimes and almost all of his crimes involved violence. They involved robbery, assault, assault with weapons, gun-related crimes, possession of illegal firearms. He was, in the course of events, ordered deported. He had the right of appeal to the Immigration and Refugee Board. He came before the board. I was successful in arguing to that board that his appeal ought to be dismissed. I was also successful on that day in arguing that he ought not to be allowed on bail during the course of the hearing nor should he be allowed on bail pending any subsequent appeal to the federal court of Canada. The board determined that he should be detained, and in fact he was detained. But unfortunately in the justice system and in the system of the immigration department, because it takes a long time sometimes to effect deportations, and he was not very cooperative nor was his family in obtaining a passport, a few months later he was released by an adjudicator. He

was out on the street for about a week when he murdered a young police constable of the city of Toronto.

I never met Todd Baylis, who was that police officer. But when I am in the west end of the city, when I am by Black Creek Drive, when I do go by the police station, there is a street there named in honour of Todd Baylis. I have stopped there on a number of occasions to think about the waste of that young man's life, who was performing a duty for the citizens of this city and of this country, whose life was wasted by a gentleman who ought not ever to have been granted bail, given the circumstances of who and what he was and what he was doing: the fact that he was facing deportation, the fact that he was enamoured of guns, the fact that every crime he committed was with a gun, and ultimately this is what happened. Had the law been clearer, had the law been tougher, had the law seen that the onus was upon him, not upon the crown and not upon the case presenting officer, whoever it was, who argued that he had to remain in custody long after I had finished with him, I am sure that Todd Baylis would be alive today, and I am sure that the system of justice would not have suffered in any way whatsoever.

**1620**

I look to the direction given to crown attorneys and what the Premier answered today about this very weighty issue when he informed this House that in fact the crown attorneys have already been told to oppose bail. But I think what this is asking for is somewhat more and somewhat more important, and that is to reverse the onus. The government says it's already been done, but I have to question that. I have to question, when the Prime Minister of this country, a man—I'll be very blunt; I did not vote for him or his party—who, when he referred a few weeks ago to a very tragic case as well—I'm not going to get into the case, but he referred to the case of Ahmed Moalin-Mohamed and questioned how a man with so many convictions and so many outstanding charges could be released by a justice of the peace. I'm not going to state what the crime is or whether or not he's guilty, but it begs the question—and the Prime Minister, of course, was right in this—how could he have been released by a justice of the peace to move to Toronto and to stay with his mother?

I can only answer that question by looking at the statistics of what justices of the peace do in this province of Ontario. In the last year for which we have statistics, 2003-04, there were 59 complaints laid against justices of the peace on bail procedures, complaints about releasing people who ought not to have been released. They had 39 complaints outstanding from the previous year, for a total of 98 complaints. In that year, 2003-04, the Justices of the Peace Review Council reviewed one case, one case out of 98. And in that one case, they found that the justice of the peace, of course, was absolutely correct in what he had done. But I have to question, if this is in fact what is happening, if the number of people who are being released and the questions about those releases result in only one investigation by the review council of the

justices of the peace, are we doing the proper job by and for the people of this province?

The motion today talks about tracking documents. The motion today says that we need statistics. I am never afraid of statistics. Mark Twain once said that there are lies and damned lies, and then there are statistics, but I will tell you that I don't necessarily hold to all of that. I think that if we have something that needs to be proven, if we have a scientific approach to the obtaining of the statistics, then we will be able to better judge where we are going and why we are going there. The Attorney General already documents and has statistics. Unfortunately, we are not in a position to obtain them. Unfortunately, to obtain many of the facts and figures that we need to properly judge what is happening in these circumstances, we have to go for freedom of information; we have to lay down a lot of money, we have to go through a lot of work if we're in opposition to try to find this.

We need these statistics and we need them to be released. If there is nothing to hide, then it's very, very simple to say, "We have had 1,000 bail hearings, we have had 500 granted bail and 500 not. These are the circumstances where they were granted; these are the ones where they're not." I'm not asking for individual judges, even though I believe the judges ought not to be afraid of their decision-making. Certainly, when I worked in the immigration department, before I was counsel to the minister and held deportation hearings, they kept statistics on the number of cases that I released, and they kept statistics on the number that I let into the country and the number that I deported. It never seemed to cause any grief to me or to the people who worked with me. We did our job. We were not ashamed of what we did, nor should the judges be as well.

I'm going to go on. We need to look, though, at what is not contained in this motion, because I am somewhat troubled by it. I'm going to support it because in two areas it goes in the right direction: in reversing the onus and in getting the necessary statistics. But crime is a very complex matter, and there is a lot more that needs to be looked at. I would be remiss if I did not talk about what is not in here but needs to be in here.

I listened to the member from Sault Ste. Marie. Although oftentimes I have a hard time following his train of thought because it is biased—I don't know how else to put it; it's very partisan; he's always taking shots at what other people did 50 or 100 years ago—in the end he did say something which was true: that crime is a complex subject and that we need to look not only at what is being recommended here today but at what else is needed.

I think we need better community policing. I know that in the last election the government promised 1,000 new police officers. I know that only a portion of those have been delivered. I know, and we all know, that the municipalities do not have the pecuniary resources to pay the 50% or whatever they are required to pay to hire those new police officers.

We need to look at the whole issue of where these guns come from in the first place. It is trite to say that they cross the border from the United States, that they are smuggled in on boats or in the back of cars or in trunks or on people's bodies, that they are brought into this country. We need to know where those guns are coming from and we need to stop the importation, legal or illegal, of handguns.

As a society, we made a decision a long time ago that we do not, like the Americans, have the right to bear arms, nor do people in this country believe that ordinary citizens should be armed. I know that there are people who hunt. As a Canadian, I acknowledge that that is there, that they have rifles, that they go out and have a sport of hunting. But I cannot for the life of me imagine any use for handguns. I know there are some people who shoot targets with them, but apart from that, a handgun serves no hunting purpose and, apart from target practice, is used for only one thing. I think the government should make the strongest possible case to put people who have these guns illegally in jail.

There's been no talk today about youth at risk. We have youth at risk in this country for a wide variety of reasons. Primarily, the youth who are at risk live in poverty. Many times they are people of colour. Many times they are recent immigrants. But one thing is sure, that they have lost faith in the system, and that to go out and to be in a gang and to have a gun and to do this kind of stuff is often the only thing they think they have left in their lives.

We in the NDP believe there are three pillars, not just the one that's being debated here today, but three pillars you need to do. The first one we're debating, the punishment and the deterrence. We need to make sure that people who are convicted of these crimes are punished. They need to be punished. They need to be sent to jail. They need to be deterred from this crime. I would be remiss, having worked for immigration for 20 years, not to say that if they are not Canadian citizens and they commit these violent acts, they ought to be removed from the country as well.

We need, as a second pillar, to enhance enforcement with proper resources so that there are enough police officers and peace officers of all descriptions to make sure that people are dissuaded from breaking the law.

Thirdly, we need to look at crime prevention. We need to go into our communities with programs for our youth, we need to have resources and job opportunities, we need to have education, so they don't get into crimes in the first place.

I'd like to conclude with some other suggestions which are not contained in the body of the motion but which need to be dealt with and need to be spoken about in any issue about crime. I think the Prime Minister is right: We need to arm our border officers. I worked, as I said, in immigration for many years. Officers working at border points, particularly those who are alone after midnight, would often encounter a great many difficulties with criminal elements coming in from the United States

at those points. Certainly, they need to be adequately armed and trained, and what's even better is to make sure they are not alone.

### 1630

Number two, we need to increase the mandatory minimum sentences when people are found to have used a gun in the commission of a felony. There should be an automatic minimum sentence that is tagged on to any crime involving guns. We need to make sure that under the criminal justice system, youths who are 16 years of age or older are tried as adults when they are in possession of, and use, guns in the commission of a crime. Having a gun stuck in your face in a holdup inside a variety store is one of the most traumatic experiences any person could possibly experience or encounter in their lifetime, and it makes little difference whether that person is 16, 17, 18 or 55 years of age. If a gun is put into your face and someone has the wherewithal to pull that trigger, they need to be charged as an adult.

We need to enhance our witness protection programs so that people are not afraid to come forward and testify against gangs and youths and people with guns, and people who are bent on violence. Our witness protection program, in spite of the Hollywood programs you might see in the United States and on CSI, are woefully inadequate in this country. There is very little protection for people in the witness protection program, and oftentimes witnesses are intimidated not to come forward.

We need to stop illegal weapons sales on the Internet, which are growing exponentially, and we need to have police officers going on to the Net and doing the same kind of good job they are doing to stop child pornography. If that means going out and buying guns and infiltrating and that kind of stuff, that needs to be done as well.

We need to ensure that the proceeds of crime go back to the community. This is very important. This was recommended by the Association of Municipalities of Ontario, and is absolutely important if communities are to buy into this. If the proceeds of crime go back to the communities, which, after all, pay for the policing in the majority of cases, then there will be a much bigger buy-in in the community.

We need to integrate the task forces of our police so that they work together co-operatively and so there are not jurisdictions that you might find in the city of Toronto with the Toronto police, the OPP, the RCMP and a whole plethora of other groups of police or public agencies that enforce various laws—everything from customs to immigration and so on. We need to make sure all that is integrated.

Last but not least, we need to keep our youth out of criminal activities; we need to make sure they have a future. As the member from Sault Ste. Marie said—I don't think quite that eloquently, although I do give him credit for having said it—you cannot expect a whole group of people who grow up in poverty and despair to have any other dream in some cases than to go out onto the streets. We have to snap that; we have to stop that. If

that means stopping the clawback, then stop the clawback. If that means giving adequate resources so that you are not living in poverty, so that you are not the child of somebody on ODSP or welfare who has to go to food banks, then do that. I will tell you again, as a boy from Regent Park, that there is nothing quite as bad—being poor is not that bad—as growing up and seeing affluence all around you of which you are not a part. That is really what motivates people to crimes. You need to stop that.

In conclusion, I am asking the members opposite who have already indicated their unwillingness to support this measure to reconsider. It is but a very small and partial measure, but if the onus is reversed and it is more difficult, even by a smidgen, for people to be denied bail, to stay in jail when they have been found in possession of illegal firearms, when they have used guns in the commission of violent acts or in criminal activity, then make it more difficult for them to get out on bail. If you need more statistics, if the statistics are needed to show that the justice system is working, then have those statistics generally available to all the people of the province.

As a person who reads the newspapers every day, and I am sure all of the people in this room do, if you read them, you would think that the incidence of violent crime is increasing, and yet we know from statistics, and we go back to them again, that in fact that may not be the case. The number of murders has declined in Toronto after having spiked for one year. The number of other violent crimes has gone down. The number of robberies has decreased. Yet people are fearful. They are fearful because they see these high-profile cases of people on bail committing other crimes and being released again. We need to stop that fear. They are fearful because they do not know the statistics of what is actually happening in the courtroom. They are fearful because they know the justice system takes too long and that criminals or purported criminals or alleged criminals are allowed to walk free because a year or two or three years may go by before the case actually comes to trial.

We all need to work harder. We need to assuage those fears. We need to make people know they are safe. We need to do what is incumbent upon us: that every person is in fact safe.

So I commend the leader of the official opposition for bringing forward this motion. I will be supporting the motion. In the end, I ask all of us not only to do what is being asked here today but also to turn our attention to the root causes of crime and what needs to be done, and to do it.

**Mr. Bas Balkissoon (Scarborough–Rouge River):** I am pleased to join in the debate and add a few comments to the motion by the opposition.

The motion seems to indicate that the general interest here is to collect statistics, but let me tell you that from the 17 years I spent in municipal politics, I always read motions very carefully and look for the hitch clause, because there is always a hook that will get you and that has a hidden agenda to it.

Let me read you one of the clauses of this motion. It says, "That, in the opinion of this House, the government

should seek a review of all orders granting bail for charges involving violent crimes.” The mover of the motion seemed to indicate that he was not interested in doing any review of the justice system in terms of judging what the judges are doing in court etc. The last speaker spoke about statistics as being important. But, you know, statistics can be used in many ways, and that hitch clause, as I call it, is what scares the daylight out of me, because those statistics can be used for other reasons that maybe this government does not realize at the time we are debating this. Statistics are fine, but I have to ask, what are these statistics going to do to improve safety in my community, to improve crime in the city and crime in the province? I have to say to you that I’m not convinced statistics will do it all on their own.

The previous speaker talked about three pillars, and I have to agree with him on those three pillars, but I would add one more. There is a pillar missing that he did not mention. To me, especially when young people are incarcerated, the system has failed to deal with them while they are incarcerated to prepare them to re-enter society, to prepare them so that when they come back out, they can find a job and be someone who makes a contribution to society. That’s the other pillar that we should all be thinking about, where we are going in dealing with crime in our communities.

This government agrees that we should be tough on crime, but at the same time, you have to understand that you must invest in the root causes of crime. I believe the McGuinty government has really focused on that, and I want to share with the members who are here today some of those initiatives. I can relate to them because some of them are actually working in my riding today, and I have to tell you that the comments from the community are very positive.

Student success: The McGuinty government is continuing to invest in student success programs to reduce the dropout rate and to create new opportunities for all students. The bill that is in front of us, learning to age 18, is a big move in the direction to make sure students succeed, to make sure that students come out of our educational system and make a contribution to society. That’s a very important bill of this government, and we’re looking forward to that.

**1640**

I can tell you that the young people in my community are very proud to say that they would love to see that bill in place and all the counsellors put back into the institutions where they go to school, so that they can get the help that they need when they fall into trouble, they can get the help that they need in school that they can’t get at home because they are from working families. Mom and dad are not home to help them. Mom and dad are not there to see that they get their homework done. That’s the kind of thing that people in my riding are saying they need from us, and we are responding to that.

We are investing more into the attention that is being paid in classrooms. We’ve invested in 1,900 new high

school teachers over three years—800 teachers dedicated to student success. That’s what we need. We need to make sure that young people have opportunity so that they don’t turn to crime or can be influenced by someone to turn to crime. That’s what we have to change and then we will not have to deal with statistics of crime.

This government has also invested in lowering class sizes. You hear about that from our government a lot. We need to go out and speak to the teachers who now have classes of 20 or less. They will tell you that it is a real pleasure to teach in those classes because they can see the students responding to them. There is a more personal relationship because of that smaller class. That is a huge success story of this government instead of worrying about the crime. We need to invest in our young people and we need to invest in the root causes of crime.

The government has realized that young people are very important to us. Young people are our future. We decided that we were going to create a Ministry of Children and Youth Services completely dedicated to young people. That ministry has been very active in doing things that deal with young people to make sure that, in the future, we will not be dealing with the crime problems we’ve had of the years gone by.

I will say to you, as a member of municipal government in years gone by, that the downloading created by previous governments really affected our communities. I used to be a soccer coach. I coached soccer for 16 years. I coached young people. A lot of the young boys I coached came out of housing developments where the parents didn’t have a chance. I can tell you that when I was coaching I would coach my boys year-round. The school system was free. I could take the kids into the school gym and coach them in the winter months; they could play outdoors in the summer months. Then the government came along and downloaded onto municipalities. I couldn’t afford the fees for the gym, so I stopped coaching. Now who lost? The young people lost because I no longer made myself available to them. And I enjoyed it; I did it for 16, 17 years.

This government has reinvested in some of the schools. We’re reopening those schools and making them available to the community. The community is bringing back programs for young people in those schools so our young people are not on the streets, they’re not throwing rocks at their neighbour’s homes and they’re not committing crimes. We need to do those things and we need to do it more.

The ministry has also invested in child care. They’ve invested in 25,000 new child care spaces. The opposition party that moved this motion can help our government. We’ve announced a Best Start program and the federal government has not come to the table to be part of it. The previous government did; they signed an agreement with us. This new government has torn up that agreement. We’re asking our friends in the opposition party, “Pick up the phone. Call your friends in Ottawa. Tell them what we need. Tell them we need to invest in young people. Tell them we need to invest in day care so that young moms and dads can go to work, build a strong



family and build a future for their family.” Those are the kinds of things we need to do and do more of.

This government also implemented three increases to the minimum wage. What does that do for poor folks? It really gives them a chance in life to improve their income, to improve their status in the community and to improve their financial status. We would love to do more. We will, as we move forward. But I can say to you that the community that I represent is very proud of what this government is doing to try to help them out.

I just want to turn these comments also to some of the things that are causing a problem in my community today. We need to do more on that file. Years ago, the first marijuana grow operation that I ever discovered in my riding—we discovered it because two gangs were shooting at each other, and there were actually two fatalities on the front lawn of that particular house. A gun was involved. The Premier and the Prime Minister and the mayor of Toronto just stood together talking tough on gun crime. I’m really happy that we finally got three levels of government actually agreeing that they’re going to bring in legislation that gun crimes will actually see sentences that are much, much tougher.

But I would like to appeal to the federal government also. I’ve seen in my particular riding operators of grow-ops get caught, and they’re back out on the street in a couple of weeks. We need to be tough at the federal level to change the Criminal Code so that those people who are caught in marijuana grow operations are put away for longer times. To be honest with you, every marijuana grow operation carries with it people who are involved in crime, and anybody who is involved in marijuana grow operations, the majority of times, is carrying a gun. So we need to put the guns together with the marijuana grow operations, and we need to appeal to our friends at the federal level. Again, I say that my colleagues in the opposition party, who are closer to the government in Ottawa, can make that phone call and help us out. We need to be tough on gun crime, but we also need to be tough on the marijuana grow operations that are becoming a blight to our community, to be honest with you.

This government has introduced legislation that makes it easier for our emergency workers to deal with the marijuana grow operations. They have received legislation; we’re helping them to get into a safer environment where marijuana is grown. But we need more, and that more has to come from the federal level. I would urge my colleagues over on the opposition side to do something for us by speaking to their friends in Ottawa, who can really help us. If they could just pick up the phone and make that one phone call, it would really be beneficial to all of us.

I will close by saying that I don’t think the opposition really understands our community. I don’t think they understand the word on the street, and the word on the street is that this government is tough on crime but we’re also investing in the root causes of crime, and we need to do more of that.

I will be voting against this particular motion.

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** It is clear to me that while we’ve heard a lot in recent weeks regarding crime committed by those on bail—on easy bail, as we just heard from the member from Leeds–Grenville—it really is high time for this government to back up some of those sentiments with some action.

Catch and release is taking a toll on our society. While this government continues to turn a blind eye, it is the people of Ontario, really, who are forced to bear the brunt. Many of us saw Mr. McGuinty before the cameras with our Prime Minister for a federal announcement regarding bail conditions. I applaud the movement on this file from our federal counterparts. I wonder when it will be time for this government and for this Premier to show some leadership and to address the current catch-and-release justice system, the status quo system, with, at minimum, somewhat of a made-in-Ontario direction. Clearly, Ottawa recently has taken additional action, and it is time for this Ontario government to follow suit. Quite frankly, given the track record, I’m really not holding out much hope with this current regime.

**1650**

In December 2004, we proposed to Premier McGuinty that he convene a summit where elected representatives from all parties would work together to find some better solutions, and we’re still waiting for that summit to be convened. Who knows? Maybe last week’s photo op will pave the way for some movement from this Premier, but again, I’m not holding my breath.

More recently, our PC caucus tabled an amendment to Bill 14. This would have required the Attorney General to report annually on the number of bail violations and the number of sureties collected as a result of bail violations. Now, this is predictable. The McGuinty Liberals voted that amendment down on October 5, 2006. None of this really is surprising, however.

I ask those assembled to consider the mess that this government has allowed to continue in my riding during the ongoing occupation of Caledonia, where many in that area and across Ontario, indeed across the Dominion of Canada, have questioned the lack of action of this Ontario government to restore the rule of law.

This summer, I travelled briefly south of Buffalo. I was intrigued with news south of the border regarding a fellow named Ralph “Bucky” Phillips. He was then a fugitive. He was on the run for attempted murder of a New York state trooper. My wife and I were in the town of Randolph, New York. We personally observed dozens of the hundreds of New York state troopers involved in this manhunt. I brought back one of the “Wanted” posters.

In contrast, in Caledonia, in the Six Nations area, we also have a man at large. This is a very serious charge. It’s an outstanding arrest warrant, in this case, for the attempted murder of a police officer. I’ve seen no “Wanted” posters. I see no evidence of a massive manhunt.

Far from being an abstraction, the rule of law is truly central not only to our political system but to our

economic system, and in order for any society to achieve peace and stability, there must be a deeply rooted and widely accepted decision-making apparatus based on the rule of law, and, specifically to the motion we're debating this afternoon, including tough conditions on bail.

We now have a government in Ontario that has found a way to tacitly signal its willingness to tolerate suspensions of the rule of law. On June 12, Premier McGuinty set two conditions for continuing land negotiations at Caledonia Six Nations. The very next day, he reversed his stand on both conditions. Despite his threat to halt the negotiations until suspects were handed over—and I made reference to this outstanding warrant for the attempted murder of a police officer in Caledonia—Premier McGuinty caved and restarted negotiations and, by so doing, lost credibility and showed he was willing to accept the blatant refusal to comply with the rule of law.

As for me, I personally believe that abdicating the rule of law does not help anyone's cause in the long run. This abdication by the Ontario Liberals does not help the native cause, for example, in the Caledonia area. While ignoring his own conditions, the Premier has tacitly disregarded the attempted murder of a police officer, given away land—I think of the Burtch example—before commencing negotiations, and undermined our community's and our province's faith in a proud police force.

You'll forgive me, Speaker, if I don't have much faith in this government to embark on concrete action, to embark on a process to get tough on crime and to crack down on bail violators. That's why I thought it was important to speak on our opposition motion today and to remind members opposite of their responsibility to community safety, to help kick-start them into action to ensure the very safety of our residents in this great province of Ontario.

I join my caucus members in calling for this government to do a number of things: First, ensure that crown attorneys oppose bail for all violent crimes; second, seek a review of all bail granted in charges involving violent crimes; and third, make the justice system more transparent and accountable by starting to collect and make public statistics on bail orders and other court proceedings, something the McGuinty Liberals to date have refused to do.

**Mr. Lorenzo Berardinetti (Scarborough Southwest):**

I'm pleased to have a few minutes here to speak to this opposition day motion. For those who are watching us on television, they may wonder what are we debating. Basically, a motion has been put forward by the opposition that calls upon the government to "adopt a policy to direct crown attorneys to oppose the making of all orders for bail for violent crimes;

"That ... the government should seek a review of all orders granting bail for charges involving violent crimes;

"That ... the issue of crimes alleged to be committed by people already out on bail is of increasing concern to the people of Ontario;

"That" there's a "a lack of statistics relating to bail orders....; and

"That ... the government should begin providing more detailed information on the justice system in order to ensure Ontarians have an accurate picture of whether the justice system is functioning well and in the best interests of public safety."

Let me start off by saying that the two key words in response to this motion are "reverse onus." We know that when it comes to bail and the seeking of bail, especially when it comes to violent crimes and things of this matter, the onus shifts to the accused to prove why they should be released. Unlike a regular court trial where the prosecution must prove their case, in a bail matter the person seeking bail has to prove their case. The onus is shifted, and that's why it's called a reverse onus. I know that our government has been very, very strong in supporting this particular position. We have continued to support the crown policy, which states clearly that on any gun violence, crown counsel are instructed to seek detention orders in all cases involving firearm-related offences, absent exceptional circumstances, and to always consider requesting a bail review if a detention order is denied. So even if the crown is not successful in preventing the bail, they can go a further step and request a bail review. Protection of the public is seen as the crown counsel's paramount consideration, and that's clear.

Another very important point to realize is that our court system is open to members of the public. I've had the opportunity, both as a lawyer and as a member of the public, to open the door when court is in session and sit down—I did this even before I became a lawyer, when I was thinking of becoming a lawyer—and watch a court case or a bail proceeding. You can see quite clearly that the proceedings are open. They're not closed or hidden; they're open and available for all to see. There is nothing we're hiding here. We have a policy in place that makes it quite clear that the accused in a gun crime has to show why they should be released from detention. This policy and practice has been in place for a while, and our government is strongly supportive of keeping it that way. In fact, we also want to ensure that if an accused is able to get bail, the crown should seek bail review. The decision to seek bail review is an independent decision made by the crown. Basically, the crown would work with the local crown attorney and decide whether or not to look at a further review of the decision on the bail release.

**1700**

Other speakers from our government have spoken on various different issues, but I think it's really important to focus, to bring home the point that we strongly support the provisions in the Criminal Code that clearly state that it's the onus of the person who's trying to get out, who's been arrested or detained. If that person wants to get out, they have to prove and they have to give the reason why they should be allowed to be out. Even when that happens, the crown attorney, the government lawyer, can then try to seek a bail review, a review of that decision that the judge may have made, if that person gets out.

We don't want to see violent offenders out there, people who have got guns out there, and people who could potentially go out on bail and offend while they're

out on bail, committing offences. It's been pretty clear, in the three years that our government has been in power, that we've brought in a number of measures to ensure that we continue to be tough on crime. Those things go all the way back to the mandatory reporting of gunshot wounds, which was something new when our province brought it in. When someone gets shot and ends up in a hospital, the doctors or the people at the hospital have to report that to the police and to the authorities. Up to now, until that law was brought into place, a person could get shot, go to a hospital, get fixed up, and then just go back out on their merry way. Instead, we brought in a law which says, "You know what? If you come in with a gunshot wound—it may be accidental; it may be that you were on a hunting trip or something. But just in case you were involved in a gun crime or were part of a gun crime, that's got to be reported to the government authorities, to the police, to be looked at." That's one key step that we took, along with many other steps that I'm not going to repeat because they were mentioned by other people who have spoken here today.

Another important point that I want to make is that judges make the decisions on who gets bail, not the politicians. If we were to sit here today and say, "You know what? This person should get bail and that person should not get bail," then we're basically corrupting the separation, in my view, of the judiciary from the legislative. The basic principle of our government and our system is that the legislative stays separate from the judiciary. Judges and the judiciary should be free from tampering from a government. That's why we have in place certain laws that say even the Attorney General and members of this House cannot speak to certain matters that are before the courts, because we may influence those matters that are before the courts, and we want to make sure that people get a fair trial.

This motion today could end up becoming a slippery slope of telling crown attorneys and judges what to do. That becomes a fundamental problem, because once you start doing that, you begin to influence and to break that barrier between the legislative and the judiciary. Our parliamentary system and our democratic system here in Canada and in Ontario is built on that, and you want to make that clear with the provisions that are in the Criminal Code and with what we're planning to do.

Look at what happened yesterday in the federal government, when the federal Tories decided to call Quebec a nation. People are asking today, what does that mean? What is that? Is Quebec separate now? Is it its own country? Is it a nation? What is that? Should the natives in this country also be a nation? In the same sense, maybe the Ukrainian community or other communities that immigrated to Canada should also be nations. Maybe Ontario should be a nation. Maybe the west should be a nation. Again, if we bring forward and support a motion like this one where we begin to be, in my view, ambiguous and somewhat—

*Interjection.*

**Mr. Berardinetti:** The motion is a Conservative motion, and I'm saying that it could be ambiguous. What

it does is provide the opportunity for some people to interpret it as being something other than what it's meant to be. Why do you want to muck up the system and start saying something in the motion and to the judiciary that's not needed to be said? We're doing our things through our legislation, through various bills we've brought forward, to be tough on crime. Everyone heard last week of the Prime Minister, the Premier and the mayor getting together, getting tough on gun crimes. Their message is clear, and that's the way they should operate. So I find problems with this motion and I really think it's a slippery slope, just like calling Quebec a nation is.

**Mr. Yakabuski:** I'm pleased to speak on our leader John Tory's opposition day motion today with regard to bail and the way it is handled here in Ontario, and the alarm that people have when they read a news story such as the one I'm going to be talking about here, which has some corrections here:

"Suspects in the slayings of Shao-Feng Liang, 38, Yasmin Ashareh, 20, and Seema Badhan, 19, were under court orders at the time of the deaths. Information under a photograph of the women in Tuesday's paper described the suspects' status incorrectly. The Star regrets the error.

"Eleven were out on bail.

"Nine were banned from having a firearm.

"Eight were on probation.

"Of the 32 people charged in a Toronto murder this year, 21 were under a court order, some multiple orders." We can come back to that a little later.

When people read about these cases, or another one where youths charged with beating a man into a coma were out on the street the very next day—eyewitnesses, tape, video, the whole bit—when reasonable people in the province of Ontario read stories like that, they ask themselves, "How does that possibly happen?" You see, they're not lawyers. They're not constitutional experts. They have no way of ciphering out the complexity of laws and legal matters, but they ask themselves, from a human, common sense perspective, "How can people be out on the streets, in many cases the day of, sometimes the day after, committing a violent crime, many of them where guns or weapons of another nature were involved?"

Our leader, John Tory, in bringing this motion with regard to bail, is not snatching that out of the air somewhere or bringing this out of a vacuum. We're responding to what people are saying is a real problem in our system. They want to know why violent offenders like that are simply let out onto the street. We've got statistics here as well—not statistics; anecdotal evidence, mostly from police officers and such, where they have informed us that in so many cases, a person who commits a crime was the very person who had been granted bail just days, weeks or whatever before. Also, people were on a crime case here in London, I believe it was, where a guy disappeared while he was out on bail and now they're out looking for him. It was a crime of murder, or a charge of murder, not convicted as of yet.

People are asking themselves, how does this happen? So what we're asking the government is that we need

some more information on this. Do you know what? They don't even keep statistics. They can't even tell us how many people get bail, how many people don't get bail, because it's not important enough to them to keep those kinds of statistics. Well, you would think that it would matter, but as my leader said, it's more important for them to keep track of how many people call the 1-800 number to talk to a bear. Actually, they don't talk to a bear; they talk to the "bear wise" hotline. But they might as well be talking to a bear.

1710

**Mr. Peter Kormos (Niagara Centre):** What kind of bear?

**Mr. Yakabuski:** A black bear. They've got all those statistics—bears over bail. This is the priority listing of the government of Ontario: bears over bail. Actually, it's just the bear telephone over bail. This is why our leader is saying, "How do you know how well a system is working, or not working, if you don't even track the statistics?" That's a fair question. If you don't keep track of the data and actually know what you're doing and what is happening, how can you fairly analyze and evaluate whether or not a system is being operated successfully or unsuccessfully?

I listened to the member from Scarborough–Rouge River talking earlier about all the things this government is doing to deal with social issues that, from his perspective, are the reasons people fall into maybe not a life, but a lifestyle, of crime. It's an easy argument to make, because it's always easy to put the blame on some other situation or whatever. I know that's always one they fall back on and say, "If only the world was perfect." If the world was perfect, we couldn't have any crime. But the fact is we don't live in a perfect world and we do have crime, and we have to have a proper way of dealing with it.

So when people do commit crimes, we have to have a system that ensures that the public is protected. And when bail is treated as willy-nilly as it seems to be under this government, then is the public safety being given top priority? Good question, I think. When you read these stories in the newspaper about people on bail who were before the courts just days before, people have a very genuine reason to be concerned: "Second Gang-Related Release on Bail Sparks Concern; Police and Crown Cite Fears for Public Safety; Judge Defends Role as Protector of Civil Liberties." We're concerned about the civil liberties of someone who has been charged with a serious, violent crime, but we're not concerned about the public safety of people who are innocent. They have not committed any crime, nor have they been charged with any crime.

Now, I know we live in a system where we have the presumption of innocence, and thank goodness we do. But at the same time, when somebody has been a multiple offender, they've been before the courts more than once, the evidence is very strong—they may even have eye-witness accounts; they may even have video tape accounts—I think a reasonable person has to ask

themselves, "Are we protecting the public if we're allowing that kind of offender to simply go free, based on the system we've got?"

There are all kinds of concerns about surety and whether we're even collecting that for people who have skipped bail. We aren't even able to track whether we've got that money. So not only do we let them go; the person who has given surety doesn't have to pay the bail amount.

I guess what it comes down to is confidence in and perception of the system we have. The public's perception is extremely important. If they don't believe that we're operating in a criminal system that protects the public and places their safety at the top of the priority list, then their confidence leads to all kinds of changes in society. If you don't feel that you live in a system where the public is properly protected, do you conduct yourself in the same sure way and do you carry on your normal activities with the kind of confidence and freedom that you can walk your streets in any town, village or city in this province and be safe? Well, no, you don't. It changes the way you feel about it. It changes where you go. It changes the hours of the day that you may conduct certain activities or even go out for a walk, because you lose confidence that the neighbourhood you live in, the neighbourhood you frequent or the business portion of a particular community—that your safety is actually, for the most part, assured. I don't want to be naive, because nowhere but in a perfect world can you be absolutely certain of just about anything, but when you see this kind of stuff going on, that reduces your confidence that you live in a safe environment.

I think it is very important. If you're going to have a successful society and a successful economy so that people can put all of their efforts into a positive force, you have to have that confidence that you can walk safely. When you have a bail system that is clearly not working, I think that has to come into question.

**Mr. Kormos:** I want to be very clear right upfront that I will be voting for this resolution and I'm going to use the modest amount of time allowed to me here today to explain to you why.

I want to indicate that I have the highest regard for crown attorneys in this province. Although it's been many years now, I was blessed with the opportunity to work with some very competent, talented, experienced crown attorneys, people like Allan Root down in Niagara. I've also been blessed to appear before what is one of the world's greatest benches, one of the world's best judiciaries—best trained, most professional and certainly hardest working.

I believe very much in the presumption of innocence. Unlike others, you will not hear me denigrating presumption of innocence or charter rights when they apply to people charged with crimes as compared to when they apply to other people. The fact is you have a Charter of Rights and Freedoms because it applies to everybody. Lord knows, we've had far too many unjust convictions in this province and in this country for us to start abandoning due process now.

Let me talk about due process. I've heard from this Attorney General his denigration of process. It's part of his attack on the existing Ontario Human Rights Commission. He says it's obsessed with process. Well, that's code talk from libertarian types who want to see efficiencies at the expense of process and people's rights. Surely the only thing more tragic than a dangerous and guilty criminal being freed is an innocent person being found guilty and sent to jail. I believe that with all my heart. And I believe that our system of law, while worthy of a whole lot more investment, is probably the one most capable in the world of avoiding that tragedy of an innocent person being convicted.

1720

But let's understand something out there: People aren't interested in hearing statistics about reductions in the amount of crime, because that makes little sense and is of little comfort to the mother of a kid who's slain. To talk about break and enters being reduced by 15% is of little comfort to the senior citizen who comes home and finds her house or apartment ransacked and things like baby pictures, which can't be replaced because there are no negatives anymore, either mutilated and defaced or simply stolen.

I appreciate that the language here is "violent crime." I consider break and enters into people's houses to be a violent crime, especially when it's senior citizens who are the victims. The sense of fear they live out their final years with is profound and real: that violation of security, knowing that somebody has been in your home taking things that are yours and, more often than not, vandalizing or mutilating or defacing either your property or your home. It generates consequences for the victim that most people fail to comprehend. At the same time, let's understand, break and enter of a dwelling house is one of the most serious crimes in the Criminal Code. It carries with it a maximum sentence of life imprisonment.

Let's take a look at the resolution, phrase by phrase.

"An alarming number of murders and other violent crimes are alleged to be committed by people who are out on bail..." I think that's a given. It shocks Ontarians, it shocks and offends Canadians to learn that somebody who has already been charged with an offence is released on bail, on terms and conditions, and then commits another; or arrested and released twice and then commits another—or thrice.

"That, in the opinion of this House, the government should seek a review of all orders granting bail for charges involving violent crimes" is, in and of itself, not an offensive proposition. Why shouldn't there be a review? Of course they're talking about appeals. Why shouldn't there be? Why shouldn't there be when we're talking about serious and violent crimes? What we're talking about is people who kill other people, who attack and mutilate other people, who rape innocent victims. That's who we're talking about. If there has been a release order, why shouldn't there be a review in the interest of public safety? The appellate court—it used to be the county court that conducted these reviews, but

now I suppose it's the Superior Court of Justice; is that correct, Ms. Elliott?—may well uphold the release order. But I say that the public interest has been served, because if there was any error, it was on the side of caution.

"That, in the opinion of this House, the issue of crimes alleged to be committed by people already out on bail is of increasing concern..." Yeah. I mean, no spit, Sherlock. You don't gotta be a rocket scientist to figure that one out. Talk to your neighbours. Talk to the folks at the Legion. This weekend when you're at a church supper or at a Santa Claus parade—you big-city Toronto people don't get to go to Santa Claus parades; Ms. Elliott and I do because we're from small-town Ontario. I was down at the Santa Claus parade in Thorold last weekend, and in two weeks' time we'll be down in Pelham. I'll inevitably be there with Tim Hudak; I'm pretty sure of that. Talk to the folks at the Santa Claus parade.

The issue of data, I think, is incredibly important. I have been increasingly frustrated in attempting to get hard numbers from the Ministry of the Attorney General. It seems to me the systems just aren't in place to collect and record the data that are of great interest to all of us for any number of reasons. I have no interest in judge-bashing, because supervision of judges is not by this Legislature; it's by courts of appeal. Again, in this province, the Ontario Court of Appeal serves us well and is one of the most highly regarded courts, not just in Canada but internationally.

If there was any hesitation I would have in supporting the resolution, it was the second paragraph: "...the government should adopt a policy to direct crown attorneys to oppose the making of all orders for bail for violent crimes." I think, though, clearly, that has to be understood in context. Is that such an unacceptable proposition when in fact there has been a violent crime and when there is strong evidence against the perpetrator? You see, one of the things a bail court considers is the likelihood of conviction, the weight of the evidence, however difficult it is for a judicial authority, a judicial authority who may have to concede that there isn't a great deal of evidence, who may well have to sit down with a crown attorney and defence counsel to talk about ways of addressing it, because the absence of evidence doesn't necessarily mean, of course, that the person is innocent; it merely means that there's a less than reasonable likelihood of them being found guilty.

Let's understand what one of the roles of crown attorneys is in this province. I don't envy the crowns. Crowns and judges have to be incredibly courageous people. They can't let public opinion sway them. Their job is to apply the law. End of story. One of the functions of a good crown—I've known many of them and most of them are—is to have to, however reluctantly, when he or she assesses the evidence, not prosecute a particular case. They may in their hearts know that somebody is guilty of an offence, even a very serious one.

What's the test, Mr. Zimmer? Reasonable likelihood of conviction, huh? So let's understand that well-trained and experienced crown attorneys in this province already

exercise significant discretion in whether or not a charge is to be proceeded with. By and large, if there's not a reasonable likelihood of conviction, the crown's policy manual says that the crown should, I suppose, either look for a plea bargain to a lesser offence, which again the public gets horribly confused about from time to time, or simply say he or she is not going to be prosecuted, and then they're scot-free. They walk.

So understand what this resolution says by implication. What it says is that you have to have more judges in this province and more courtrooms so that trials can be conducted in a speedy manner, because 17 years later the risk of charges, even in serious offences, being dropped because of delay in prosecution is omnipresent across this province because of a shortage of judges, crown attorneys and court resources.

Let's understand as well that there is what some have explained—journalists—to be a tactic by criminals and their lawyers to do more dead time in the local lock-up, especially here in Toronto, Metro east and Metro west, so that they get two-for-one and three-for-one trade-offs when it comes time to being sentenced. That means they can avoid pen time or end up with a sentence of about a few months, which, by the time you get to start serving it, turns into one third of that sentence for most cases, when your first eligibility for parole happens.

This resolution is all about getting serious about protecting Ontarians from criminals, and I approach this resolution, as I say, with a strong commitment to due process, a strong commitment to judicial discretion and a strong commitment and support for the discretion that crown attorneys have to courageously exercise. But do you know the plea bargain that may flow when a crown attorney realizes he or she doesn't have enough evidence to convict on a charge that was originally laid? Its companion is the efficiency plea bargain. While the plea bargain by a crown attorney who knows that he or she can't get a conviction because there isn't enough evidence on a particular charge and then will agree to accept a plea to a lesser charge—that crown attorney is performing a much more noble role than the crown attorney who is told to meet stats. They have to clear X number of cases a month. There is incredible pressure on crowns' offices to clear those cases, and that means efficiency plea bargains, not because there's no evidence but because there are backlogs in the court.

**1730**

I say to you that the Attorney General sure as heck hasn't kept data around those, has he? And that would be most interesting, wouldn't it? Let's understand this: But for the most serious charges, those where light imprisonment is imposed, criminals get out of jail, from the point of view of the victim, inevitably sooner rather than later, but at some point or another they get out of jail.

We in this province have taken the corrections out of Corrections. Our federal prisons are just out of control, that's clear, but our provincial reformatories have been gutted of corrections. I visit them reasonably often, and wherever I go I see machine shops shut down, I see work

training shops shut down, I see the agricultural access that some of them have shut down because those facilities simply have been shut down themselves. Those rare opportunities that the state has to intervene in somebody's life and make a meaningful difference in his or her life and maybe engage in some kind of rehabilitation—because it doesn't happen like that; there has to be investment in it—are absent from our correctional system.

We can't ignore the epidemic of violent shootings with illegal handguns that is taking place, not just in Toronto—because if it's taking place in Toronto, you can be sure it's taking place in every other part of Ontario. What we learned from the chiefs of police when they were here is that the guns and gangs project in Toronto has effectively spread the guns and gangs outside of Toronto, along the 401 corridor and up into northern Ontario, where you've got drug trafficking and gun peddling going hand in hand.

It is up to the federal Parliament to enact changes to the Criminal Code; I understand that. It's up to the provincial government, through its Attorney General, to adopt policies regarding how it approaches prosecutions. It's also up to the provincial government to adequately resource our provincial criminal justice system, everything from the beginning, with cops, through to correctional officers in public correctional facilities.

The Bill 14 that purportedly reforms justices of the peace appointments will not protect us from political hacks being appointed. We discussed that at length, didn't we, Mr. Zimmer, in committee? The Attorney General already had the capacity to appoint high-quality people. It's just that they—I'll put that in the plural—were often disinclined to because it meant a little political favour to a political friend who is so ill-suited to the task. Did Bob Rae engage in political patronage? You bet your boots. He appointed more Liberals than any prior or subsequent Liberal government has. It's true.

We should have some serious concern about how the government has approached Bill 14. It says, "Oh, we have to wait until Bill 14 gets enacted." I'm confident that when you have JPs sitting in a court with tired court staff, with tired provincial prosecutors, with fatigued crown attorneys, who get piles of files first thing in the morning like this, who don't have time to adequately prepare, when you've got JPs who are trying to speed things up and move things along who don't have time to hear, and end up not hearing, all the evidence, it's my view that that very climate results in regrettable, unfortunate and very dangerous errors in judgment, even by the best-meaning of judicial authorities.

In this province, people should be able to live without fear of being victimized, especially by crime against the person or crime against the home. Oh, I suppose from time to time somebody's going to steal the radio—no, they won't steal the radio out of my 12-year-old Chevy pickup, but if you're driving some new BMW or Porsche, I suppose from time to time somebody's going to steal a radio, and those things happen. But surely people in this

province should be able to walk home from the theatre or the movie or the shopping plaza or the corner store without fear of being shot down. Surely people in this province deserve to be able to come home to their own homes without fear of seeing them vandalized and trashed by break-and-enter artists.

**Mr. Zimmer:** I'm pleased to speak on this. I speak on this from many perspectives. In a previous life, I was a crown attorney for a number of years. I did some long slogging in the bail courts and the other courts, so I have a sense of what I'm speaking about.

The motion is essentially a debate between what we can do to get tough on crime and our respect for an independent judicial system. My colleagues on this side of the House have laid before this assembly just what our government is doing in terms of getting tough on crime, and I'm proud of that record. But let me speak to this motion and what I feel its effect is on our independent judicial system.

Our independent judicial system is essentially based on our constitutional arrangements. We have an executive, we have a legislative authority, and we have a judicial authority. Those three bodies—the legislative, the executive and the judicial—operate in a certain tension, independent of each other. The motion that we've heard today is a not-too-subtle—in fact, it's dramatically less than subtle—attempt to, in many ways, bring a subtle form of pressure—I would argue, a form of intimidation—on the judicial branch of our government.

How does it do that? It starts off very innocuously and it says that the motion contemplates giving instructions to crown attorneys on what to do, instructions to justices of the peace on what to do, instructions to judges on what to do and so on. You have to ask yourself, what is the effect of a judicial system—judges, justices of the peace or crown attorneys—being given (a) instructions on what to do and then (b) devising a system to keep track of their statistics on what they do or don't do in terms of the instructions? When you take this idea of instructions, plus we're going to track what you're doing in terms of those instructions—we're just keeping statistics, the motion says—that is a form of subtle pressure. Depending on the recipient, it's a form of more-than-subtle pressure.

We've looked at this issue of keeping statistics before in this Legislature. What is the Conservative record on this issue? Let me tell you.

Year 2000, Conservative MPP Marilyn Mushinski, Bill 68, Judicial Accountability Act: That was a private member's bill. It was an attempt to provide a regime whereby an annual report card or statistics would be kept and publicized on judges, crown attorneys, justices of the peace. It was a blatant attempt to intimidate the judicial side of our constitutional arrangement. What happened was that the Attorney General of the day, Jim Flaherty, was, in my view, publicly embarrassed by Mr. Justice Roy McMurtry, the Chief Justice of Ontario. Interestingly, Mr. Justice McMurtry was a former Ontario Attorney General, a former distinguished member of the

Conservative Party and indeed a leadership candidate before he went on to assume the role of chief justice. After some comment by Chief Justice McMurtry, the Conservatives backed away from that private member's bill.

**1740**

That private member's bill is sort of the same thing that we have in this opposition day motion brought by the Leader of the Opposition today: an attempt to not so subtly influence the judicial performance here in Ontario. How do we know that's really the intent behind this opposition day motion? I can tell you that on December 7, 2005, Mr. Runciman issued a news release saying that he felt the judges and JPs had to be held accountable. He attacked "putting judicial independence ahead of everything else." In my submission, judicial independence should be ahead of everything else. That's what our system is predicated upon.

In any event, going back to the Judicial Accountability Act, "Judge McMurtry challenged that government's decision to allow a private member's bill calling for the tracking of individual judges' sentencing records to proceed through the legislative process. The Chief Justice said the bill, introduced by Tory backbencher Marilyn Mushinski, was perceived as 'a rather heavy-handed and irresponsible attempt to intimidate judges in the sentencing process. All I can do,' he added, 'is express the hope that that was not the intention despite the perception and ... hope that the members of the Legislature would have the good sense not to proceed with such legislation.' Responding to Justice McMurtry's comments, Mr. Flaherty"—the day following those remarks—"acknowledged that the legislation would 'not go any further' because of concerns that it would interfere with judicial independence. The minister also confirmed that the government would not support a second private member's bill ... that would give the Legislature final approval over the appointment of provincial court judges and justices of the peace."

He did that for the reason that he recognized the validity of Justice McMurtry's concerns that that type of legislation—it's the same kind of legislation, the same kind of thought process that's reflected in this Tory opposition motion—is a threat to our judicial independence.

Today, when John Tory was speaking—I pulled up a copy of the instant Hansard for today, Tuesday, November 28, toward the end of his remarks, and I want to put this on the record, because I think this goes to the heart of the real intention of the motion, he said, "Not only is the court system ready for a close-up, I would argue the court system needs a close-up, and it needs a close-up so that people will know what's going on, so that they can keep an eye on it... They"—that is, the people—"are the custodians of the right to enforce those laws, hand out sentences and"—this is critical—"approve or not approve deals that are made."

Can you put yourself in the position of a crown attorney or a judge or a justice of the peace who's now faced with an instruction from this Legislature that statistics are going to be kept on what they're doing in terms

of bail, convictions, sentencing—all of those things—and the purpose of those statistics is so that the people, speaking through this Legislature, can “approve or not approve deals that are made.” Put yourself in the mind of a judge or justice of the peace and ask yourself: Is that not an interference with that independent function? Will that not serve to act as a chill on the exercise of that judicial appointment?

Mr. Tory went on to pose the question, “How is this going to put a chill on judges?” if this motion successful. I say to you again, put yourself in the mind of a justice of the peace or a judge or a crown attorney. They’re keeping stats on what you’re doing in terms of sentencing, prosecutions and bail releases—all those sorts of things. Why are they doing it? They’re doing it so that the people, speaking through this Legislature, can approve or not approve of the deals that are made.

Once this Legislature politicizes the decisions that justices and judges and crown attorneys make, judicial independence is weakened; it’s under threat. I think the entire history of our western legal system is predicated on this idea that the judicial system be independent of the Legislature, that those decisions be made in good conscience by the judges and the crown attorneys and the justices of the peace. This motion, if approved, would weaken that independence.

**The Acting Speaker (Mr. Ted Arnott):** The time set aside for this debate has expired.

Mr. Tory has moved that, in the opinion of this House, an alarming number of murders and other violent crimes are alleged to be committed by people who were out on bail for crimes previously alleged to be committed;

That, in the opinion of this House, the government should adopt a policy to direct crown attorneys to oppose the making of all orders for bail for violent crimes;

That, in the opinion of this House, the government should seek a review of all orders granting bail for charges involving violent crimes;

That, in the opinion of this House, the issue of crimes alleged to be committed by people already out on bail is of increasing concern to the people of Ontario;

That, in the opinion of this House, the lack of statistics relating to bail orders and court proceedings prevents the public from obtaining an accurate picture of the functioning of the justice system;

That, in the opinion of this House, the government should begin providing more detailed information about the justice system in order to ensure Ontarians have an accurate picture of whether the justice system is functioning well and in the best interests of public safety.

Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say “aye.”

All those opposed will please say “nay.”

In my opinion, the nays have it.

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

*The division bells rang from 1747 to 1757.*

**The Acting Speaker:** Mr. Tory has moved opposition day motion number 4. All those in favour of the motion will please rise.

#### Ayes

Barrett, Toby	Martiniuk, Gerry	Scott, Laurie
Dunlop, Garfield	Miller, Norm	Sterling, Norman W.
Elliott, Christine	Murdoch, Bill	Tascona, Joseph N.
Hardeman, Ernie	O’Toole, John	Tory, John
Hudak, Tim	Ouellette, Jerry J.	Wilson, Jim
Kormos, Peter	Prue, Michael	Witmer, Elizabeth
MacLeod, Lisa	Runciman, Robert W.	Yakabuski, John

**The Acting Speaker:** All those opposed to the motion will please rise.

#### Nays

Arthurs, Wayne	Jeffrey, Linda	Phillips, Gerry
Balkissoon, Bas	Kular, Kuldip	Pupatello, Sandra
Bentley, Christopher	Leal, Jeff	Qaadri, Shafiq
Berardinetti, Lorenzo	Levac, Dave	Racco, Mario G.
Caplan, David	Matthews, Deborah	Ramal, Khalil
Crozier, Bruce	Mauro, Bill	Rinaldi, Lou
Delaney, Bob	McMeekin, Ted	Sandals, Liz
Dhillon, Vic	McNeely, Phil	Sergio, Mario
Dombrowsky, Leona	Meilleur, Madeleine	Smith, Monique
Duguid, Brad	Milloy, John	Van Bommel, Maria
Flynn, Kevin Daniel	Mitchell, Carol	Watson, Jim
Fonseca, Peter	Oraziotti, David	Wilkinson, John
Gerretsen, John	Parsons, Ernie	Wynne, Kathleen O.
Gravelle, Michael	Patten, Richard	Zimmer, David
Hoy, Pat	Peters, Steve	

**The Deputy Clerk (Ms. Deborah Deller):** The ayes are 21; the nays are 44.

**The Acting Speaker:** I declare the motion lost.

Pursuant to standing order 37, the question that this House do now adjourn is deemed to have been put.

## ADJOURNMENT DEBATE

### COAL-FIRED GENERATING STATIONS

**The Acting Speaker (Mr. Ted Arnott):** The member for Renfrew–Nipissing–Pembroke has given notice of his dissatisfaction with the answer to a question given by the Minister of Energy. The member has up to five minutes to debate the matter, and the minister or parliamentary assistant may reply for up to five minutes.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** I’m glad to have this opportunity to speak to this issue. I rescheduled this from last Tuesday because the Minister of Energy said, “I want to deal with this personally, so if you reschedule it to the following Tuesday, I’ll ensure that I’m here.” So I’m looking forward to his response.

This issue arises out of the government’s promise to close down the coal-fired generating stations by 2007 and then insisting that they made that promise not because they picked it out of a hat or something, but they relied on the expert advice, the best advice they could get, from experts in the field, ensuring that that could in fact be done.

Given the fact that they have flipped and flopped and flown and flipped and flopped again on the coal situation, we think this is a very important issue. The Premier is now saying that we’re not going to be shutting down the coal plants until 2014, but he has refused to divulge the names of the people he relied on for that information.



When you're talking about an issue as important as the coal-fired shutdown, we're talking about billions and billions of dollars that have been resting on this issue in this economy.

But this is not a question about coal-fired generation anymore. This is a question of honesty and integrity and respect for Parliament. When this government ran in the election, it ran on about 230 promises. One of them was to not increase your taxes. Well, they promptly broke that one. But another one that they broke was the promise to respect MPPs and this House, and what this minister and this Premier have done now has just thrown water all over that promise, because they don't have enough respect not only to respect the MPPs in this House, but a solemn promise made to a committee of this House that the minister would reveal the names, a full list.

I'll read you the Hansard, Mr. Speaker. The minister replied to me, when I questioned him on September 26 of this year, "I'll provide you with the full list." I asked him about the names of the people who told him that this promise was doable. "I'll provide you with the full list."

**Mr. Tim Hudak (Erie-Lincoln):** How long is the list?

**Mr. Yakubuski:** Well, I don't know. I don't know how long the list is because I haven't got it, because nobody's got it, because, you know what? They don't have it either. They invented the whole thing.

But I want to get to the crux of the matter. This is about respect for the institution. Later tonight, we're going to be debating Bill 155, the referendum act, and part of the purpose of that is considerations of electoral reform, because we find that the public, for some reason, sometimes doesn't feel engaged in the business of this House or other Houses of Parliament and that they don't have respect for the members of these Houses. But you don't have to really ask yourself why, do you, when ministers of the crown will not even respect a solemn promise made to a committee of this House, a standing committee of the Legislature of the province of Ontario? It's shameful, and I'm saying that the integrity of that minister, the integrity of this Premier, is what is on the line tonight. Do you believe that what we do here is relevant, or do you just think it's all a show? When you make a promise to a standing committee of this Legislature that you will reveal those names, for God's sake, have you not the goodness and the honesty to abide by your own words? Can you not stand up and respect what you said yourself? It is just taking the institution we have and saying it's just like this Hansard. That's what it is. It's like this Hansard. That's the Hansard of that committee. Do you know what? If that's what this minister thinks of it, that's what it's worth.

I say to the people of Ontario that if ministers of the crown can run roughshod and trample over their own promises made to a committee of this Legislature, then why should we expect them to have any respect for us? If you want to get some respect, you've got to earn it. If you want to get the people to believe that what we're doing here is relevant, then respect the institution itself.

What this man has done is absolutely shameful. He should either answer the question or resign.

**The Acting Speaker:** The parliamentary assistant to the Minister of Energy, the member for Oakville, now has an opportunity to respond.

**Mr. Kevin Daniel Flynn (Oakville):** I know why they call it the "late show" now, after that performance.

When it comes to coal-fired generation in Ontario, our government's position is consistent and very clear. We're committed to replacing coal as soon as possible, but not at the cost of reliability. No government in North America has done more to clear the air than the McGuinty government, and certainly not that government. No government has taken steps as bold as this government to replace coal with cleaner forms of generation, something the previous government was unable to do.

In June, we directed the OPA to develop a revised schedule for the replacement of coal-fired generation at the earliest practical time without compromising reliability. We've also directed the OPA to use cost-effective measures that reduce emissions, including greenhouse gases, from coal-fired generation in the interim.

Our government is working hard to end all coal-fired generation in the province of Ontario for good, for the good of our air, of the environment and of our health. In the past three years, we've made real progress on this issue. We've cut generation from coal plants by 17% and closed down the Lakeview generating station, the single largest polluter in the GTA.

We're moving in the right direction, unlike the previous government, when it comes to reducing emissions. Sulphur dioxide emissions are down 28%. Nitrogen oxide emissions are down 34%. Carbon dioxide emissions are down 15%. Mercury emissions are down 32%. Particulates have fallen by 28%. That's in stark contrast with the previous Tory government, which increased emissions from coal plants: sulphur dioxide up by 114%—who gave you advice on that one?—nitrogen oxide up by 25%; carbon dioxide, a 120% increase.

Cutting generation from our coal-fired plants has already taken the equivalent of 1.1 million cars off the road in Ontario. We all agree this is the right way to go; we're all eager to make it happen. But the job of our government is to balance this eagerness to end coal with the responsibility to maintain a reliable and affordable supply of electricity.

The decision to revise the timeline, I believe, is the right decision for the province of Ontario. The fact is that coal currently produces about a quarter of our electricity. To end coal-fired generation before adequate clean power alternatives come online simply wouldn't be wise. It would destabilize our electricity system and shake the economy.

That's why we have a balanced energy plan that's moving away from coal toward cleaner and more sustainable sources of generation like wind, hydro, biogas and nuclear. In just under three years, we've set the wheels in motion to bring just under 10,000 megawatts of cleaner, diversified generation online, and that's more than any other jurisdiction in North America. We've

taken steps to build a conservation culture and to ensure a sustainable and prosperous Ontario.

Make no mistake: We will close all of Ontario's coal-fired generation plants. This will reduce greenhouse gas emissions in our province by up to 30 megatonnes a year.

*Interjection.*

**Mr. Flynn:** The member talks about Mickey Mouse. I think we're talking about the previous government when we're doing that.

Just last month, the Canadian Energy Efficiency Alliance upgraded the rating of Ontario's conservation—not downgraded it, like they did with the previous government. The standard offer contract? Here's what David Suzuki has to say—

**Mr. Garfield Dunlop (Simcoe North):** Oh, David Suzuki.

1810

**Mr. Flynn:** It seems like the Conservative Party has something against David Suzuki. David Suzuki is one of the most famous, one of the Canadians who is most respected, and I know you don't respect him. What Mr. Suzuki said, whether you want to hear it or not, is that the "announcement will revolutionize the market for clean, renewable energy in North America and lay the groundwork for a healthier, brighter future." He didn't say that about the previous government; you can be sure of that.

Keith Stewart of the World Wildlife Fund of Canada also had positive things to say: "We love the idea. The small stuff adds up. This model should be taken right across America."

On top of that, we just announced Ontario's largest wind farm in Sault Ste. Marie, a 126-turbine, 189-megawatt Prince wind farm. Robert Hornung, president of Canadian Wind Energy—you asked for experts—said, "We congratulate the Ontario government for the action it has taken to facilitate the installation of almost 400 megawatts." Nobody ever said that about the previous government, for good reason.

#### ANSWERS TO WRITTEN QUESTIONS

**The Acting Speaker (Mr. Ted Arnott):** It's now time for the late, late show. The member for Simcoe North has given notice of his dissatisfaction with the answer to a question given by the Minister of Community Safety and Correctional Services. The member for Simcoe North has five minutes to make his presentation.

**Mr. Garfield Dunlop (Simcoe North):** Following the comedy of errors from Yuk Yuk's over here from the member for Oakville, it's hard to get up and actually talk about a community safety issue now, after I've listened to that.

I brought this up because, quite simply, we put five order paper questions to the Ministry of Community Safety and Correctional Services back in the month of June. And do you know what? They had 24 days from the September 25 date to provide those answers, answers such as "the total cost of the OPP presence required in Caledonia," "details of the security that has been provided for the Hydro One transformer station in Caledonia," "divulge the protocol that is in place between the

OPP and the Six Nations Police force," "provide the average caseload of offenders per parole and probation officer in Ontario," and "provide the guidelines that were the basis for the allocations of funding for new police officers under the ... 1,000 Officers partnership program."

Would you believe it? Last week we got a Mickey Mouse, typical Monte Kwinter answer where he doesn't answer anything. He hasn't answered a question in this House since he became the Minister of Community Safety and Correctional Services. And what does he do? Of course, he's not here tonight. He's probably out on a helicopter ride somewhere—

**The Acting Speaker:** I caution the member not to make reference to the absence of any other member of the House and to make reference to ministers by the name of their ministry, to members by the name of their riding.

**Mr. Dunlop:** I'm very, very sorry that I referred to his absence. But I can tell you that this is a man who likes to pretend he's a wonderful Minister of Community Safety but won't answer questions. When does he want to provide the answers? On or about December 15, the day after this House is scheduled to adjourn. I can't believe a more gutless attempt to muzzle this Parliament. It's almost worse than Bill 107. What are we speaking about? We're talking about Ontario's taxpayers, the money that they're spending at Caledonia. Literally tens of millions of dollars have been spend there now. We're now into nine months. I think today or tomorrow is actually nine months we've been there, and we have seen nothing.

**Mr. Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** What would you do?

**Mr. Dunlop:** Well, I'll tell you one thing that I would do: I would show more leadership. I would at least go to Caledonia. Would the minister not go to Caledonia? Would the Premier not go there? No; what they've done is they've let the OPP be the meat in the sandwich on this issue. They have been the meat in the sandwich. The OPP have taken the brunt of the problems there, and Monte Kwinter has completely ignored it. I've been there about three times, by the way. I have been to Caledonia. I've talked to the officers. They feel like meat in the sandwich.

We have already lost most of the upper echelon of the OPP. The one constant person who remains at Caledonia, or whose presence should be there, is the Minister of Community Safety, and he hasn't got the courage to answer those questions in this House. He said yesterday, "We tabled an answer." We haven't seen that answer. I want to know how come the Ontario Provincial Police have been the meat in the sandwich. I want to know how come we have not seen those costs associated with Caledonia presented to this House. I don't think that's an unfair request. Do you know that there are 124 officers there full-time? A hundred and twenty-four. Tens of thousands of hours of overtime are being paid to the Ontario Provincial Police: accommodation, food etc. We're going nowhere with this.

Oh, but I should remember, for a couple of days—remember, the Premier and the minister and a few people

went on a tirade against Stephen Harper and then all of a sudden they backed off on that? It wasn't Stephen Harper's fault anymore because, you know what? Eight of the 11 crime bills in the federal House of Parliament have been held up by the Liberal Party, and these guys right here—Dalton McGuinty, Monte Kwinter, these folks—won't show leadership and ask their federal Liberal cousins to pass that legislation. They won't allow that to happen. They want to muzzle Parliament there; they do not want crime bills passed, the same as tonight. They wouldn't support this resolution that made so much sense in this House. I cannot even believe that it happened. It's pathetic. We're trying to muzzle Parliament.

*Interjection.*

**Mr. Dunlop:** What's their idea? I think they're going to try to prorogue the House, that's what's going to happen, so that Mr. Kwinter will never have to answer those questions. But you know, these numbers should show up accurately in the final analysis of the budget next year. We'll probably never get an accurate picture of that before the election, but I can tell you that by that time it will likely be \$125 million or \$130 million out of the Ontario Provincial Police budget. That's what it will have cost. We've got no leadership shown here. I'm very sorry that—I know I can't refer to his absence tonight, but I hope he's enjoying those helicopter rides. He never got one with the city of Toronto police, but he's getting an opportunity now with the Ontario Provincial Police. Enjoy your helicopter ride, Mr. Kwinter.

**The Acting Speaker:** The parliamentary assistant to the minister, the member for Scarborough—Rouge River, now has an opportunity to reply.

**Mr. Bas Balkissoon (Scarborough—Rouge River):** I just want to assure the member that the Ministry of Community Safety and Correctional Services is committed to ensuring that, whenever possible, the information requested of the ministry will be provided in an expeditious and complete manner. I say this because our government believes and values transparency and integrity. We've chosen to conduct ourselves in such a manner.

We demonstrated this in June, when the member actually tabled two petitions—not five questions, as he says—and the minister has provided him with a response to that petition. To be truthful, and to correct the member's records, I understand the member tabled five questions in September, for which he is awaiting a subsequent response after being advised in accordance with the protocol under statutory requirements of our ministry of additional time in order to provide him with a complete—

**Mr. McMeekin:** On a point of order, Mr. Speaker: Is there a requirement that there be at least one member of the opposition in their place to hear the question they wanted so desperately to ask as a late show?

**The Acting Speaker:** No points of order are permitted during these adjournment motions. I'll return to the member for Scarborough.

**Mr. Balkissoon:** As I was saying, I trust that the member can appreciate that there may be times when

information that is requested may take additional time due to a variety of reasons, such as the complexity of the information requested, including the fact that these are cross-divisional issues. The member is requesting to get specific data of expenses between a start point and an end point that are very specific, and that requires a lot of work. Additionally, some of the questions and responses may require the freedom-of-information and privacy implications, meaning the FOI coordinator will also need to review the response and any additional steps.

The minister answered the member's questions yesterday in the House with an appropriate answer. To be honest with you, he wants to know about Caledonia, but his question required specific answers. The minister has said in this House, the Premier has said in this House and Minister Ramsay has also said that it's in the ballpark of \$15 million. If he requires that accurate, precise information, we're prepared to present it to him. We've notified him at the appropriate time that we require an extension and that he will receive the information on or before December 15.

The ministry has followed the protocol. They have given the member an answer, and he will get his information come December 15, or before, if it's available. I would expect the member to understand that we're dealing with the ministry and the OPP. To get that information out and to verify that it's accurate—and it also could be made public—takes time. It's unfortunate that the member did not stay to listen to the answer, because his information, as far as I'm concerned—

**The Acting Speaker:** I have to caution the member not to make reference to the absence of any member of the House.

I'll let you conclude.

**Mr. Balkissoon:** I apologize, Mr. Speaker.

I want to reiterate again: The member is complaining that he submitted his question in June. I would like to clarify the record. He submitted a petition in June. Did he receive an answer to that petition? Yes, he did. The member subsequently submitted five questions in September, and he did receive an interim answer 24 days later telling him that the questions that he had submitted to the ministry required complex research and information and we required additional time. We will provide him with that answer by December 15.

**Mr. Kevin Daniel Flynn (Oakville):** Where is he?

**Mr. Balkissoon:** I'm not sure where he is, but he did raise the question and I'm trying to provide him with an answer.

Mr. Speaker, that's about all I can provide to you. I would have to say that I hope the member respects that the ministry is doing its utmost best to provide him the information. Our government is determined that we will operate a transparent and honest government.

**The Acting Speaker:** This House stands adjourned until 6:45 p.m., later on this evening.

*The House adjourned at 1821.*

*Evening meeting reported in volume B.*

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