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Tuesday 20 March 2007

Mardi 20 mars 2007

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 20 March 2007

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 20 mars 2007

The House met at 1845.

ORDERS OF THE DAY

PROVINCIAL ADVOCATE FOR
CHILDREN AND YOUTH ACT, 2007
LOI DE 2007 SUR L'INTERVENANT
PROVINCIAL EN FAVEUR DES ENFANTS
ET DES JEUNES

Resuming the debate adjourned on March 19, 2007, on the motion for second reading of Bill 165, An Act to establish and provide for the office of the Provincial Advocate for Children and Youth / Projet de loi 165, Loi visant à créer la charge d'intervenant provincial en faveur des enfants et des jeunes et à y pourvoir.

The Acting Speaker (Mr. Ted Arnott): I understand that when we last debated this matter, the member for Hamilton East had the floor and she has time remaining. I'll return to the member for Hamilton East.

Ms. Andrea Horwath (Hamilton East): It's certainly my pleasure to continue with the remarks I was making yesterday regarding Bill 165, the bill that is meant to make the child advocate in Ontario an independent officer of this Legislature. Certainly it's an idea that has been long in the making. Let's put it that way.

As I mentioned yesterday, we were quite disappointed that it has taken the government this long to get to the point of actually bringing the bill forward. We had thought that the child advocate having an independent voice for children in this province was something that was extremely important, and unfortunately waiting till the eleventh hour in their mandate to bring it forward indicates very clearly that the government didn't really agree with the fact of the import of this particular piece of legislation.

Notwithstanding that, yesterday I spent a little bit of time speaking about some of the other challenges and problems and devastating issues that face the children of the province of Ontario, particularly those children who are caught in the child welfare system. But certainly overall there is a great deal of work that needs to be done to really effect positive change for the children of Ontario. I'm not going to reiterate those because, as I mentioned yesterday, today I want to talk about some of the more specific pieces to the legislation.

One of the things that I think is absolutely incumbent upon us is to look at the current situation of First Nations

kids and to acknowledge and recognize that the ministry, thus far, has not had a good track record—from the legislative perspective anyway—in terms of building that voice into the process and making good on commitments that had been brought forward in previous draft legislation or in the committee process in terms of legislation. So I'm not going to belabour that point, except to say that we really do have an absolute obligation to hear the voices of First Nations communities, particularly because we know that their children are significantly overrepresented when you look at the statistics around children who are in the child welfare system, and that is extremely problematic.

I also want to reiterate the idea that was put forward yesterday just very briefly, and that's the one that speaks to the vision of this whole piece of legislation and whether or not it's appropriate that a preamble be added on to the bill.

I just noticed that my colleague Rosario Marchese from Trinity–Spadina has joined me and has brought me a glass of water, which will be very helpful over the next half an hour. I thank you very much.

Mr. Rosario Marchese (Trinity–Spadina): It's the least I could do.

Ms. Horwath: And I appreciate it.

I did want to mention that I don't think that's a bad idea. I don't necessarily think it was thought about. I don't think it was purposely omitted. I just don't think it was thought about, to enshrine some of those very principles about what the legislation is meant to do in regard to being an opportunity for the voice of children to be reflected in everything we do when we're dealing with their needs. So if that is considered an appropriate amendment as we go through the committee process, if we do decide that it would be nice to have some kind of preamble in place, then I would hope that preamble would also take the time to acknowledge our position in Canada and, I would expect, in Ontario as well in terms of a provincial commitment to the UN Convention on the Rights of the Child. Some 48 sections in part 2 of that document really do outline quite progressive perspectives on children, how we interact with children and how we ensure their rights.

1850

Some of the issues that I mentioned yesterday I'm going to mention again. One, very briefly, is the whole idea of the independence of the office. I know that the legislation very clearly in section 3 indicates that the advocate will be an officer of this assembly. What that means, what that has meant traditionally or in the mores

or the history or the legislative practice around here is that by definition that kind of situation infers that the process of identifying the child advocate will come from a committee of members of this House made up of one member from each party, and that that decision is more or less made on a consensus basis. It seems to me that that has been the practice for the last couple of appointments, the last several appointments. Certainly, the Premier is on record indicating that's exactly what's going to happen with this office. Again, the word, the nomenclature, the description of an independent officer of the Legislature would infer that, would suggest that that's the way things would be, but unfortunately, there's nothing actually in the bill that directly commits to that being the process.

I'm just wondering if it's not time that we enshrine that kind of process in terms of the legislation. I don't know whether that's a good thing or not, but I don't think it should be discounted. I think we should keep our options open, and I say, why not? What is the harm? Wouldn't it be appropriate if we do have an officer of the assembly enshrined in legislation as someone who is appointed in a particular way? It's time to cut the mustard and say that it's not a code word for "this is how we do it" but this is actually how we do it. We put it in the legislation and we say we're committed to this process, because what it really does is ensure that the child advocate has the confidence of all members of this Legislature. That's certainly what we're aiming for with our independent officers. So it's not good enough anymore to nudge, nudge, wink, wink, say no more; we know by saying "independent officer," we're really going to do it this way.

I think, notwithstanding my poor attempts at Monty Python's Terry Gilliam kind of humour—

Interjection.

Ms. Horwath: Okay. I do really think, though, that we need to take a look and see whether it's time that we start enshrining this activity right in the legislation. What better bill would there be to do this? What better opportunity is there, if it's not the office of the child advocate? It's a rare thing. It's not something that gets done every day, there's no doubt, so if we start enshrining it in the legislation, I think this would be a very fitting place to begin.

I'm going to go on to talk about some of the other issues that are important and that I think need to be addressed in the process of going through second reading debate, but particularly going through the committee stage. I mentioned already the whole issue of First Nations children. I don't want to go over the stats of overrepresentation; I know I've already mentioned it. But we really don't need to be reminded of the dismal failure of the McGuinty Liberals to live up to their words on First Nations issues in Bill 210.

I also think it's appropriate that we acknowledge the obligation that we have: If we're truly respecting the dignity of First Nations communities and if we're truly committed to the relationship that we have with them and

their right to determine the best ways of dealing with the issues of their own community, then I would say a place to make that happen is when we deal with legislation that we know is going to have a significant impact on the children of their community.

I think that it's important for us to acknowledge that it's not a matter of simply tacking on a clause or two or adding a piece to a bill. It entails the requirement of having a serious dialogue with the leaders of those communities, and the only way that can happen is through a concerted effort. So I would hope that we would look very carefully at the opportunity to perhaps take this bill up to the north and have the children, the families and the service providers of those communities come to the table and talk to us about what their needs are, considering that their children, again, are very much represented in the numbers of children who are engaged in the child welfare system.

I raise that because I know there's an anxiety to have an independent child advocate. I've certainly been pushing for that to a great extent in this Legislature, but let's not hurry it up so much that, once again, we miss a huge piece of this obligation, if you will, or miss a huge piece of this puzzle, which is talking to the very people whose children are the most affected in regard to the work that we do around child welfare.

I guess the issue from my perspective is, the timelines are tight, yes, but if we make that effort and if we take the bill and travel it up to the north—I don't know why we can't do that. I think if we're committed to doing that and committed to getting serious after doing that, to have the bill completed, we do have time to get it done. I think people here are committed to having an independent child advocate. I don't think there's anybody who says they're not committed to it but, holy smokes, let's get it right. Let's do it properly and make sure we're not offending First Nations communities yet again by not taking the time that we need to make sure their needs are being met. I urge even the backbencher Liberals who are here today, don't ask me why we should; ask your minister why we shouldn't, because I really do think we should. I think as individuals we understand that there is an obligation and we need to undertake it.

I'm kind of shocked that we haven't had that dialogue with the First Nations communities yet in regard to this bill. Hopefully it's going to happen. I certainly am putting my dibs in, asking that that be done, even if it means we have to travel during our May constituency week. I think if we make a concerted effort to do that and come back here and get the bill through third reading, everybody would feel that they've done the right thing by the First Nations communities.

The First Nations communities of course is one group that is significantly absent from the bill. But it's interesting because if you look at the bill, there are other client groups that are excluded. It's interesting because when the minister talks about the bill, she kind of characterizes it as simply taking what is now part of a ministry, a function of a ministry, removing that out and calling it

now an independent office, pretty much everything transferring over and now it's just independent, which is a good thing and which we all support, once again.

But the issue becomes that, unfortunately, in the transferring over, what we see is there are a couple of groups of children, if you will, that are not included in the new legislation, so I'm going to list them really quickly: students in schools for the deaf, schools for the blind and demonstration schools, young people held in police or court holding cells, young people receiving non-custodial services under the Youth Criminal Justice Act. Again, these are some of the people who are excluded from the legislation in particular.

I know the minister and others are saying there are memorandums that cover these people or there are other ways that we're going to include those kids, but that's not our reading of the bill. Of course, at committee we will have some time to discuss it in greater detail, and I look forward to it being amended if in fact it is the case, as we've seen, that it's not excluded in the legislation. I don't believe it's something that we need to simply leave to regulations. I think if we agree that those pieces should be a part of this child advocate responsibility, then there is no problem with putting into it the legislation.

There are a number of other issues that I hope are going to get fleshed out as we go through the committee process. I look forward to working with stakeholders coming to committee and talking about some of those issues. But it's interesting because, as I've already done a little bit of that myself—and I've relied somewhat on some work that's been done by an excellent organization here in the province of Ontario. I see one of the people from that group sitting in our gallery once again, Matthew Geigen-Miller. He has already written a report reviewing the bill and indicating some of the issues that he has identified. Some of those I'll be raising tonight and I'll be adding other ones as well.

1900

It was interesting, because I had also met with our advocate, and both Matthew and the advocate—Matthew is from an organization called Defence for Children International-Canada. One of the things that he's identified and one of the things that the advocate has identified—it was interesting, because I spoke to her about this whole idea of the powers that an advocate should and shouldn't have, and should the advocate have the power to investigate. So thereby, theoretically, investigation infers a number of other things: the power to call witnesses, to subpoena documents or to do these semi-legal kinds of activities—and correctly so. The advocate was very concerned that by being considered an investigator, the suggestion there is that an investigator is an unbiased person, that an unbiased person does the investigations. But just by nature of the advocate being an advocate, that means they're not unbiased. In fact, they're purposely biased in favour of the position of the child and what's right for the child. I understand that completely, and I think, in fact, that the advocate is right

in being careful about not being considered an investigator.

But the problem that I'm concerned about is that if we're only not allowing the advocate certain tools because of this boogeyman word called "investigation," then I think we're maybe missing the mark in terms of ensuring that the advocate has the kinds of tools that she or he needs to have when the next advocate is appointed. So I'm a little bit concerned about exactly what we're going to do with that issue, and I'm going to kind of suggest that perhaps we use a different word. If we don't want to call it an investigation, let's call it a review. Let's call it research. Let's call it anything but investigation. But the bottom line is, the advocate really does need to have the tools necessary to compel people to talk to him or her about the issues raised by the child that she's advocating for or the group of children that she's advocating for. It's extremely unfortunate that this legalese has gotten in the way of us making sure that we give the right tools to the advocate to do what the advocate needs to do. It's problematic that that's not in there, and I really hope that we find a way to make sure—hopefully this could happen through committee—that we have an opportunity to change that so that we get the tools that the advocate needs. It's an interesting conundrum, if you want to call it that, but it's certainly one we need to review.

Speaking of that, there's another kind of issue that is of concern as well. Again, it's around the language and it's around how these things are dealt with in the bill. It's the issue of the extent to which a child is actually given the appropriate opportunity to contact the advocate. Certainly they have the right to contact the advocate, but where does it outline in the legislation the obligation of agencies or institutions or organizations to ensure that the tools to actually contact the advocate are made available to the child? It's fine to say that they have the right to or they have to be given the opportunity to—I'm not sure exactly what the language is; I don't have it in front of me at this point in time in terms of being highlighted with sticky notes. But the bottom line is, there's nothing in there that says that the child has to be provided with the opportunity to make that call, the phone number, and the phone to make the call with.

Again, maybe it's a small oversight, maybe it's something that really wasn't considered because it was too specific. I don't know what the reason was and I'm expecting that we'll get into some more of that discussion hopefully at the committee level. But I really think it's incumbent upon us to make sure that we're not only talking the talk around the advocate and around children having access to the advocate, and then, lo and behold, when you look at the details of the bill, the mechanisms simply are not there. The tools are not there. So whether it's the tools of getting witnesses to review the issues, whether it's getting access to documentation by the advocate, or whether it's the child themselves having an opportunity to use a telephone to actually contact the advocate, these are things that are missing from the bill

and that need to be addressed significantly if the law, once it comes into force, is actually going to work for the children of Ontario.

I don't understand why the government has decided, in the way that the bill is written, to actually hamstring the advocate by not having taken care of this information or these details already. You know, the cynical side of me would say that the dreadful record of late—or maybe it's not just the record of late; it's the entire time that the government has been in office. But they have a really dreadful record when it comes to reports that are tabled in the Legislature by other independent officers. So I'm really concerned that they are in some ways hamstringing this particular independent officer because of the stinging rebukes, and—I have to say it—stinging rebukes against this very ministry and minister around problems. If you'll recall, the most recent one was the auditor's report on the children's aid societies, and the one prior to that was the report from the Ombudsman, *Between a Rock and a Hard Place*. I have to tell you, if this is the kind of manipulation of legislation that might happen to prevent these kinds of issues from coming forward, I would worry that that's the wrong motivation for not putting these really important tools and important opportunities in the bill itself to make sure that it functions in the way that we need it to function, not for us as lawmakers, not for us as politicians, but for the children of the province of Ontario, which really is the point of the legislation.

So I look forward to seeing some tightening up in some of those areas. I think, in the process of taking this through the committee, we can actually tighten some of that up and we can come out at the end of the process with a bill that is serving the right master, which would be the children of Ontario, as opposed to anybody else and their motivations, which I certainly am not going to say anything else about, except that I would hope that's not what this is all about.

Having said that, we do know that there are other interesting issues that we need to deal with in this bill. Another one that is kind of—you know, it's interesting. It's similar; not the same, but similar. At least I started thinking of it in a similar fashion when I was preparing my remarks for this evening. That's the whole way that the bill deals with the reports that are going to be provided by the advocate. What I noticed in the legislation is that the way the legislation is written, the advocate can provide reports to the Legislature annually, the same way that other independent officers do, and then other reports throughout the year to the public overall. The bill enshrines in that section a period of time after which the final report is completed but before it goes to the Speaker; the bill allows for 30 days for the ministry named in the report to get it first.

Now, I know, and everybody knows—in fact, we went all around this whole issue several times when we were dealing with the auditor's report. It became very clear then—so if anybody didn't know it then, everybody knows it now—that the process of the final report being created is just that: It's a process. It's not like the inde-

pendent officer of the Legislature, whether it be the Ombudsman or the auditor or the child advocate, does an investigation, an examination, a review—whatever we want to call it—and sits in isolation, writes up a report and then hands it over. We know very well and we've learned in quite vigorous detail the back and forth, the extent to which the back and forth takes place between the drafter of the report—this independent officer, whichever it may be—and the ministry that is being, let's say, reported upon, or that's the highlight of the report.

I just found it extremely interesting that the bill enshrines this 30-day period. Now, I don't have a problem with—you know, the back and forth happens. Eventually, the final report has to be drafted. Three or four days of a heads-up, even a week of a heads-up to the minister responsible or the ministry that the final report is going to be tabled in the Legislature or tabled with the Speaker—no problem; I get that. But 30 days? Why do you need 30 days?

1910

Then I started to think—and that's just my old cynical self coming out—“Gee, if I think about it, the time it took between perhaps the auditor's report actually coming out fully”—it just so happened that the minister took that time between the leak and when it came out fully to, lo and behold, table this very bill, Bill 165. So I'm thinking, “Gee, if there's a report that comes out and the minister gets 30 days' advance notice from anybody else in the Legislature, perhaps this is a way”—maybe we'll call it the spin cycle. It's the 30-day spin cycle, where the government can then spin the response on the report.

There is really no need for a 30-day time frame. I really think it's excessive. But again, when it comes to the committee process, we're going to talk about what the justification for that might be or why the 30 days was put in the bill. I'm saying that was the cynical side of myself, and you know what? Once in a while I do get a cynical side.

Interestingly enough, when we're talking about timelines, the other thing that's glaringly missing from this bill but exists in, for example, the Ombudsman Act, is the obligation of the ministry that is subject to the report to respond in any way. There's no obligation for a response. Not only is there no obligation for a response—this report has various recommendations or various issues or concerns identified that are problematic, but nowhere does it say that, once that report has been tabled, there's any obligation for whatever ministry is involved to do anything about it. Not only do they not have to do anything about it, they don't have to do anything about it in any time frame whatsoever.

So I really do believe that there are pieces to this bill that have not been done in as tight a way as I would have liked to see. I really do expect that we're going to have a significant discussion and debate at the committee. I don't think any of these things is unfixable. I don't think any of these things is necessarily a stopper in terms of not being able to be fixed and put into the bill. I don't think they're anything that causes any great problem to

actually have them addressed. It's a matter of drafting the language that would address them. There's perhaps some reason why or, I don't know, some kind of past practice that prevents, for example, the minister or the ministry or whoever the bill drafter is from wanting to put a preamble in. Something like that, although I'd prefer it, if it's not in there is not going to be the end of the world. But I do think that there are real nitty-gritty pieces of this legislation that need to be improved upon.

I think that there are things we can do to actually make the bill better. I look forward to the committee process; myself and the critic from the Conservative caucus will be there. I'm sure people will recall, if they were watching yesterday, that she in fact brought a number of issues forward and made her commitment as well to work on the bill. I know that Matthew and many other stakeholders will be there when we're in committee at public hearings, and hopefully when we're in the north at public hearings as well, talking to some of those First Nations communities. I've outlined a number of them; there are others that I haven't, and I know that they will be coming forward at that time.

For example, there's an entire issue around the privacy piece that's in here and the extent to which it's perhaps problematic to take the language from the Personal Health Information Protection Act and apply it to the child advocate regime. It's around things like when a substitute decision has to be made, you need a substitute decision-maker. In the context of health that's pretty straightforward: If someone is in an accident, they can't decide on the treatment, and a parent or guardian steps in. But in the context of an advocate's position—this is just an example—the child can't necessarily be in a position to make a decision on their own and so a substitute decision-maker is required. Who is the substitute decision-maker in the case where the child is a ward of the crown? Well, gee, that substitute decision-maker could in fact be the CAS. It could be very well the children's aid society that the child is having some difficulty with. So it doesn't really make sense, then, to have the children's aid society make the decision as to whether or not, for example, an advocate should be working on behalf of the child or dealing with the situation. I don't think it's necessarily something that prevents us from moving forward, but it's something that we do need to iron out at the committee stage, and I look forward to that.

I'm almost out of time. I do want to just say that I very much support the independence of the child advocate, but I am also very committed to making sure that we get that independent office to be the best it possibly can be, and be the strongest and most independent voice for children, on behalf of children and with children in the province of Ontario.

The Acting Speaker: Questions and comments?

Mrs. Liz Sandals (Guelph–Wellington): I'm pleased to have the opportunity to comment on the remarks that were made by the member for Hamilton East.

When we were coming into government and creating our platform, we committed to a number of things. We

promised to bring forward a law that would have an independent child and youth advocate report to the Legislative Assembly. We said the appointment would take place through an all-party legislative committee, and we said we would make the advocate as independent as the Auditor General and the Ombudsman. In fact, this legislation meets all three of those commitments. We are doing exactly what we said we would do.

It's quite significant that we are making the child advocate independent of the government and reporting to the Legislature, because that means that the child advocate cannot be muzzled by any government. Unfortunately, there has been a history in this province on occasion of attempts to muzzle the child advocate when she has attempted to say, "This particular service is not working correctly. We need to pay attention to these children with this problem and correct it." We are determined that that is not going to happen again, and this legislation will deliver on the independence.

The member for Hamilton East raised the issue of investigative powers. I think it's very important that we sort out the difference between investigation and advocacy. In this case, the office of the child lawyer and the Ombudsman already have investigative powers. It is not necessary for the advocate to have investigative powers, because other people who report to the Legislature already have those investigative powers. The important role of the advocate is to speak on behalf of the children who cannot.

The Acting Speaker: Questions and comments?

Ms. Lisa MacLeod (Nepean–Carleton): I want to congratulate my colleague from Hamilton East, who I know has worked very hard with many of the stakeholders—

Mr. Tony Ruprecht (Davenport): Your mike is off. We can't hear you.

Ms. MacLeod: You can't hear me? Okay, thanks. We have to have some humour in this place from time to time.

In any event, I want to congratulate my colleague from Hamilton East, who I know has been working with some of the stakeholders who are here with us this evening. She, along with myself, brings a commitment to work with the minister for this. I want to congratulate the minister. I know that she undertook a consultation today with some of the key stakeholders across the province and I do hope that she will include myself and Ms. Horwath as we move forward in the upcoming days and weeks ahead with this legislation.

Tonight we're going to have a lot of different members talk about their views on this particular piece of legislation before us, which I think is going to be very healthy to improve it and make sure that we get this legislation right. Of course, we all do have a few concerns. Mine was a lack of consultation, and I understand the minister is undertaking to improve that. As Ms. Horwath said, entry to the children's residential centres, as well as access by the children to the advocate is important. Two groups have been excluded in this piece of

legislation, and we're hoping they will be re-entered. We'd like to see it given a little bit of teeth.

1920

On that, I want to congratulate again my colleague from Hamilton East for doing a great job yesterday and today in articulating her views, and I'm making the commitment again that I will work with the minister to make sure that this bill is done properly. We will consult on it, we will study and we will participate.

Mr. Marchese: I want to congratulate the member from Hamilton East on her speech. She made a lot of points, including giving us a brief history of what the government hasn't done in the last three and a half years. They promised in 2003 that they would have an independent child advocate and then it took three years for my friend and colleague to press them to introduce legislation that would in fact do what they had promised.

In February 2006, she introduced an amendment to Bill 210 that would have made the child advocate independent, and the Liberals voted against that. She did, on April 6, 2006, introduce her own Bill 97 to make the child advocate independent, and we had no support from the government in that regard.

It takes a long while to push government, it seems, to do the right thing. To listen to the member from Guelph, it appears as if this government has been advocating for this and has been doing this for a long time, but it took, Minister, three and a half years to push you to do this. Why does it take three and a half years to do something as simple as making the child advocate independent of government? Why does it take that long?

Even when prompted to do the right thing and we give them the right opportunities to do so, they reject them. We are rebuffed by them. Then they say, "No, we haven't. No, we've got a bill. It's been here all along. It's been planned and talked about for years and years." God bless. At this pace, so many children have been lost to their own devices without any support—

Interjection.

Mr. Marchese: Oh, the advocate has always been there. Okay. No, it's true, the advocate has been there. It's true. We were looking for an independent advocate for a long time and now we're here to debate that. I'll add to the points she's already made.

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): I'm pleased to have just a couple of minutes. It's encouraging to hear that we have all three parties in agreement that we want to move forward on this legislation. I heard the member from Hamilton East in her earlier comments talking about the 11th hour with legislation, bringing it forward. It's been a very full agenda over the past three and a half years.

I suppose any given party could decide it's time to take your foot off the gas, coast along and not introduce new legislation, but we're committed to ensuring that we have a very full schedule. As a matter of fact, that schedule is so full, this is our second day back from our winter break and this is the second day that this has been debated—two days, twice debated. Interestingly enough,

on the second day, it's being debated in the evening. Now I don't know—maybe our whip knows or our House leader could probably tell us—the number of times we voted for night sittings so that we could have a very full agenda, get as much legislation addressed in this place as possible, have the broadest scope of debate. I'd be interested in how many times the third party has voted to work the evenings so we could have these debates. Zero? Zero.

The point being, we're all committed to this legislation. We may have some different takes on it. We're all committed to seeing it done. We've had a very full legislative agenda, and to achieve all of that, we've all agreed that you have to go beyond the norm of daytime sittings and put in evenings. In some cases early on, we sat till midnight to try to accomplish in those early goings as much as we possibly could as a Legislature.

As to the legislation itself, I'm particularly pleased at the structure of it. I think it's important to have an independent officer of the Legislature and that that officer reports to the Legislature. I can't think of how more independent and democratic that can be than to have this body, the one able to manage, to get the information directly and be able to provide direction to the advocate as to how to proceed if there's further action required.

The Acting Speaker: That concludes the time available for questions and comments. I'll return to the member for Hamilton East, if she chooses to reply for two minutes.

Ms. Horwath: I appreciate the comments from all of the members in the Legislature. I'm not sure if any of the members here are going to end up at whatever committee this bill is actually referred to, but if some of the members who were here today are on that committee, I hope they will take seriously some of the comments that have been made. Notwithstanding some of the cynical ways those comments have been made, the bottom line is there are serious flaws to this bill that need to be addressed. We have an obligation, each and every one of us, to make sure they are addressed, and I look forward to making sure that when we get to committee, all of these issues are fleshed out, because it's extremely important that we get this right.

Children are extremely vulnerable, and we know that. I'm not going to mention any specific horror stories, because it's not appropriate to do so. What we need to do, though, is make sure that we have a child advocate in this province who has all of the tools, all of the ability, all of the accountability required to make the changes that need to be made so that the children of this province are treated appropriately, wherever they are.

I have to say that notwithstanding some of the suggestions that the comments I raised were not accurate, in fact I did sit in a briefing with the staff of the ministry and asked very clearly about issues like which children were currently being served who will be excluded from the legislation. They concurred with me that they're not in the legislation. "We'll deal with it by regulation. It's an the informal relationship. We're going to keep it that

way.” No matter what the minister says, we can put that in the legislation and we should.

The Acting Speaker: Further debate?

Mr. Jeff Leal (Peterborough): It’s a pleasure for me to have a few moments this evening to make some comments on Bill 165, An Act to establish and provide for the office of the Provincial Advocate for Children and Youth in Ontario.

I had an opportunity to spend a three-year term—my last term on council in the city of Peterborough and prior to my election in 2003—and to sit on the board of the Kawartha-Haliburton Children’s Aid Society. It was my first opportunity to sit on a children’s aid society. Certainly over the years I was very familiar with their function and their work with children in very difficult situations, but it was my first opportunity to actually sit on the board. One of those things I concluded from that experience was the need to establish an independent children’s advocate in Ontario.

I commend the minister. We’ve had a very full legislative agenda over the last three-plus years and an opportunity finally for the Minister of Children and Youth Services—I know her passion, her great advocacy in this area—to introduce this bill for first reading last November, and now, with the House resuming this last Monday, to carry on in second reading of this particular bill.

It’s interesting, if I can digress for a moment. I certainly remember the Bob Rae government, and it’s my recollection that they didn’t even meet in the House from 1994 to 1995. They didn’t bother meeting in the House at all. My good friend the member from Trinity–Spadina was one of the very influential members of that Rae cabinet. I remember him travelling throughout Ontario, talking about this and that, all the wonderful accomplishments, but they didn’t meet. They talk about bringing in a bill late in the agenda. Well, for the last year, they didn’t even have the courage to meet in this Legislature to move ahead on their agenda. I don’t know what happened to the member from Trinity–Spadina and his very influential role. They must have muzzled him for that last year, and he wasn’t doing very much.

Interjection.

Mr. Leal: Somebody was just heckling about the Peterborough Petes. We didn’t have a very good season this year. We didn’t make the playoffs for the first time in 20, 25 years, but we’ll be back next time. We’ve always found the Barrie Colts historically very easy opponents. So I can tell my friend from Barrie–Simcoe–Bradford—did I get it right?

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

Mr. Leal: —that I know the Colts will be in the playoffs this year, but I’m not sure that they’re going to have a very long spring. They’ll be getting their golf clubs out rather soon.

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If I could get back to Bill 165 here for a moment, it’s never too late to do the right thing and I commend the minister for bringing this forward. In fact, we have a very

long and distinguished history here in Ontario of selecting people as officers of the Legislature. One of the very first people was the late Arthur Maloney, who was the first Ombudsman, I believe, in the province. So this Legislature has a very strong record of three parties coming together and selecting officers in various areas who perform their functions extremely well. I look at the person who will be selected as the first advocate here in this role as an independent officer of this Legislature to be an exemplary person with the qualities needed to carry out this job.

I know the good folks in Peterborough are tuning in tonight. It’s a little after 7:30.

Mr. Marchese: What channel?

Mr. Leal: They’re tuning in to the parliamentary station. We have Cogeco in Peterborough, not Rogers, so it’s channel 71. I know they’re watching this evening.

Look for a moment at section 13, the functions and powers of this position.

“The functions of the advocate are to,

“(a) provide advocacy to children and youth who are seeking or receiving approved services under the Child and Family Services Act;

“(b) provide advocacy to young persons who are being dealt with under the Ministry of Correctional Services Act;

“(c) promote the rights under part V of the Child and Family Services Act of children in care and the rights under part V of the Ministry of Correctional Services Act of young persons in custody; and

“(d) provide any other advocacy that is permitted under the regulations or any other act.”

In carrying out the functions of this advocacy, they are to:

“(a) receive and respond to complaints;

“(b) conduct reviews, whether in response to a complaint or on the advocate’s own initiative;

“(c) represent the views and preferences of children and youth to agencies and to service providers;

“(d) use informal methods to resolve disputes between children or youth and agencies and service providers;

“(e) make reports as to the result of the advocate’s review to the complainant, subject to” other parts of the act;

“(f) provide advice and make recommendations to entities including governments, ministers, agencies and service providers responsible for services” provided to youth and children in Ontario.

I think the minister has provided an excellent framework to start discussions for this position to be established as an officer of this Legislature. This is a bill where there is a real opportunity for the three parties to come together to have an amended piece of legislation, because it will probably go to the committee, to make it a very strong piece of legislation. It seems to me that when it comes to being an advocate for children and youth in Ontario, this is not a particularly partisan issue, and it’s one that we can come together on for the best interests of children and youth in Ontario.

I just want to digress for a moment. It was our government that certainly provided the additional powers to the auditor here in Ontario to finally look at children's aid societies. That was a very important and fundamental step to take. When you provide those powers to the Auditor General, you certainly lift the veil and often, when you lift the veil, some circumstances that have occurred are identified by the Auditor General. This minister, the Minister of Children and Youth Services, has taken the appropriate action to address those concerns identified by the Auditor General. As I said, it was the first time the Auditor General actually had the power to look at children's aid societies in Ontario and, to be fair, it was a very small number of societies that had some difficulties, and the minister took very quick and decisive action to make those corrections. I commend her for doing so.

I think also, if passed, this legislation will eliminate the possibility of government interference or influence over the work of the advocate's office. It's very important to maintain that independence and transparency.

I'd like to take the opportunity to quote on making the advocate independent from a gentleman by the name of Les Horne, who was Ontario's first provincial child advocate and is currently executive director of Defence for Children International-Canada. He said, "It is very gratifying that the government has moved ahead with a plan to establish a child advocate as a strong and effective protective force for the most vulnerable children in this province. This is a major step forward for Ontario."

The current advocate represents children and youth who are seeking or receiving approved services under the Child and Family Services Act as well as those who are in the youth justice system, the children's mental health system, the child welfare system, and provincial and demonstration schools for the deaf and the blind. An independent advocate would also represent children and youth in all these categories.

The advocate's office currently receives about 3,000 calls every year. The main issues that the advocate deals with are: standards of practice for children in residential care, that is, rules and policies; peer-on-peer violence; adequate resources for special needs children living at home; and aboriginal child welfare.

I know as this bill moves forward, the minister will be engaging, certainly, the First Nations communities across the province of Ontario with regard to this particular office. I know I will have the opportunity in the not-too-distant future to chat with the two First Nations communities that are in my riding of Peterborough, Curve Lake and Hiawatha First Nations. I know they will be very interested in providing their thoughts and views on this particular piece of legislation, Bill 165.

The advocate's office empowers young people and families to make complaints about unacceptable treatment and helps them to navigate and negotiate through what can be at times a very complex system.

Interjection.

Mr. Leal: I hear again from my friend from Barrie-Simcoe-Bradford talking about the Peterborough Petes, but we can have that debate at another opportunity.

Before preparing the legislation, the government had hired a number of independent consultants to conduct extensive consultations with individuals, including the current advocate, with organizations that work on behalf of vulnerable children and youth in the province. This government also commissioned a review to look at how best to go about achieving a strong, independent child advocate who can speak out on behalf of children and youth in this wonderful province.

The review of this process made a number of key recommendations, almost all of which have been incorporated in Bill 165. These recommendations include: making the advocate an independent officer of the Legislature; as a main part of the mandate, acting as a strong voice for children and youth, consistent with the functions and activities of the current office, including responding to complaints, conducting reviews, making recommendations, and engaging in informal dispute resolutions; and requiring the advocate to make an annual report to the Ontario Legislature, which I think will be most important, and to provide that review of what has gone on after this office has been established.

An independent advocate would also have the flexibility to present special reports to the Legislature at his or her own discretion. The report also recommended that the advocate not engage in formal advocacy in courts or before tribunals or carry investigative or adjudicative functions.

Our government, through this legislation, has accepted these recommendations. There has never been a better opportunity to demonstrate our support for Ontario's most vulnerable children and youth.

Besides the introduction of legislation up for second reading debate, our government has done much to improve the lives of Ontario's young people, particularly those at risk. Last fall, the Child and Family Services Statute Law Amendment Act was proclaimed, and the amendments are now in effect. Our government has invested more than \$1.2 billion this year to protect children and youth at risk so they have the best possible chance for success.

We're dedicated to doing a better job of protecting and advocating on behalf of children and youth, particularly those most vulnerable in our province. By making the provincial child and youth advocate independent, we're taking another great stride towards achieving that very important goal. Strengthening the advocate's role in this way means we will be giving a strong voice, free from political interference, to the children and youth who need it most.

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We encourage all members of this Legislature to support second reading of this legislation. I think it's the right thing for all parties to do and I can see a real opportunity for all of us to come together on this particular piece of legislation.

I'd share with you some of my experience of sitting for three years on a children's aid society. From time to time, we would hear presentations come forward about the need for the Ontario Legislature to establish an independent officer to be an advocate. I happen to think this bill goes a very long way to achieve that very important goal.

Children are our most precious resource and we have done a number of things since we've had the great privilege of being a government, like reducing class sizes, a very important thing to do and something that was clearly identified by the Dr. Fraser Mustard and Margaret McCain report, that opportunity to identify kids in smaller class sizes to give them a leg up. I think that's part and parcel of our whole approach to governing: investing in capping class sizes in the lower grades to have the opportunity to identify children that have some specific needs so that we can channel the appropriate resources into those areas, being very strong. This bill, along with Bill 210, creating the independent officer as an advocate for children in this province, goes a long way to meeting our campaign commitments that we made in the fall of 2003 to really put resources in place to assist our children. It's been an important thing for us to do, and something that many people in Ontario have recognized as providing those resources and those areas to assist our children.

It's not a bill that has a great many pages to it, but when you take the time to read this bill, you know it's a bill that contains a significant amount of content. I just want to touch upon the reporting requirements:

"The independent officer," this child advocate, "shall after April 30 in every year, make a report in writing and shall deliver the report to the Speaker of the Legislative Assembly no later than December 31 in that year.... The report mentioned in subsection (1), shall contain whatever information the advocate considers appropriate, but shall contain, at a minimum, a report on the activities and finances of the advocate's office, the outcomes expected in the fiscal year of the government of Ontario in which the report is made, and the results achieved in the previous fiscal year." Again, accountability and transparency that are not only required of our ministers and ministries, but certainly officers of this Legislative Assembly.

"The advocate shall deliver a copy ... to the minister of any ministry to which it is relevant at least 30 days before delivering it to the Speaker." I think that's a very reasonable thing to do, to provide an opportunity for the minister or ministry 30 days before it's delivered to the Speaker to potentially look at some of the things that are being identified in this report, an opportunity for minister and ministry to start the ball rolling, to take perhaps whatever corrective action needs to be done in that area.

It also says, "The advocate may make any other public reports as he or she considers appropriate, and may present such a report to the public or any other person he or she considers appropriate, but shall deliver a copy of the report to the minister of any ministry to which it is relevant at least 30 days before the presentation."

I look forward too to the next little while. I know that in my riding of Peterborough a number of groups have come forward and have been pressing for a children's advocate to be an officer of the Legislature, to be established. It will give me an opportunity to meet with them, an opportunity to discuss with them and to bring some of their thoughts and ideas forward, as I suspect that this piece of legislation will be going to committee, an opportunity to review some of the issues and an opportunity perhaps to make a good piece of legislation even better.

I look back and I think we've probably now completed about 200 of our 213 campaign commitments, and the establishment of the child advocate was certainly part of that. The people of Ontario will be pleased when this act gets final approval and fulfills another one of our campaign commitments.

Interjection.

Mr. Leal: I've got the Leader of the Opposition listening to that point. I'm glad he's taking the opportunity to listen tonight; I got his attention on that one.

If I could perhaps wind up here, this is a very sound piece of legislation. I think it's timely. As I said, it's never too late to do the right thing. I commend the minister for bringing it forward. It will provide significant advocacy for children in the province of Ontario and I look forward to it going to committee, an opportunity to hear presentations and to make what I believe to be a good piece of legislation even better through the legislative process. As I said, I look forward to consulting people of my own riding on Bill 165. Again, I salute the minister's leadership in bringing this forward.

The Acting Speaker: Thank you very much. Questions and comments?

Mr. John Tory (Leader of the Opposition): I wasn't planning to join this debate, but I'm sure the member is misinformed, because the member for Peterborough just spoke and I believe I correctly heard him say that this ragtag bunch across the way has now kept 200 of their 213 campaign promises. I wanted to correct the record because I think he actually has that backwards: It's 200 of their 213 campaign promises they haven't kept.

This is an administration led by a Premier, Dalton McGuinty, who has the world record for not keeping campaign promises, starting with the failure to keep his promise not to raise taxes. Of course, we all know what that was all about. But even in this case, where I will say that this was something they said they would do, now we're seeing a flurry of activity at the end. It is truly a deathbed repentance by an organization that realizes they have been found out by the voters of Ontario. When they opened the door to the Auditor General—when the Premier has said, "Please get up and commend us for doing what we said we would do once in a while," I've said, "Yes, it's good that the Auditor General is in there, but it's only after being exposed by the Auditor General for scandalous mismanagement, scandalous waste of taxpayers' money, scandalous disregard for any kind of a process that anyone could respect." Then we saw this

piece of legislation brought forward to keep that campaign promise. So finally, here we are at the 11th hour, the last minute of the term of this government, and this piece of legislation is brought forward.

I would hope my friend from Peterborough would want to stand in his place and correct the record, because I know he wouldn't want the record to show that he actually thought, believed or articulated the fact that these people have kept more than about two of their campaign promises. I am sure he wouldn't want it to be said that they were keeping any of them in a timely fashion rather than being dragged, kicking and screaming, to keep the promises at the last possible minute when the House is about to finish for an election.

Mr. Marchese: The member from Peterborough makes some good points. He says, "It is never too late to introduce some good measures," and he's right. However, people become a little bit cynical when they're presented just before an election. You would understand that, because if you were on these benches, you would say the same thing—and you did and you will when you become opposition as well. That's the problem around this place. Once you're in government, you say, "Well, it's never too late," and if you're in opposition, you say, "We've been pushing you for three years. God bless, finally before an election."

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I wonder whether the member from Peterborough—because he seems so knowledgeable on these matters—can respond to the question I have, though. I was reading the bill, and on page 6, subsection 15(2)—

Interjection.

Mr. Marchese: Page 7, top of the page, it says:

"Consultation

"(2) The advocate shall consult with the minister or administrative head after carrying out the systemic review and before forming a final opinion on the subject matter of the review."

Now, it seems to me that if an officer is independent, they shouldn't have to have it as an obligation in the bill to "consult with the minister after doing the systemic review and before forming a final opinion on the subject matter of the review." If this is the case, how independent is the child advocate when he has to report to the minister before the final opinion of the systemic review is given? It seems odd to me, and it would seem to you to be odd as well, I would hope, given your careful review of the bill and given that the Ombudsman doesn't have to do that, the Environmental Commissioner doesn't have to do that, the Auditor General doesn't have to do that and the chief electoral officer doesn't have to do that. Something is wrong when this happens. Please comment.

Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs): First of all, I think it truly is unfortunate when the member from Dufferin–Peel–Wellington–Grey, who purports that he wants to bring some decorum to this place, looks across the way and calls us a "ragtag bunch" when we have introduced a bill

that supports the independent office of a children's advocate. This is a very, very serious issue.

I would also like to take this opportunity to remind all of the honourable members in this House how it came to pass that the members on this side are committed to an independent office of the children's advocate. It goes back to when we were in opposition. On the watch of the previous government, there were eight children who died in the care of the province of Ontario and, yes, the office of the children's advocate was muzzled. The opposition of the day said that was unacceptable. The opposition of the day said that if we came to government, we would make the office of the child advocate independent and require that it would report to this Legislature. There were some very, very serious circumstances that brought this issue to the fore. It was reported on the front pages of the national media of the day.

I would say to the honourable members on the other side of the House who think that this is some political pandering, some political exercise in response to a recent Ombudsman report, nothing could be further from the truth. This government and this Premier have committed to protecting the interests of children for years, and that is what we are debating here this evening. I think it is important that we all bring a degree of seriousness to the debate that's under way because the children in our care deserve it.

Mr. Tascona: I'm going to deal with that. I'm going to be speaking in roughly less than two minutes, but in response to the Minister of Agriculture, when he was talking about a ragtag bunch, he was talking about the fact that it took them three and a half years to deal with an issue that they promised to deal with. That's all he was talking about.

I'm going to deal with the guts of the legislation in terms of what they're really trying to do. They're not really trying to do much in terms of what the structure is, because there was a child advocate set up under Bill Davis when he was Premier who reported directly to the minister. What the government is proposing to do—and it's taken them three and a half years to getting around to trying to do it, with some very tight controls over what is supposed to be an independent office of this Legislature—is that the officer is going to be reporting to this Legislature but the systemic review which my friend is referring to under section 15, which is defined in the legislation to be very clear on how they are going to limit what the office of the child advocate will be able to do and the controls in terms of sifting—in other words, controlling what kind of opinion and review is going to be done. Quite frankly, the controls throughout this particular bill—and when they call it advocacy, let's be honest: It's not advocacy. The advocate is not going to be allowed to go into a tribunal, is not going to be allowed to go into a court to really provide advocacy and protect the rights of a child. They are being restricted from going into any situation where a child is in a tribunal proceeding or a court proceeding—where the child would really need the benefit of an advocate. They're going to leave the child alone in that situation, which is not right.

I didn't want to comment about the Colts yet, but I will.

The Acting Speaker: The member for Peterborough has two minutes to reply if he wishes.

Mr. Leal: I did appreciate the comments from my colleagues the members from Dufferin–Peel–Wellington–Grey, Trinity–Spadina, the Minister of Agriculture, Food and Rural Affairs, and my very good friend the member from Barrie–Simcoe–Bradford.

It's interesting. I listened very carefully to the remarks of the Leader of the Opposition. I can understand why he's having a bad day today. Because when you look at Christina Blizzard's comment from the Toronto Sun today, it said, "Flaherty's Bedroom May be Icy; Federal Tory Budget Helps Ontario Liberals More Than His MPP Wife's Conservatives." So when you read this analysis that's in the Toronto Sun, I can understand why the Leader of the Opposition is perhaps not having a good day today and is kind of agitated after he reads those kind of comments about the federal budget closing the fiscal gap here in Ontario—and the key reason it happened was the strong advocacy by Premier Dalton McGuinty.

Getting back to Bill 165, I do appreciate the comments as we move forward on this. As I said, I believe that advocacy for children in the province of Ontario is not a partisan issue. I look forward to the continuing of second reading debate in this House on this bill, an opportunity to take it to the committee. Coming together, there are some rare opportunities in the life of a particular Parliament, the 38th Parliament, but I think this bill is one of those opportunities when the three parties can come together to develop a bill to advocate on behalf of vulnerable children who need representation; they need advocacy. This bill will bring it about. And I do commit to my friend from Trinity–Spadina to look at that clause and get an interpretation.

The Acting Speaker: Further debate?

Mr. Tascona: I'm very pleased to join the debate on Bill 165.

I just want to comment to the member for Peterborough; he made those comments about the Barrie Colts. The fact of the matter is the Colts eliminated the Peterborough Petes 8-2 last week from their season—it was a miserable season—and the Colts will probably win the Memorial Cup this year. I just want to go on the record for that.

But this is a very serious bill. I think what's really interesting about this bill is the number of definitions that they've got to basically make sure that this independent officer of the Legislature, as they want to call it, knows exactly the limits of their powers. They didn't do it under the powers section, which is section 14; they made sure they did it under the definitions section.

One of the definitions that caught my eye in particular was the definition of "advocacy." You know, why would you go as far as to define what an advocate would be, when the act is entitled An Act to establish and provide for the office of the Provincial Advocate for Children and Youth? But they define it. Here's how they define it.

They say, "'advocacy' means promoting the views and preferences of children and youth as provided for in this act, and exercising the functions and powers outlined in sections 13 and 14, but does not include conducting investigations or providing legal advice or legal representation." Now, certainly this is not an advocate in the truest sense of the word. Because when you go into this a little bit further, you go into this systemic review, and they define what a systemic review is. It means "providing advocacy to a group of children or youth who are in similar circumstances, either in response to a complaint or request by one child or youth, or on the advocate's own initiative and includes the review of the facilities, systems, agencies, service providers and processes as permitted under this or any other act." And when they say "permitted," that means what the regulations will provide, because they're going to be very strict with respect to what this particular child advocate can get involved in.

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I guess that really goes to what the spirit and the purpose of this bill is. I know my colleague from Nepean–Carleton, who is the critic for this ministry, has been very clear in terms of what her concerns are: a lack of consultation with stakeholders and parliamentary colleagues. The bill has really no teeth. There are no investigative powers, no ability to summons witnesses, no ability to summons evidence and no ability to review child deaths. Another concern is that children's access to the advocate is not guaranteed and entrance to facilities by the advocate is restricted. The other concern is that although the scope and mandate of this office is broad, the bill still manages to leave out two groups that are presently protected by the current office of the chief children's advocate. Those two groups are young people held in police or court holding cells and young people transported to or from police or court holding cells while in custody, and students in schools for the deaf and schools for the blind and demonstration schools. These two groups depend on the child advocate in its current form.

It's important in terms of the debate that there are answers provided to the questions as to why certain children are excluded from protection now when they weren't before. It's also important to have the minister deal with the situation in terms of what is really the intent and purpose of this particular bill. Is it purposely set up to be an office of the Legislature so the minister can basically push off her responsibilities to someone else in a non-contentious way, because they're going to deal with the situation in a way that is going to be removed from the public eye in terms of this Legislature? Because the only time this is going to come back before this Legislature, these types of issues where children are complaining, is when the officer reports to the Legislature in their annual report. And we know what that's like when we get these reports. We have the office of the Ombudsman, we have the office of the Environment Commissioner, the privacy commissioner. They report

annually to the Legislature, and I guess for a couple of days there are questions and whatever in terms of what's going on. But the controls that are put on the office—everybody here believes in accountability and certainly there should be accountability in the expenses and how that office is operating. But it's very clear in this bill, under section 8, in terms of the controls that are put on their expenditures by the Board of Internal Economy, in terms of what they can do and the expenditures they are allowed to have. So obviously that plays into the independence of this particular officer, because the real meaning of independence is that they're going to be able to do their job and report on the mandate that they have, and they're not going to be restricted.

My friend from Trinity–Spadina pointed out and asked for my view in terms of subsection 15(1), which is entitled “Notice of review.” It states, “Where the advocate intends to undertake a systemic review, the advocate shall advise the minister or the administrative head of the ministry, agency, service provider or other entity that is to be affected of the intention to conduct the review.” And that's fair in terms of giving them notice that they'll be looking at that particular group.

Under “Consultation,” which is subsection (2), “The advocate shall consult with the minister or administrative head after carrying out the systemic review and before forming a final opinion on the subject matter of the review.” What that means is they're going to discuss things, and it's going to be discussed after carrying out the review but before they form a final opinion, obviously to give them an opportunity to respond to some findings. The problem with that is that's done behind closed doors. There should be some public scrutiny in terms of what is going on at that particular process, but there isn't.

What's more troubling is the obligation on others, and that's the obligation of service providers. My riding of Barrie–Simcoe–Bradford, which covers Barrie, Innisfil and Bradford, is a very high-growth area. Certainly the area, in terms of children services and other family services, is lacking in funding. It's underfunded by this government in terms of dealing with the growth that has come about in this area. So the underfunding that has come from this government in terms of the children's aid society, in terms of other organizations, is very dramatic because of their lack of responsiveness to the growth that comes into an area. When you have new growth in an area, you need to have those services that are going to help families and children. This is something that this government has not addressed with their old formulas and how they want to approach this type of issue in terms of child protection.

Section 16 deals with the obligations of service providers. It states, under subsection (1), “An agency or service provider, as the case may be, shall inform a child in care or a young person in custody, in language suitable to his or her understanding, of the existence and role of the advocate, and of how the advocate may be contacted.” Under subsection (2), it says, “Every agency or service provider shall provide the advocate with rea-

sonable private access to a child in care or young person in custody who wishes to meet with the advocate.”

What's missing in this bill—these are mandatory requirements of the service provider to inform the child about the child advocate and the means of contacting and a way for them to consult each other—what's lacking is consequences. What if they don't do that? Are we going to find out about that in an annual report, that this agency didn't do this? There have to be consequences for not allowing the protections.

The protections that they want to have in this bill are obviously to protect the child from the type of treatment that an agency may be providing them. Everybody knows about the type of review that went on with the children's aid societies and the Ombudsman's report, which wasn't exactly complimentary of that particular area, and knows that if this isn't done under section 16, even though there is a moral obligation and a spiritual obligation in terms of doing that and the language would support that in the Legislature, there are no consequences. They can say, “So what? This situation is too hot. We don't want to be labelled. We don't want to get into pressure. We don't want to get into trouble with the minister.” So that is a very, very difficult situation for the child in terms of their not being able to ensure, and I think that's something that the government is going to have to respond to. The government is going to have to amend this bill in terms of making sure that the obligations on other sections are made not only mandatory but that there are consequences for not doing what they are supposed to do. Those consequences can only deal with the management of that particular organization, in terms of how they are conducting themselves, especially since they're funded by the taxpayer, they're funded by the province in terms of providing the service that they're supposed to provide to a child. So that's going to have to be amended in terms of making sure that there are consequences for not providing the consultation process with respect to the child advocate for the person who is requiring it.

There is very clearly stated in the bill, in terms of section 14, the powers: “In carrying out the functions of the advocate, the advocate may....” Now, that doesn't mean they have to do it. This is basically a discretionary power given to the child advocate to get into a number of areas. But the one area they can't get involved in—and it's very clear; the title is “Restriction on acting as counsel.” In subsection 14(2), it says “The advocate shall not represent a child or youth before a court or tribunal.” I've got to ask the government, why? Why did they put that in? Why would they go through all the process in terms of dealing with this particular situation, and it ends up in a tribunal, it ends up in a court? How does the minister think that the child advocate is not going to be dragged into a court proceeding? They are going to be brought into a court proceeding; they're going to be brought into a tribunal proceeding, especially if they have been involved in that child's situation. The minister's saying no, they can't act as an advocate in the truest sense of the word, in terms of appearing and representing

the child in a tribunal or a court, but they can be brought in and they will be brought in—you can guarantee it, Madam Minister—as a witness into that type of proceeding. Because the way you set out their powers, there is no reason why they wouldn't be. And if that's fine for the minister, that's great, but what is the purpose of that being the situation?

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You have to think it through in terms of why you would want the child advocate brought in as a witness in a proceeding before a tribunal or a court, especially when you have, under section 20, a limitation on liability. It's a kind of a strange limitation on liability, in terms of protecting an officer. It says, "No proceeding shall be commenced against the advocate or any person acting on behalf of or under the authority of the advocate for anything done, reported or said in good faith in the course of the exercise or performance or intended exercise or performance of a power, duty or function under this or any other act."

So obviously, if what they did was in bad faith, they're going to be brought before a court or a proceeding because of the way they have acted in terms of protecting that particular child. Quite frankly, I'm very surprised by the type of language you're using, and what you're trying to accomplish in terms of this situation. I don't know why you would be bringing in a liability limitation against this particular office in terms of what they're supposed to be doing is for the benefit of the public, and they're supposed to be acting in good faith at all times.

When you look at this situation, you wonder whether the government is really serious about this bill. The way it is drafted, one would question the seriousness of what they were trying to do here, because the bill, in terms of what a child advocate would do, is nowhere near what is going on in other jurisdictions. It's not near what's going on in Nova Scotia, Saskatchewan and British Columbia. I have to ask the minister, why did she choose the route that she chose as opposed to other jurisdictions that have some experience in this issue? Ontario is supposed to be the leader in all areas of this province and this country in terms of the things that they get involved in. So I don't know why we would be lagging other jurisdictions in an area such as child and family services.

But she'll have to answer to that when this goes to public hearings, if it gets to public hearings. So one has to look at this in terms of whether the bill is going to die on the order paper, or be rushed without adequate consultation and the right bill will not pass. In terms of the number of pages, this is a very, very small bill. There are only 11 pages to this bill. And it is a very simply drafted bill in terms of making sure that the Office of the Provincial Advocate for Children and Youth—it is very clear that the controls over how they're going to operate rest with the Board of Internal Economy, which is run by the government, we might add, because they have the control over the Board of Internal Economy.

The other part of it is that when the advocate goes to do a review, their review is going to be subject to

consultation by the minister or the head of the agency that they're looking at, after they do the review and before they form a final opinion. I would have thought that you would talk to the minister or that agency before you started the review and made sure that you got the right information and knew what you were doing in terms of where you wanted to go with that particular review. Then, after you consulted with everybody, you would form your final opinion—but not here. What they expect the child advocate to do is do the review, then go to the minister, and also go and see the head of that particular agency before they form a final opinion. That's not independence; that's not even near independence in terms of what you're supposed to be doing. An opinion should be formed independently, based on the facts that you find, not going back like a little school child and saying, "What do you think?" But they don't do that here.

They don't go as far in terms of what I would have thought was a true advocate. I think it's misleading. When people say, "You're going to be my advocate," that means you're going to fight for me, you're going to represent me and you're going to protect me. That doesn't happen here. The child advocate has no investigative powers—none whatsoever. How are they ever going to get to the bottom of what a problem is, other than in a superficial manner in terms of the powers that are provided by this particular bill? They cannot. They've got no investigative powers, they have no right to represent anyone at a tribunal and they have no right to go into a court and do what I would have thought is important in terms of providing true advocacy to a child or a youth.

I know my good friend John Yakabuski—I shouldn't name him by name, but I have to—is going to be speaking on this bill, and there are certainly some serious issues that he has with respect to his riding and also in the military base. I think it's an important issue that has to be addressed.

Of course we support the principle of the bill. What's problematic is in terms of the principle and the spirit of what they're trying to accomplish and the fact that it took them three and a half years to get around this. You would have thought there would have been more on the table. Quite frankly, it's lacking.

The Acting Speaker: Thank you very much. Questions and comments?

Mr. Marchese: I want to congratulate the member from Barrie–Simcoe–Bradford. He raised a number of critical points, including responding to my concern around subsection 15(2). I will have a lot more to say in the next eight minutes in that regard, responding to that section again and other related matters.

But I wonder whether the member from Barrie–Simcoe–Bradford would comment on something that he didn't have an opportunity to respond to because there's so much to say—I understand. On page 6, "Restrictions on entrance"—you might want to comment on this—it says, "Where the advocate seeks to enter a place to communicate with a child or youth, the advocate shall give reasonable notice to the person in charge of that place or

to the person who has custody or control of the child or youth.”

It seems to me that such an officer who is a child advocate and may be reviewing a matter of abuse of any kind being obliged to give reasonable notice to the person in charge of that place or that person who has custody or control of the child or youth is wrong, is a mistake. The child advocate should be able to enter a place without having to give reasonable notice, because in so doing, it permits an institution to obviously correct whatever perception needs to be corrected, to deal with whatever matter could be dealt with in advance of the advocate coming in. That place or institution should not be permitted to have that opportunity. If indeed something wrong is found, the advocate will speak to that; if nothing is found, then the advocate will speak to that. But why give reasonable notice? In my view, it does not make any sense, and I wondered whether you, as a lawyer, have an opinion in that regard.

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Mr. Richard Patten (Ottawa Centre): I have a few comments. As both members have stated, this is not a big bill. I think it was responded to, and I think that probably each party felt that, indeed, there was a need to respond to this, to a position that we'll review and make sure that children's rights and opportunities are respected. I'd point out to all of the members, the Ombudsman does not have the power to take on a court case either, and neither does the Auditor General. They don't do that. It's quite standard, as the member from Simcoe will certainly know, and others who have been in public accounts, that the Auditor General—it's standard practice, when he does his report or her report, they go back to that ministry with recommendations and ask them their response to the criticism. Now, this one is a little different, mind you. I grant that. But to suggest that this is somehow out of the realm of being able to do review—yes, they can—is perhaps a little misleading.

All I can say is that this bill will go to committee. There may be some technicalities that those of you with legal backgrounds suggest should be reviewed. As we have already stated, we want to make sure that this person is an advocate for children who has the teeth to be able to review circumstances, and that given the position that has been there right now—there has been considerable consultation with that office and with the individuals.

So I am hopeful that we can move this to a successful conclusion, and if there are good suggestions to be made, which I gather the opposition feels it has, then I'm sure that we'll find a way to accommodate that.

Ms. MacLeod: Just on a quick note, to follow the member from Ottawa Centre, last week he announced that he's not going to be running again. I'll be sad when I come back here next year and he won't be here, because since I have been elected in this short year, he and the member from Leeds-Grenville, two deans of this Legislature, have been so kind to me. On a personal note I just want to say that. I appreciate it.

I just wanted to make a few comments to my colleague Mr. Tascona. Bringing his fresh set of eyes to this piece of legislation, I truly appreciate it, because he does bring that legal aspect to the bill, which not all of us have, and I think that we needed it. I think that it was great that—

Interjection.

Ms. MacLeod: There are not enough lawyers in the Legislature. Anyway, I'm not sure that constituents at home will say that.

In any event, he did raise some very valid points with respect to the Board of Internal Economy and how it is dominated by the government. He brought up some issues with respect to systemic reviews, and the true meaning of the advocate. I was very pleased that he raised some of the very issues that I and others critics in this chamber have raised to improve this piece of legislation. What we're expecting is a very spirited debate on the independent child advocate so that it will be improved by the time it concludes committee hearings.

I think that with respect to all of the colleagues in this Legislature who will stand up and bring forth their ideas, it is very important in the consultative process, and I expect that we'll be doing that for the next hour, trying to influence the way this bill will be resolved at the committee stage.

Mr. Dave Levac (Brant): I just wanted to put on the record some unfortunate circumstances that happened in my riding. We talked about a little 8-year-old boy who was murdered saving the lives of a couple of people, Jared Osidacz, and remind members here that we collectively passed a private member's bill, Bill 89, that gives the coroner the responsibility of investigating cases like his. Sunday was the one-year anniversary of his death. There wasn't anybody in here who wasn't trying to work together to come up with a good piece of legislation to protect the lives of children.

I think that's what we're talking about tonight. We're talking about trying to do things better for the protection of our children. I think we should take these recommendations and suggestions seriously, and try to peel back a lot of the rhetoric we're hearing on all sides, because everyone, now and then, tries to score political points. But outside of that, I would recommend very strongly that the accusations being hurled back and forth sometimes need to be toned down a little bit in order for us to focus on the real purpose and what this particular piece of legislation is trying to do. What we are trying to do is create an independent office of the children's advocate, as recommended by the Ombudsman and also previous governments. And this government is making that effort to do so. I think we should stick to the purpose of trying to find out where the flaws are in the bill and correct them as best we can, and when we do go to committee—and it's indicated that we will—that we take the best possible approach in order to accommodate those concerns and those issues that are brought up, because we can't afford to lose any more lives, particularly those of our children. I respectfully suggest that I'm sure that is what's going to happen.

The Acting Speaker: I'll return to the member for Barrie–Simcoe–Bradford for his two-minute reply.

Mr. Tascona: I appreciate the comments from the member for Brant, and I have respect for him. The purpose of the debate is to deal with the flaws in the bill, and I think that's what we've been pointing out here tonight, that there are a lot of flaws. I appreciate the comments of the member from Trinity–Spadina about the restriction on access, and when he talks about giving reasonable notice in a situation where perhaps reasonable notice isn't what has to be given.

I would just compare that to the powers that are given to occupational health and safety officers and the power to employment standards officers with respect to access to property. They do not have to give reasonable notice. They have an entitlement to be on that property, and they have an entitlement to do what they think is necessary to do their job. And if any employer gets in their way, they are going to court or they're going to be in jail for obstructing an officer of that Ministry of Labour in terms of their trying to do their job. I think what the member for Trinity–Spadina is pointing out is a valid point in terms of the officer of the child advocate who wants to enter a property in a situation which does not warrant giving reasonable notice.

I know the Minister of Labour is here tonight; he knows the powers that are given to the health and safety inspectors and the employment standards officers—they're going to be in there, especially health and safety officers. If they think it's a situation where a person is in imminent danger of a health and safety situation, they're in there—bang, no questions.

As for the comments of the member for Ottawa Centre, the Ombudsman deals with government policy decisions which will impact human lives. But what we're dealing with here is an advocate that's been set up to protect children's or youths' lives. That is their direct obligation, to deal with them, not government policy but to protect that child. And to say that they are advocates for them, all I'm saying is let's extend the envelope here to make them true advocates.

The Acting Speaker: Further debate?

Mr. Marchese: I'm very happy to debate this bill and welcome those who are able to see this parliamentary channel. It's 8:30 in the evening, and I would say, with all due respect to Mr. Tory, that those who have Rogers Cable will now not be able to see this political channel on channel 72. But it will be on 105, and you'll need a digital box to view this legislative channel. Quite frankly, I've written a letter in this regard. I find it offensive that we should limit access to people's ability to see the political proceedings in this place.

Interjection.

Mr. Marchese: No, my complaint is against Rogers in terms of what they are doing, and I think it is a serious problem that will limit access to this legislative channel. They, in retort to some of our complaints, are saying, "No, if people call they'll be able to get a service for one year." But they don't say to the good folks that after the

one year, they're going to have to pay the eight bucks, or whatever it is monthly, to have access to this channel. This is one of the best reality TV shows that we've got around, and it used to be free. Now it's not going to be free and people are going to have to pay to be able to access this parliamentary channel. I wanted to make a point of this and tell the good folks who want to protest against it to dial 1-877-776-7886 and complain about what is happening around this particular issue.

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Secondly, I want to reinforce the point I made earlier. This is a debate on the bill; politics is about political debate. Usually, it's done for the purposes of making bills better. So when I make reference to page 6, subsection 15(2) with where it says under "Consultation," "The Advocate shall consult with the minister or administrative head after carrying out the systemic review and before forming a final opinion on the subject matter of the review," I find it a serious mistake, and it seriously challenges the independence of the advocate. Even if it were not the case, the perception is that something could happen to the report on the basis that the advocate is asked to consult before forming a final opinion, suggesting that that final opinion could be changed. It may not have to be, it might not be, but it lends itself to the possibility that it could be. That's a problem, and that's serious because the purpose of the bill is to create an independent advocate free of political interference.

Hon. Mary Anne V. Chambers (Minister of Children and Youth Services): I agree with you.

Mr. Marchese: I'm happy to hear the minister agrees with me. That's what the bill and the debate is all about: finding out aspects of bills that could be improved and making a point of it.

The advocate is permitted to issue an annual report to the Legislature as well as discretionary reports directly to the public. However, 30 days' notice to the affected ministry is required. Why 30 days? There is no explanation for that. This is followed in practice by other officers of the Legislature, but the timelines are at their discretion. Nowhere is it in law that it says, in other aspects, where we're dealing with other officers, that they're required to report to affected ministries within a certain period of time. In addition, and what paradoxically complicates it is, they are also given the power to request responses from the ministries, a power that is denied to the advocate. So other advocates, such as the Ombudsman, have the power to request a response from the ministry, but the advocate doesn't have such a power. Why not? She or he should be able to request that the ministry or affected minister respond, but there is no such requirement in the bill. There should be. It could be an oversight; I don't know. But it can be corrected, and that's why we need hearings. They're serious matters, and that's why they're before us in this debate.

There are many other issues dealing with the mandate, scope, powers and limitations. Clearly, they have powers to do a review, a systemic review, but they have limited powers in terms of what they can do. So, if they don't

have the power to summon or enforce the attendance of a witness or compel testimony under oath or compel the production of documents or evidence, then that systemic review will certainly be limited and debilitated, weakened as a result. So what powers do we have to be able to do a systemic review but with limited powers in terms of being able to do that job?

In relation to these issues that I have mentioned, the minister, and hopefully others who will be invited to speak, will address these and other matters that I am about to touch on, which I also believe need to be reviewed.

I want to talk about the method of appointment. There is so much to say, I think I will have to rush through some of these matters. The Liberals promised their new law would require the appointment of the child advocate through an all-party legislative committee. They promised again on March 8, 2003, that under the new law, the advocate would be selected by an all-party legislative committee and report directly to the Legislature.

This bill breaks the promise. Instead, Bill 165 gives the power of appointment to the cabinet—on the advice of the Legislative Assembly, but it gives the power to cabinet. We might give advice, but cabinet has the power to decide on who should be appointed. Why not do as we have done with so many others? I have been a party to the selection of the last two Ombudsmen, and I believe that process works, and works well. So no party has the power to say, “This is the man”—or “woman”—“we want.” It means you get party agreement, which suggests consensus from all three political parties on the appointment that we make. This is sound policy. I believe we need to do that. It’s a promise that the Liberals have made, it’s a promise that they should keep, and it’s something that should be changed when we have these consultations with our stakeholders. This is not a problem. It ought not to be a problem for the government. This is something that is a positive development in what we in this Legislature have been moving to on a number of appointments of officers. So I’m hoping that that will change.

I wanted to speak to the fact that there is an exclusion of the advocate’s mandated groups. I know the minister spoke to this, and at some point she may speak again. But at the moment, the government claims it’s making a simple transfer of responsibilities from the ministry office to an independent officer of the Legislature. However, Bill 165 excludes three client groups currently served by the office of the child and family service advocacy: students in schools for the deaf, schools for the blind and demonstration schools; young people held in police or court holding cells and young people transported to or from police or court holding cells; and young people receiving non-custodial services under the Youth Criminal Justice Act (community service and probation).

The point of the matter is that yes, the ministry wants to deal with this in some fashion, as we heard from the member from Hamilton East, where it says, “Provide

advocacy to children and youth who are not dealt with under CFSA or MCSA, as permitted by regulation. (A current example is the memorandum of understanding with the Ministry of Education, allowing advocacy on behalf of children attending provincial and demonstration schools.)” So they contemplate some kind of memorandum to deal with the three excluded groups that I talked about. But why do we need to do that? Why are they exempt? Why do we need a separate memorandum? What is the purpose of that? Why not include them in the bill? She, in fact, has jurisdiction over these three groups at the moment. Why not continue with that responsibility and enshrine it in the bill? Quite frankly, I don’t know why the government has done that. They may be able to defend this in committee and that’s fine, and other people who will depute will have an opportunity to state their points of view on this matter.

Another concern I have is with respect to young people’s access to the advocate. The bill does not provide a clear, positive and direct right to access the advocate. Instead, it provides weak access provisions through consequential amendments to the Child and Family Services Act. In other words, the point of this is that some service provider should or will have to tell some child that there is a child advocate they could call or speak to. The problem I have with this is that, first of all, it assumes that all advocates will do their job and advise every child in their care of this power or this child advocate who is there to speak on their behalf. It assumes that that will happen. It doesn’t state how it will happen, but it assumes that these providers will inform them and that, in so doing, the child, the young person, will find it within his or her power to then make the call. We assume that the service providers will provide the telephone number and so on. But why not empower the child to have direct access to the advocate himself or herself? Why not give that person the power? That too is something incomprehensible to me. Why couldn’t we enshrine the right of the child to have direct access to the advocate, enshrine it in law, rather than going through intermediaries who may or may not pass on the information that the advocate exists and that the advocate can be telephoned in such a manner? I believe that that should change. I believe it should be a right of the child to be able to have direct access to the advocate. This too is something that people will be able to speak to.

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I want to raise another issue. I raised it earlier in response to the member from Barrie–Simcoe–Bradford and asked him a question in this regard. One thing that troubles me is the following section on page 6 of this short bill. It has to do with restrictions on entrance: “Where the advocate seeks to enter a place to communicate with a child or youth, the advocate shall give reasonable notice to the person in charge of that place or to the person who has custody or control of the child or youth.” I want to say, in response to this, that this is another serious problem that you have introduced in this bill. The advocate, when dealing with any type of abuse,

when dealing with protection of a child for whatever reason, should not have to inform the person in charge of that place or the person who has custody or control of the child in advance of going. We don't know what reasonable notice means; it's not defined. It could be a day, it could be two, it could be three; we don't know. But why should they be informed? If we're dealing with possible harm and possible abuse, it means that if something is happening, that institution should have no right to prepare in advance or to hide the possible facts or to change the environment in such a way as to create a different kind of positive environment, creating an illusion to the advocate that things are not as bad as they might have been reported. Sorry, we cannot give that advance notice. They should not be given reasonable notice. "Reasonable" sounds reasonable, but it is unreasonable in this respect.

So I'm hoping that people, when given the opportunity to respond to this bill, will come and speak to this and speak to many other aspects of the bill that I may or may not have touched. I know that First Nations people have concerns with this particular bill, and I know that some of us really believe that we should treat aboriginal people as a nation, that they are a nation. They are not immigrants like many of us. They were here before us and have special rights and special privileges, and our relationship to them ought to be treated differently. In relation to this particular issue, they need to have a strong voice on how their children are dealt with as it relates to possible harm to native children. Some are supporting the idea of a deputy child advocate for aboriginal children. First Nations people might be interested to have a totally separate, parallel advocate located in the north to serve First Nations children in both First Nations agencies and mainstream children's aid societies. We have to take this seriously and we have to discuss how we're going to deal with concerns that they have in a way that addresses them as a people, which in my view they are.

The other point regarding the Ombudsman: Since February 14, 2005, the Ombudsman has been demanding oversight of CAS. Having an independent child advocate with the changes that I was speaking to would go a long way to helping young people, but it doesn't replace the fact that if we had an Ombudsman who had oversight over CAS it would be equally good and strong and powerful, because having another person who has oversight over these matters with the powers that the Ombudsman has would be good for everyone. It may seem that it may not be as good to governments, because I have seen the current Ombudsman do many reports on a regular basis and the government has on a regular basis responded to them promptly. I believe this is good. It is not an attack on government, it is not an attack on ministries. It ought to be something that ministries should want to have in place because it protects everyone. Ultimately, if it does good and you as a government respond to it in a positive way, you're doing yourselves good.

It is a difficult thing to accept because when you're in government, you are the ones who have to take

responsibility and, as such, you see it as a criticism of yourselves. I know. Yes, Minister, I know. We've all been there; all of us have been through this circle. Most ministries hide from problems and, to the extent that they can, they will sweep them under the rug as often as they can, to the extent that they can, except where political pressure is brought to bear, and then governments need to respond. But I am telling you what the Ombudsman has done in each and every one of the reports that he has created to which you have had to respond, and to which you did respond, has been a good thing for Ontarians and a good thing for governments, in spite of the negative feelings that you might have towards him each and every time he issues his reports.

We anticipate hearings, and we anticipate hearings across Ontario. We anticipate hearings in the north in particular to give native people an easier opportunity to access our committee, so that they don't have to travel far. We have the ability to do that and I'm assuming that we will find ready and willing MPPs and parliamentary assistants and ministers ready for the call, saying, "Yes, of course we're going to travel across Ontario." We anticipate that you will do that. We anticipate that many will come to the hearings and we anticipate that the bill will be improved as a result of the suggestions that we are making and as a result of the suggestions that other deputants will have to make.

With that, Speaker, I thank you and look forward to the responses.

The Acting Speaker: Questions and comments?

Mr. Shafiq Qaadri (Etobicoke North): I would also like to recognize and honour the theatre of debate that has been contributed to by our honourable opponent from Trinity-Spadina, but I wanted to just add some thoughts to tonight's debate.

I think it's a mark of a civilized society, and certainly a McGuinty Liberal government, to empower those individuals in our society who may not necessarily have the loudest voices. And I think that this particular act, the Provincial Advocate for Children and Youth Act, 2006, is precisely a mark in that spirit. This legislation, if passed, will in fact better protect the interests of our children and youth by ensuring that no government, current or future, would be able to suppress the voice of the advocate. I think this is a very important point because now, with fixed election dates, with the temperatures and fevers rising because everything is being potentially exploited on a political basis, whether it's budget deficits, reports or audits, I think it's important to separate that from political control. It is very important that we bring forward this particular legislation, as I've mentioned, because it is our responsibility, as a government with a progressive vision, to listen to everyone, and of course that particularly includes children and youth.

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This government believes that when it comes to giving vulnerable children a voice, there can be no room for interference, political, electoral, economic or otherwise. That's why I strongly support this particular act, the Provincial Advocate for Children and Youth Act, 2007.

The Acting Speaker: Further questions and comments?

Ms. MacLeod: I truly appreciate my colleague from the New Democratic Party's getting engaged in this piece of legislation. As always, he entered the debate in a very spirited way, raising points that I think are valid for this entire Legislature to hear, particularly on the independence of the child advocate for Ontario. I know his party has been working very hard with stakeholders to help improve this bill, which they believe is flawed, and I certainly appreciate the time and effort his critic has put into this legislation as well. I understand that he's going to be here and delivering more two-minute hits and he's going to do his two-minute wrap-up, which we're all really getting excited to hear.

But, in particular, I would like to add some of the concerns that we have as a Conservative caucus on some of the issues, and I would be interested to hear what he thinks: the lack of consultation on this bill, the lack of entrance and the restriction of access, as well as other issues with respect to some key groups that need protection having been left out.

Mr. Leal: They've just fixed up a committee.

Ms. MacLeod: I guess I just got assurance here from the member for Peterborough of the Liberal Party that this will all be dealt with in committee, so I truly appreciate that.

Mr. John Wilkinson (Perth–Middlesex): I see that my good friend from Trinity–Spadina is like the Maytag repairman this evening. He doesn't seem to have a colleague to help him out, so I'll try to be as non-partisan as possible. I enjoyed his comments. I want you to know that I support Bill 165 for a couple of simple reasons.

First of all, I'm proud to be a member of a government that decided to have a Ministry of Children and Youth Services. I think it was a very progressive move by our Premier. I would challenge any party that would form a government in the future of Ontario who would say that there shouldn't be a Ministry of Children and Youth Services. I think it is very important around the cabinet table that there is that voice. I know Dr. Marie Bountrogianni, our first minister, did a wonderful job. She's been succeeded by Mary Anne Chambers, who is also doing a tremendous job of moving this agenda forward.

One of the things that we said on the campaign trail, something that other parties did not when they had the opportunity, was to create the child advocate so that he or she would have independence and would report directly to this Legislature. There had been criticism over the years about the necessity for doing this, but no action had been taken. So I am glad we're doing that.

I'm particularly glad that both opposition parties agree in principle with Bill 165. I agree with my good friend the member from Brant that some things transcend partisan politics. I think this bill is one of them. I also note that there has not been a major piece of legislation introduced by our government in the last three and a half

years that has not gone to committee and been amended and substantially strengthened.

I remember working together with the good member from Trinity–Spadina on the spills bill to make it stronger. So we can rise above partisanship when the call is so clarion, which is that we have to do whatever we can to protect our children. We have to make sure that that advocate, who is the voice of the children that is lost, is actually heard no matter what, and no matter what government forms the government of the day here.

The Acting Speaker: Questions and comments? Seeing none, I'll return to the member for Trinity–Spadina, who has two minutes to reply.

Mr. Marchese: I thank the member for Nepean–Carleton. To my good doctor friend from Etobicoke North, I don't quite get it. You didn't respond to anything I said. You spoke softly, but not by speaking softly does your bill improve; I'm sorry. It would have been nice for you to respond to what I said, but you didn't. Then you got the member from Perth–Middlesex equally trying to imitate Sean Conway here, but he said nothing in response to what I said. He said we need to get beyond partisanship. What did you say in response to the comments that I made?

Interjection.

Mr. Marchese: Member from Middlesex, just quiet down. I talked about the exclusion of the advocate's mandated groups. I talked about young people's access to the advocate. I talked about the advocate's access to the facilities. I talked about the method of appointment. I talked about the fact that subsection 15(2) forces the advocate to meet with the minister before forming a final opinion.

Interjection.

Mr. Marchese: But why didn't you respond to that? Johnnie, you went on about this, "Oh, we need to get above partisanship. This is the best bill we've ever produced. We just need to get the opposition parties to work with us." It was just, blah, blah, blah. You said nothing. It would have been nice if you'd just responded to what I said and said, "I disagree with your passionate defence of that or disagree with your passionate defence of that." It would have been nice if you had said, "I disagree with something." But on all the points that I raised, 20 minutes of them, you didn't say a thing except to blah, blah, blah about how great your bill is and that we need to get beyond partisanship because you introduced a bill, you Liberals are so great and we shouldn't have a debate.

So, Johnnie, next time I debate, hopefully you'll be able to respond to the things I'm saying as a way of enhancing the debate. Please, Johnnie, do me a favour next time.

Interjections.

The Acting Speaker: I hope I don't need to remind experienced members of the House that we all need to refer to members by their riding name or by their ministerial title, not by their first name or their surname.

Further debate on the bill?

Mr. Phil McNeely (Ottawa–Orléans): Bill 165 is an Act to establish and provide for the office of the Provincial Advocate for Children and Youth. I was glad to be here yesterday for the leadoff to second reading of this bill and I'm pleased to speak to this legislation this evening. This legislation is part of a package of changes that our government has made to protect our children and youth at risk. It includes of course the new Ministry of Children and Youth Services, which we're all very proud of on this side of the House.

I'd like first of all to speak of another bill, Bill 210, the Child and Family Services Statute Law Amendment Act, passed in late 2006, which is pertinent to this in protecting children. It was an integral part of the McGuinty government's actions to help our children and youth have better outcomes and lives in this province.

Shortly after I was elected, I met with a family lawyer in Orleans, Susan Galarneau, who told me about all the difficulties she was having with adoptions. It was great to get her advice on where we were going, and I remember speaking to the minister at the time. That legislation, which is in place now—and it just started to operate I think in November 2006—provides for more options for children who can't be adopted so they grow up in caring, permanent homes. I think that's so important. I just wanted to mention that in the context of this debate tonight.

It increases the accountability of children's aid societies through an independent, timely complaints process. It allows openness in arrangements that will make it possible for more children to be adopted while keeping important ties to their birth families. When you look at the statistics, we have 9,000 children who are crown wards. If the legislation would reduce that by one child, 100 children or maybe 1,000 children, it's certainly the right direction that we're going in this province. It was a direction that that family lawyer gave me, and I found that that's what the minister at the time went along with and how that legislation developed.

So we're coming up now to this legislation, and I think it's very important. We've heard a lot of discussions tonight, and a lot of them from lawyers, who argue about access: "Where the advocate seeks to enter a place to communicate with a child or youth, the advocate shall give reasonable notice to the person in charge of that place or to the person who has custody or control of the child or youth." They argue whether or not that is proper access: "Every agency or service provider shall provide the advocate with reasonable private access to a child in care or young person in custody who wishes to meet with the advocate." A lot has been around access or what they're telling the child, but I think this has been going on in this province for many years that we've had a child advocate.

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The difference now is that we're going to have the child advocate report to the Legislature, not to the minister. I think we heard from Minister Dombrowsky. The genesis for that I think was the death of children and

of not having the child advocate be able to speak to the Legislature. That was the problem. That muzzling by a minister will not occur in the future. That's why the group of legislation that has come from this government has been building on protecting children and youth, and this is just an excellent piece of legislation that is going to, in many ways, support the protection of children and youth in this province.

There's a lot of discussion tonight on whether some groups are left out. One member said that the new legislation will leave out youth in provincial demonstration schools, schools for the deaf and blind and young people in police holding cells and in police custody. But other people feel that it will not. If regulations are required, then those can be put in place to make sure of that protection there. But one to the things that I'd like to clarify—it was an allegation by the member for Nepean–Carleton that this came about because of the Auditor General shining a light on the children's aid societies. One thing our government did was to introduce the new legislation where the auditor gets into all the government expenditures, including, I believe, hospitals, schools, hydro. Hydro was very enlightening when the Auditor General was able to go in there. And why wouldn't he? This is Ontario money. This causes problems for governments to get all the facts, but that's what the purpose of this is. So this is not the case. We saw the genesis of this. It goes back to the muzzling of the Auditor General. It had nothing to do with the Auditor General shining a light. We asked the Auditor General to look at all the government spending, including the CAS. Certainly they found out information that is going to be beneficial to this government, to move forward with legislation.

It's difficult for me, as an engineer, to sit in this House and hear the lawyers argue the small subtleties. I'm sure that the issues that have been brought up tonight, generally about access—there was one about how you tell a child and about reporting one month before to the minister—how all of those things work. I'm sure that during the committee hearings the changes will be made. Even given all of the rhetoric we've heard from the opposition parties, there's strong support for the independent child advocate legislation, and I'm sure that it's going to move forward. This is a hard way to get confidence in a piece of legislation when you hear all the negatives, when really we're talking about the details, which certainly, if they have to be tweaked, they're tweaked. But generally there is strong support for this. I'm sure that the bill, when it comes into the final stage, will have the support of all of this House. It should have the support of all this House because it is very important for our children and youth.

Thank you very much for the opportunity to speak to this tonight. I'm very supportive of this legislation. I'm very supportive of the minister who brought it forward. I'm sure that it's going to make a great deal of difference to the children and youth of this province.

The Acting Speaker: Questions and comments?

Ms. MacLeod: I just wanted to add my voice, because throughout tonight I've tried to be positive about this legislation and moving forward in a co-operative sense. It's unfortunate that a member of this Legislature, when two political parties in the opposition would say that they want to work co-operatively to improve this legislation, would claim that what we are saying tonight is rhetoric. In fact, what we're doing is to protect the minority against the majority. That is what the role traditionally is of opposition parties, regardless of whether it's in the House of Commons or any Legislative Assembly anywhere in this country. What we're doing here tonight is bringing concerns that we have heard from people across this province, people who are in this Legislature this evening and who were here yesterday who do not have a voice on the floor of this Legislature. We are bringing them to the minister's attention, we are bringing them to your attention so you can improve this piece of legislation based on the needs of the people we represent across this province. I take great umbrage at the fact that a member opposite would say that that is rhetoric.

We have spent an awful lot of time reviewing the bill, reviewing the legislation. I know, for example, our staff at the PCRS worked very hard—Jessica Oliver, my own staff, Aaron Bradley and Stephen Gilman and myself. I spent a lot of time this weekend and in the weeks before that consulting with dozens of children's groups across the province to make sure that we get this bill right. I've read almost every paper there has been by DCI and by Voices for Children.

Hon. Mrs. Dombrowsky: Name them.

Ms. MacLeod: Of course, we'll get heckled by the Minister of Agriculture, who's not in her seat, because they can't understand that at the 11th hour it is not appropriate to bring in legislation that is either going to be rushed or die on the order paper just so that they—

Hon. Steve Peters (Minister of Labour): You muzzled them.

Ms. MacLeod: I did no such thing. I was elected less than a year ago. You know it; everyone else here knows it. I'm here entering in good faith to work with your minister, and you guys are unprepared to do that because you just want this to die—

Interjections.

The Acting Speaker: I'd hate to have to start naming members at this late hour.

Questions and comments?

Mr. Marchese: I happen to agree with the member from Nepean—Carleton on this issue. We're debating an issue that people feel strongly about. I don't think that what you've been hearing from many people is all about partisanship, as you have put it, many of you.

I want to say to the member from Ottawa—Orléans that Joe Tascona, the member from Barrie—Simcoe—Bradford, is a lawyer, but most of the comments that you might have been speaking to were also references that I made, and I happen not to be a lawyer. You don't have to be a lawyer to raise the issues that have been raised by people like me—a former teacher. The whole issue of the inde-

pendence of the child advocate is not just a legalistic issue. You didn't respond to it, but on page 7, where I talked about section 15(2), that section, in my view, limits, if not in anything else at least in perception, the independence of the child advocate. That's not partisanship; that's not just a lawyer talking; it could be anyone speaking, and it happened to be me articulating that concern. I happened to hear the minister agreeing with me when I said this, and that's a positive thing. We're improving a bill, and you should take it in that light. I don't hear, from any of the opposition members whom I've heard, partisanship or just playing politics with this particular issue.

So I just caution some of you. We have raised many concerns, and some of them will come up over and over again in committee hearings. You will hear them, and you'll have an opportunity to listen to them, to debate them, and to make changes if you wish. That's what we're doing with this debate.

Mr. Wilkinson: I'm glad to enter back into the debate just to help the good people at home who are listening, and particularly the people who have come to the gallery tonight, to explain the legislative process, in the sense that we are debating here, at second reading debate, Bill 165. But to have the changes that are being proposed by the opposition, which we take in good faith, requires the bill to be amended. That means it has to go to committee. So the first question is: Is the government committed to taking the bill to committee? Answer: yes.

Second: Do we have the minister's ear, because it's the minister who will determine whether or not there will be amendments brought forward by the government? I can assure you, if they're brought forward by the government, since we have a majority at the moment, those amendments will pass. Do we have the interest of the minister, the minister of the crown, not her parliamentary assistant? The minister of the crown is here for the entire debate taking notes. I would say to those people who are concerned about this bill, you couldn't ask for a better minister tonight than the one we have here in the province of Ontario, the Honourable Mary Anne Chambers. I, as a member of the McGuinty government, will take my lead from the minister. That's who I listen to in regard to what will happen in committee.

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We're having a debate so that people can share their views. We agree that the opposition are bringing up valid points, and that is their right. We are not debating that they are wrong; we are saying, "Let us hear those points," and that is what they are doing: They're debating the bill before us. But the ability to change the bill rests with the minister—she is here this evening—and that is the way under our democracy that bills can be improved and strengthened.

I want to say to the people who have tuned into this debate, and those who are here tonight, that you are being heard. Whether you have the ability to speak in this debate or not, your voice is being heard. Your concerns are being recognized because, in my opinion, we have a

minister who cares. She is busily taking down all of the suggestions made to strengthen this bill in a spirit of tripartisanship.

The Acting Speaker: We have time for one last question or comment. If not, I'll return to the member for Ottawa—Orléans, who has two minutes to reply.

Mr. McNeely: I guess the member for Perth—Middlesex put it a little bit better than I. We're talking about legislation that has had a great deal of input from the former and the present advocates for children and youth, who have worked in the system for many years. I'm sure that some of the suggestions that have come from the opposition tonight will be part and parcel of the committee hearings on the bill.

I wanted to get on the record—I think it's been put on the record before—that the reason this bill is coming up at this time now has nothing to do with the Auditor General looking at the children's aid societies. That was part and parcel of our government's way of improving government, making sure that the auditor was looking at all government spending. This is part of our program for children. There have been a lot of improvements for children in legislation in this province, including some with the Ministry of Transportation, which I'm with now.

Those are the issues that are important to the opposition. We've heard them tonight. I look forward to this bill, in its amended form, coming back for third reading. I think it's extremely important to our province, our kids and our youth. That's what our interest is and that's the direction we're going.

I'm very pleased, Minister, that you've brought this forward. I'm very pleased with the bill from a non-lawyer perspective as it is now. I'm sure it will be improved as we get through the committee hearings. I'm in support of the bill and look forward to it coming through. Our kids and our youth need it in this province.

The Acting Speaker: Further debate?

Mr. John Yakabuski (Renfrew—Nipissing—Pembroke): I'm pleased to join the debate tonight, and it is called a "debate." It's called "second reading debate." I didn't think that it was called "second reading agreement" or "second reading capitulation" or anything like that. It's called "second reading debate." So if members of the opposition have issues with a bill, even though we all support the bill in principle, I think this is the opportunity to raise those issues before Parliament.

I want to touch on something the member for Trinity—Spadina spoke about, and that is access to this very debate on the part of the public. He talked about Rogers shifting this channel up to channel 105, which means you have to have a digital cable box in order to get it. But at least if you have cable in the city, you have access to a cable box. You will have to pay more, you'll have to increase the fees you're paying every month, but you have access to a box. What about the people in rural Ontario who, if they are satellite dish subscribers through Bell ExpressVu, have no access to this channel whatsoever? Shame on Bell ExpressVu. You can get the Saskatchewan parliamentary channel broadcast in

Ontario, but you cannot get this Parliament broadcast on Bell ExpressVu in the province of Ontario, Canada's most populous and important province, I dare say. To chastise Rogers is right. That was wrong for them to move that up the ladder to number 105 or whatever; I believe it's 105. I happen to have a cable box, so I still get it. I'll be able to watch this at 2 in the morning and see how I did. But at home in Barry's Bay, where I'm a Bell ExpressVu subscriber—are you listening, Bell?—you cannot get the Ontario parliamentary channel on Bell ExpressVu. Shame on them. That's something that should be corrected.

I see a lot of rural members on both sides of the House. I'm sure their constituents would like to have the opportunity not only to see what their member is up to but what all members of this House are up to when we're here at 9:15 or 9:16 at night. You know what? We're not all watching the Leafs. Some of us actually have to be sitting in here debating because we're having second reading debate on Bill 165. So let's get to the debate.

A number of points have been raised. One of them is the appointment of this advocate and what role all parties are going to play in the appointment of that advocate. I would think it would behoove the government to involve all parties, because this is a non-partisan, supposedly independent advocate working on behalf of children, and what more important cause to be working on behalf of than children? Many of the people—I would dare say, most of the people in this House—are probably parents of children; some are grandparents. You cannot overstate the importance of children or the fundamental primacy of the need for someone to be acting on their behalf, whether it's their parents or someone else. Someone must act on their behalf.

I applaud the government for moving on this. I might want to remind them that the first government to have a child advocate was the Progressive Conservative government under Bill Davis back in the 1970s.

I think it would behoove this government to ensure that all parties have a role in the selection of this advocate, and to free that advocate. If you go to the clause that the member from Trinity—Spadina was talking about on page 7, subsection 15(2): "The advocate shall consult with the minister or administrative head after carrying out the systemic review and before forming a final opinion on the subject matter of the review."

Right off the bat, you have to question not only the independence but the power of the advocate. If it's a toothless tiger, it's not worth having. If you're not going to give it the teeth that are necessary, then this bill is more about talk than it is about substance, because the advocate can't be answerable to the minister. In fact, the opposite should be the truth. The advocate, on behalf of children, should not be subject to the minister reviewing his or her work and saying, "Well, I like that. No, I don't like that. You're going to have to change this, and then I might support it." But the appointment of that advocate in itself by all parties is important.

I want to shift gears a little bit to a more local issue that has everything to do with child advocacy. The

Minister of Children and Youth Services is here tonight, and that's wonderful because she'll be very familiar with the situation I'm about to talk about, and that is—

Hon. Mrs. Chambers: Make sure you get it right.

Mr. Yakabuski: Oh, I have it right, let me assure you, madam. That is about the Phoenix Centre for Children and Families in my riding of Renfrew–Nipissing–Pembroke. In September, the Phoenix Centre, along with Lieutenant Colonel Dave Rundle, the base commander of CFB Petawawa, made an urgent appeal to the minister for additional funds to deal with extraordinary circumstances that they were placed under as a result of the huge increase in the number of military families requiring mental health services due to the deployment in Afghanistan. The request was for some \$200,000 in additional funding to provide two caseworkers—let me get this right so the minister won't say I'm wrong—two therapists and two child youth counsellors over two years, so some 200-and-some-thousand dollars over each of the next two years.

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The minister turned them down flat. I spoke to the minister directly on this and she said, "The federal government should be dealing with this." Then she said, "We have no extra money," yet they've been going around writing cheques. The only thing they're running out of is ink, the way they've been writing cheques in the last couple of months.

Then we made another appeal to the minister. Here in this House, in December, the minister came to me and she said, "You know what, John? We're going to do something to help the Phoenix Centre." I thought, "That's wonderful." We get the letter, and it's nothing—absolutely nothing, not a nickel.

What happens now? We had to actually go to a press conference to raise this issue publicly. You know who has become involved in this? The Ombudsman himself. The Ombudsman has taken an interest in this issue. So the minister—who, in the absence of a child advocate, you would think would be the principal—the Minister of Children and Youth Services; who could think more of the welfare of children in this province? But what are they doing? What is she saying? "No." The waiting list in CFB Petawawa in Renfrew county has quadrupled. She is now in a jurisdictional tug-of-war argument, saying that the federal government should be paying for this.

Everybody knows that health care—

Interjections.

The Acting Speaker: I would ask the House to come to order and allow the member for Renfrew–Nipissing–Pembroke to make his presentation.

I return to the member.

Mr. Yakabuski: Thank you very much, Mr. Speaker. It doesn't really bother me; I'm used to it, because I've been known to heckle myself on occasion.

So the minister has said that this is the responsibility—

Interjections.

The Acting Speaker: Take your seat. I'll say it again: I would ask the House to come to order so as to allow the member to make his presentation. He may be used to it but I'm not.

I'll return to the member.

Mr. Yakabuski: She said, "This is the responsibility of the federal government." You know and everybody in this House knows that health care is the responsibility of the provincial government, even though you continue to charge health care premiums, the tax, to members of the military, whose health care is provided for by the federal government, but the health care of—

Hon. Mrs. Chambers: On a point of order, Mr. Speaker: The member from Renfrew–Nipissing–Pembroke continues to present information that is not accurate. I think the member should know that children's mental health agencies are not funded by OHIP.

The Acting Speaker: There's no point of order.

I'll return to the member for Renfrew–Nipissing–Pembroke to continue his presentation.

Mr. Yakabuski: Perhaps we could get more time on the clock, Mr. Speaker.

I didn't say that it was the Ministry of Health's responsibility; I said that it was the responsibility of the provincial government. If you would listen instead of always wanting to interrupt, you might learn something.

She continues to have this argument—

Interjections.

The Acting Speaker: I would ask the House again: We have five minutes and then we'll be able to conclude this debate. I would ask the Minister for Children and Youth Services and the Minister of Economic Development to refrain from heckling the member from Renfrew–Nipissing–Pembroke.

I'll return to the member.

Mr. Yakabuski: She continues to maintain that this is the responsibility of the federal government. She actually went on record in the newspaper saying, "Look, the federal government sent these people over to fight in Afghanistan, so whatever fallout comes from that is the federal government's responsibility." That's the kind of leadership we get out of this Liberal government. In the meantime, who is being victimized? Who is being victimized while she has this battle? It is the children of military families and other families in Renfrew county who are also subjected to the same waiting list, Minister—the same waiting list. So while you have your battle with the federal government, your little tug-of-war, those children are waiting for mental health services. If you want to start advocating on behalf of children, Renfrew county, CFB Petawawa, is a wonderful place to start.

I say to you, Madam Minister, when Mr. Marin finishes his report and comes back and says—

Interjections.

The Acting Speaker: Would the member please take his seat.

I will not tolerate further interjections from the Minister of Children and Youth Services. I've asked you now three times.

I'll return to the member for Renfrew–Nipissing–Pembroke.

Mr. Yakabuski: It's tough to keep a train of thought around here.

I say to the minister, if you want to advocate on behalf of children who are being left and victimized as a result of your refusal—this is a government that has had a \$20-billion increase in spending. Is it short of money? When Mr. Marin wrapped them over the knuckles over their abject failure with regard to the victims of crime, they came up with \$20 million as quick as I can snap my fingers. Is there a shortage of money? No. Is there a shortage of commitment to children? I would have to ask that question of the minister. But the evidence points to a questionable commitment on the part of you, Minister. So if you're not going to stand up for the children of military families when they need it the most—right now, in Renfrew county—who are you standing up for as the Minister of Children and Youth Services?

Interjection.

The Acting Speaker: I'm warning the Minister of Children and Youth Services.

There are two minutes to go. I'll return to the member for Renfrew–Nipissing–Pembroke.

Mr. Yakabuski: This is like a yoyo. It's like a toilet seat here today: up/down, up/down. It's very difficult. I can assure you that I have never caused anybody on the other side to have to be up and down that often.

The minister has, I guess, two choices here. She's going to be forced to make a decision when the Ombudsman comes back. I am absolutely confident that when the Ombudsman's report comes out, he's going to rule that it is your responsibility, not the federal government's responsibility, to provide mental health services through your Ministry of Children and Youth Services. You have a choice of dealing with it then—or, I would say, the proactive thing would be to deal with it now. We're not talking about a substantial sum of money, but we're talking about a great deal of good that could be done with that money to the children of Renfrew county.

The Acting Speaker: It being 9:30 of the clock, this House stands adjourned until tomorrow at 1:30 p.m.

The House adjourned at 2128.

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Etobicoke–Lakeshore	Broten, Hon. / L'hon. Laurel C. (L) Minister of the Environment / ministre de l'Environnement	Nepean–Carleton	MacLeod, Lisa (PC)
Glengarry–Prescott–Russell	Lalonde, Jean-Marc (L)	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Guelph–Wellington	Sandals, Liz (L)	Niagara Falls	Craiton, Kim (L)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nickel Belt	Martel, Shelley (ND)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Nipissing	Smith, Monique M. (L)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Northumberland	Rinaldi, Lou (L)	Thornhill	Racco, Mario G. (L)
Oak Ridges	Klees, Frank (PC)	Thunder Bay–Atikokan	Mauro, Bill (L)
Oakville	Flynn, Kevin Daniel (L)	Thunder Bay–Superior	Gravelle, Michael (L)
Oshawa	Ouellette, Jerry J. (PC)	North / Thunder Bay–Superior- Nord	
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources, minister responsible for Aboriginal Affairs / ministre des Richesses naturelles, ministre délégué aux Affaires autochtones
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Council, Minister of Research and Innovation / premier ministre et président du Conseil, ministre de la Recherche et de l'Innovation	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Health Promotion / ministre de la Promotion de la santé	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Deputy Premier, Minister of Health and Long-Term Care / vice-premier ministre, ministre de la Santé et des Soins de longue durée
Ottawa–Orléans	McNeely, Phil (L)	Toronto–Danforth	Tabuns, Peter (ND)
Ottawa–Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones	Trinity–Spadina	Marchese, Rosario (ND)
Oxford	Hardeman, Ernie (PC)	Vaughan–King–Aurora	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance, Chair of the Management Board of Cabinet / ministre des Finances, président du Conseil de gestion du gouvernement
Parkdale–High Park	DiNovo, Cheri (ND)	Waterloo–Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Parry Sound–Muskoka	Miller, Norm (PC)	Whitby–Ajax	Elliott, Christine (PC)
Perth–Middlesex	Wilkinson, John (L)	Willowdale	Zimmer, David (L)
Peterborough	Leal, Jeff (L)	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Economic Development and Trade, minister responsible for women's issues / ministre du Développement économique et du Commerce, ministre déléguée à la Condition féminine
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Windsor–St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Energy / ministre de l'Énergie
Prince Edward–Hastings	Parsons, Ernie (L)	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	York North / York-Nord	Munro, Julia (PC)
Sarnia–Lambton	Di Cocco, Hon. / L'hon. Caroline (L) Minister of Culture / ministre de la Culture	York South–Weston / York-Sud–Weston	Ferreira, Paul (ND)
Sault Ste. Marie	Oraziotti, David (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)		
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse		
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)		
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Minister of Government Services / ministre des Services gouvernementaux		
Scarborough–Rouge River	Balkissoon, Bas (L)		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism, minister responsible for seniors, government House leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General / procureur général		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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