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(Hansard)**

**Wednesday 6 May 2009**

**Mercredi 6 mai 2009**

Speaker  
Honourable Steve Peters

Président  
L'honorable Steve Peters

Clerk  
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Greffière  
Deborah Deller

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 6 May 2009

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 6 mai 2009

*The House met at 0900.*

**The Speaker (Hon. Steve Peters):** Good morning. Please remain standing for the Lord's Prayer, followed by the non-denominational prayer.

*Prayers.*

### ORDERS OF THE DAY

#### POVERTY REDUCTION ACT, 2009

#### LOI DE 2009 SUR LA RÉDUCTION DE LA PAUVRETÉ

Resuming the debate adjourned on April 30, 2009, on the motion for third reading of Bill 152, An Act respecting a long-term strategy to reduce poverty in Ontario / Projet de loi 152, Loi concernant une stratégie à long terme de réduction de la pauvreté en Ontario.

**The Speaker (Hon. Steve Peters):** Further debate?

**Mr. Michael Prue:** On the last occasion, I was mid-speech when the time ran out. I see I still have approximately 15 minutes left; I don't think I'll use all of that today.

Just to reiterate what I had said on the last occasion, because I know there will be some new members here in the House, I started my speech off by thanking the minister and the parliamentary assistant for the work that they did around this bill and for their efforts in making it a better bill. In fact, I pointed out how many amendments were accepted within the bill, and that when you look at a copy of Bill 152 today, and the way it is done around this Legislature with the different font, you can see how many changes, page after page, were actually made.

I went on to talk to them about some of the changes that I was very happy to see. There were a great many of them; I listed them. Then, of course, in my job as critic, I also have to say where I thought the bill had fallen down, and I spoke to that for some extended period of time.

I would just like to close today by going back to where I think the bill could have been a better bill, and I'm saying this for the future, not for today. It is the intention of New Democrats to vote for this bill when it comes for a vote, either later today or on some subsequent day in the future. It is our intention to vote for it, but I do want to state for the record that at some point this bill will be brought back before this House. Whether it is brought back in this Parliament, whether it is brought back in a subsequent Parliament, whether it is brought back by this

government or a subsequent government, it will have to be brought back, and changes will have to be made.

I am speaking to the future now, about what I think those changes are that need to be made, because a good bill can be a better bill. A bill that sets out with a future standard of making Ontario the first jurisdiction or one of the best jurisdictions in the world when it comes to poverty can be made a bill that actually eliminates poverty and sets a standard that is higher than what we are willing to set here today in this Parliament and with this government.

I say this in terms of the future—not in terms of today, but in terms of the future—because I know that the bill is intended to encumber future governments. Even though you cannot do that, that is what the intent of this bill is: to set out a standard, or a minimum standard, so that every government that follows from this one, whether it be a Liberal government, a Conservative government, a New Democratic government or some other government, will have to look at the bill, will have to follow it and will have to give service to it.

What I am saying to them and to subsequent governments is that we need to go further. We need to have the goal of poverty elimination. It is not simply enough to be the first or the best jurisdiction in the world. We have to have the goal of poverty elimination, because if it is simply to reduce it and to reduce it over time, that is not what we should be looking for. That is not what Quebec looks for; it's not what other jurisdictions around the world look for. They see an end to poverty, and we should be looking to that end as well.

The second thing is that we should start to look very carefully at an independent review. When we take something seriously in this Legislature, we set up independent reviews. That's why the Environmental Commissioner comes before this Legislature—not before the government, but before the Legislature—and is required once a year to table a report. That's why the Integrity Commissioner, the Ombudsman, all of those groups that we set up independently at arm's length, come forward to the Legislature once a year, so that we know that the independent review truly reflects what is happening and that the commissioner will tell us when the Legislature is failing. I think if this government and future governments are serious, we will have and encompass an independent review.

We need to ensure that the laws are meshed so that human rights laws and enforcement are part of poverty reduction, because it is in places where people suffer human rights abuse and it's in places where people do

not know their rights that poverty is endemic. I'm thinking here in terms of new immigrants, many of whom have suffered at the hands of unscrupulous employers, many of whom are not being paid their dues and their wages, many of whom struggle. Part of the reason that they're finding themselves in poverty is that human rights laws and enforcement are not adequate. So that should, too, in the future be part of the bill.

I am talking in terms of the future as well in setting minimum yearly targets, because it is against that which we must be measured. It is simply not enough to say we have reduced poverty a smidgen or we have reduced it in some small way in the past year, because this year was difficult. Everyone is going to say, "In a difficult year, it's not possible to do it." I can see governments in the future saying that, and that is not what should be happening. We should be setting a minimum, and if that minimum is as low as a 3% reduction, then that should be the floor under which no future government could ever fall. So in good years, it would be possible to reduce poverty by 5% or 6% or 7%, but even in bad years there should be a minimum floor, and I'm suggesting that should be 3%.

In future bills, when future parliaments look at how to change it, there should also be the use of disaggregated data so that we can understand who continues to be in poverty. There is no question today that people who live in poverty tend to be new immigrants. They tend to be people of colour. They tend to be First Nations. They tend to be women and they tend to be children. We need that kind of data so that we know where we are being successful and where we're not being successful, so that in the future, if we are able to eliminate most forms of child poverty, we can turn our attention to other groups and other areas.

We need to have an anti-racism and employment equity directorate as well that can comment on the reduction of poverty.

And last but not least, in terms of this government and future governments, there has to be a will around the budget. This bill cannot stand alone; it will never stand alone. We cannot legislate an end to poverty without putting the necessary funds and programs in place that will do it, so that every subsequent budget, starting next March, has to have the monies available. Future governments have to understand that if poverty is to remain a commitment and a goal to all of the parties in this House, and however future governments feel they are encumbered on it, there has to be money set aside. It is no good talking about the elimination of poverty unless you're willing to build affordable housing. It's no good talking about the elimination of poverty unless you're willing to raise ODSP rates and Ontario Works rates, because they are not liveable, and the people who are forced to live on them cannot ever hope to escape from poverty. You cannot end poverty unless you are willing to stop the claw-back of so many government programs, and that is going to cost the government some money as well. You cannot end poverty unless you're going to build daycares and

things that will help women to get out of poverty, to go back to school and to get jobs.

#### 0910

All of these things are going to cost money, and we need to make sure that governments of all stripes feel that this is a worthwhile goal and that it is reflected in the budget, and particularly that it is reflected in budgets in times like these, which we know are going to be tough. Next year's budget is going to be every bit as difficult as and perhaps more difficult than the one we've just gone through. Unless governments are willing to do that, then this bill will be an empty shell, because it will stand for something that is not going to happen. I think this is the true test of this Legislature, and it will be the true test of future governments.

Having said that, those would be the comments that I have. It is a bill that we are going to vote for. It has had many amendments which we are proud that we had a part in. We are very proud of the groups that came forward: the 25 in 5 Network and all of those who made deputations, all of those who pushed the government so hard over the last year and a half. The results have finally been borne out.

We are going to vote for it. We are critical, in part because we are New Democrats first and we want more, but we also look to the future. We look to the future of what governments can expect to do, and I am hoping, in my lifetime, to see the elimination of poverty in this province.

As I started out my speech the other day, as a boy from Regent Park, I grew up with that poverty. I grew up with it around me. I have seen it my whole life. I have seen it at Jane and Finch; I have seen it on First Nations communities across this whole province; I have seen it continuing in Regent Park, although they are redeveloping and it is getting better; and I have seen it on many of the streets in this city and other streets where children simply don't have enough.

We can eliminate poverty. We must eliminate poverty. I want this bill to pass, but I also want to state for the record that in this government and future governments of which I hope, perhaps, to be a part, I am going to be watching to make sure that every single budget does exactly what this bill demands and that we can in our lifetimes see an end to poverty, not just for children, but for every single person who suffers it daily.

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

**Mrs. Julia Munro:** I'm pleased to join the debate on third reading of Bill 152, which the government calls the Poverty Reduction Act.

We had two days of hearings on this bill, which provided a lot of thoughtful and meaningful input from agencies and groups concerned about poverty in Ontario. None of the amendments that the government made to this bill have led me to believe it will be an effective tool to fight poverty. The government has successfully passed the old test of "First, do no harm," but they have forgotten that they should follow up with "Do some good."

The committee presentations demonstrated that groups that fight poverty are in support of this bill. I have wondered why they support a bill that will not directly pull a single person out of poverty. I think it comes down to hope. This government is very good at offering hope without substance.

I spoke in second reading about the government's pre-disposition to gesture politics, making sure they stay on the right side of an issue without actually doing anything about the issue. All this bill offers is more gesture politics. It is designed so that those Ontarians who truly want to fight poverty will see hope in its name and in its goals. The only problem is that the bill is empty. It's like one of those chocolate bunnies kids get at Easter that has a thin layer of chocolate and inside is hollow—empty.

Fighting poverty does not take legislation. It takes political will and good research, and it takes money. The government offers only a bill that requires a plan and annual reports written by the minister herself. These reports allow the government to tell everyone what a great job they've done. It's like letting a student write his own report card. Where is the accountability?

If the government believes that legislation is the way to fight poverty, why do they not require any independent review of their poverty plan? Why will the bill not allow this House to review and debate the annual reports? In committee, presenters repeatedly called for accountability. I would like to review some of what they said.

Let me begin with the Family Service Toronto, Ontario Campaign 2000: "Our eighth suggestion relates to the annual report on poverty reduction. We're suggesting that it should not just be posted on the website, as currently appears in the bill, but that it should be tabled in the Legislature within 60 days of completion in order to ensure public debate, public discussion and public awareness of the very important annual report on how we are doing in achieving the goals of poverty reduction set out in the strategy.

"Our ninth suggestion for an amendment is around the review of the poverty reduction strategy. We would like to see an independent review of the poverty reduction strategy happen at least every five years—not the minister doing the review, but an independent body that would be appointed by the Legislature. This follows on some of our research as to what happens in the European Union, where independent experts conduct peer reviews of each country's national action plan for poverty reduction and social inclusion....

"Our 10th suggested amendment is that the independent body doing that review consult with the public, in particular, low-income people.

"Our 11th suggested amendment is to ensure that the new poverty reduction strategy that is developed be based on the findings of that independent review and be tabled in a timely fashion. We're suggesting within four months of the tabling of the review of the report."

Ms. Jacquie Maund reported: "We're suggesting that someone be appointed, possibly an officer of the Legislature, who would conduct a review, clearly in consul-

tation with interested stakeholders. He or she would require some funding to do that, to hold consultations, and we would like to see those be held around the province, not only in Toronto, so that people have an opportunity to provide comment, to provide input and then, of course, that there be a timeline around that review and that the document be public and then be tabled in the Legislature for public discussion."

From the Chiefs of Ontario, Grand Chief Randall Phillips, speaking about the consultation on this bill, said the following: "There was no concerted effort with respect to addressing any of this strategy, any of these discussions in terms of how it was going to deal with and potentially impact and benefit First Nations communities. That's what we've been saying for many, many years, that within our First Nations governance structures, we have an idea and a sense in terms of how to address these issues, how to look at them and how to really deal with them in a serious way to benefit our people. But it's an example like this where we've just been totally ignored with respect to how does the strategy move forward and how we are included.

"So, yes, it is an insult with respect to First Nations communities. It is my task as the chair of the chiefs committee on social and child welfare to address these matters with people like yourself who make these decisions. There is an impact with us. We're trying to say that we need to be involved. We're trying to say that we can form solutions and work together on this. That has not occurred, and I think that's the message that I'm trying to bring here right now: Without our inclusion, there are going to be some serious challenges with respect to how we move this bill forward and some serious challenges with respect to the intent of the bill."

#### 0920

The Association of Ontario Health Centres also made similar comments: "While the poverty reduction strategy speaks to the importance of measuring progress with specific indicators, and Bill 152 refers to targets, the legislation currently lacks the teeth necessary to ensure that those targets are sufficiently substantive....

"Accountability is key to our common goal to reduce and eliminate poverty in this province. Reporting must be regular, its processes transparent and accessible. Consultation must be real so that your partners in this project, people living in poverty and organizations who are their voices, can see that their input has been taken seriously. This means reporting that is timely. It also means review and mechanisms of evaluation that are meaningful across the social determinants of health. Indicators must include income, education, health, housing and standard of living, amongst others, if we are to get an accurate measurement of success, or not. Evaluation must also be timely, independent and thorough. AOHC recommends that the work of the Provincial Auditor be expanded to include an exhaustive five-year review of the strategy then in effect."

The Hamilton Roundtable for Poverty Reduction added, "We would note, however, that this process which you've undertaken for these public hearings on this bill

was a bit restrictive to those individuals who will be most impacted by the legislation—people living with low and limited income.”

The Income Security Advocacy Centre for the 25 in 5: Network for Poverty Reduction made similar comments, and Mary Marrone began by saying, “I think you start by appointing an independent body. Precisely how that’s done—there are a number of options. There’s the Public Appointments Secretariat; the minister could appoint. But it needs to be somebody who has the confidence of the low-income community and the people of Ontario.” Ms. Sarah Blackstock added, “And that’s precisely why we’ve called for the reports to be tabled in the Leg. We have other recommendations that specify some of the indicators that we would like to be used to measure poverty. So absolutely, those are key amendments that need to be addressed so that we can continue to build.”

Sister Pauline Lally, from the Sisters of Providence of St. Vincent de Paul, added, “In the end, it will be up to groups like those appearing before you today and tomorrow to hold future governments accountable. If future governments are to continue the work of poverty reduction, groups like our Kingston vigil keepers need regular and reliable yardsticks by which Ontario’s progress in the area of poverty reduction can be measured....

“We need an independent officer of the Legislative Assembly who can report on the state of the social environment. We need this social Ombudsman who can prepare the annual reports on progress in poverty reduction already stipulated in Bill 152. These reports must be independent from the government of the day. They must be delivered to the Legislature every year. This will allow groups like ourselves to praise and/or pressure future governments. This, as you know more than I, is the stuff of politics....

“We hear a lot these days about two words. They inform public discussion of government policy, including social policy. Those two words are ‘accountability’ and ‘transparency.’ We hear them in our congregation too. They are repeated so often that sometimes it seems we lose sight of their importance.

“We believe our suggestions for improving Bill 152 reflect the need for future governments to be accountable with respect to poverty reduction and transparent in measuring progress towards that important goal.”

The Alliance for Equality of Blind Canadians, represented by Mr. John Rae, added the following: “We also call upon a clear, understandable and transparent process of review. Part of that must involve tabling all reports before the Legislature. That will give the citizens of this province an opportunity to judge what progress has been and is being made. It will also remind all members of the Legislature what progress has been and is being made so you, who are members of the House, will not forget that poverty must be a part of your everyday thought process and everyday work. It must not be confined to the work of this committee; it must not be confined to this bill. It must be part of everything the government of Ontario does.”

From the March of Dimes, Ms. Bobby Moore said, “We feel that section 5, under the title ‘Regular Consultation,’ is not specific enough. We feel that there should be clearly established time frames as a starting point for regular consultation, then an additional provision of additional times to meet, as considered appropriate by the minister. We recommend that specific reference be made to the following: an annual meeting of an advisory body, with cabinet representation, be charged with identifying the champion programs or services that sector and cabinet representatives deem most effective in tackling and alleviating poverty.”

Houselink Community Homes: “Currently, the bill asks a minister to undertake a review every five years. We support the idea of there being a regular review; that’s great. However, we believe that if this review is to be effective and impartial, it should be undertaken by a body that’s independent of the government. It makes no sense for the government to review itself. Furthermore, this independent body that will conduct the review should include those who are closest to the issue, including those who have the direct experience of poverty, as well as organizations who work on the front line.”

“Community Living Ontario endorses the recommendations of the 25 in 5 network, providing for regular reviews of the progress on poverty reduction by an independent body reporting to the Legislature. These reviews should include the direct involvement of people who live in poverty, as well as organizations which work to reduce poverty.

“We recommend that all references to reviews of the poverty reduction strategy be amended to provide for the review of the strategy by a body independent of government that is comprised in part by people who have an intellectual disability.”

The Canadian Union of Public Employees calls “on the government to add real targets, standards and recommendations into the legislation to make it necessary to ensure the implementation of real poverty reduction strategies. Such targets, standards and recommendations should be established with the Poverty Reduction Act through a series of broad and regular consultations with stakeholders, including those people living with poverty across the province.”

Voices From the Street: “We also recommend that the government appoint an independent body that shall review the strategy the government has chosen. The review needs to take place sometime between year three and no later than year four. This review must be completed within a specified timeline; we would recommend a maximum of six months. The review must be tabled in the Legislature within 60 days of the review’s completion.

“We would also like to recommend that the government always include those with lived experience to be part of this review. We also feel that Bill 152 needs to be amended so that a consultation includes stakeholders, all other levels of government, members of the public and non-profit sector, business and those who have experience of living in poverty.”

“In terms of accountability,” the Ontario Association of Interval and Transition Houses said, “we agree with the presenters already here that we need a transparent and objective review and evaluation of any poverty reduction strategy in the government, and we also need that report to be provided within the Legislature for full public debate.”

The Registered Nurses' Association of Ontario concluded: “Within four years of the release of *Breaking the Cycle: Ontario's Poverty Reduction Strategy*, an independent person or group should be appointed to undertake a comprehensive review of the implementation and effectiveness ... of transparency and credibility. It is essential that a meaningful consultation process be initiated so that those who have direct experience with poverty and social exclusion would be encouraged and would have the opportunity to fully participate in the development, implementation and evaluation of the poverty reduction strategy. In fact, we should make the mechanisms such that they will be supported to participate. The government will then be able to issue a revised long-term poverty reduction strategy for Ontario based on” that review.

**0930**

The Canadian Mental Health Association regarded regular reviews as essential to ensure that the reduction targets remain timely, relevant and effective. Again, we recommend that an independent body of stakeholders be appointed by the government to lead the review. This will ensure that any new strategies and revisions align with the identified needs of those it is intended to serve.

The majority of the submissions in committee had a common theme: accountability. Many called for an independent review of the plan and your annual reports, maybe because although they support this bill, they're really concerned about the question of whether you actually try to reduce poverty. Maybe they do not believe that your annual reports will make any difference. If these anti-poverty groups trusted you, they would not have asked over and over again for independent reviews of your poverty plan. I offered the committee an amendment to require that the annual reports promised in this bill go to a legislative committee for review and public hearings. The Liberal majority on the committee, of course, voted it down. It means that after the minister tables her annual report in the House, the government does not have to do anything.

A lot of space is taken up in the bill with a list of disadvantaged groups that suffer from poverty. This follows a list of noble sentiments about how poverty is a bad thing. I am not opposed to noble sentiments, but none of them mean anything in reality. The only thing that has real meaning is action. Action means creative ideas and the money to pay for them.

The Institute for Competitiveness and Prosperity, led by Roger Martin and originally set up by the Ontario government, reported in 2007 on ways to fight poverty. They identified who is at risk and what should be done. They wrote, “Poverty is concentrated among six high-

risk groups—high school dropouts, recent immigrants, lone parents, unattached individuals between the ages of 45 and 64, the disabled, and aboriginals. Individuals in these groups are much more likely to be at the bottom end of Ontario's income distribution and are more likely to live in poverty. To help these people, we need greater investments in their skills and capabilities. These can be funded more easily if Ontario achieves its prosperity potential.”

I would encourage all members of this House to read their report. If the government had read their report in 2007 when it came out, they could have already taken action. There was certainly no sign of reference to this report in committee. Poverty policies should be tailored to meet the needs of people in each of the six groups. The best way out of poverty is a good job. The best way for children out of poverty is for their parents to be able to get good jobs. Governments must design policies that emphasize education, language training and other means that suit the needs of individuals. No one wants to be poor. Thousands are seeking a way out. They are looking for hope. The Poverty Reduction Act may appear to provide hope, but it is somewhat of an illusion.

I want to finish by saying that I know there has been a great deal of concern about support for this bill. I want to reinforce the fact that we are supporting the bill.

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

**Mr. Ted Chudleigh:** It's questions and comments.

**The Deputy Speaker (Mr. Bruce Crozier):** Well, okay. You were a bit slow, but go ahead.

**Mr. Ted Chudleigh:** As the member has pointed out, this bill does precious little to solve the problem of poverty. In fact, I think the title of this bill is wrong. It says it's a long-term strategy to reduce poverty. I think in a country like Canada, which is among the richest countries in the world, even the people who are in poverty live in the top 90th percentile of the people in the world. The people in this House, I dare say, are living in the top 98th percentile of the people in the world. A country that is this rich should not be satisfied with reducing poverty. The title of this bill should be to eliminate poverty.

*Interjections.*

**Mr. Ted Chudleigh:** I don't find eliminating poverty a laughing matter. I'm absolutely amazed that the government would find some humour in the fact that someone wanted to eliminate poverty. We are a rich enough country to be able to do that. This is a very sad day for Ontario when this government finds such humour in the fact that someone stands in their place here and says that we should eliminate poverty. We are a rich enough country to be able to accomplish that goal.

I feel sorry for the poor people of this province when they have that government looking after their best interests and bringing this bill in that is going to do precious little—next to nothing—to eliminate the restrictions of poverty in which people find themselves in this province.

**The Deputy Speaker (Mr. Bruce Crozier):** Further questions and comments?

*Interjections.*

**The Deputy Speaker (Mr. Bruce Crozier):** Order. The member for York–Simcoe, you have two minutes to respond. Oh, Mr. Miller. Sorry. Questions and comments?

**Mr. Paul Miller:** I'd just like to reiterate my colleague's comments that we will be supporting this bill. However, I only have one thing to say and it's going to be quick.

The bottom line is that there have been a lot of studies done, there has been a lot of input from community groups and other people, and only thing I can say is, put the dollar where the bill is. We'll see in the next two or three years in budgets how much money actually goes out the door and into the hands of the people who need it. I've heard a lot of talk and a lot of meetings and all that, but I guess the proof is in the pudding. We'll see. When the cheques start going out to the people who need them, then that's when I will believe it. I mean, we can talk all we want, we can make promises and a nice, pretty bill, but if the people don't get the resources, if they don't get the money and if they don't get the help, then it is a wasted effort.

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

**Mr. Jeff Leal:** That old biblical story about Saul on the road to Damascus I think can apply this morning. I remember chairing social services in Peterborough as a city councillor when we got the notification that ODSP and OW rates were going to be slashed by 21% by the Harris government and their cronies, when we got the message that minimum wage was going to be frozen for eight long years. And they can stand up today and talk about what they want to do for people who find themselves in difficult economic circumstances in Ontario? That, without a doubt, is the biggest bunch of poppycock I've ever heard in the six years I've been in this chamber. That is absolutely atrocious, that they can stand up talking about that.

They opposed the Ontario child benefit that we're going to accelerate by two years to give those individuals a helping hand in Ontario. One of their leadership candidates came out yesterday and said, "We're going to freeze minimum wage again in the province of Ontario." And they come here today saying they're supportive of this bill? Oh my goodness. I mean, as I said, this is the Saul-on-the-road-to-Damascus story this morning. Gosh, if it's a real-life conversion, well, that'll be—

**Interjection:** We welcome that.

**Mr. Jeff Leal:** We welcome that if it's a real-life conversion. But I understand that's not the reality, when you hear those leadership candidates don't want to provide anybody in a low-income situation with a helping hand.

This is what this bill is all about. This is what this minister is all about; that, and providing the kind of leadership that's needed on this file in the province of Ontario. That's what we're looking for, to get this bill to royal assent and to move forward on this file in Ontario.

0940

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

**Mr. Michael Prue:** Just to tone down the rhetoric a little, we are supposed to be talking about the submission and the statements that were made by the honourable member. The attacks that are going on here—what she said was cogent, it was clear and it was good. What she was trying to say is that the people who came forward had some very real suggestions, that the government listened to some of those suggestions and that she was hopeful and mindful of them going just a little bit further.

What she said repeatedly, and I said it in my speech as well—and I think the government needs to hear it, and people who are going to come here, if there is a vote, need to hear it—is that one of the things that is missing is that there is not an independent review. I wish there had been one. I listened to what she had to say. The groups called for it and she called for it. She spoke dispassionately; she spoke well; she spoke in favour of the bill.

For comments to be on someone else who is speaking—I mean, I don't know whether that's what's supposed to be done. As speakers we have rules, and the rules are—you're supposed to confine your two-minute comment to the person who spoke. She had the lead-off speech, and I would hope in the future that all members from all sides of the House would confine themselves to speaking and to commenting on the person who has delivered either the one-hour or the 20-minute speech and not use the opportunity to attack each other.

**The Deputy Speaker (Mr. Bruce Crozier):** Since the matter has been raised, I will read to the House standing order 25, which says: "Following the speech of each member, up to four members may ask questions and comment for up to two minutes each on matters relevant to the matters before the House...." It doesn't necessarily confine it to the member's comments; it's relevant to matters before the House.

Anyway, the member for York–Simcoe, you have two minutes to respond.

**Mrs. Julia Munro:** First of all, I would like to thank the member from Beaches–East York, because I too had the same interpretation of the standing order, and I was very clear about the fact that I wanted people to understand that the amendment I put forward, which was lost, actually responded to the theme of accountability that we heard over and over again from others.

Let me just say to the member from Peterborough that, while you may remember the 21%, that was for able-bodied people. It had nothing to do with ODSP and it had nothing to do with single mothers. However, a much better response from me is the fact that 750,000 Ontarians were taken from the provincial tax rolls. That was money in their pocket, and that is the kind of creative opportunity that, if you as a caucus read Roger Martin's work on poverty, you would know that, for each of those groups that he identifies, he has very specific, tailored suggestions. So that's why I think that, in this House, I would have liked to see a demonstration of that kind of research being put into legislation, because what this bill has done is simply raised the level of expectation, frankly, amongst all Ontarians, and at the same time has not



provided an adequate avenue for consultation. There is no science behind what is suggested here.

I want to just remind—

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. Further debate? Does any other member wish to speak? Minister?

Ms. Matthews has moved third reading of Bill 152. Is it the pleasure of the House that the motion carry?

All those in favour, say “aye.”

All those opposed, say “nay.”

In my opinion, the ayes have it.

The vote will be taken this morning after question period, under deferred votes.

*Third reading vote deferred.*

**The Deputy Speaker (Mr. Bruce Crozier):** Orders of the day?

**Hon. John Wilkinson:** There is no further business this morning until question period.

**The Deputy Speaker (Mr. Bruce Crozier):** There being no further business, this House in recess until 10:30 of the clock.

*The House recessed from 0945 to 1030.*

## INTRODUCTION OF VISITORS

**Mrs. Elizabeth Witmer:** Visiting today at Queen's Park for Family Service Ontario day, from Catholic Family Services in Kitchener, I'm pleased to introduce Cathy Brothers, Mike Collins, Catherine Fife, Pam Mank, Karin Voisin, Jennifer Berry, Vivian Zochowski, and a person that I know well, Scott Witmer.

**Mr. Bill Mauro:** I'm pleased to introduce to the Legislature today, visiting from Thunder Bay for family services day, from the Thunder Bay Counselling Centre, the executive director, Nancy Chamberlain, and the chair of the board, Connie McLeod.

**Mr. Jerry J. Ouellette:** I ask all to join me in welcoming, from Catholic Family Services of Durham, Mary Wells, the executive director, as well as Elizabeth Pierce, the senior council program manager.

**Ms. Andrea Horwath:** I want to introduce some people from Catholic Family Services in Hamilton: Dana Vladescu; John Henderson; Erin Forler; Wendy Brawn; Linda Dayler, the executive director; Paula Forbes; Mary Jefferson; Dana Tozier Gillespie; and Kate Sudak.

**Mr. Bob Delaney:** In the west visitors' gallery, I'd like to introduce an old friend, the executive director of Catholic Family Services of Peel-Dufferin, Mark Creedon.

**Ms. Sylvia Jones:** It's my pleasure to introduce Kevin, Nicholas, Helen and Alan Currie, all family of page Robyn.

**Mr. Jeff Leal:** It's a pleasure for me to introduce today, in the west public gallery, two people from Peterborough: Ms. Casey Ready, who is executive director of the Community Counselling and Resource Centre in Peterborough, and Mr. Don Cumming, who is president of the board of directors for the Community Counselling

and Resource Centre in Peterborough. They are here as part of family services day at Queen's Park. We certainly give them a warm welcome.

**Mr. Ted Chudleigh:** I'd like to welcome Nancy Brown, executive director of Halton Family Services; Susan Jewett, executive director of Burlington Counselling and Family Services; as well as other members of those two great organizations who are with us today. I'd like to thank them for the great work they do for the families of Halton, and I look forward to meeting them after the session. Welcome to Queen's Park.

**Mr. David Zimmer:** It's my pleasure to introduce Stephen Mills, president of the board of Catholic Family Services of Toronto; Lucia Furgiuele, executive director of Catholic Family Services of Toronto; Roz Boateng, member of the board of directors; and Mary Kennedy, a member of the board of directors. Welcome to the Legislature.

**Mr. Robert Bailey:** I take great pleasure today in introducing members from the Family Counselling Centre in Sarnia, Don Pitt, their director, as well as other members, in the west members' gallery. We welcome you.

**Mr. Howard Hampton:** It is my privilege today to introduce Mr. Jon Thompson, who is the executive director of Community Counselling Services, which, while headquartered in Fort Frances, serves a very large area in northwestern Ontario. Welcome.

**Mr. Dave Levac:** Visiting us today in the House are members from the Family Counselling Centre of Brant: the president of the association, Jamie Clark, and the executive director, Shelley McCarthy. We would like to welcome them here to this House and listen carefully to what their concerns are.

**M<sup>me</sup> France Gélinas:** It is my pleasure to introduce Susan Gapko, who is in the east gallery today and who will be watching the proceedings. Hi, Susan.

**Hon. Monique M. Smith:** It's my pleasure to welcome Derek Thompson, the chair of the board of the Community Counselling Centre of Nipissing, and Alan McQuarrie, the executive director. We're delighted that they're here today.

**Hon. John Gerretsen:** I'd like to introduce Mike and Charlene Brown, who are in the east lobby and who are my guests here today.

**Hon. Michael Chan:** This is Family Services Day at Queen's Park. I would like to welcome guests from York region to the Legislature: Mr. Elisha Laker, Dr. Patti Reed, Ms. Susan Warren, Ms. Rose Montevergin and Mr. John Munroe. Welcome to Queen's Park.

**Hon. Madeleine Meilleur:** I would like to introduce Tim Simboli, executive director of Family Services in Ottawa, and John Ellis, executive director of Family Service Ontario.

**Hon. John Wilkinson:** On behalf of my colleague the member for Huron-Bruce, we are both delighted to have Susan Melkert from Family Services Perth-Huron here.

**Hon. John Milloy:** I would like to join with my colleague from Kitchener-Waterloo in recognizing the various members here from KW Counselling and Catholic

Family Counselling, and add to the list she gave from KW Counselling Debbie Young, Sherri Bean and Heidi Balsillie; and from Catholic Family Counselling, I'd like to add to the list Andrew Wilding, Jack Sehl, Larry Ryan, Megan Conway, Judy Nairn, and Ian Russell.

**Hon. Harinder S. Takhar:** I would like to welcome students from the Froebel Education Centre in Mississauga to the Legislature.

**Hon. M. Aileen Carroll:** I'd like to join in welcoming members of Catholic Family Services of Simcoe County, as has been done by all of my colleagues. They are going to speak with many of us about very, very pertinent and compelling issues.

For over the past 30 years, Catholic Family Services of Simcoe County has been an integral part of the fabric of our community. I welcome them here. I'm delighted that the Minister of Community and Social Services has provided this opportunity.

**Ms. Andrea Horwath:** I notice that up in the gallery we have Vivian McCaffrey and Cheryl Fullerton. Vivian is from ETFO and Cheryl is from OECTA.

**The Speaker (Hon. Steve Peters):** This has been a good test for the Speaker, and we're certainly keeping Hansard very busy as well.

I'd like to welcome from Family Service Thames Valley, in the riding of Elgin-Middlesex-London, Warren Brooke and Sandra Savage, seated in the Speaker's gallery. Welcome to both of you today.

## ORAL QUESTIONS

### EMPLOYMENT STANDARDS

**Ms. Lisa MacLeod:** My question is for the Minister of Labour. According to the Toronto Star, you've known for two weeks that Magdalene Gordo and Richelyn Tongson were forced to work up to 16 hours a day, five days a week, at approximately \$1.56 an hour—well below your \$10 minimum wage—at Liberal MP Ruby Dhalla's home.

While you have personally trumpeted two bills in this chamber that would protect nannies and temporary workers, it would appear you've been silent for two weeks after you were made aware of these reported abuses of your own Ontario legislation. What kind of minister sits by when workers are accusing his own friend of breaking the very labour laws he's brought forward? Minister, have you initiated an independent inquiry into these complaints?

**Hon. Peter Fonseca:** I thank the member for the question. The member is quite right that we have been out consulting in communities, meeting with nannies and listening to their concerns—many groups: stakeholders, advocates, family, friends and supporters. We've heard many stories that have saddened me. In all of those round tables, those discussions that we have been having, what we have done is we have moved forward as a govern-

ment and we have set up a 1-800 hotline to receive calls. We have a dedicated team to address all of those concerns. At all of those meetings we've also distributed employment standards fact sheet information—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Ms. Lisa MacLeod:** When this minister was confronted with the complaint, he did nothing about it. On the one hand, this minister put forward legislation to protect nannies and temporary workers, while on the other hand he does nothing when his Liberal friend Ruby Dhalla is the target of a Toronto Star investigation which suggests she acted in contradiction of his own laws.

**1040**

It's been reported that you attended a meeting two weeks ago where these foreign workers cried out for help when they said Ruby Dhalla withheld their passports, yet not only did the federal Minister of Immigration say today in the Star—your own staff acknowledged that you did not pick up the phone and call the federal Minister of Immigration. Not only did you fail in your job as minister, you failed in your job as John Q. Public. I don't know how you couldn't pick up the phone and tell the proper federal authorities of this breach.

Will you step aside until there is an independent investigation into the Dhalla affair and your own mishandling of it?

**Hon. Peter Fonseca:** The member is completely wrong. I have been meeting over many months, actually, with many of these caregivers. I did pick up the phone and I did call Minister Kenney. I explained to him many of the stories we were hearing from these caregivers; they were telling us about a completely broken, flawed program that they have federally. I encouraged Minister Kenney to take some leadership to fix that program because that's what we're doing here in this province.

We have set up a dedicated team to help with those who feel they've been discriminated against, who feel there has been a contravention of the employment standards. That team is there to assist any of those live-in caregivers, those nannies, with any claims they may have.

We have heard these—

**The Speaker (Hon. Steve Peters):** Thank you. Final supplementary.

**Ms. Lisa MacLeod:** As Ruby Dhalla's mentor and his federal leader once said, "You didn't get it done. You didn't get it done."

What kind of labour minister stands by and does nothing while it's reported that their friend abused the very labour laws he's responsible for? How can this Liberal government explain this failure to the Ontario public? You could have called the immigration minister; you chose not to. You could have told your own ministry officials; you chose not to. Minister, you don't get to pick and choose who abides by and who breaks your laws. They either do or they don't. You have no credibility on this file. You've failed as John Q. Citizen and you've failed as labour minister.

Now that this issue is a national—I repeat, national—embarrassment, will you step aside and ensure your

government calls an independent investigation into Ruby Dhalla?

**Hon. Peter Fonseca:** That member and her party have voted against every piece of legislation we have brought to this House to help vulnerable workers. Just the other day, that member and her party stood up against helping workers that are working for temporary—

*Interjections.*

**The Speaker (Hon. Steve Peters):** Thank you. Minister?

**Hon. Peter Fonseca:** That member and her party voted against helping vulnerable workers who work in temporary help agencies. That is a shame, I say to that member.

I have picked up the phone. I have spoken to Minister Kenney. It is unfortunate that the federal government has not taken leadership on this very important matter. There is a completely broken live-in caregiver program in Canada that needs to be fixed. I would hope that Minister Kenney would take some leadership and fix that broken program. I've told Mr. Kenney—

**The Speaker (Hon. Steve Peters):** Thank you. New question?

#### ONTARIO ECONOMY

**Mr. Robert W. Runciman:** That disgusting response just endorsed the need for this minister to step aside.

My question is to the Deputy Premier and it has to do with the Minister of Economic Development's now-infamous Canadian Club speech earlier this week when he talked about drawing from a \$2-billion fund of funds in order to pick winners and losers in the economy. Yesterday, the Minister of Finance was scrummed after question period and was asked about this \$2-billion fund of funds. He was standing there, I'm told, scratching his head and suggesting, "Well, we have a variety of funds."

Deputy Premier, if there is this much money, as your colleague in cabinet was suggesting at this Canadian Club meeting, why did you present a record-breaking deficit budget? Why did you secretly cut back on your promise to kids for textbooks and rural travel? Where is this \$2-billion fund of—

**The Speaker (Hon. Steve Peters):** Thank you. Deputy?

**Hon. Dwight Duncan:** There are, in fact, a variety of funds that this government uses to assist a variety of businesses, and that is the response I gave yesterday. I'll just review a number of them for you. There's the Next Generation of Jobs Fund. There is the northern heritage fund, which assists business. There is the RED fund, from the Ministry of Agriculture, to assist farms throughout the province.

So there are a variety of these funds. The total amount that's been allocated in their budgets is in the vicinity of \$2 billion.

Our government will continue to partner with business and labour to help grow this economy through the most challenging time in the world's economy since the 1930s.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Robert W. Runciman:** This should really go back to the Deputy Premier.

The Minister of Economic Development clearly stated, in what today's National Post describes as a "bizarre" speech, that he plans to pick winners and losers and will be using \$2 billion of taxpayers' money as Liberal mad money in order to play the economy czar.

Yesterday I asked the Premier about this, and he didn't have, or at least declined to offer, a valid response. I think it's important to have clarity here. It sends a message to our business community and international investors.

Deputy Premier, was Minister Bryant's speech based on a government policy decision, or were you and your caucus blindsided by a minister with his own agenda?

**Hon. Dwight Duncan:** Our government has been partnering with the business community over the course of the last five years. That's what the Next Generation of Jobs Fund is all about. It's what the advanced manufacturing investment strategy is all about. It's what the comprehensive tax reform package we brought forward in our budget is all about.

Governments around the world today are interfacing with business, are investing in business, are providing assistance to the auto sector—Japan, China, Germany, the United States, Canada, Sweden; a variety of countries.

We do, in fact, offer a variety of funds that are designed to assist with the preservation of jobs and to help create new jobs, particularly those new jobs that will be prevalent in the 21st century.

**The Speaker (Hon. Steve Peters):** Final supplementary.

**Mr. Robert W. Runciman:** Well, there's not much clarity there.

We hear about a secret fund. Perhaps they also have a secret economic adviser, Hugo Chávez.

I want to quote Dalton McGuinty in 2001: "Why not stake out your ground honestly, in a forthright manner...?" That was Mr. McGuinty a few years ago. What we're hearing today is rhetoric, a clear attempt to keep information from the public. The Premier is once again doing exactly the opposite of what he preached when he was on this side of the House. He has become the poster boy for all the reasons people are cynical today about government.

In his speech, Minister Bryant said, "This is governments choosing winners and losers.... This is the business that we are in...."

So once again, back to the minister: When did your government get into that business? When did you decide that consumers and the marketplace in this province no longer have a say?

**Hon. Dwight Duncan:** We've offered a variety of programs—but I'd like to review the comments of some of the members of the Conservative Party in the last few weeks.

Some Conservatives like to call assistance to business corporate welfare, but here's what Frank Klees said in

December, when he asked the government to support a business in his riding—"for example, to the Next Generation of Jobs Fund, which I have attempted to help some of my constituents make application to." He called upon us to help.

Christine Elliott, last year, said about the auto industry, "I wouldn't dismiss (another provincial investment) out of hand, especially where I come from.... I think it's important that" the auto industry "be given whatever support they can give."

Then their economic development critic, Ted Chudleigh, who often uses the term "corporate welfare," said last May, "I understand the need to partner with industry and to leverage investment, and I value GM as an important Ontario"—

**The Speaker (Hon. Steve Peters):** Thank you, Minister.

### ONTARIO ECONOMY

**Ms. Andrea Horwath:** My question is to the Acting Premier. This government claims its \$4.5-billion corporate tax giveaway is pro-jobs and pro-growth. New Democrats have argued that the \$4.5 billion could be far better used to fund strategic social and economic investments that will create the jobs of tomorrow, jobs like the ones at Bombardier in Thunder Bay, which will be killed if this province refuses to pay its fair share of the TTC's street-car purchase.

My question is this: Why is this government insisting on giving away \$4.5 billion to corporations that are profitable in this province when that money should and could be better spent on creating and protecting jobs?

1050

**Hon. George Smitherman:** By way of supplementary, the finance minister might want to speak to this initiative, which has at its heart the desire to place our economy in a much more competitive circumstance on a going-forward basis. But I want to say to the honourable member who spoke, again, about the issue with respect to investment in public transit, that we welcome the New Democratic Party's return to support for public transit in the province of Ontario, and that the Bombardier workers in Thunder Bay are heralding the demise of the member from northwestern Ontario, who in the past said that he was against expansion of the subway line to York University and beyond.

We're going to work closely, as we have, to continue to make investments in public transit, along with the \$9 billion that the Premier has committed in the context of Metrolinx here in the greater Toronto area.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Ms. Andrea Horwath:** This government's corporate tax giveaway to profitable companies made no sense when it was announced and it makes even less sense this morning. The Obama administration has made a bold move to discourage US subsidiaries in foreign countries from investing there simply on the basis of low local corporate tax rates. Since the corporate tax giveaway now

threatens to cost Ontario revenue and jobs, when will this government do the responsible thing, reverse its course and call it off?

**Hon. George Smitherman:** To the Minister of Finance.

**Hon. Dwight Duncan:** I can assure the member opposite we won't back off a policy that's going to rebuild the Ontario economy. And you know what? She ought to get her facts straight about what's going on. Like typical New Democrats, she doesn't have her facts straight. In fact, the Obama administration has provided corporate tax cuts.

We are simply moving in a balanced and prudent fashion across personal income tax—the member forgets \$10.6 billion in personal tax cuts. Is she opposed to that? Is she opposed to giving our corporations a more competitive position to go forward on? Is she opposed to that? Is she still opposed to the child benefit which she has voted against repeatedly? Is she opposed to that? Is she opposed to the 25 in 5 Network, who supported this budget?

This government has a plan. That party's hopelessly lost in the past—

**The Speaker (Hon. Steve Peters):** Thank you. Final supplementary.

**Ms. Andrea Horwath:** Well, I hope that the finance minister is aware of his plan to bring corporate taxes down to 25% when the US administration has it at 35%. How about that for a fact? Other jurisdictions are worried, Finance Minister; other jurisdictions are very worried. Governments in places like India and Ireland realize exactly what's at stake and that jobs are definitely on the line. The Obama administration is forcing them to reconsider their approach right now. That's what's happening. They are paying attention to what's happening in the US; why won't this government do the same? Call off the \$4.5-billion corporate tax giveaway and use the money to invest in jobs like those at Bombardier in Thunder Bay.

**Hon. Dwight Duncan:** Well, I'm glad the member opposite finally gets it. In fact, the US corporate tax rate is 38%, and ours will be 25%, because we will be more competitive than Michigan, more competitive than Ohio, more competitive than Indiana, more competitive than Kentucky, more competitive than California.

The member opposite doesn't understand the breadth of the US tax code which provides a range of exemptions that encourage US firms to locate offshore. She can talk about the US all she wants. I'm going to talk about working families in Ontario. I'm going to talk about getting working people back to work. I'm going to talk about building the biggest and best economy we can have in the 21st century in Ontario. We'll beat them at their own game, Mr. Speaker.

*Interjections.*

**The Speaker (Hon. Steve Peters):** New question.

### EMPLOYMENT STANDARDS

**Ms. Andrea Horwath:** What the finance minister refuses to acknowledge is that the 10% giveaway is going

to end up in the US Treasury; that's where it's going to end up.

My question now is to the Acting Premier. Dozens and dozens of women across Ontario are getting pink slips for having children, with employers using the poor economy as an excuse. What does this Acting Premier think of this discriminatory and deplorable practice?

**Hon. George Smitherman:** To the Minister of Labour.

**Hon. Peter Fonseca:** I'd like to thank the member for the question. I also would like to thank the member—

*Interjections.*

**The Speaker (Hon. Steve Peters):** I'd like to hear the answer, and I think that all the honourable members of the opposition would appreciate hearing it as well.

Minister?

**Hon. Peter Fonseca:** Again, I thank the member for the support on the temporary help agencies legislation, unlike the Conservative Party, which would not support that.

I can say, as a husband and the father of two young children, that I know how important it was for my family and for my wife to know that she had peace of mind when she was at home taking care of our new babies. She had the support of a very good employer. As Ontarians start new families, they should not have to worry about unscrupulous employers.

Let's be clear: It is illegal for employers to discriminate against pregnant women in Ontario, and any employer who discriminates against a pregnant woman or a parent who is entitled to leave will be prosecuted. The employment standards have severe—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Ms. Andrea Horwath:** Vera Trevisanello, who is here in the gallery, is a new mom. Vera was expecting to return to her financial services job after her son was born, but just days before she was expecting to return to work, she was terminated.

Across Ontario, numerous women are telling the same story, and New Democrats are calling on your government—on this government—to hire more employment standards officers, to increase the number of annual workplace inspections and to educate employers—educate them—on the Employment Standards Act and human rights legislation. If this government is serious about stamping out this discriminatory practice, will it support what New Democrats are calling for?

**Hon. Peter Fonseca:** I am very sorry to hear about anybody who has been discriminated against by an unscrupulous employer, and that's why we actually put \$4.5 million more in this last budget to hire more employment standards officers. They are very well trained individuals.

Again, getting back to our employment standards, let's be clear: Anybody—any employer—who breaks the law and discriminates against a pregnant woman or someone who is on parental leave will be severely penalized through fines and even imprisonment.

I say to the member that we have strong laws here in Ontario. Anybody who feels they are in this situation, please contact the Ministry of Labour—our employment standards officers. This is top priority and it moves right to the—

**The Speaker (Hon. Steve Peters):** Thank you. Final supplementary.

**Ms. Andrea Horwath:** Once again, this government talks the sympathetic talk but comes up short in enforcing its own legislation, and it's women who are paying the price in this province. If this government is serious about protecting women's rights and upholding Ontario's laws, why is it allowing women to be punished for having children?

**Hon. Peter Fonseca:** Again, we want to ensure that all women—anybody who is on parental leave—are protected, and that is why we have very strong laws in Ontario. We have employment standards officers who are professionals and are very well trained.

I encourage anybody who feels they have been discriminated against to contact the Ministry of Labour employment standards officers. They will investigate, and if an employer is found to be treating an employee illegally, they will be severely penalized through fines and, as I said, even imprisonment.

We want to ensure that the employees, the hard-working Ontarians, are protected by our laws, and that's what we're doing. That's why we put \$4.5 million more into hiring more officers to get out there and investigate, and we prioritized this—

**The Speaker (Hon. Steve Peters):** Thank you.

1100

## ONTARIO ECONOMY

**Mr. Ted Chudleigh:** I have a question for the Deputy Premier. The government's new reverse Reaganism strategy has economists up in arms. Doug Porter, the new chief economist for the Bank of Montreal Capital Markets, said it "flies in the face of decades of evidence," the CD Howe Institute calls it "very dangerous" and many more voices warn of pork-barrel politics, unpaid loans and more economic mismanagement from the McGuinty government. Even the Premier acknowledged earlier this year that governments are a brake on growth. He was referring to red tape at the time, I believe.

Deputy Premier, is your new reverse Reaganism strategy based on a certain model, a particular study, a historical example? Is there a shining city on the hill where this system has actually worked, outside of Cuba or North Korea?

**Hon. George Smitherman:** To the Minister of Finance.

**Hon. Dwight Duncan:** In fact—

*Interjection.*

**The Speaker (Hon. Steve Peters):** The honourable member just asked a question. I would like him to listen to the response.

Minister?

**Hon. Dwight Duncan:** In fact, a number of those economists have endorsed the government's budgetary policy, its fiscal policy. I can point to Jack Mintz, I can point to the CD Howe Institute, I can point to senior economists with the Canadian Chamber of Commerce.

This government does have a variety of programs that are designed to create and attract new jobs to Ontario. In fact, we have a Toyota plant just outside of Woodstock that benefited from that. We have a variety of new industries related to renewable energy that are starting to build here in Ontario because of various programs that this government's offered.

These are difficult and challenging times. We will continue to put forward a budgetary and economic policy that will see us through perhaps the worst downturn in the economy since the Great Depression and make this economy bigger, better—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Ted Chudleigh:** So these partisan, untrained media darlings on the government side are going to go out and pick the winners and losers in Ontario. For the lucky winners, or friends of the Liberal Party, this is great news. But for the losers, those companies who don't meet the hidden criteria, this is a disaster. Instead of competing on a level playing field, non-subsidized companies will only be up against the subsidized winners, but they'll also be paying them with their own tax dollars.

Why would any small- or medium-sized business, or loser, as you would call them, want to invest in a land where they are forced to subsidize their competitors?

**Hon. Dwight Duncan:** I wonder if the member is aware of a company called Roxul Inc. in his riding, which received a \$10-million loan to create or retain 232 jobs. Are you asking that that not be done? Mr. Barrett from Norfolk county: I wonder if he opposed the \$7.15-million advanced manufacturing loan to Toyotetsu, which will create or retain 250 jobs. I wonder if Mr. Hardeman from Woodstock is opposed to the \$8.7-million—

*Interjection.*

**Hon. Dwight Duncan:** Yes, thumbs up; he supported it—an \$8.7-million advanced manufacturing investment strategy loan to create 365 skilled jobs.

These members opposite have supported these particular applications into their ridings. This government is pursuing a balanced policy that will see Ontario through the most difficult challenge in the economy since the 1930s and our economy will—

**The Speaker (Hon. Steve Peters):** Thank you.

#### EMPLOYMENT STANDARDS

**Ms. Cheri DiNovo:** My question is to the Minister of Labour. He refused to answer this question earlier. Let's try again.

At a recent public meeting hosted by the Minister of Labour, two women spoke of employment standards violations they experienced while employed by Liberal member of Parliament Ruby Dhalla. The question is, will

the Minister of Labour, in his own words, "severely penalize" Ruby Dhalla or put her in jail?

**Hon. Peter Fonseca:** I thank the member for the question. Again, what I have done, the Ministry of Labour has done and our government has done is reached out to many communities, to individuals that are working through a federal live-in caregiver program that we know is severely broken. We've heard their stories, and those stories are very concerning.

In those meetings, when we hear those stories, here's what we've shared with them: First off, we've established a 1-800 number with a support team to be able to take any claims that those live-in caregivers may have. We've also distributed employment standards information at all those meetings, so everybody attending those meetings receives information and the number to call, because we want to ensure that professionals that we have within the ministry are able to—

**The Speaker (Hon. Steve Peters):** Thank you.

*Interjections.*

**The Speaker (Hon. Steve Peters):** That's not helpful.

The member from Parkdale-High Park, supplementary.

**Ms. Cheri DiNovo:** A 1-800 number is not an answer to the question. Magdalene Gordo and Richelyn Tongson said that they were required to work 12 to 15 hours a day for sub-minimum wage. They weren't paid properly and had their passports held by Dr. Dhalla. Yet you chose to do nothing, Mr. Minister of Labour, about these allegations.

In your own words, you've just said to this House that you would penalize a perpetrator and that you would see them put in jail. The question is: Will you stand up for the Liberal Party or will you stand up for workers in Ontario? Will you penalize Ruby Dhalla? Will you put Ruby Dhalla in jail?

**Hon. Peter Fonseca:** I say to the member that within the Ministry of Labour we have dedicated, committed, professional, well-trained inspectors and officers. That's the message that I've always delivered at any meeting that I've gone to. We've—

*Interjections.*

**The Speaker (Hon. Steve Peters):** Perhaps we could have a question period and let everybody just heckle back and forth. It could be very entertaining.

*Interjections.*

**The Speaker (Hon. Steve Peters):** I'm just going to keep letting the clock run. It's not harming me. Minister?

**Hon. Peter Fonseca:** Having listened to many of the stories that the live-in caregivers, the nannies, have shared with me, I picked up the phone many weeks ago and I spoke to Minister Kenney—this is a federal live-in caregiver program. I explained to him the shortcomings of this program, the challenges within this program, and how they need to be fixed. Unfortunately, Minister Kenney has not moved forward to fix this program. So what we've done here at the Ministry of Labour, in the government of Ontario, is to put in a dedicated team to help

with anybody that feels that they've been discriminated against. We have—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

#### TEACHERS

**Mr. Jean-Marc Lalonde:** My question is to the Minister of Education, in regard to the Premier's award ceremony for teaching excellence that was held yesterday. These provincial awards were given to 20 educators and support staff for their excellent contribution to student learning and achievement.

I am proud to inform the House and congratulate one of my constituents for receiving an award for excellence in leadership. Chantal Bertrand is a teacher and a coordinator who is committed to helping everyone learn, from age 16 to 60. Throughout her career, she has worked to build community partnerships and collaboration on the introduction of courses that meet the students' needs, such as welding for women and computing for adults 55 and over.

Would the minister explain what else is being done to motivate and support our educators, as it has a direct effect on the success of our students?

1110

**Hon. Kathleen O. Wynne:** First of all, I want to congratulate all of the recipients of the Premier's Awards for Teaching Excellence, and I want to thank my colleague from Glengarry–Prescott–Russell for attending the ceremony and staying and celebrating with all of those award recipients.

Support and respect are hallmarks of our relationship with educators in this province. We have worked very hard to make sure that the relationship is a good one. We've done things specifically in relation to teachers, like creating a new teacher induction program, providing new teachers with mentoring in those early years. We've made changes to the Ontario College of Teachers that have allowed more classroom teachers to sit on its council. We've also increased funding in the system by over \$5 billion since 2003, which means we've increased the number of teachers by 10,500, despite the fact of declining enrolment.

So the awards ceremony last night celebrated—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Jean-Marc Lalonde:** Minister, I know that in addition to teachers, support workers also play a valuable role in furthering the achievement of our students.

Last night, I heard about the wonderful achievements of Laureen Kuzyk, an educational assistant from Rainy River who is generous in helping students in need. She brings in used clothes and provides free haircuts to students having financial difficulties. She also provides tutoring for students who are struggling academically. She does this, and more, in a way that preserves their dignity and privacy.

We know that teachers aren't the only ones who are playing a part in creating a welcoming and supportive

environment for students. Could the minister tell us what our government is doing in regard to support and funding for our valuable education support staff?

**Hon. Kathleen O. Wynne:** We believe that support workers are an integral part of student success in this province. As the Premier said last night, everyone who works in our schools, all of the adults who work in our schools, are teachers. They touch and form the lives of our students.

Last night, we heard about support workers who coach. We heard about support workers who mentor students. They go way beyond the parameters of their job description to work with kids in the schools. The kids know them and relate to them. It was a great pleasure to be able to celebrate those support workers last night.

What we've done as a government is work with support-worker unions. This past year, we've managed to have provincial agreements with all of our support-worker unions, leading to four-year agreements for those individual units. We have increased support staff by 8,600, also in the face of declining enrolment. The celebration last night—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

#### EMPLOYMENT STANDARDS

**Ms. Cheri DiNovo:** My question again is to the Minister of Labour, since I'm still not getting any answers. The minister has admitted that he got this information about Ruby Dhalla's nannies two weeks ago. He admitted as much to the House. Did he report it to ministry officials? These are Ontario's labour laws. What did the minister do about this egregious break of them?

**Hon. Peter Fonseca:** Once again, I don't think the member heard the first time. The main thing we are doing is getting out and meeting with all the live-in caregivers and nannies. When we meet in these town halls, in these round tables, in these discussion groups, we hear many stories. Many of them are alarming. That is why at all these meetings we provide employment standards information. We provide information so that they can contact our officers. If there is a claim to be made—we have a dedicated team that is there to support them—they would call, make that claim and that dedicated team would be able to go in and investigate that claim.

These are professional, well-trained individuals. That is the right way to do things. Unfortunately, the—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Ms. Cheri DiNovo:** Again to the Minister of Labour: You are the minister. The responsibility stops with you. You heard the allegations; you did nothing, in your own words. The question is, will you penalize Ruby Dhalla? Will you put Ruby Dhalla in jail, according to your own standards, Mr. Minister—your own standards?

**Hon. Peter Fonseca:** The member can puff and holler all she wants over there, but this government is on the side of Ontario workers—all workers. We are here to

protect those live-in caregivers, and that is why we are reaching out to the community. That's why we're listening. We do hear some alarming stories. Most of those stories, I could tell you, stem back to a flawed, broken federal live-in caregiver program. That's why, as soon as I started hearing the stories, I picked up the phone, I called Minister Kenney, and I said, "Take some national leadership on this; fix your program." That has not been done, so we have moved forward with a toll-free 1-800 number, with town hall meetings and with employment standards sheets distributed across the province in all our libraries, early years centres, through our schools, through advocacy groups, stakeholders—

**The Speaker (Hon. Steve Peters):** Thank you.

#### MENTAL HEALTH SERVICES

**Ms. Laurel C. Broten:** My question is for the Minister of Community and Social Services. Minister, as you know, this week is Children's Mental Health Awareness Week, and today we are joined at Queen's Park by members of Family Service Ontario. As you know, FSO assists tens of thousands of individuals and families in communities across Ontario each year. They assist Ontarians with emotional, psychological, social, physical and financial struggles. I have seen the good work done by FSO first-hand when I worked with them to develop the government's domestic violence action plan. Their presence in 27 communities across Ontario has made a significant difference around our province. In my riding of Etobicoke-Lakeshore, the FSO is headed by its executive director, John Ellis, and it plays an invaluable role by supporting families in need.

Minister, can you please tell members of this House how our government is working to support the important work being undertaken each and every day across our province by Family Service Ontario?

**Hon. Madeleine Meilleur:** I want to thank my colleague from Etobicoke-Lakeshore for all the support that she gave through this review with regard to violence against women. I'd like to welcome to this House Family Service Ontario, who are with us today in the Legislature.

Family service agencies assist Ontarians of every age group and socio-economic level. In my ministry alone, family service agencies have benefited from a number of increases to violence-against-women programs provided by MCSS, including a \$1-million enhancement to transitional and housing support programs and a \$2.5-million enhancement to counselling programs. In the developmental services sector, 13 FSO agencies received a total of \$7.7 million in 2008, and I want to thank family services agencies for their tremendous work and dedication to—

**The Speaker (Hon. Steve Peters):** Thank you, Minister. Supplementary?

**Ms. Laurel C. Broten:** Minister, as I mentioned, FSO agencies cover a large spectrum of services, and I'd like to ask you specifically about mental health services and what our government is doing in this regard. Some of

Ontario's most vulnerable citizens quietly suffer from various mental health challenges. In my work at the Gatehouse, I saw first-hand the effects that childhood abuse can have on one's mental health, and just yesterday I met with representatives from Etobicoke Children's Centre to discuss the challenges faced by this important sector.

Minister, many of the affected Ontarians fall under your watch. They may be ODSP and OW recipients or women fleeing domestic abuse. What action is our government taking to tackle the critical and often hidden issue of mental health?

**Hon. Madeleine Meilleur:** Since 2004, this government has increased funding by more than \$200 million to improve mental health services to build capacity outside the provisional institutional services setting. We have increased funding, to more than \$270 million, to over 300 community mental health agencies in Ontario. This increased funding has expanded access to over 200,000 more Ontarians seeking mental health services and hired more than 1,100 new mental health workers. The government has also established an advisory group on mental health and addiction to provide direction on the development of a 10-year comprehensive strategy for mental health and addiction. So yes, our government acknowledges that there is work to be done on the issue of mental health, and we will continue to support the—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

1120

#### EMPLOYMENT STANDARDS

**Mr. Robert W. Runciman:** My question is for the Minister of Labour as well. This is a very serious issue related to the possibility of Liberal favouritism with respect to the application of Ontario laws. Hopefully, he will try to respond to the specifics.

We have been advised, through the media, that he and his colleague, the Minister of Education, were advised at a public meeting by two individuals of serious violations of Ontario's employment standards laws by a Liberal member of federal Parliament. I ask him specifically: Did he not believe that he had an ethical responsibility, with respect to this concern being expressed by these two individuals, to act, and act at that moment?

**Hon. Peter Fonseca:** I say to the member we have heard many stories, hundreds of stories, at all of these town halls and roundtable meetings that we've had. The vast majority of all the complaints and challenges that come from these stories are federally related.

Many of the complaints we've heard about—here's what Minister Kenney had to say in terms of where they do fall under his responsibility: "If someone was working in a home who was here without a work permit appropriate for that job, that would be my ministry"—his ministry—"and so that should be reported to the officials of Immigration Canada. If someone was paid under the table without taxes paid, that should be reported to



Revenue Canada. And if workers did not have their basic labour code rights respected, if they were forced to work 12 hours a day or something, then that should be reported to the provincial Ministry of Labour”—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Robert W. Runciman:** This isn't a federal problem; it's a Liberal problem.

Not too many years ago, your colleagues asked for the head of the Solicitor General when potentially a young offender was identified in this House—a federal law. They asked for the head of the minister and they got it.

**Interjection:** Who was it?

**Mr. Robert W. Runciman:** You're talking to him. That's right.

Here we have an allegation of a violation of provincial laws. The minister is present. It involves a Liberal member of Parliament, and you sat on your fanny and have done nothing about it? You have to resign, step down, and let's have an independent investigation.

**The Speaker (Hon. Steve Peters):** Minister?

**Hon. Peter Fonseca:** For all of this member's bluster, if you look at his record here in this House, he has voted against vulnerable workers time and time again, unlike this government that is putting protections in place to address vulnerable workers in the province of Ontario.

If all individuals, all groups, all stakeholders that I speak with—I always say, if there is an employment standards issue, if they would like to make a complaint, if they would like to make a claim, we have provided that information. But, as we can see from Minister Kenney's remarks and quote, that most of this falls to the federal government, as when it comes to Immigration Canada or Revenue Canada. So I ask that member to pick up the phone, call your member in Ottawa and ask him to show a little bit—

**The Speaker (Hon. Steve Peters):** Thank you. The member from Parkdale–High Park.

#### EMPLOYMENT STANDARDS

**Ms. Cheri DiNovo:** The question, again, is to the Minister of Labour. Over two weeks ago, you received detailed information and allegations, Mr. Minister—they were not stories—regarding serious breaches of Ontario labour law. As Minister of Labour, what did you do with that information? Did you report it to ministry and labour officials and did you ask them to investigate or not?

**Hon. Peter Fonseca:** The member is quite right when she says “allegations.” I'm not going to comment on any particular case, but I can let the member know what I did do. At that roundtable, as we heard many stories, what we did is we provided information to every single person in that room. We encouraged them to call the Ministry of Labour. Nobody is above the law, I say to the member over there, and she should know full well, when it comes to the Ministry of Labour. The employment standards office would take in a complaint or a claim and be able to address it with highly trained professionals who will be

able to investigate. I would think that would be what the member would want: to have a transparent system where we have public servants who are highly trained—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Ms. Cheri DiNovo:** Again to the Minister of Labour: This is your responsibility. This is your ministry. These are Ontario labour laws that are being breached.

Again, I ask the Minister of Labour, what did he do? He had this information two weeks ago. Did he ask his officials to investigate this most egregious breach of Ontario labour law or not? Yes or no?

**Hon. Peter Fonseca:** I say to the member that the ministry investigates independently of politics. The member may not like that, but we have a great employment standards office in Ontario that is doing commendable work. Those officers are out there every single day addressing claims.

What we've set up, because this is such an important issue and we've been hearing these alarming stories, is a dedicated team behind that 1-800 number. The 1-800 toll-free hotline has been in place for one week. We've received 120 calls, and three claims have been made through that 1-800 number. We are going to continue to work with the community to hear these complaints and do everything we can provincially to fix a flawed—

**The Speaker (Hon. Steve Peters):** Thank you. The member from Oak Ridges–Markham.

#### POVERTY

**Ms. Helena Jaczek:** My question is for the Minister of Children and Youth Services. This morning, Bill 152, the Poverty Reduction Act, was debated at third reading, and it will go to a final vote just after question period. Prior to today's debate, the social policy committee received over 20 in-person presentations and also a number of written submissions. The opposition parties also put forward suggestions to strengthen the bill. In the end, the bill was significantly amended, including five amendments put forward by the NDP.

Can the minister please explain the changes made to strengthen the bill?

**Hon. Deborah Matthews:** I would like to start by thanking the member from Oak Ridges–Markham.

Right from the beginning of the development of the poverty reduction strategy, we knew that we needed the participation of a wide range of Ontarians in order to develop the strongest possible strategy and the strongest possible legislation. That's why we consulted widely and welcomed people into the conversation who had never before felt heard.

That “all hands on deck” approach continued throughout the legislative process. I was very pleased to see the number and the quality of presentations to the standing committee. Many of the people who made presentations are with us today, and I welcome them. They are here to witness the historic vote that will follow question period.

We received some great suggestions for strengthening the bill, and we moved on a large number of them. We

expanded the principles that future strategies must be guided by, by recognizing that women are at higher risk of poverty and more explicitly—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Ms. Helena Jaczek:** It's good to hear how open this process was and of the government's willingness to make changes to strengthen the bill. This legislation, if passed, would enshrine in law an ongoing commitment on the part of the Ontario government to poverty reduction. It would require current and future governments to issue annual reports on the progress of the strategy, hold consultations regularly and issue a new strategy and target at least every five years.

Can the minister please expand on what this legislation really does to reduce poverty in Ontario?

**Hon. Deborah Matthews:** The passage of this legislation marks the beginning of a new era in Ontario. Going forward, all governments of Ontario, regardless of their political stripe, will be required to consider poverty reduction to be a core responsibility. Just like health care and education, poverty reduction will be part of every government's mandate. They will be required to listen to people living in poverty and those who advocate for them. They will be required to measure their progress and set a target, and they will be required to report to the Legislature annually on how they are doing. The days of poverty reduction being an extra or, worse yet, ignored altogether will be behind us.

We wouldn't be here without the very, very hard work of many people, people who have joined in common cause to work toward a shared goal. To all of those who have played a part in getting to this day, I say thank you. You have made a lasting difference to the health and prosperity of the people—

**The Speaker (Hon. Steve Peters):** Thank you.

1130

#### EMPLOYMENT STANDARDS

**Ms. Lisa MacLeod:** About seven minutes ago, I received an e-mail from the Minister of Immigration's office.

**Interjection:** Who are you talking to?

**Ms. Lisa MacLeod:** To the Minister of Labour. About seven minutes ago, I received an e-mail from the Minister of Immigration. He said, "For the record, in case there is any confusion, Minister Fonseca has never raised the issue of Magdalene Gordo and Richelyn Tongson with Minister Kenney. Nor has he or his staff raised it with Immigration ... officials. Fonseca spoke to Kenney a month ago to talk about the program generally; they haven't spoken since and he's never discussed the case with us or our officials."

Would the minister like to correct the record? How can this province trust this minister when he tells one thing to the chamber and does another thing when he is outside of it?

*Interjections.*

**The Speaker (Hon. Steve Peters):** Order. Minister?

**Hon. Peter Fonseca:** I'm glad that the member called the federal Minister of Citizenship and Immigration, Mr. Kenney, because I picked up the phone many weeks ago, if not over a month ago, and spoke to Minister Kenney about all the issues that we were hearing in all our round tables.

It would be inappropriate of me—and the member should know this, or ought to know this—to speak about a particular case, but what I can say to the member is in that round table meeting, I acted immediately. I gave information to those caregivers immediately. They got information to be able to call our impartial, independent investigators so that they can get to work on the case. That's how things are done here in a democracy. The member may not like that, but that is the right way to do things.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Ms. Lisa MacLeod:** The minister has lied to this chamber.

*Interjections.*

**The Speaker (Hon. Steve Peters):** I'd just ask the honourable member to withdraw the comment, please.

**Ms. Lisa MacLeod:** Mr. Speaker, out of respect for you, I will withdraw.

The minister may want to clarify his comments so that he is not misleading this chamber.

**The Speaker (Hon. Steve Peters):** And I'd just ask the honourable member to withdraw that comment, please.

**Ms. Lisa MacLeod:** Thank you, Mr. Speaker. I withdraw out of respect for you, but perhaps his comments have been misinterpreted by this side of the House.

He has often said to us to call our friends in the federal government. He has told this chamber to call a 1-800 number. The fact remains that this minister, the Minister of Education and a whole lot of people over in the Mississauga-Brampton area got together and they were told something that was reported in the Toronto Star that they did nothing about.

I will ask again for the minister to step aside, call an independent inquiry into what Ruby Dhalla has done and to start upholding his own legislation that he brings into this chamber.

**Hon. Peter Fonseca:** Again, I picked up the phone. I called Minister Kenney over a month ago. I explained to him all the issues that we were hearing in our round tables. Many of them, the vast majority of them, dealt with a flawed, broken live-in caregiver federal program. But when we have gone out and consulted with live-in caregivers, we've acted immediately. We've provided information so that individuals who feel that they have a claim can have an independent investigator go in and do their job—they are highly trained professionals—and help the claimant with that case.

**The Speaker (Hon. Steve Peters):** New question. The member from Parkdale–High Park.

**Mr. Michael Prue:** Ruby just resigned.

**Ms. Cheri DiNovo:** Mr. Speaker, we just got news that Ruby Dhalla has resigned her critic portfolio.

#### EMPLOYMENT STANDARDS

**Ms. Cheri DiNovo:** The question is to the Minister of Labour. These are serious allegations—

*Interjections.*

**The Speaker (Hon. Steve Peters):** Stop the clock. The clock is stopped this time because I'm hearing it from the government side.

Member from Parkdale–High Park.

**Ms. Cheri DiNovo:** A question for the Minister of Labour: Your duty is to look after the labour rights of workers in the province of Ontario. Two weeks ago, you heard from women some allegations of phenomenal abuse. They were working 12 to 15 hours a day at less than minimum wage. Their passports were being held illegally. The question is, Mr. Minister, did you order your officials to investigate these serious allegations or not?

**Hon. Peter Fonseca:** We treat these cases very seriously, so what we did is, right away, immediately, we provided access to all of those who felt that they may have an employment standards claim. We encouraged them: "Call the number. We have a dedicated team of officers and investigators—independent officers and investigators." We want to ensure that those workers are protected, so that is why, over the last week with this 1-800 number—an outreach to the community—we've received 120 calls, and three claims have been made.

We are continuing to move forward with legislation and to bring legislation here to this chamber because of a federal program that is severely broken. I would hope that Minister Kenney would take some national leadership and fix—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Ms. Cheri DiNovo:** Again to the Minister of Labour: These women didn't need a 1-800 number; they had you and your entourage to immediately complain to. You didn't listen; you didn't report it; you didn't do anything about their allegations of abuse.

Clearly, the question is: Did you or did you not? We hear in the silence in the House that you did not. Are you going to admit to the House, Mr. Minister of Labour, that you did nothing to help these women in their allegations of abuse because Ruby Dhalla is a member of your own party?

**Hon. Peter Fonseca:** No matter which politician or individual is involved, I do not direct the investigators or officers. What I do, as Minister of Labour, is provide access, and we did that right away. We acted immediately. We provided that information so that that individual could call for more information and make a claim. We have a dedicated team there to help anybody who would like to make a claim. This is an impartial team. These are professionally trained public servants.

#### DEFERRED VOTES

##### POVERTY REDUCTION ACT, 2009

##### LOI DE 2009 SUR LA RÉDUCTION DE LA PAUVRETÉ

Deferred vote on the motion for third reading of Bill 152, An Act respecting a long-term strategy to reduce poverty in Ontario / Projet de loi 152, Loi concernant une stratégie à long terme de réduction de la pauvreté en Ontario.

**The Speaker (Hon. Steve Peters):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1139 to 1141.*

**The Speaker (Hon. Steve Peters):** Ms. Matthews has moved third reading of Bill 152. All those in favour will please rise and be recorded by the Clerk.

#### Ayes

Albanese, Laura	Fonseca, Peter	Milloy, John
Arthurs, Wayne	Gélinas, France	Mitchell, Carol
Bailey, Robert	Gerretsen, John	Munro, Julia
Balkissoon, Bas	Gravelle, Michael	Naqvi, Yasir
Bartolucci, Rick	Hardeman, Ernie	O'Toole, John
Bentley, Christopher	Horwath, Andrea	Oraziotti, David
Berardinetti, Lorenzo	Hoy, Pat	Ouellette, Jerry J.
Best, Margaret	Jaczek, Helena	Phillips, Gerry
Bisson, Gilles	Jeffrey, Linda	Prue, Michael
Bradley, James J.	Jones, Sylvia	Ramal, Khalil
Brotten, Laurel C.	Kormos, Peter	Runciman, Robert W.
Brown, Michael A.	Kwinter, Monte	Sandals, Liz
Cansfield, Donna H.	Lalonde, Jean-Marc	Savoline, Joyce
Caplan, David	Leal, Jeff	Smith, Monique
Carroll, Aileen	Levac, Dave	Smitherman, George
Chan, Michael	MacLeod, Lisa	Sousa, Charles
Chudleigh, Ted	Mangat, Amrit	Tabuns, Peter
Colle, Mike	Marchese, Rosario	Takhar, Harinder S.
Craitor, Kim	Martiniuk, Gerry	Van Bommel, Maria
Crozier, Bruce	Matthews, Deborah	Watson, Jim
Delaney, Bob	Mauro, Bill	Wilkinson, John
DiNovo, Cheri	McMeekin, Ted	Wilson, Jim
Dombrowsky, Leona	McNeely, Phil	Witmer, Elizabeth
Duguid, Brad	Meilleur, Madeleine	Wynne, Kathleen O.
Duncan, Dwight	Miller, Norm	Yakabuski, John
Flynn, Kevin Daniel	Miller, Paul	Zimmer, David

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 78; the nays are 0.

**The Speaker (Hon. Steve Peters):** I declare the motion carried.

*Third reading agreed to.*

**The Speaker (Hon. Steve Peters):** Be it resolved that the bill do now pass and be entitled as in the motion.

This House stands recessed until 3 p.m.

*The House recessed from 1144 to 1500.*

#### INTRODUCTION OF VISITORS

**The Speaker (Hon. Steve Peters):** On behalf of the member from Guelph and page Cameron Hoey, I'd like to welcome his father, Steve Hoey, to the members' gallery today. Welcome to Queen's Park.

## MEMBERS' STATEMENTS

### CATHOLIC FAMILY COUNSELLING CENTRE

**Mrs. Elizabeth Witmer:** Today, I would like to warmly welcome members of the Catholic Family Counselling Centre of Waterloo region to Queen's Park.

This organization, with its dedicated staff and volunteers, provides support for more than 25,000 people in our region each year by providing counselling services and programs such as Pathways to Education, employee assistance plans, Families and Schools Together and the family violence project.

This organization is dedicated to improving the lives of all people who come through their doors, and has been doing so for over 50 years.

The Catholic Family Counselling Centre exists so that people can find the strength, the skills and the confidence to deal with life's challenges and opportunities.

What makes this organization so successful is their ability to foster partnerships with community organizations, businesses and all levels of government.

This organization focuses on the why, never the why not. They continue to move forward, even during these challenging economic times, when organizations like this take on an even greater importance for community members.

This organization is led by Cathy Brothers. I can tell you that they have a dedicated, hard-working team of employees and volunteers who ensure that people receive the supports they need.

Again, welcome to all from Catholic Family Counselling Centre.

### FAMILY COUNSELLING CENTRE OF BRANT

**Mr. Dave Levac:** In good times and bad, up and down, and thick and thin, Ontario's success rests on the strength of its families. From time to time, every family needs the support of its neighbours and friends and, indeed, its community.

That is why the Family Counselling Centre of Brant is so central to the lives of the citizens of Brantford and Brant county and to all the family counselling centres in the province of Ontario.

For over 90 years, the Family Counselling Centre of Brant has made helping families, for a variety of reasons, its mission. That's because the Family Counselling Centre of Brant knows that strong families support a strong Ontario, and that Ontario is indeed stronger because of its great families. Partnerships are a key component of the Family Counselling Centre of Brant's mission, which partners with agencies across the board.

Please join me in recognizing the representative from the Family Counselling Centre of Brant, the executive director, Shelley McCarthy, who stands as an example of someone who is dedicated to ensuring that families in my riding receive compassionate, understanding and pro-

fessional counselling year after year for many reasons—again, across the board.

Community mental health agencies like the FCCB saw an increase in funding to assist them with front-line delivery.

I would also like to remind members of this House, on behalf of the board of the Family Counselling Centre of Brant, Inc., the families they serve in Brantford and Brant county and all the agencies that we know are here today, that we invite you to participate in family services day. Please join these great people and these great agencies in attending the Family Service Ontario reception at Queen's Park at 4 o'clock in the dining room. We're glad they're here.

### MAGGIE McCREATH

**Mr. John O'Toole:** I'm pleased to rise today to pay tribute to my constituent Maggie McCreath. She received the 2009 June Callwood award of achievement. This award recognizes exceptional leadership, innovation and creativity in the volunteer sector.

The award is named in honour of the late Canadian journalist, author and social activist June Callwood, who founded more than 50 Canadian social action organizations. Each of the 20 individuals or organizations selected this year has made an outstanding contribution to their community and to Ontario.

Maggie McCreath, who is from Uxbridge, has been active in 25 volunteer groups, including Relay for Life, Roxy Kids in Action, Diabetes Drive, Hospice and Meals on Wheels. She is also a member of the Uxbridge accessibility advisory committee. Maggie continues to be a driving force behind organizations such as Operation Warm Hearts, which collects 500 gently used boots and winter coats for those in need each year.

Congratulations to Maggie McCreath, an outstanding citizen, an outstanding volunteer, my constituent and a recipient of the 2009 June Callwood Award.

I would like to respect Minister Chan, Minister of Citizenship and Immigration, for coming to my riding of Durham and presenting this award.

### COMMUNITY ACCESS TO CHILD HEALTH

**Mr. Paul Miller:** Last constituency week I visited a number of organizations in my riding of Hamilton East—Stoney Creek, including Community Access to Child Health, or CATCH. When my staff and I walked into CATCH, we were greeted by the sights and sounds of children and parents laughing and playing. They were there for the parent and child interactive play group, just one example of CATCH's many excellent programs. Other services include a youth centre, a euchre club for seniors, a food bank and an after-school academic support program.

Unfortunately, there is only enough funding to operate the afterschool program for another four months. Funding should be provided for the whole school year, because the youth using this program have a more positive

and brighter future as a result of these initiatives. Visiting CATCH brings home just how important programs like it are to the whole community.

It was especially impressive to see how involved parents, community members and volunteers are in CATCH. On our tour we saw volunteers making a healthy lunch for the parent and child interactive group. This lunch program was started by parents who saw a need for it, applied for funding and continue to operate it. CATCH's program project coordinator, Judy Kloosterman, explained that community members are active in organizing and running CATCH programs.

I proudly sponsor two T-ball teams on which many CATCH youth play.

Visiting CATCH and witnessing the dedication and hard work of staff and volunteers was an inspiring experience for my staff and me. I would like to thank all those who help to keep this valuable community group going. Thank you.

#### AMATEUR SINGING CONTEST

**Mr. Tony Ruprecht:** Last month, I and 400 guests had the great pleasure to attend the international Amateur Singing Contest by John Santos. It was a truly Canadian, multicultural event. What I saw and experienced touched me deeply.

The evening's program was designed to showcase the real talent of each performer. Mr. Santos, an accomplished music director, and his wife, Lisa, set the stage for a most supportive backdrop. John's music lifted the spirit of the performers to such heights which enabled all of them to soar, to give their best and to give of themselves. The audience too was thus transformed into a supportive and appreciative cast. The rhythmic music—sometimes soft, sometimes powerful, sometimes light—the colourful light and the uplifting, warm, melodious voices produced such a marvellous sound that time was forgotten and people didn't even want to go home. Some shouted, "More, more."

It was truly a night to remember. These finest are Canadians' pride and joy. They deserve to be recognized for their enormous talent, and I would be delighted to provide some opportunity so that they could launch their career and bring joy to lives, even to a wider audience here in Ontario.

I'm happy to introduce them to you and to the people of Ontario: the first-place winner in the junior finalists, Kayla de Brito; second place, Jordan Pereira; and Claudia Pereira, Melissa da Costa and Emily Ferreira. The adult finalists: George Rengifo, first place; Monica Cidade, second place; Sara Marques, Stephany Pascoal and Ramiro Lopez Sança. Thank you very much, and congratulations to all of them.

1510

#### SMOKING BAN

**Mrs. Joyce Savoline:** I rise in the House today to remind the Liberal government that the clock is ticking

for Gator Ted. It was just over a year ago that my private member's bill was squashed by your government. Bill 42 was designed to close a loophole in your own anti-smoking legislation and set Ted Kindos free from your contradictory policies. Unfortunately, that bill didn't survive past committee.

Hope reared its head over a month ago when Minister McMeekin stood in his place and proudly stated: "This government is determined to make sure that we find a way to support Ted Kindos and small business people like Ted Kindos." The minister went on to say, "I do want to provide this House with assurance that being caught between a regulatory rock and a hard place is something that this government won't stand for, and we'll make sure that this is sorted out." As the King said, a little less conversation and a little more action, please. That would be good here, Minister.

The government has put our small business people on life support, between your economic meddling and your HST disaster. You need to get to the bottom of this now, as you promised to do. You need to take a stand and decide which one of your policies Ted Kindos is obligated to follow, and instruct your ministry to back off.

Someone is milking the system here, and it isn't the hard-working small business people. They're trapped in a nightmare. If I were you, Minister, I would take the King's words to heart.

#### LISGAR GO STATION

**Mr. Bob Delaney:** I rise today to share with my colleagues a new green energy addition to our new GO train station in the great community of Lisgar.

Last month, on Earth Day, I joined the Minister of Transportation and Mississauga Ward 9 councillor, Pat Saito, as we inaugurated the Lisgar GO station wind turbine's entry into service.

Lisgar station was selected for GO Transit's first-ever wind turbine because of wind patterns and speeds in that north Mississauga area. The turbine can produce about 50 kilowatts of power in moderate winds of 11.3 metres per second, and is estimated to generate about 80% of Lisgar GO station's electrical power.

Also on display at Lisgar were two of GO Transit's environmentally friendly transportation options: a 78-seat double-decker bus and a 45-seat hybrid bus. Both were equipped with a bike rack.

On average, 100 cars in GTA traffic carry only 115 people. One 12-car GO train can carry nearly as many people as 1,600 cars. This reduces both traffic congestion and air pollution as well.

Lisgar is not only Ontario's newest GO train station, but it's also Ontario's greenest as well.

#### PUBLIC TRANSIT

**Mr. Bill Mauro:** It appears that both of the opposition parties have found religion when it comes to mass transit in Ontario. Just yesterday, we heard a Conservative member tell the Legislature that he had discovered the

importance to Thunder Bay of the recently announced city of Toronto contract that went to Bombardier. This apparent epiphany is a bit difficult to listen to. That member and that government while in office publicly announced that they were no longer in the public transit business. Predictably, for eight or nine years, nothing happened through the TTC.

Then there's the NDP, those wonderful front-runners, who, when they see an issue that has legs and might be successful, like to appear to be on the front end. But only a little over a year ago, this issue was so unimportant to the NDP that they did not even include mention of it in their election platform materials.

The report card on this is very clear: a Liberal platform in 2003 that committed to get back into public transit, a policy that has led directly to two major contracts landing in Thunder Bay—one for \$700 million, with 200 million provincial dollars, creating 300 new jobs for five years, and just one month ago, a \$56-million contract, with 100% provincial money, for 20 new GO Transit buses.

I've been working on, and will continue to work on, the recently announced \$1.2-billion contract—which has the possibility to grow to \$3 billion—that can create several hundred new jobs at Bombardier.

Our Liberal government, through Dalton McGuinty, has been supporting mass transit in Thunder Bay and creating jobs there since 2003. We welcome the recently converted—

**The Speaker (Hon. Steve Peters):** Thank you.

#### CERTIFIED GENERAL ACCOUNTANTS OF ONTARIO

**Mr. Bruce Crozier:** I'm rising today to have a few words about my good friends at Certified General Accountants of Ontario. I'm not sure that you know, and maybe it doesn't matter to many of you, but I'm proud to be a life member of the CGA in Ontario, and to help them remind you of what service they provide in this province. They are, of course, involved in corporations, in education, in government as well, and certainly provide a great service in public practice and with non-profit organizations in the province.

But that's not the whole reason that I'm standing here today to speak to my colleagues in the Legislature. Each of you would have received an invitation from Certified General Accountants of Ontario to attend a reception starting at 5:30 today in rooms 228 and 230. I do hope that each of you will take the opportunity to stop in, say hello to my colleagues and enjoy their company for a little while.

#### ROYAL ASSENT SANCTION ROYALE

**The Speaker (Hon. Steve Peters):** I beg to inform the House that in the name of Her Majesty the Queen, His

Honour has been pleased to assent to certain bills in his office.

**The Deputy Clerk (Mr. Todd Decker):** The following are the titles of the bills to which His Honour did assent:

An Act to amend the Employment Standards Act, 2000 in relation to temporary help agencies and certain other matters / Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne les agences de placement temporaire et certaines autres questions.

An Act respecting a long-term strategy to reduce poverty in Ontario / Loi concernant une stratégie à long terme de réduction de la pauvreté en Ontario.

#### PRIVATE MEMBERS' PUBLIC BUSINESS

**The Speaker (Hon. Steve Peters):** I beg to inform the House that, pursuant to standing order 98(c), changes have been made to the order of precedence on the ballot list for private members' public business, such that Ms. Horwath assumes ballot item number 19 and Mr. Hampton assumes ballot item number 28, and Mr. Arnott assumes ballot item number 16 and Mr. Shurman assumes ballot item number 73.

#### CONSIDERATION OF BILL 171

**The Speaker (Hon. Steve Peters):** I want to draw to the members' attention that a co-sponsored bill appears on the Orders and Notices paper that contravenes standing order 52, which states, "No motion, or amendment, the subject matter of which has been decided upon, can be again proposed during the same session."

Bill 171, An Act to provide property tax deferrals to low-income seniors and low-income persons with disabilities, standing in the name of Mr. Shurman, Mr. Kormos and Mr. Sergio, is substantially the same as Bill 78, which was lost on second reading earlier in the session.

Therefore, as was the case yesterday with respect to Mr. Yakubuski's Bill 174, I find Bill 171 to be out of order and have directed that it be removed from the order paper.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**Mrs. Julia Munro:** I beg leave to present a Report on Agencies, Boards and Commissions: Ontario Infrastructure Projects Corp. (Infrastructure Ontario) from the Standing Committee on Government Agencies and move the adoption of its recommendations.

**The Speaker (Hon. Steve Peters):** Does the member wish to make a brief statement?

**Mrs. Julia Munro:** As Chair of the Standing Committee on Government Agencies, it is a pleasure to table

the report of the committee. The committee undertakes reviews from time to time of the operation of selected agencies, boards and commissions of the province.

This report of the committee reviews and commends the work of Infrastructure Ontario and makes recommendations on how they may improve some of their approaches and procedures. Topical areas covered include enhanced public disclosure; infrastructure and economic development; innovative building design and infrastructure projects; and the management of the Darlington nuclear procurement project.

Our committee wishes to express its appreciation to the senior staff of Infrastructure Ontario and all witnesses who appeared before us during the public hearings on this agency.

I would like to thank committee members for their contributions to the review process, as well as legislative staff: Douglas Arnott, the clerk of the committee, and Jerry Richmond, the research officer.

I move adjournment of the debate.

**The Speaker (Hon. Steve Peters):** Is it the pleasure of the House that the motion carry? Carried.

*Debate adjourned.*

## MOTIONS

### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon. Monique M. Smith:** I believe we have unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker (Hon. Steve Peters):** Agreed? Agreed.

**Hon. Monique M. Smith:** I move that, notwithstanding standing order 52, private members' notice of motion number 89, standing in the name of Mr. Yakubuski, may be called as ballot item number 14 on Thursday, May 7, 2009.

**The Speaker (Hon. Steve Peters):** Is it the pleasure of the House that the motion carry? Carried.

*Motion agreed to.*

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## PETITIONS

### TAXATION

**Mrs. Joyce Savoline:** "To the Legislative Assembly of Ontario:

"Whereas residents in Burlington do not want" the McGuinty 13% "sales tax (HST) that will raise the cost of goods and services they use every day; and

"Whereas the" McGuinty "13% blended sales tax will cause everyone to pay more for gasoline for their cars, heat, telephone, cable and Internet services for their homes, and will be applied to house sales over \$400,000; and

"Whereas the" McGuinty "13% blended sales tax will cause everyone to pay more for meals under \$4, haircuts, funeral services, gym memberships, newspapers, and lawyer and accountant fees; and

"Whereas the blended sales tax grab will affect everyone in the province: seniors, students, families and low-income Ontarians;

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

"That the McGuinty Liberal government not increase taxes for Ontario consumers."

I support the intent of this petition and I give it to page Grace.

### PROFESSIONAL HOCKEY FRANCHISE

**Mr. Dave Levac:** This is called "Make it seven: Support the move of the Phoenix Coyotes to southern Ontario.

"To the Legislative Assembly of Ontario:

"Whereas Jim Balsillie of Research in Motion has put in an offer to purchase the Phoenix Coyotes and move them to a location in southern Ontario; and

"Whereas there are a number of outstanding communities that could host this NHL franchise, like Kitchener, Waterloo, Hamilton, Mississauga, the city of Vaughan, Peterborough, Brampton, Brantford and Oakville; and

"Whereas an NHL franchise in southern Ontario would generate over a billion dollars annually to the GDP of the host community, in everything from arena construction, ticket sales, television and media revenues and team merchandising;

"Whereas an NHL franchise would create thousands of jobs in construction, in the hotel and restaurant industry, in tourism, marketing and promotion; and

"Whereas the hockey fans in southern Ontario are known to be the most loyal, supportive and knowledgeable hockey fans in the world; and

"Whereas the NHL Players' Association supports more opportunities for their players in this great southern Ontario hockey market; and

"Whereas the existing NHL owners should recognize the incredible contribution made by the citizens of southern Ontario to the success of the NHL over the last 75 years, and would be wise not to ignore these loyal fans and supporters;

"We, the undersigned, call upon the Legislative Assembly of Ontario to fully support bringing the Phoenix Coyotes franchise into a southern Ontario community, and call upon the NHL board of governors not to block the shifting of the franchise to a host community in southern Ontario."

### PROFESSIONAL HOCKEY FRANCHISE

**Mr. Mike Colle:** I have the same petition, but I'm going to summarize a bit.

“Whereas Jim Balsillie of Research in Motion has put in an offer to purchase the Phoenix Coyotes and move them to a location in southern Ontario; and

“Whereas there are a number of outstanding communities that could host the NHL franchise, like Kitchener, Waterloo, Hamilton, Mississauga, the city of Vaughan, Peterborough, Brampton, Brantford, Oakville”—they would all make a great home. St. Thomas, Ontario, could be considered too;

“Whereas the NHL franchise would create thousands of jobs in construction, hotel and restaurant industry, tourism, and marketing and promotion; and...

“Whereas the existing NHL owners should recognize the incredible contribution made by the citizens of southern Ontario”—especially the ones in Toronto who have been suffering for so many years with the lousy team they have—“to the success of the NHL over the last 75 years and would be wise not to ignore these loyal fans and supporters;

“We, the undersigned, call upon the Legislative Assembly of Ontario to fully support the bringing of the Phoenix Coyotes franchise into a southern Ontario community and to call upon the NHL board of governors not to block the shifting of the franchise to a host community in southern Ontario”—hopefully Vaughan.

#### PENSION PLANS

**Mr. John O’Toole:** I have a number of petitions here which read as follows:

“Whereas General Motors has contributed significantly to the Ontario and local economies and was a significant contributor to the pension benefits guarantee fund (PBGF); and

“Whereas the General Motors of Canada salaried pension plan fund (plan 0340950) is severely underfunded due to the government’s lack of responsibility in allowing policies (regulation 5.1, ‘too big to fail’ legislation) which permitted GM to underfund the pension” in the first place; and

“Whereas GM is experiencing severe financial problems and there is a potential for bankruptcy; and

“Whereas, unlike stakeholders such as vendors and suppliers that accept the risks associated with business, GM retirees and surviving spouses entered into their GM pension plans in good faith, based on the understanding that the funds set aside on their behalf would be secure; and

“Whereas GM’s salaried employees contributed a percentage of their annual income to pension plan 0340950 and were permitted only limited contributions to RRSPs due to the federal government’s CRA discretionary RRSP restriction for defined benefit plan members” and contributions;

“Therefore we, the undersigned, support the GenMo salaried pension organization in petitioning the Legislative Assembly of Ontario to honour its commitment to totally fund the pension benefits guarantee fund; and

“That, in any approved restructuring plan of General Motors of Canada, provision be made that General Motors fully fund pension plan 0340950, and that General Motors continue to provide lifetime benefits to retirees and surviving spouses in accordance with employment entitlements and” requirements under the agreement.”

I present this on behalf of my constituents in the riding of Durham and beyond.

#### PROFESSIONAL HOCKEY FRANCHISE

**Mr. Jeff Leal:** I have a petition today: Make it seven: Support the move of the Phoenix Coyotes to southern Ontario.

“To the Legislative Assembly of Ontario:

“Whereas Jim Balsillie of Research in Motion has put in an offer to purchase the Phoenix Coyotes and move them to a location in southern Ontario; and

“Whereas there are a number of outstanding communities that could host this NHL franchise, like Kitchener, Waterloo, Hamilton, Mississauga, the city of Vaughan, Peterborough, Brampton, Brantford and Oakville; and

“Whereas an NHL franchise in southern Ontario would generate over a billion dollars annually to the GDP of the host community, in everything from arena construction, ticket sales, television and media revenues and team merchandising;

“Whereas an NHL franchise would create thousands of jobs in construction, in the hotel and restaurant industry, in tourism, marketing and promotion; and

“Whereas the hockey fans in southern Ontario are known to be the most loyal, supportive and knowledgeable hockey fans in the world; and

“Whereas the NHL Players’ Association supports more opportunities for their players in this great southern Ontario hockey market; and

“Whereas the existing NHL owners should recognize the incredible contribution made by the citizens of southern Ontario to the success of the NHL over the last 75 years, and would be wise not to ignore these loyal fans and supporters;

“We, the undersigned, call upon the Legislative Assembly of Ontario to fully support bringing the Phoenix Coyotes franchise into a southern Ontario community, and call upon the NHL board of governors not to block the shifting of the franchise to a host community in southern Ontario.”

Being from Peterborough, I wholeheartedly support this petition and give it to Myriam.

#### TAXATION

**Mr. John O’Toole:** This petition is of a serious nature. It reads as follows:

“Whereas the proposed harmonization of the Ontario retail sales tax (RST) with the federal GST has the



potential to increase the cost to many small businesses and their customers; and

“Whereas these added costs would have a devastating impact in difficult times, and organizations such as the Ontario Home Builders’ Association have estimated the harmonization would add \$15,000 in new taxes to the price of a new Ontario home;”—shameful—

“Therefore we, the undersigned, reject the harmonization of the GST and the RST unless there are exemptions to offset the adverse impact of harmonization, so that the outcome will be a reduction in red tape, not higher taxes.”

I’m pleased to sign and support this, and hand it to Cooper, one of the new pages.

### ONTARIO BUDGET

**Mr. Bob Delaney:** Here’s another view: I have a petition here to the Ontario Legislative Assembly sent to me by a group of individuals, mostly from Toronto, and it reads as follows:

“Whereas a global economic downturn calls for bold and decisive action by the government of Ontario to ensure that Ontario remains the most attractive and competitive place in North America to set up or relocate a business, raise a family or build a career; and

“Whereas the government of Ontario has introduced a budget that reduces taxes for individuals and businesses, takes immediate steps to aid small businesses and manufacturers and expands training, literacy and apprenticeship programs; and

“Whereas the province of Ontario, with its export-oriented economy and vibrant small business sector, needs to move past a sales tax system that sees a single sales transaction subject to two separate taxes levied by two levels of government under two sets of rules at two different rates and collected by two different bureaucracies;

**1530**

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

“That the elected members of all parties support the comprehensive set of financial and tax reforms proposed in the 2009-10 Ontario budget, and in particular implement the proposed single sales tax to enable Ontario to emerge from the current economic downturn in a position to enhance its world-leading position and to attract, build and retain the people, careers and companies that will lead our province forward to a prosperous tomorrow.”

I agree with this petition, I’m affixing my signature and I’ll ask page Kenzie to carry it.

**The Deputy Speaker (Mr. Bruce Crozier):** The member for Guelph—the member for Cambridge.

### HOSPITAL FUNDING

**Mr. Gerry Martiniuk:** Thank you very much, Mr. Speaker. How are things in Newmarket these days?

I have a petition to the Legislative Assembly of Ontario, signed by good citizens of Cambridge, which reads:

“Whereas Cambridge Memorial Hospital and other hospitals in the Waterloo region are experiencing substantial increased demands due to population growth; and

“Whereas the McGuinty government’s freeze on new long-term-care facilities has resulted in additional long-term-care patients in our hospitals; and

“Whereas the McGuinty government’s cuts to hospital funding have resulted in a dangerous environment for patients and staff in Cambridge and across Ontario; and

“Whereas the approved new expansion of the hospital has been delayed by the McGuinty government and this has contributed to the funding shortfall;

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

“(1) That the McGuinty government” fulfill “its obligations to introduce a population-needs-based funding formula for hospitals as has been done in other Canadian provinces;

“(2) That the McGuinty government proceed immediately with the approved new expansion of Cambridge Memorial Hospital.”

As I agree with this petition, I affix my name thereto and provide a copy to Corey.

### PROFESSIONAL HOCKEY FRANCHISE

**Mr. Kevin Daniel Flynn:** I’ve got a petition signed by people from as far away as Fort McMurray and Sudbury, and it reads:

“To the Legislative Assembly of Ontario:

“Whereas Maple Leaf Sports and Entertainment has the highest average ... revenue per game in the National Hockey League; and

“Whereas the Toronto Maple Leafs are ranked the most financially valuable team in the NHL; and

“Whereas many Hamilton and greater Toronto area hockey fans are unable to attend professional hockey games due to a lack of adequate ticket supply; and

“Whereas the Hamilton and greater Toronto area boast the biggest and best market in the world for hockey fans, with Maple Leaf Sports and Entertainment bringing approximately \$2.4 billion to the local economy over 10 years; and

“Whereas a new franchise in the Hamilton and greater Toronto area is valued at \$600 million by some economists; and

“Whereas competition in both business and sports is healthy for both the Hamilton and greater Toronto area economy and sports team performance; and

“Whereas, despite having the most loyal fans in the world, the Toronto Maple Leafs have not won the Stanley Cup in over 40 years; and

“Whereas Hamilton and greater Toronto area fans deserve competitive professional hockey teams;

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

“To request that the government of ... Ontario express its strong support to the board of governors of the National Hockey League for the relocation or expansion of a second NHL hockey team in the Hamilton and greater Toronto area in order to realize the economic advantages to the taxpayers of the province of Ontario and to provide healthy competition to the existing Toronto NHL franchise.”

I agree with this and will be signing it.

#### HOSPITAL FUNDING

**Mr. John O’Toole:** This is a petition from my constituents in the riding of Durham. It reads as follows:

“Whereas the municipality of Clarington passed resolution C-049-09 in support of Lakeridge Health Bowmanville; and

“Whereas area doctors, hospital staff and citizens have raised concerns that Bowmanville’s hospital could turn into little more than a site to stabilize and transfer patients” outside their community; and

“Whereas Clarington is a growing community of over 80,000; and

“Whereas we support the continuation of the Lake-ridge Bowmanville site through access to on-site services, including emergency room, internal medicine and general surgery;

“Therefore we, the undersigned, request that the Legislative Assembly of Ontario and the McGuinty government take” all the “necessary actions to fund our hospitals equally and fairly. And furthermore, we request that the clinical services plan of the Central East Local Health Integration Network address the need for the Bowmanville hospital to continue to offer a complete range of services appropriate” to a growing community such as Clarington.”

I’m pleased to sign and support this and send it with—

**The Deputy Speaker (Mr. Bruce Crozier):** The member for Stormont–Dundas–South Glengarry.

#### CEMETERIES

**Mr. Jim Brownell:** I have a petition signed by a number of constituents from Hamilton and Stoney Creek, and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas Ontario’s cemeteries are an important part of our cultural heritage, and Ontario’s inactive cemeteries are constantly at risk of closure and removal; and

“Ontario’s cemeteries are an irreplaceable part of the province’s cultural heritage;

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

“The government must pass Bill 149, the Inactive Cemeteries Protection Act, 2009, to prohibit the relocation of inactive cemeteries in the province of Ontario.”

As I agree with this petition, I shall sign it and send it to the clerks’ table.

**The Deputy Speaker (Mr. Bruce Crozier):** The time for petitions has expired.

The Chair was tempted to rule the member for Oakville out of order for bringing up the Maple Leafs’ record, but I have to remain neutral while I’m in the chair.

#### ORDERS OF THE DAY

##### FAMILY STATUTE LAW AMENDMENT ACT, 2009

##### LOI DE 2009 MODIFIANT DES LOIS EN CE QUI CONCERNE LE DROIT DE LA FAMILLE

Mr. Bentley moved third reading of the following bill:

Bill 133, An Act to amend various Acts in relation to certain family law matters and to repeal the Domestic Violence Protection Act, 2000 / Projet de loi 133, Loi modifiant diverses lois en ce qui concerne des questions de droit de la famille et abrogeant la Loi de 2000 sur la protection contre la violence familiale.

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Bentley?

**Hon. Christopher Bentley:** I should indicate that I’ll be sharing my time with my parliamentary assistant, the member for Willowdale, who has had a lot to do with the preparation of this legislation. I very much appreciate his assistance.

We’re now at third-reading stage, and for all members of this House it’s decision time. Bill 133 is legislation about protecting those who are the subject of domestic violence, predominantly women and children. Bill 133 is to make sure that those children who are the subject of a judicial custody order are protected in the placement through that order. Bill 133 is about ensuring that the process and the procedures in family law do not unduly keep the parties before the courts, do not dissipate or take away all their monies in the procedures, and make sure we get to the decision time faster. So I say to all members of the House: It’s decision time.

Every member of this House has stood up at some point for more than a decade and said that the procedures that exist in our court system to protect those who are the subject or could be the subject of domestic violence, family violence, need improving. In fact, a decade ago, legislation was passed by this House, but it was never proclaimed by the government of the day. It was never proclaimed because the virtually unanimous voice from the front lines of justice—

**Mr. John O’Toole:** On a point of order, Mr. Speaker: The minister is referring to something that he’s attributing to someone else; indeed, it was his own responsibility.

**The Deputy Speaker (Mr. Bruce Crozier):** It’s not a point of order.

The Attorney General.

**Hon. Christopher Bentley:** The Domestic Violence Protection Act was not proclaimed by the government of the day. It has not been proclaimed to this day because the virtually unanimous voice from the front lines of justice, from everyone involved, was that it would not advance protection and in fact may make it worse. So we had a situation which required attention, but nothing happened.

Bill 133 will address those issues. Bill 133 will extend meaningful protection to those who are the subject and could be the subject of domestic violence. It will ensure that women, and children in particular, obtain the protection they need quickly, when they need it, in the way they need it. It's decision time for members of this House.

For the children who would be the subject of judicial custody orders, of a judicial determination where a child will be placed, this legislation speaks to the information that should be before the judge. And what is that information that we are suggesting through this legislation? We're suggesting that the judge know about any prior criminal history of the parent or the custodian who would be taking custody. Why wouldn't you want to know that? We're suggesting that there be sworn information before the court, that is, information under oath. Why wouldn't you want to have that? We're suggesting that any history with the children's aid society that the one who is seeking custody has be known to the court. Why wouldn't you want to know that? We're suggesting that any history of court proceedings, Family Court proceedings, that the party seeking custody has be known to the courts. The court can make its determination. The court can make its decision. The court will do what is in the best interests of the child, but the court needs the information essential to that decision to be able to do what's in the best interests of the child. This bill provides for that.

**1540**

So it's decision time. If we're saying we're going to stand up to protect children, we've got to stand up for the procedures that will protect children. We've got to stand up to make sure that those who make the decisions which affect children have the information they need to actually protect the children. It's not enough. It's not enough to hide behind, "Oh well, this is going to take some more time. This is going to involve more paperwork."

Yes, sometimes you need some extra time to protect children. Sometimes you need extra time to protect children, but let's take the time where it's important. Let's take the time where it will extend protection. Let's take the time to make sure that the judicial decision-maker has the information that he or she requires to act in the best interests of children. That's what this bill is about—no more and no less.

And it's about streamlining procedures. Rather than parties who need to decide on the division of assets spending all of their time, and yes, their money, deciding how to divide the assets, such as a pension, this bill addresses the number 1 ask of the family law bar: one set

of rules to make the decision by—one set of rules. We've taken the good advice of the law commission. We've taken the advice of the family bar. We proposed one set of rules: Divide the asset fairly, divide the asset appropriately, but don't spend all the asset deciding how it's to be divided. This is about streamlining procedures.

This is about making sure that those who have the obligation to pay support to children—their children—disclose annually how much they've got. They're under an order to pay support. This bill is about making sure they disclose what they have—no more, no less.

I say to the members of this House, many—not all—who have spoken passionately about these issues, we have spoken and now it's our opportunity to act. We have said what needs to be said; now it's our opportunity to act on what we've said. If we do not act, I suspect we'll still be speaking 10 years from today about the same issues in the same way with the same concerns. Decision time: This bill protects women, protects children, protects the vulnerable, streamlines procedure. I urge all members of this House to support it.

**The Deputy Speaker (Mr. Bruce Crozier):** The member for Willowdale.

**Mr. David Zimmer:** It's my pleasure to speak to this bill. As the Attorney General has said, this proposed legislation offers help to and improves protection for women and children across the province of Ontario.

My remarks are going to address a narrow issue within that piece of legislation, namely, the new provisions regarding some changes to the division of pensions on marriage breakup. One of the most valuable assets to be divided between spouses is often the pension. The law is clear that when marriages break down, the right to a pension must be included in calculating the value of a spouse's family property. A payment is made by one spouse to the other to give each an equal amount of the value of their family property, but the current law is not clear about how the value of a pension asset is to be calculated and how payments related to them are to be made to an ex-spouse. As a result, parties have to hire actuaries and lawyers to determine their rights and spend court time defending their positions vis-à-vis the pension.

The family bar has repeatedly said that this issue of the division of pensions is at the top of its priority list for pension reform within family law. The issues around division of pensions in Ontario has been discussed and debated for well over a decade now. Members of the family bar have spent many years of hard work studying this issue and developing recommendations. I and the Attorney General want to thank them for their time and commitment.

Two years ago, the newly established Law Reform Commission of Ontario chose to study pension reform as one of its very first projects. Over the course of the past year, the law reform commission has reviewed the issues, looked at the experiences of other jurisdictions, and spoken with many pension plan administrators and family law and pension lawyers. The law commission released its recommendations in early October of this

past year. These recommendations have greatly assisted us in developing the legislation which we introduced for first reading last fall. We all owe the commission a great debt of gratitude for their hard work and excellent advice.

The government's proposals are based to a large extent on what the law reform commission recommended. Together with the Minister of Finance, we developed the proposed legislations that would clarify division of pensions when marriages break down. Here is how it would work, and I'm somewhat simplifying it: The value of the pension at the date of the separation would be calculated by the pension administrator based on a uniform valuation method. This would allow spouses to agree, or a court to order, that the non-member spouse would be paid the value of his or her share of the plan right away from the pension itself rather than wait for the spouse's retirement. This is something that they cannot do under the current law. Today, it can be very difficult for the spouse with the pension to come up with the money to make the payment. Under the proposed legislation, pension administrators could pay the money out of the assets of the plan—something they can't do under the current law. This would provide separating spouses with more predictability and flexibility and inspire greater confidence in their futures.

By helping to sort out the value of the pensions, we will also free up valuable time in courts. We've heard from the lawyers that an inordinate amount of time is spent on these family law matters, battling over pension calculations and the like.

I just want to offer a couple of other comments, before I sit down, on other aspects of division of assets. We've got some changes that are going to generally make the division of assets fairer as well. These changes would allow a court to balance the obligations of an estate to dependants and heirs with those of a surviving spouse where jointly held property passes automatically to a surviving spouse. It would also provide fairer treatment for debts related to the matrimonial home that were owed. In addition, the legislation would allow parents whose names have been left off a birth certificate to apply to have their surname added to the child's surname.

The Family Law Act has not been significantly amended or reformed in over 20 years. A great deal has changed in two decades. We're learning new and better ways to help protect women and children. We're working to make the law accessible to all Ontarians by making it simpler, faster and more effective.

We ask the support of all members of this House for a family law system that meets the needs of all Ontarians. This legislation does that.

1550

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

**Mr. John O'Toole:** When the minister was speaking, he made some references which I, in my understanding of the bill and the explanations that have been given to me—it does not do exactly what I think was presented. Now, that can be responded to in their two-minute rebuttal.

Here is the key: In 2000, there was a bill, the Domestic Violence Protection Act, that was presented when we were in government—and I believe it was Minister Jim Flaherty at the time. That bill was approved and voted on through committee and the process—because of the election, it was never assented to law. I introduced a bill, Bill 10, An Act, in memory of Lori Dupont, to better protect victims of domestic violence. In the hearings on this bill, Bill 133, they took specific aim at that bill and the Domestic Violence Protection Act, 2000, and cancelled it.

What is missing in this bill is the right of victims of domestic violence to get a restraining order seven days a week, 24 hours a day, through a justice of the peace. This bill does not do that, and the impression Mr. Bentley left was that it did do that.

Lori Dupont was killed by an estranged lover. She was a nurse. He was a doctor. There was an inquest held. I had, in fact, been in touch with the family and moved this in memory of Lori Dupont, so I'm confounded by the minister's remarks today.

This bill does not correct the block of time of a victim of domestic violence applying to the courts for a restraining order and then waiting for the courts to hear the case and then being taken down in the interim, waiting for their case or their plea before the courts. So I'm disappointed by the minister representing the information the way he has today. If he doesn't, then he should stand in the House and tell them he is protecting, 24-7, the victims of domestic violence.

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

**Mr. Peter Kormos:** I'll be speaking to this bill.

This is third reading. This is it. We've had committee hearings. I suspect that sometime tomorrow the debate will end on third reading and the bill will be put to a vote, and the bill is going to pass. It's a Liberal majority government. The bill is going to pass. Make no mistake about it. That isn't, in and of itself, though, necessarily anything to cheer about.

The bill is very, very problematic, and I'm going to speak about that when I have my chance for my one-hour lead—and not just problematic, but it doesn't do what it purports to do. That creates some serious difficulties because this legislation, as it's going to be promoted by the government, is going to create a false sense of security, if you will, on the part of, amongst others, women and children and people who are concerned, as we all should be—and I'm convinced that we all are—about the welfare of kids.

So I find it passing strange that the comments of the government in their lead on this third reading were notable for their brevity. This is a substantial bit of legislation, and it's remarkable that the minister and his parliamentary assistant—I have great respect for the parliamentary assistant—

**Hon. John Gerretsen:** And the minister.

**Mr. Peter Kormos:** I have great respect for the minister, as Mr. Gerretsen points out. I like them both,

and I understand that of course they're being paid to do what they do. They have to do it. They don't have a choice. One is in cabinet, and the other is a parliamentary assistant. They're paid a whole lot of money to say what they say here in this chamber, and of course they would be loathe to criticize anything that came from their government because that's the nature of the beast.

I'll have a chance to talk to this further in around 45 minutes. I'm looking forward to the Conservative—

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

**M. Shafiq Qaadri:** Comme président du Comité permanent de la politique sociale, j'ai eu le privilège d'entendre beaucoup d'Ontariens et Ontariennes qui ont besoin d'assistance dans ce domaine.

As the Chair of the social policy committee, I had the privilege of hearing Ontarians on the Family Statute Law Amendment Act. I think, of course, with the extraordinary detail that this law and the reform act goes through, whether we're dealing with restraining orders or custody hearings or pension reform and child support—those of course are the legal details we were all having to deal with. But I was most impressed and moved by the number of Ontarians who came forward—sometimes in closed sessions, sometimes in private capacity, without wanting to share their stories in a recorded fashion—that it is truly time for the government of this day to act.

In that capacity, I would first of all like to commend the Honourable Christopher Bentley, our Attorney General, for moving on this file. As you'll know, there have been no significant amendments in family statute law for something on the order of two decades. We heard time and time again—occasionally from members opposite, occasionally from the press and certainly from individuals who came forward to our committee—that the whole area of restraining orders, custody hearings, pension reform and child support needs to be strengthened and augmented; and that the full force of the law, in the best interests of Ontarians, needs to really be brought forth. So I would commend Minister Bentley once again on what I consider to be applied compassion or applied justice in his initiatives with regard to Bill 133, the Family Statute Law Amendment Act, and I would urge all members and Ontarians to support it.

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

**Mr. Garfield Dunlop:** I'm pleased to make a few comments on the minister's and the parliamentary assistant's comments on Bill 133. I can tell you right now that our party will not be supporting this legislation in its present form, and what I'll be doing today, in my comments in a few minutes' time, is reading all the amendments our party asked for in the bill, and reading a letter from the family law judges of the Ontario Court of Justice with some of the requests they had, which were completely ignored by this government.

We would like to have supported this bill, but we had no support at all from the government on our amendments—good amendments made by our previous critic,

the member from Whitby—Oshawa—and I look forward to putting a lot of things on record here in a short period of time.

**The Deputy Speaker (Mr. Bruce Crozier):** The member for Willowdale has two minutes to respond.

**Mr. David Zimmer:** Let me just give some sense of what some of the stakeholders think of this legislation. Barbara MacQuarrie, community director, Centre for Research and Education on Violence against Women: “Advocates for women and children, certain that the new legislation will help to save lives, welcome the steps this government has taken to bring about these reforms to family law....”

Rosemarie McClean, senior vice-president, member services, Ontario Teachers' Pension Plan: “Giving couples the power to settle pension assets at the time that their marriage breaks down is a big win for our members.”

Shahina Siddiqui, executive director of the Islamic Social Services Association, says, “We welcome this announcement and support the government's commitment to ensuring the rights and safety of women and children in Ontario.”

Dr. Patricia Hughes, executive director of the Law Commission of Ontario: “The Law Commission of Ontario is pleased that our recommendations on division of pensions on marital breakdown have been able to contribute in a substantial way to clarifying this issue that has been frustrating couples.”

Heather McGregor, chief executive officer of YWCA Toronto: “YWCA Toronto provides emergency shelter to 547 women and their children each year, many of whom are fleeing violence. This package of reforms will ensure that more of these women are able to keep themselves and their children safe as they move forward to lives free from violence.”

I have quite a list of endorsements from various stakeholders, but the point is that there's support for this legislation across the board in the stakeholder community in all respects.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate?

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**Mr. Garfield Dunlop:** I'm pleased to speak today on third reading of Bill 133, the Family Statute Law Amendment Act, in my new role as temporary critic for the Attorney General. It's my first opportunity to do a leadoff speech.

Before I get to the bill itself, I would like to make a few short comments about an event I attended last night that's part of the responsibilities of the Attorney General. It was the 10th anniversary of the North Simcoe Victim Crisis Services—of course, much of this touches on the Family Statute Law Amendment Act, as we move forward with victim services. It was their 10th anniversary—they were established 10 years ago—and they had a wonderful reception and dinner last night at Casino Rama, sponsored by Casino Rama in honour of the people who put in literally thousands and thousands of vol-

unteer hours per year helping victims who have inherited serious disabilities and need the support of the groups. Of course, they work closely with the Ontario Provincial Police.

In particular, I want to thank the executive director of the organization, Mrs. Pat Hehn. She started lobbying for this years ago, before it was accepted by the Attorney General's department, and remains executive director today and is doing a wonderful job as well.

I want to give a special thank you to all the Attorneys General who have worked on this file, starting with Charles Harnick, Jim Flaherty, David Young, Norm Sterling, Michael Bryant and, as well, our current Attorney General, Chris Bentley. They have all supported this particular organization.

I want to say, on behalf of not only this organization but of all the people who provide victim crisis services across the province, a very special thank you to the administration and to all the volunteers who make that happen.

With that, I'd like to go right into Bill 133. I want to say that we would like to have supported this bill. The previous critic for the Attorney General put a lot of thought and work into this bill, but after we put our amendments forward, after listening to the concerns of stakeholders, we think the bill is seriously flawed and we cannot support the bill in its current form.

The previous critic for the Attorney General proposed 16 amendments to the legislation, and I can tell you that those amendments were flatly voted down. There was not even a reason for any of them not being discussed or reasons why the current government would not support them. Her thoughts, as we came back to our caucus, were that we not support legislation where the government just listens to their own side of the House and no one else has any thoughts.

On top of that, I want to also read into the record today a letter from the family law judges of Ontario Court of Justice. It's a very lengthy letter, but I think it describes why they believe the bill is flawed and why there will be problems with it in the future. As we move forward, we will outline some of those.

I also want to say that for a bill as important as this one, I thought there would have been a lot more time spent on the government side actually sending the reasons out to the general public, giving them reasons why we should be supporting this. I think we'll find out today that in the end this bill will pass. It will pass with the government's amendments. As I said earlier—I'm not sure how the third party is responding to this bill, as far as the way they'll vote on it—certainly the Progressive Conservative Party cannot support it in its present form.

With that, I want to move over to the amendments we made in clause-by-clause. They were, I think, important amendments, and I would like to read those amendments into the record and the reasons for the amendments in each particular case.

The first amendment was done by Ms. Elliott. She moved that "clause 21(2)(b) of the Children's Law

Reform Act, as set out in section 6 of the bill, be struck out and the following substituted:

"(b) information respecting the person's current or previous involvement as a party in any family proceeding, including a proceeding under part III of the Child and Family Services Act (child protection), or as an accused in any criminal proceeding if the proceeding resulted in a finding of guilt or is ongoing; and"

The reason that Ms. Elliott gave for putting this forward is:

"The purpose of submitting this application ... is to limit and focus the information that's needed to be presented to the court, in order to respond to some of the concerns expressed by presenters that this was too open-ended a section before."

Following that, Mr. Kormos commented on it. There were no comments coming from the government. The government defeated the PC motion on that one.

The second amendment that Ms. Elliott presented was the following:

"I move that subsection 21.1(1) of the Children's Law Reform Act, as set out in section 7 of the bill, be amended by striking out 'Every person who applies under section 21 for custody of a child and who is not a parent of the child' at the beginning and substituting 'Every person who applies under section 21 for custody of or access to a child.'

"The purpose of this amendment is to expand with respect to custody and access and to apply to the child's biological parent or anyone who's applying for custody, if it's the child's best interests that are paramount, which is the case."

That was discussed somewhat by Mr. Kormos of the third party. There were no comments that came from the government on that motion as well, and it was defeated by the government.

The third amendment by Ms. Elliott on this was the following:

"I move that subsection 21.2(2) of the Children's Law Reform Act, as set out in section 8 of the bill, be amended by striking out 'Every person who applies under section 21 for custody of a child and who is not a parent of the child' at the beginning and substituting 'Every person who applies under section 21 for custody of or access to a child.'

"It's for the reasons stated with respect to the previous amendment" that we would move forward with this one. The government defeated that amendment as well.

Then we moved over to the fourth amendment. Ms. Elliott moved this one: "I move that subsections 21.3(1) and (2) of the Children's Law Reform Act, as set out in section 9 of the bill, be struck out and the following substituted:

"Other proceedings

"Application by non-parent

"21.3(1) Where an application for custody of a child is made by a person who is not a parent of the child, the clerk of the court shall provide to the court and to the parties information in writing respecting any current or

previous family proceeding in which the child or any person who is a party to the application is or was involved as a party.

“Same

“(2) Where an application for custody of a child is made by a person who is not a parent of the child, the court may require the clerk of the court to provide to the court and to the parties information in writing respecting any current or previous criminal proceeding in which any person who is a party to the application and who is not a parent of the child is or was involved as an accused, if the proceeding resulted in a finding of guilt or is ongoing.”

“This amendment is made simply to limit the information that would be coming forward, just to be more specific, that it needs to be a family proceeding in which they were a party and if there was a finding of guilt found in a criminal proceeding.”

Again, Mr. Kormos made comments on that. I won't read them all. However, the government soundly defeated that without any comment on it.

Ms. Elliott made her fifth amendment, and she moved “that the bill be amended by adding the following section:

“9.1 The act is amended by adding the following section:

““Children's Lawyer

“21.4(1) Despite subsection 21(2) and sections 21.1, 21.2 and 21.3, documents and information required to be provided to or filed with the court under any of those provisions in respect of an application for custody or access shall instead be provided to the Children's Lawyer if any of the following circumstances apply:

“1. The application is unopposed.

“2. Any party to the application is unrepresented.

“3. The court determines that it is in the best interests of the child.

“Investigation and report

“(2) If the Children's Lawyer receives documents or information under subsection (1) in respect of an application for custody or access, the Children's Lawyer shall cause an investigation into the matter to be made under section 112 of the Courts of Justice Act and shall report and make recommendations to the court in accordance with that section.

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“Powers of court

“(3) Upon receipt of the report of the Children's Lawyer, the court may,

“(a) require the Children's Lawyer to provide to it any documents or information that the Children's Lawyer received under subsection (1); or

“(b) require any person or body to provide such additional documents or information in relation to the application as the court directs.”

“This amendment is in response to the letter sent to the committee by the Family Court justices, the Family Lawyers Association and numerous private practitioners, that the system, as proposed by Bill 133, for investigating the custody of children is unwieldy, unworkable and

unlikely to achieve the purpose intended, which is to protect children.

“This addresses the concerns that the unrepresented parties will have no reasonable means of working their way through the applications and the various submissions that they need to be making, and it also requires self-reporting, which, according to one of the presenters, was not something that you should base your premise on; it's something that you just rely on their honesty in bringing some of this information forward; plus the fact that these documents, especially with respect to a parenting plan, are going to be very difficult for unrepresented applicants to prepare on their own.

“Since there's no indication that there's going to be extensive support for legal aid in the future or someone to help the people complete these documents, I would submit that the preparation of a report following an investigation by the Children's Lawyer is the most cost-effective and easiest way to make sure that children are protected. Certainly, that has been advocated by the courts, which, again, are being placed in a very difficult position of having piles of material placed before them, as” the third party critic “has indicated, most of which may be irrelevant in the course of determining the whole issue. In order to save court time, to not put the judge in the position of an investigator and to assist the unrepresented parties to the action, I would submit that to have the Office of the Children's Lawyer submit an investigation report would be the best way to handle the situation.”

Again, that was the fifth amendment. There were some comments by Mr. Kormos of the third party, and it was soundly defeated by the government without any comment at all to her very, very detailed amendment.

Then we move over to the sixth amendment made by Ms. Elliott. She moved “that subsection 35(2) of the Children's Law Reform Act, as set out in section 15 of the bill, be struck out.” She submitted that “this section is unnecessary, that the restraining orders already provide for these types of restrictions.”

This was soundly defeated as well without any comments from anyone on it.

Then we move over to the seventh amendment. Ms. Elliott moved “that subsection 70(3) of the Children's Law Reform Act, as set out in section 18 of the bill, be amended by adding ‘with notice to the parties to the application referred to in that subsection’ at the end.

“This is simply to ensure that notice is given of this application”—again, soundly defeated without any comments or questions from the government members.

Then we move over to amendment number 8. Ms. Elliott moved “that section 70 of the Children's Law Reform Act, as set out in section 18 of the bill, be amended by adding the following subsection:

“Offence

“(5) Every person who contravenes an order made under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.”

“It just simply adds significant penalties for non-compliance.”

Again, amendment number 8 by Ms. Elliott was soundly defeated without any questions or comments from the government members.

Then we move to amendment number 9. Ms. Elliott moved “that the bill be amended by adding the following section after the heading ‘Family Law Act’:

“21.1 The Family Law Act is amended by adding the following section:

““Orders regarding conduct

“2.1 In making any order under this act, the court may also make an interim order prohibiting, in whole or in part, a party from directly or indirectly contacting or communicating with another party, if the court determines that the order is necessary to ensure that an application under this act is dealt with justly.”

“This is a housekeeping amendment, essentially, because this was repeated in three sections of the bill—27, 29 and 36—so this simplifies by adding this provision to be applicable to the entire act.”

That amendment number 9 was soundly defeated without any comments or questions from the government members.

That took us to amendment number 10. Ms. Elliott moved “that clause (c) of the definition of ‘property’ in subsection 4(1) of the Family Law Act, as set out in subsection 22(3) of the bill, be struck out and the following substituted:

“(c) in the case of a spouse’s rights under a pension plan that have vested or that may vest or be granted in the future, the net family law value of the spouse’s interest in the plan, as determined in accordance with section 10.1, for the period beginning with the date of the marriage and ending on the valuation date; (“bien”)

“This amendment has been suggested to deal with the significant unfairness, expressed to us by several presenters, to the non-pension-holding spouse if one uses only one value for equalization purposes. This just indicates that it would include, for a pension purpose, the rights that have already vested or that may be vesting in the future, the so-called contingent rights.”

That’s amendment number 10. Again, without any comments from the government, without any questions or any reasons, it was soundly defeated by the government members.

Then we go to the last six amendments, all of which I want to put on record here because I think it is important that they are on the record of Hansard for the future, when we think that this bill will fail.

Ms. Elliott moved, in her amendment number 11, “that subsection 46(3) of the Family Law Act, as set out in section 35 of the bill, be struck out.

“This has been proposed, Mr. Chair, because it’s redundant. The restraining orders can already provide for the orders that are set out in this section.”

Again, amendment number 11 was completely voted down by the government without any questions or comments or reasons whatever.

Amendment number 12: Ms. Elliott moved “that section 56.1 of the Family Law Act, as set out in section

37 of the bill, be amended by adding the following subsection:

“Transition,

“(2) This section applies whether the valuation date is before, on or after the date on which this section comes into force but it does not apply to a domestic contract made before the date on which this section comes into force.”

“Simply a transition provision ... to make sure that it’s consistent throughout” the bill.

That’s amendment number 12, and again amendment number 12 was voted down by the government members without any questions to Ms. Elliott or comments or any regard for some of her fine work in this amendment. It was completely defeated.

That takes us to amendment number 13 by Ms. Elliott. She moved that “(0.1) Section 69 of the act is amended by adding the following subsection:

“(1.1) The Lieutenant Governor in Council may make regulations prescribing the meaning of “relating to the acquisition or significant improvement of a matrimonial home” for the purposes of clause (b) of the definition of “net family property” in subsection 4(1).”

“This amendment was proposed in response to some concerns expressed by presenters” at the hearings “that there were other considerations to be brought to bear, this being one of them, in the determination of net family property.”

Again, it was soundly defeated without a question or a comment by the government members.

The 14th amendment made by Ms. Elliott: She moved “that subsections 67.2(2) and (3) of the Pension Benefits Act be amended by striking out ‘ancillary benefits’ wherever it appears and substituting in each case ‘additional non-vested benefits’—simply to conform with the wording that was used by the actuaries with respect to vested and non-vested or contingent benefits.”

Again, her 14th amendment, without a comment or a question, was soundly defeated by the government members.

That takes us to her 15th amendment in the clause-by-clause. Ms. Elliott moved “that subsection 67.3(5) of the Pension Benefits Act, as set out in section 48 of the bill, be amended by striking out ‘net family law value’ and substituting ‘commuted value.’

“Again, this is to suggest that there may be more than one value that may be applicable in determining the net family law property.”

That was soundly defeated by the government members without a question or a comment.

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The very last amendment made by Ms. Elliott in clause-by-clause was amendment number 16. Ms. Elliott moved “that subsection 67.4(5) of the Pension Benefits Act, as set out in section 48 of the bill, be amended by striking out ‘net family law value’ and substituting ‘commuted value.’

“This has been added for the same reasons as the previous amendment, to suggest that there may be more than one value that may be applicable here.”



Again, in clause-by-clause, the 16th amendment made by the Progressive Conservative critic, Ms. Elliott, was soundly defeated without any questions.

Quite frankly, in the amendments and clause-by-clause there was really no committee discussion by the parliamentary assistant, no questions, no concerns; it was just soundly defeated without any kind of comments coming back from the government members.

That takes us to the second half of my presentation. I know that the critic for the third party wants to get going on this pretty soon himself. We felt that the letter that came to the Standing Committee on Social Policy from the family law judges of the Ontario Court of Justice—it's not that common for judges to make a presentation, but we thought that their letter should be read into the record. I'm pleased to do that, and I will. It's addressed:

"Re: Bill 133 Submission," and it's written to Mr. Katch Koch, the clerk of the standing committee.

"Dear Mr. Koch:

"We write as family law judges of the Ontario Court of Justice who are concerned about some of the provisions of Bill 133, which is currently before the Legislature. We recognize that the bill is motivated by a desire to improve the process whereby custody orders are made in Ontario. In particular, we acknowledge that the government intends, as do we, that courts be in a position to make well-informed decisions in matters affecting children's well-being. Unfortunately, in our view, the legislation in its current form will have significant and unintended negative consequences for the administration of justice in our courts.

"We wish to specifically address clauses 6 to 10 of the bill, the clauses relating to custody applications in our courts. In our view, these sections will be difficult, expensive and burdensome to implement, if they can be implemented at all. If they are implemented, we believe custody applications will become so complicated that many applications will be delayed, deferred or withdrawn. Applying for a custody order in family court will be more onerous and the process of adjudicating family law cases will be more cumbersome. Our greatest concern is that, in the end, the family law process will be less accessible to the people of this province. In our view, such an outcome, while not intended, will be contrary to the best interests of the children involved in custody applications.

"The provisions of the legislation we wish to comment on are procedural. In this submission, we confine ourselves to the question of the impact of these new procedures on the administration of justice in our courts.

"We begin with the most obvious principle: The work of the family court is to administer justice in family matters according to law. The basic rules of natural justice which have governed the adversarial process in Canada since before Confederation are not cast aside in child custody cases. Family law is law. This means family law is not social work or debt collection. In the child custody context, it means that the determination of a child's best interests occurs in a legal framework. This

framework includes constitutional norms, common law jurisprudence, family law legislation, rules of evidence and rules of court. The search for truth in a custody case, as in any other kind of legal case, takes place in a process which respects the entitlement of all parties to procedural fairness. Family cases require formal legal pleadings, and judges make decisions by applying the law to proven facts. A judge determines what facts are proven by applying well-tested evidentiary rules, considering the burden of proof and assessing the merits of legal arguments.

"As a society, we trust judges to fill the role of impartial, dispassionate arbiter and unbiased fact-finder. We expect judges to carefully, neutrally and fairly assess all sides of a case. Judges understand that they are expected to meet this high standard. The importance of a society's confidence in judges cannot be overemphasized. If parties do not respect the process that leads to a court order, they cannot be expected to respect the order. It is critical therefore that statutory changes affecting the administration of justice in the courts be closely evaluated on the extent to which they impact on the appearance of justice and judicial neutrality in the courts.

"In our system of justice, as appeal courts have told us repeatedly, judges are not charged with the task of being investigators. It is improper for judges to assume this role. If we turn judges into investigators, as this legislation proposes, we risk compromising justice and the appearance of justice in our courts.

"Some might suggest that in Ontario there has been a relaxation of formal legal requirements as a result of the case management system which is used in the family courts, and that a further relaxation of traditional rules is sustainable. We do not agree. In the case management system, judges supervise the progress of cases through the court, and assist the parties, through frank discussion at case conferences, to find an early resolution.

"Nonetheless, despite the outward appearance of informality, the underlying process of family law in the Ontario courts remains a structured legal civil litigation process. This means that regardless of the informality of the conference, the judge is directing the parties to find a resolution which accords with existing family law legislation and jurisprudence. In doing so, the judge at a conference is continuously assessing the parties' factual assertions against what would be admissible in terms of formal evidentiary standards. The less formal process is conducted in the shadow of the law. If resolution is not achieved through case conferences, issues in dispute are determined through the formal process of motions or trials.

"Judges deciding custody cases are aware of their duty to ensure that the decision they make will be in the child's best interests. The entire thrust of custody law is encompassed in the notion that the child's best interests are the paramount consideration in every case. It is impossible for judges not to bring this elementary awareness to bear in their day-to-day work. We reject the view, advanced by some, that our courts are so overloaded that judges are too busy to address this critical issue in each

case. This is not our experience. However, in a court system which is critically underpopulated by lawyers, the task of judges becomes more difficult.

“Today Family Court judges in Ontario are expected to make crucial legal decisions affecting the well-being of children in an environment which is being degraded by the disappearance of family lawyers. This problem is likely most acute in the provincial family courts, where parties of modest means come to seek a resolution of their urgent family problems. These litigants cannot afford lawyers and cannot qualify for legal aid. They cannot afford child psychologists, custody assessors, parenting co-ordinators, and private mediators.

“Even if they did have access to these resources, the litigants in our courts may have the kind of problem that cannot be resolved through mediation and parent information programs. They may be isolated for cultural or language reasons. Their partner may have substance abuse or mental health issues. There may be violence in the home. These litigants need to go to court because they need a court order to protect themselves and their children, and they have the right and even the obligation to do so to protect their children’s best interests.

“Vast numbers of Family Court litigants are unable to retain lawyers to represent them. For the past number of years legal services in our courts have been delivered primarily by per diem duty counsel (‘legal aid lawyers’ paid by the day/not privately retained). Parties who by any calculation are ‘the working poor’ do not qualify for legal aid. They do not even qualify for duty counsel services. They are unrepresented.

“Those people who do qualify for duty counsel services (although not for legal aid) are represented by counsel who have inadequate time to interview them to ensure that their cases can be presented properly to the court. Duty counsel do not assist in the preparation of motions and affidavits. Duty counsel do not represent parties at motions or trials. Pleadings are drafted by volunteer law students, or by self-represented parties, who have limited knowledge of the evidentiary requirements of relevance and reliability. Duty counsel do not maintain files. A party coming to court twice will likely see two different duty counsel. There is no continuity.

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“The role of counsel, which is critical to a properly functioning legal system, is no longer being filled by retained lawyers who are bound by ethical duties not only to advance their client’s interests, but also to ensure that relevant, admissible, reliable evidence is before the court in child custody cases. Parties must represent themselves.

“The family law legal system is complex. Self-represented parties are at a tremendous disadvantage. They may not even speak English. These parties are not in court because they enjoy the experience. They are there because they have a legal problem which requires, and is capable of, a legal solution. They have little or no knowledge of the governing laws, how the legal system works, and what kind of evidence they need to prove their case. The challenge facing the judge who has to find

the facts, and make the best decision in these circumstances, is immense. In other words, we understand the legislator’s concern because it is our concern.

“The test for the court to apply in custody cases is, ‘What order is in the best interests of the children involved?’ In deciding this question, the court will consider all circumstances that are relevant to the child’s interests. The task of sifting through the endless facts of a family’s history to find those that will assist the court to make a proper determination used to fall on lawyers. Where parties are unrepresented, the court’s challenge is to focus the parties on the need to provide reliable, relevant information. However, a party’s determination of relevance is often coloured by self-interest. This problem is particularly serious when parties are unrepresented and matters are unopposed.

“It is believed that the adversarial system works because each party, in theory, will attempt to put its best foot forward. The adversarial system is also premised on the notion that, in the contest between the parties to litigation, each will raise issues about the other that the other might choose not to disclose. In these ways, and subject to legal admissibility, the adversarial system produces relevant information to a court about all parties to the litigation. When cases are unopposed, or proceed on a consensual basis, there is a danger that this information does not reach the court.

“There is an obvious solution to this problem. There was a time in relatively recent memory in this province when every uncontested divorce case required a report from the official guardian confirming that the proposed custodial arrangements were adequate. This is no longer the case. The Office of the Children’s Lawyer now has the discretion to refuse to accept a case. However, an investigation by the Children’s Lawyer is, in our view, the clear solution to the problem of custody cases where parties are unrepresented, or where an application is unopposed, and a judge has reason to be concerned adequate information is not being provided to the court. This solution addresses a critical problem in the courts while respecting the need for judges to maintain their traditional and crucial role as independent adjudicators in the adversarial system.

“The role of the investigators from the Office of the Children’s Lawyer is to investigate custody claims, and the Office of the Children’s Lawyer is thus well placed to investigate custody claims in unopposed cases where the court has reason to believe the information before it is inadequate. Social workers employed by the Office of the Children’s Lawyer have the training, skill and knowledge necessary to conduct such investigations and to provide a recommendation to the court. They are well acquainted with the daunting task of obtaining information from children’s aid societies and the police. They are well educated in addressing privacy issues. They have protocols for dealing with records. Investigators from the Office of the Children’s Lawyer are able to interview friends, family, neighbours, teachers, doctors and social workers regarding the welfare of a child, and to report the results

to the court. We have relied upon these reports since the office was founded.

“Bill 133 proposes that judges be the ones to conduct the kind of investigation that should be done by trained investigators employed by the Office of the Children’s Lawyer. Sections 6, 7, 8 and 9, all contemplate that information regarding prior child protection proceedings, previous family law proceedings, and the results of criminal record checks will be placed before the court. However, for the relevant agencies merely to advise the court the records exist will be in and of itself unhelpful. Unless a judge sees the actual records, he or she cannot determine relevance. If the judge requires and directs that further information be provided, the extent of the records flowing to the court is potentially enormous. How will these records be obtained and where will they be maintained? Who will see them? Who will interpret them to the judge? Who will weigh the privacy interests of the numerous collateral parties whose identity is revealed in these records? Who will determine relevance and how?”

“In addition, once in possession of these records, how is a judge to evaluate a serious allegation in a file of a child protection agency that has been neither validated nor discounted. Do we enter upon an inquiry that may lead nowhere? Or do we ignore an allegation that might have merit? We have no social workers attached to our courts to follow up with inquiries. Unlike the Office of the Children’s Lawyer, we have no trained investigators. A court is not equipped to administer a scheme of this nature, nor are judges equipped to conduct the kind of investigations contemplated. We are convinced Bill 133 does not provide a workable system.

“We are also concerned about the impact of this legislation on access to our courts.

“In section 6 of the amendments, all applications are required to file an affidavit setting out not only a proposed parenting plan, but information about all previous court proceedings, whether domestic or child protection, and ‘any other information known to the person to be relevant.’

“Section 7 of the amendments provides that an applicant who is not a parent of a child must file the results of a police records check.

“Section 8 requires a non-parent to submit a request for child protection records. Within 30 days of receiving the request, the society is to send a report to the court. Twenty days after the report is received, the clerk is to provide the parties with a copy of the report and place a copy in the file.

“Section 9 requires the clerk of the court, in the case of a non-parent application, to provide to the court and the parties information in writing respecting previous family proceedings ‘involving the child or any person who is party ... and is not a parent.’ The court may also require the clerk to provide to the court and to the parties information in writing regarding current or previous criminal proceedings involving a non-parent party.

“These types of requirements do not take into account the ‘facts on the ground’ in our courts. Many parties

come to court in urgent circumstances. Commonly, an abused woman is seeking an urgent temporary custody order after fleeing with her child to a shelter. Many such applicants do not speak English. Who is going to help them complete the required affidavit? A recent effort by duty counsel in one local court to assist an applicant in completing a prototype affidavit and parenting plan consumed over an hour of duty counsel’s time. No duty counsel can spend an hour with each unrepresented party. Can we expect a manifold increase in duty counsel to assist these parties? Furthermore, how, at this early stage, is this desperate applicant, who is in a shelter without money or a home, going to have a parenting plan? If the affidavit is not completed, the application will not be issued. If there is no application, there is no case. If there is no case, there can be no emergency temporary order in the case. How will this assist the best interests of this applicant’s children?”

“Many non-parents applying for custody do so for immigration or educational reasons. Others do so in more urgent circumstances. Perhaps a relative is seeking custody because a child’s parent was injured in an accident. Perhaps a child refugee claimant from Darfur is living with an aunt and wants to attend school. Or a child who is living in northern Ontario moves to a different community where there is a school that better meets his or her needs. A custody order is required if a child is to be enrolled in school, or if a caregiver is to arrange for medical care for a child.

“Who is going to assist these non-parent applicants to obtain all the information required of them? How long will the application be in front of the court before the requisite information is obtained? The difficulties occasioned by these inquiries will cause serious delays. How will the non-parent caregiver communicate with schools and doctors in the absence of a custody order? And what happens when the estranged and angry parent or partner of the injured parent learns that the grandparent had a shoplifting conviction 10 years ago, or was investigated by a child protection agency because of a malicious complaint? Or learns the name and address of service providers and begins to harass them? There is no question this legislation will foment litigation and that the information required will cast a chill on applicants. Some will simply choose not to bother with the application. Considering the importance of custody orders in all circumstances affecting a child, and considering the benefits rising from a court’s ability to scrutinize a custody transfer, this will be an unfortunate outcome.

“The timeline provided for organizing the information required under these provisions will seriously delay cases and frustrate the court’s ability to make necessary decisions in a timely manner. Our courts are presently underresourced with clerical staff. Court staff are not trained to monitor the receipt of material. The clerk is given tremendous responsibilities under this legislation. Where will the time and staff come from to fulfill these duties? What work of the court won’t get done so that the clerk can attend to these new obligations?”

“Judges under this legislation may have to review large quantities of notes, reports, assessments, records of telephone calls and all manner of child protection or police records. Any number of persons and entities may have a residual privacy interest in this matter. Police criminal files and child protection files may contain highly sensitive material including: outlines of unproven allegations; statements of complainants or witnesses—at times concerning very personal matters; personal addresses and phone numbers; photographs; medical reports; bank statements; search warrant information; results of assessments; criminal records; voluminous notes—the list is endless. None of this material will have been screened for likely relevance or for privacy concerns. It is critical for the effective administration of justice that proceedings remain focused on the issues involved and that scarce judicial resources not be squandered in ‘fishing expeditions’ for relevant evidence. How is this to be managed?”

**1640**

“We believe there is time to reconsider alternatives to the unwieldy and intrusive scheme proposed in this legislation. There is time to consider requiring the children’s lawyer to provide reports in situations deemed to pose a risk to the child by legislation or by the court. This is not a crisis. The committee should be aware that judges hear warning bells all the time in custody cases. When we hear them and parties are unrepresented or a matter is unopposed and we have ascertained a child protection or criminal history, we call in the children’s aid society or we adjourn for further and better evidence. If a society is involved, we ask for a letter or for a social worker to come to court. We direct parties to produce report records and letters from schools, from doctors or from psychiatrists.

“All of these concerns we have raised in this letter suggest to us that if this legislation is implemented as drafted, Family Court will be less accessible to those who require its services. There be increased delay and difficulty in adjudicating custody claims. There will be a strong disincentive to any party applying to a court for a custody order. Thin resources will be stretched even thinner. It will be more difficult to address urgent family problems. In the end, a difficult process will be made even more difficult for the children and families who require custody orders from our court.”

This was signed by a number of justices: Justice Marion Cohen, Justice Geraldine Waldman, Justice John Kukurin, Justice Harvey Brownstone, Justice Wendy Malcolm, Justice Marc Bode, Justice Penny Jones, Justice Brian Weagant, Justice Doug Maund, Justice Heather Katarynych, Justice Stanley Sherr and Justice Robert Spence. When I heard the parliamentary assistant speak earlier about all the supportive quotes he had from people supporting the bill, I didn’t hear any from this group of people.

I think the letter that came from the judges was a brave move on their part. We support many of the things they said in this letter, and because of this and because

they were basically ignored in the legislation, we cannot support Bill 133 for two reasons: First, the fact that the government didn’t listen to any of our amendments, we felt, was a slap in the face; and secondly, ignoring a lot of the comments made by the judges was another slap in the face to the citizens of Ontario.

With that I’ll say, on behalf of the Progressive Conservative Party, that we will not be supporting this legislation, and we know that in the future there will be many amendments made to the legislation to get it right.

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

**Mr. Peter Kormos:** I listened carefully to the capable contribution to this debate by the Conservative member. I’m very familiar with the now-notorious judges’ letter, and while I will not read all of it, it having been read once, I will be making reference to it in a few minutes’ time when I have my opportunity, on behalf of the New Democrats, to speak to this bill on third reading.

This bill is very, very troubling, because the government presents it as some sort of solution to any number of problems, and the bill in fact reveals that the government doesn’t understand or isn’t prepared to acknowledge what the problems really are, never mind the fact that the bill fails to provide a solution to any of the real existing and current problems in the system.

Make no mistake about it: The thrust of Bill 133, as it applies to custody, is the result of the slaughter of young Katelynn Sampson, who was handed over to the woman now charged with, albeit not convicted of, her vicious murder under the supervision of a judge. Katelynn wasn’t abducted. Katelynn didn’t wander way from home into a strange part of town. A provincial judge signed off on it. A provincial judge handed her over to the woman charged, along with that woman’s male partner, with her vicious—the charges were upgraded to first-degree murder. It doesn’t happen a whole lot of times. Most murder charges are second-degree. So I’m going to talk about the Katelynns of Ontario, the children of Ontario.

This bill, in a most incredible way, repeals the Domestic Violence Protection Act, 2000. Ontario finally acquired a stand-alone legislative regime addressing domestic violence, and the Liberal government repeals it in an indefensible way, and I’m going to be talking about that in just a few minutes’ time as well.

The government imposes a pension severance formula that is formulaic and that doesn’t understand or accommodate the subtleties and the subjective qualities in determining pension value, and I will speak to that as well.

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

**Mr. Khalil Ramal:** I had the chance to listen to the member from Simcoe North, for a little bit less than one hour, speaking about Bill 133, the family law reform act. I sat on that committee and I listened to many different stakeholders and advocates from across the province of Ontario who came and presented to our committee and spoke about different elements of the bill. I know not all

of them came to support the bill, and the member from Simcoe North outlined many of them, but he also failed to mention how many people came and spoke in support. Prominent people came from London, from Windsor, from Toronto, from every area.

The PA of the Ministry of the Attorney General outlined many, many prominent people who came in support of the bill and outlined why they are supporting the bill. They support it because it's a very important step toward reform of the family act to protect families, protect women, protect children and create some kind of safety mechanism for many, many women across the province of Ontario to live in peace and tranquility.

It doesn't matter what kind of bill we introduce, we're not going to cover every piece of the puzzle. But in the end, I think this bill is an important step toward reform of the family act in this province in order to create that safety mechanism I spoke about.

I regret to hear that the member from Simcoe North and his party will not support the bill, because this bill speaks to support the families in the province of Ontario.

I know it's a part of the democratic process, and I am looking forward to listening to the member from Welland, even though I know what he stands for. He is not going to be speaking nicely about the bill or the government.

Regardless, I'm going to support this bill and hopefully the rest of my caucus will support it too.

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. The member for Durham.

**Mr. John O'Toole:** I want to commend the member from Simcoe North, who has done a stellar job in presenting what we think are consistent arguments as to why we can't support this Bill 133.

Also, I want to put on record the work done by the member for Whitby-Oshawa, Christine Elliott, who's busy speaking to the people of Ontario as we speak.

The really important thing here is to realize that the bill does not do what we had requested be done, both as the member has stated—as well as my bill, Bill 10, which was the Lori Dupont Act, which really would have allowed victims of domestic violence to have access to a restraining order seven days a week, 24 hours a day. That simply is not in the bill.

There are about seven acts that are being amended in this omnibus bill. That's the nature of the bill. I would suggest that they're trying to rush it through—I'm not sure why—to give the appearance that they're actually doing something on the issue of domestic violence.

I am interested in the member from Welland and his remarks, because he's a long-standing advocate for protection in that area.

**1650**

The one thing that really hasn't been talked about today is more voice for the children, victims of domestic violence. We can talk about all the amendments to the seven acts—the Children's Law Reform Act, the Child and Family Services Act, etc.—but really, at the end of the day, it's making sure that children and families have

access to protection, both from the perpetrators of violence and, as well, in the courts themselves, whether it's in a custody battle or other battles, which I'm sure all of the members in our constituency offices are familiar with.

But I do want to put on the record that we cannot support it because it really doesn't go far enough in protecting victims of domestic violence. More can be said, and I'm sure there will be more debate on this bill. Thank you.

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

The member for York North—

**Mr. Garfield Dunlop:** Simcoe North.

**The Deputy Speaker (Mr. Bruce Crozier):** Simcoe North. You have two minutes to respond.

**Mr. Garfield Dunlop:** I want to thank the members who responded to my lead-off on third reading of Bill 133.

There's not a lot more I can say. We looked at this bill very carefully. I know my predecessor, the member from Whitby-Oshawa, put a tremendous amount of time into this bill. She worked with stakeholders, had numerous meetings with a lot of the stakeholders, and quite simply, in the end, was not satisfied that the bill did what she was prepared to accept. The recommendation from our caucus is not to support the bill in its current form. The reason I wanted to have the letter on record from the judges of the Ontario Court of Justice is that they made numerous comments and concerns on the content of this bill and some of the weaknesses of the bill which have not been addressed by the amendments made by the government.

I also want to say, as we go through these bills, that just because the government wants a bill to pass—when opposition parties go to a lot of trouble to draft amendments, I think it's almost incumbent upon the government, although I know it's not required, that they respond with good reasons why a certain amendment would not be accepted by the government. We don't see that. The amendments here were actually almost disgraceful in that the government never responded to one of the amendments of our critic for the Attorney General, Ms. Elliott. They were good, solid amendments that were ignored by the government, and it's just another reason why this Legislature really isn't working to the best of its ability, when the opposition members are ignored.

Thank you very much for the time today.

**The Deputy Speaker (Mr. Bruce Crozier):** I beg to inform the House that, pursuant to standing order 98(c), a change has been made to the order of precedence on the ballot list for private members' public business such that Mr. Wilson assumes ballot item number 22 and Mr. Klees assumes ballot item number 29.

Further debate?

**Mr. Peter Kormos:** As I indicated, this bill is going to pass. It's going to pass because there's a majority government and because government caucus members, backbenchers, are disinclined to not support government legislation.

Two of the most important components, from the perspective of the NDP, are, one, the issue of the extent to which this legislation protects women from violence, and, two, whether it protects children. Third, we have the concern around whether this legislation protects spouses, partners, when there's a breakdown of the relationship and the severance or division of pension assets.

There have been a few myths perpetrated—well, more than a few—around this legislation. Let me deal first, please, with section 21 of Bill 133. It's very straightforward and simple: "The Domestic Violence Protection Act, 2000 is repealed." That, in and of itself, is a shocking thing for this government to be doing—shocking, disturbing, irresponsible—and the repeal of the Domestic Violence Protection Act, 2000, puts women at risk. Amazing. Absolutely amazing.

The government counters with its section 35, which replaces the current section 35. Section 35, as proposed by the government in this bill, provides for restraining orders that can be enforced via the Criminal Code. This, of course, is applauded by some women's groups. In fact, there were two. Ms. Elliott and I took special note when we listened to their comments and read their written submissions.

We were graced with the presence of Pamela Cross and Amanda Dale from YWCA Toronto—very imperial in their presentation. They opened with a finger-wagging admonition to us: "We urge the committee to set aside partisan point-scoring to hear what we have to say from our considerable experience in this area." You remember them, don't you, Parliamentary Assistant? They made it clear that they do not support any move to maintain the Domestic Violence Protection Act.

They added to that declaration the fantastic statement, "We don't want to take too much time today to talk about" this, "but since we know that some committee members ... favour the DVPA"—that's the Domestic Violence Protection Act—"over Bill 133, we ... make the following comments." What a stupid thing to say. Both Ms. Elliott and Mr. Dunlop, on behalf of the Conservatives, and I made it very clear that we support section 35 of the bill—very clear. It was incredible and oh, so misinformed for these presenters to somehow suggest that the opposition members—because they sure as heck weren't suggesting that the government members didn't support Bill 133 and preferred the Domestic Violence Protection Act.

The government applauds itself by saying, "Bill 35 creates a restraining order that can be enforced under the Criminal Code of Canada." What that means, of course, is that, rather than the person being brought back before the judge for what amounts to, in effect, almost a contempt citation for breaching the so-called or apparently "civil" restraining order, a person who breaches the Criminal Code-enforced restraining order, which is section 35, can be arrested—will be arrested, almost inevitably—and will probably be held in custody and forced to go through a bail hearing. And that's a good thing.

What nobody was telling anybody was that the intervention order, the restraining order, in the Domestic Violence

Protection Act, 2000, was also one that could be enforced under the Criminal Code of Canada. That's why New Democrats supported that legislation back in 2000, when it was introduced by then-Attorney General Jim Flaherty.

How ironic that Ms. Elliott, who knows Mr. Flaherty well, was sitting on the committee that deliberated on the repeal of that legislation.

*Interjection.*

**Mr. Peter Kormos:** She does know him very well, and I understand for some period of time. They have many common interests.

**Mrs. Julia Munro:** Three.

**Mr. Peter Kormos:** Three, I'm told—

**Interjection:** Triplets.

**Mr. Peter Kormos:** —and I have read.

Let's understand the distinction between section 35 in this government's legislation and the intervention order under section 4 of the Domestic Violence Protection Act.

The intervention order, or restraining order, under section 4 of the Domestic Violence Protection Act is one that could be enforced, and had to be enforced, by police pursuant to the Criminal Code for breach of a court order. It was available "when a designated judge or justice is satisfied, on a balance of probabilities," that domestic violence has occurred, that a person or property is at risk, and that the matter, in the instance of an ex parte order, must be dealt with on an urgent, albeit temporary, basis.

**1700**

Let's be clear here: The vast majority of people seeking restraining orders are women. For a woman who is at risk, and who fears for her life or for the lives or welfare of her children, to get a restraining order under the government's section 35, she has to appear before a Family Court judge. That may well take not just weeks but could take months. You have to initiate process; there have to be papers served on the offending or dangerous spouse.

The beauty of the Domestic Violence Protection Act, section 4, is that you could obtain ex parte orders, without notice, and you could obtain them 24 hours a day, seven days a week. You didn't have to wait your turn in a crowded courthouse, like down at 311 Jarvis Street—as a matter of fact, at any one of them in any part of this province; I suspect that most members have had occasion to be in their local courthouses for any number of reasons. Our family courts are among the busiest and most poorly staffed—I'm not talking about the quality of staff but the staffing numbers—and many of them are in old buildings.

Gosh, go down to 311 Jarvis Street and it's sausage-factory justice. You've got juvenile court—young offender court—in the same building as Family Court. You've got little hoods running around with tattoos and piercings, up on charges ranging from soup to nuts, from shoplifting to armed robbery. Then you've got the Family Court in there, dealing with matrimonial matters, domestic matters and custody matters with kids. You've got women who just got beat up by their husbands the week before—they've still got the bruises and the welts—

sitting across the hall from them waiting their turn to go into court.

You inevitably have the occasional file that gets misplaced or lost, or that falls behind a radiator, further delaying things. You've got dockets—the sheets outside the courtroom showing you what cases are going to be dealt with that day—that are page after page after page. You've got hard-working Family Court judges, at the end of the day—recognizing that they have their court staff to consider, who have been working eight, nine, 10 hours, where accuracy is critical—who have to tell the people left on the list whose cases haven't been dealt with that they're afraid they're going to have to adjourn the matter and come back next time. Then the court clerk advises those people when the next available court dates are, and they're weeks and weeks down the road.

The restraining order under section 35 of this government's legislation is fine and good, and we support restraining orders that are enforced by police under the Criminal Code. But to somehow suggest that it's preferable to the restraining orders called intervention orders under old Bill 117, the Domestic Violence Protection Act, 2000, is absolute nonsense—nonsense, nonsense, nonsense. There are no provisions for 24/7 access to a judge or a justice or a JP with the power to give these orders. You line up along with everybody else.

Bill 117, the Domestic Violence Protection Act, has never been proclaimed. Somehow, advocates Cross and Dale—news to us on the committee, news to Ms. Elliott. She, as you know, was a practising lawyer until she got here, at Queen's Park, and still keeps well tuned to what is going on in the legal community. It sure as heck was news to me. Somehow these presenters, Cross and Dale, from the YWCA, who support the repeal of the Domestic Violence Protection Act—amazing—say this about Jim Flaherty's Bill 117, the Domestic Violence Protection Act. This is what the submitters Cross and Dale told us in committee: “While women's advocates initially supported this legislation, it quickly became apparent to us, as the regulations were being developed, that it was essentially unworkable and not helpful to women.” Well, where in Hades did they get that data? I suggest to you that that is an oh-so-recent fabrication that's a far from fair or accurate apology for the government's abandonment of Bill 117, the Domestic Violence Protection Act.

It's apparent that for Bill 117 to become workable, we would need more justices of the peace. It's apparent that those justices of the peace would have to be prepared to work shifts of 24 hours; not a solid 24 hours, but they'd have to be prepared to take night shifts and midnight shifts just like a whole lot of other working people, the ones who are still fortunate enough to be working. And it's apparent that to be a designated justice of the peace, you would require training that enabled you to deal with—we're not talking about parking tickets here; we're talking about decisions made on the balance of probabilities that have a significant impact on the respondent, if that's the proper word, or the person against whom the restraining order is being sought.

Well, heck, we just had legislation in this Parliament not that long ago—New Democrats supported it, not that it didn't have its flaws—that had as its goal the professionalization of the JP bench, what some call the lay bench. It was an effort to depoliticize the appointment of justices of the peace—although we all know, don't we, that it's still very political, because at the end of the day the list is submitted to the Attorney General and it's the Lieutenant Governor in Council, the cabinet, who says yea or nay. Is that not fair, Mr. Martiniuk? Really not that much has changed in that regard.

We were way behind in this province. Most other jurisdictions had a stand-alone domestic violence protection act, a structure whereby women could protect themselves, or at least try to. And instead of working to ensure that the Domestic Violence Protection Act of the year 2000 was workable, with sufficient justices of the peace and places for them to work out of—oh, and we've got all sorts of ways of accommodating folks who don't live in close proximity, because we could use video access to a justice of the peace, couldn't we, understanding that that intervention order, under the Domestic Violence Protection Act, was an intervention order, a restraining order, that was enforceable by the police using the Criminal Code of Canada in breach of a court order.

So the government didn't exactly invent anything new, did they? They repealed, by virtue of section 21 of their bill, the Domestic Violence Protection Act which provided police Criminal Code enforceable restraining orders, both *ex parte*, temporary, and longer-term ones, with notice to the respondent, and available without initiating any other court process, without waiting for your turn in a crowded, backlogged Family Court house. The government repeals that, is apparently applauded, at least by the YWCA here in Toronto, for doing that, and the YWCA—their presenters, Cross and Dale—tell us that Bill 133 is the way to go.

Now, what was even more interesting is that not long after the YWCA made its presentation, there was another presentation on behalf of Luke's Place Support and Resource Centre for Women and Children, Durham region, by Carol Barkwell. This too was a presentation by a woman who spends her career helping other women, helping them protect themselves from domestic violence. She also, in her submission, says, “We support Bill 133, which offers restraining order amendments that provide significant improvements in enforcement and accountability, as well as expanding access to them by greater categories of people in need.” Horse feathers. Horribly misinformed. Improvements in enforceability? No, because the intervention under the restraining order of the Domestic Violence Protection Act was a breach of a court order under the Criminal Code enforceable by the police and utilization of arrest powers and holding people in custody, requiring them to submit to bail hearings.

**1710**

I don't know where Ms. Barkwell got her information. I have no idea where Ms. Barkwell got here information.

Perhaps from the government website, perhaps from some obscure 1-800 telephone line. The government seems to be big on 1-800 phone lines. But it just wasn't accurate.

But then, interestingly, Ms. Barkwell says, "Additionally, we support the repeal of Ontario's Domestic Violence Protection Act, passed in 2000 and never implemented due in part to the number of concerns raised by many system stakeholders." It would have been helpful if Ms. Barkwell had told us who some of these system stakeholders were. It would have been helpful if she had told us what some of those concerns were. I asked Ms. Barkwell about the interestingly familiar tone of her submission, because it had many of the very same lines and phrases as the submission made by the YWCA. The pages should know if you plagiarize, you get an F, right? Plagiarism isn't countenanced. Somebody seems to have been distributing these lines about the Domestic Violence Protection Act and the concern of stakeholders and its unworkability, because Ms. Barkwell acknowledged that, yes, she works closely with the YWCA, so therefore it should come as no surprise that some of the language would be similar.

That was it in terms of any critical support—and this wasn't very critical—from the broader antiviolence movement, the movement that is committed to protecting women from violence and building a society, a culture where violence not only isn't tolerated but is reduced significantly. Very, very frustrating to have presenters who leave us with the impression of but singing from a page of the government's hymn book.

Now, the parliamentary assistant, for whom I have great regard, was of course the person forced to carry this bill through the committee process. He's forced to, he's required to, he's compelled to; he doesn't have a say in the matter. But not once was there any acknowledgment by the government that the DVPA, the Domestic Violence Protection Act, had restraining orders that were enforceable by utilizing arrest powers under the Criminal Code, in fact breaches of which constituted offences under the Criminal Code, and that they were available 24/7, that they were determined on the balance of probabilities and that the police would assist women in obtaining those orders.

Submitters Cross and Dale acknowledge that it's true—oh, my goodness—that the Domestic Violence Protection Act offers the possibility of 24-hour-a-day access to emergency protection orders. "This is emotionally attractive," they say, "especially if we consider the picture of a terrified woman being threatened by her abuser in the middle of the night. However, the facts just don't support this picture. First, according to the evidence of the domestic violence death review committee, women are not killed because they could not get a restraining order in the middle of the night or on the weekend; they're killed after they get a restraining order, because the police either do not enforce it or are not able to enforce it properly."

What the heck are they talking about? The restraining order under the Domestic Violence Protection Act is

precisely that sort of restraining order that the police can use arrest powers on, because breach of that restraining order is a breach of the Criminal Code. What's going on? Why couldn't these people be straight with the committee?

They go on to say that "if a woman is in such a dangerous situation in the middle of the night, she should be calling the police to have criminal charges laid...." Fair enough. But then they go on to say that "under the DVPA, a woman who wishes to obtain an emergency protection order outside regular court hours must contact the police to do so." That's a problem? That's a concern? That's an issue? That's a hurdle? This makes sure that women literally get a ride in a police cruiser to the justice of the peace.

On the one hand, these advocates are telling us that women should be calling the police, then on the other hand saying that the Domestic Violence Protection Act doesn't work because the police might get involved. While I am very, very cognizant of the debate around zero tolerance in terms of prosecution—as a matter of fact, I just stumbled across an interesting article from the publication *Law and Social Inquiry*, "The Power and Practice of Mandatory Prosecution upon Misdemeanor Domestic Battery Suspects." The author, Guzik, writes about studies that are far from consistent in their outcomes and in their result.

But then we're told by the YWCA Toronto that "many women in Ontario do not want their partners charged criminally. These women would never use the ... provisions of the DVPA because of the requirement that they work through the police...." Well, fine, then don't. That's why New Democrats, just like the Conservatives—just like Ms. Elliott—supported section 35 of this bill. So if a woman who is in danger wants to wait days and weeks to get a restraining order using the civil process, if you will, of the Family Court, God bless.

I, for one, find the issue of mandatory prosecution a very interesting one. We're far different from the United States. Let's understand that. We watch *Law and Order* and those cop shows and so on. The cop is saying, "Would you like to lay charges?" That doesn't happen in Canada. You see, the charge is the state condemning particular behaviour. It's Her Majesty the Queen in whose name the charge is laid. Victims don't have a right to determine whether or not charges are laid. They can make the case, if they wish, for the court to be compassionate with respect to an accused or perpetrator who is found guilty. They can plead with the crown attorney or with the police not to proceed with charges, but victims don't get to decide when and where charges are laid. The police decide when and where charges are laid. You can lay private charges if you wish, but that's really a separate consideration and not relevant to this particular discussion.

I am amazed that there was not outrage from those women who work with women who are victims of violence about the repeal of the Domestic Violence Protection Act. You didn't have to repeal the Domestic



Violence Protection Act to pass section 35 of this bill. The two are totally separate things, independent of each other, and they could have coexisted quite healthily. It's just truly regrettable that the government would repeal Flaherty's Bill 117 with no accurate explanation of why they would it repeal it. Let it sit unproclaimed until the system is in place, until the structures are there, but don't deny us, don't deny women in our province the potential for a stand-alone Domestic Violence Protection Act and the regime that it creates.

#### 1720

You see, one of the real problems around women and violence is that we still don't adequately fund shelters. We still don't adequately fund second-stage housing. Women fleeing domestic violence are often forced back into that same dangerous household—sometimes forced, marched back to their own murders—as victims of welfare rates that won't assist them and allow them to live with their children, as victims of economic leveraging, as victims of the paucity of supports that are available for women.

Here we are in the city of Toronto, where there's a whole lot of good people working hard and a number of agencies working with women who are victims of violence, and even they can't keep up. Go on up to northern Ontario, to remote, rural Ontario. What does the farm wife do who lives in the farmhouse out miles from nowhere? Where does she go when she's been attacked, when her kids have been attacked or when she legitimately suspects she may be attacked? It is a huge vacuum in the vastest parts of Ontario when it comes to support for women and kids who are victims of violence.

Legal aid, access to lawyers, the mere process of filling out the forms—because the court staff will give you the forms but they won't fill them out for you; it's not their job, and I understand that. There are duty counsels in most of these courthouses, but they won't help you fill out the forms either. So a woman who's already at risk, in fear, perhaps physically damaged, struggles to fill these forms out, to have them submitted to the court, only to be told that it's the wrong form or it's filled out improperly. So she goes home and does it again; she's still got no restraining order, you see.

So unless and until we ensure that we have legal clinics providing support for women seeking protection in our family courts, unless and until we provide a legal aid structure that sufficiently compensates competent family law lawyers so they can act for women who could otherwise not afford them—quite frankly, a restraining order like that in section 35 that has to be sought in a court after initiating process. Oh, by the way, initiating process usually, although *ex parte* orders are available under section 35 of the government's bill, involves notice to the other party.

There's nothing here for the government to be proud of or for government backbenchers to be pleased about.

Katelynn Sampson: a little girl who was handed over by her drug-addled mother to the woman now charged with first-degree murder—a vicious, vicious slaughter of

Katelynn. The experienced and long-time homicide detective at the Toronto Police Services told the press in Toronto that when coming upon the now-dead body of Katelynn Sampson, he witnessed injuries that were unprecedented in his policing career. We're not talking about some social worker here; we're talking about a tough cop who investigates murders, who discovers bodies in all their gruesome, deadly state, people who have been shot, people who have been axed, people who have been baseball-batted. We're talking about a tough cop who has seen a lot of dead bodies, a lot of murder victims, a lot of corpses, but who, upon discovering the cold, cold corpse of Katelynn Sampson, identifies it as perhaps the most vicious in his career. As I said earlier, Katelynn wasn't abducted; she didn't wander away from home and end up in a strange part of town. A provincially appointed judge signed off on Katelynn's custody to the woman now awaiting trial for first-degree murder, along with that same woman's partner, spouse.

Who is taking care of the children? The knee-jerk response by this government is, "Oh well, hell's bells, we'll require criminal record checks," that great panacea; except let's for just a minute understand what the law is now around custody. Let's go to the existing Children's Law Reform Act and the very sections that are being repealed. In effect, when there is a custody application in a provincial courtroom, or in any court, quite frankly, that is dealing with the Children's Law Reform Act, "The merits of an application ... in respect of custody ... shall be determined on the basis of the best interests of the child..." That means there has to be a determination; someone has to address their mind to it. That section doesn't stand without any direction for a judge because it goes on to say the court "shall." That's not "maybe," that's not "might," that's not if it feels like it, that's not if there's enough time, that's not if it is so inclined. The court "shall," "shall," "shall." That means mandatory. It doesn't say "may"; it says "shall consider all the child's needs and circumstances, including ... the love, affection and emotional ties between the child and each person ... claiming custody ... of the child..."

I read the transcript of the proceedings in that 311 Jarvis Street courthouse of appearances before the judge that would appear to have been mere minutes long, and nobody inquired into or considered the love, affection and emotional ties between the child and the person seeking custody. Nobody even saw the child. The child was never in court. Nobody talked to that child. Nobody knew the physical condition of that child, the emotional condition of that child.

"The court shall consider ... the child's views and preferences..." Nobody asked Katelynn what her views were; nobody asked Katelynn what her druthers were. Nobody. And we're not talking about some backroom baby-selling deal. We're talking about a provincial court with a judge and with court clerks and court reporters and with officials scurrying here and there.

"The court shall consider ... the length of time the child has lived in a stable home environment..." Nobody considered that in the case of Katelynn.

"The court shall consider ... the ability and willingness of each person applying for custody ... to provide the child with guidance and education, the necessities of life and any special needs of the child...." The court never made that inquiry and wasn't able to consider that in the way that it was required to.

"The court shall consider ... any plans proposed for the child's care and upbringing...." No consideration.

"The court shall consider ... the permanence and stability of the family unit with which it is proposed that the child will live...." No consideration.

"The court shall consider"—the court shall consider—"the ability of each person applying for custody of ... the child to act as a parent." Good God. This child, Katelynn Sampson, was brutally murdered within a very short time of that court signing her over by way of a custody order to the woman now charged with first-degree murder of that sweet, sweet, angelic little girl.

The government's response is to have criminal records checks. It's so lame, as they say. It's also so sad. Does the absence of a criminal record indicate that a person is a worthy custodial parent? I don't think so. Most child molesters don't have criminal records, count on it, and when they do acquire one, they've probably been molesting and attacking kids for not just months but literally years. There are a whole lot of entirely unfit people, incapable of being parents, who don't have criminal records. At the same time, so what if there was a marijuana conviction when that custodial parent was 18 years old? Those things happen from time to time when you're 18 or 19.

Then the court says there shall be inquiries made into children's aid societies, family and children's services, to determine whether or not there are any records or files involving that person—again, lame. We have an Office of the Children's Lawyer in the Ministry of the Attorney General here in the province of Ontario that has an obligation, a duty that is mandated, to protect children's interests. Where were they for Katelynn Sampson?

New Democrats made it clear that when you're making somebody the custodial parent of a child, that person should be the subject matter of an assessment. There are any number of people out there who are trained to perform these assessments—people in the social work field, amongst others. That assessment could be a very brief one or it could be a rather lengthy one. In fact, the existing law, the Children's Law Reform Act, section 30, provides for precisely that: "The court before which an application is brought in respect of custody ... may appoint a person who has technical or professional skill to assess and report to the court on the needs of the child and the ability and willingness of the parties ... to satisfy the needs of the child." Well, hallelujah, nobody reached section 30 of the Children's Law Reform Act when Katelynn was sent to her death.

Of course, we have the notorious judges' letter. Mr. Dunlop read it in its entirety; I won't. I'm pleased that it is a part of the record. It is a remarkable, remarkable thing, first of all, that judges, around a dozen of them—

not retired judges, but sitting judges in the family courts, and they've identified the courts that they sit in as some of the busiest family courts in this province, in this country. It is remarkable and, oh, so rare that judges would unilaterally make a submission to a standing committee of this Legislature and, furthermore, make a submission around legislation that's directly impacting on them that they are expected to administer once it becomes law. I have never, ever seen that happen in this Parliament. The judges were scathing in their condemnation of the government's lame proposal to protect children in custody hearings. The judges point out that this legislation would require them to act as investigators. They write to the committee:

"In our system of justice, as appeal courts have told us repeatedly, judges are not charged with the task of being investigators. It is improper for judges to assume this role. If we turn judges into investigators, as this legislation proposes, we risk compromising justice and the appearance of justice in our courts." How can this government be proud of legislation that compels judges to reply in that way?

"Today Family Court judges in Ontario are expected to make crucial legal decisions affecting the well-being of children in an environment which has been degraded by the disappearance of family lawyers." What are judges telling us? They're telling us that the absence of legal counsel, of competent legal counsel, of trained legal counsel, of legal counsel with family law expertise in our family courts, has degraded the system. "This problem is likely most acute in the provincial family courts, where parties of modest means come to seek a resolution of their urgent"—urgent—"family problems. These litigants cannot afford lawyers and cannot qualify for legal aid. They cannot afford child psychologists, custody assessors"—we were just talking about that—"parenting coordinators, and private mediators...."

"Vast numbers of Family Court litigants are unable to retain lawyers to represent them. For the past number of years legal services in our courts have been delivered primarily by per diem duty counsel.... Parties who by any calculation are 'the working poor'"—the working poor, Mr. Zimmer, and that population is growing, isn't it?—"do not qualify for legal aid. They don't even qualify for duty counsel services. They are unrepresented...."

"The family law legal system is complex. Self-represented parties are at a tremendous disadvantage...."

"The test for the court to apply in custody cases is 'What order is in the best interests of the children involved?' In deciding this question, the court will consider all circumstances that are relevant to the child's interests. The task of sifting through the endless facts of a family's history to find those that will assist the court to make a proper determination used to fall on lawyers." But you will remember they just said that there is an absence of lawyers in our family courts and a denial of access to duty counsel and legal aid for those who would constitute the working poor, and even with legal aid, there are precious few skilled family law lawyers who will take on

cases because of the arbitrary and artificially low cap. Lawyers simply can't afford to do that work.

"There is an obvious solution to this problem. There was a time in relatively recent memory in this province when every uncontested divorce case required a report from the official guardian confirming that the proposed custodial arrangements were adequate. This is no longer the case. The Office of the Children's Lawyer now has the discretion to refuse to accept a case." Look, this is a group of judges, a dozen or so, who have a combined total of decades-plus on the bench, who have been dealing with these cases day in and day out—day in, day out, day in, day out. "However, an investigation by the Children's Lawyer is, in our view, the clear solution to the problem of custody cases where parties are unrepresented, or where an application is unopposed, and a judge has reason to be concerned adequate information is not being provided to the court." What a modest proposal.

These judges say hooley on the criminal records searches. These judges say hooley on this complex process of inquiring of any number of children's aid societies about whether or not there's a file and then just dumping this stuff, big piles of this stuff, in front of the judge and saying, "Okay, Judge, go to town. Do your stuff." The judges are saying, "No, we're not investigators. It's not our job. The Court of Appeal has said so. Furthermore, you're giving us stuff that may have no relevance whatsoever and that doesn't assist us whatsoever in determining the propriety of a particular custody order that you're asking us to make."

**1740**

Just imagine for a minute if the judge down at 311 Jarvis Street had used her existing powers under section 30 to say to the proposed custodial applicant for Katelynn—just imagine if that judge had used her existing power to order an assessment of that proposed custodial parent. Why, that custody assessor would have talked to Katelynn. That custody assessor would have talked to Katelynn's teacher. That custody assessor would have talked to neighbours in the neighbourhood. And we know that Katelynn's natural mother, as I say, was a drug addict, and the best thing that could be said about her is that she understood her inability to care for a baby. We have to give her that much credit.

Just think of what a custody assessor could have told the court about the living arrangements. That court didn't even know whether there was a bed for that little girl, never mind a bedroom. That court had no idea where this little girl was going to live, whether she was going to live in a condominium, whether she was going to live in a high-rise, whether she was going to live in a little bungalow, or whether she was going to live out on the street or in shelters. The court never knew whether the child might be being placed in the custody of people who live from shelter to shelter. Just imagine what that court might have been able to do had it ordered a custody assessment. It might have saved that little girl's life.

Here's this little girl—she's in a courtroom. There are some scary places in the world today. There are some

frightening things that go on not just throughout the world but in our own hometowns. Shouldn't a kid, a little kid, at least be able to feel safe in a courtroom, where you've got the judge up there with the robes and the colourful sash, and you've got the big coat of arms behind that judge on the wall? You've got the authority of the state. If there's any place where a kid should feel safe, shouldn't it be in that courtroom? And experienced judges are saying that they can ensure kids' safety if only this government would have legislation that would require a custody assessment in the sets of circumstances that they've described.

Most of the stuff that's being proposed by this government is going to be forms; it's going to be, "Check the box and sign here." The evidentiary quality of it is zip. It is, as some say, not worth the paper it's written on. It's not going to be particularly useful or helpful to judges, and the judges have said so. Why would this government not take this counsel?

I'm sure the parliamentary assistant, for whom I have great regard, is pained, because I know he's a lawyer, a very good lawyer. He's a very good representative of his community. I'm sure the parliamentary assistant is pained, because he might suspect, as I do, that this legislation that the government is proposing now wouldn't have protected Katelynn Sampson either.

Such a modest and simple proposal: Let's have an assessment of the proposed custodial situation. When's the last time, Speaker—I don't know—you might have gone to the humane society to get a dog or a cat. Humane societies make literally more inquiries of adoptive kitty parents or puppy parents than this government's proposing for kids. They'll not give you a big dog if you live in a small apartment. They'll say, "No, take the little puppy here, or Fluffy the cat." They'll want to know if a particular breed of dog needs a lot of running, how much outdoor space you've got. They'll want to know whether you're financially capable of ensuring the dogs or cat or kitty are properly fed and cared for. They'll want to know how often you're home, because it's no good getting a dog if you're going to be away two or three days at a time; if you're an MPP, for instance, and you're only home on weekends. No, no, no to the dog. Are there going to be other kids there? You don't want a dog in a family where kids—some dogs are more hyper and they're more likely to be less accommodating of children, some breeds, and some dogs.

The Humane Society does a more thorough investigation of people who want to take home a puppy or a cat than this government expects of the courts when it comes to real, live kids. Granted, not all transfers in custody are on the basis of people being unable to care for their kids. There are all sorts of circumstances. There are kids, perhaps from out of country, staying with relatives or family friends here to go to school, when the convenience of having a custody order for giving medical consent and so on is desirable. But let's face it, people don't part with their kids lightly, and when a custodial parent is being sought for a kid—let's cut to the chase here—nine times out of 10 something is going on.

Katelynn's mother was a drug addict. It's a pitiful state to be in. The proposed custodial parent by—the court did determine that it was her long-time friend. I don't know about where you come from, Speaker, but where I come from, hard-core drug addicts don't tend to hang around as friends of people with pristine lives. Hard-core drug addicts tend to hang around with people who are members of, generously, subcultures. It's just the nature of the beast and the nature of that horrid disease.

The government has dug its heels in. It refuses to budge. The government has won the approval of at least some of those who advocate for battered women, for women who are victims of domestic assault. Oh, I can just hear the condemnation of people who would condemn this bill by those same people. Ms. Elliott and I, boy, we got lectured to by those two women from the YWCA: "We urge the committee to set aside partisan point-scoring to hear what we have to say from our considerable experience...." Of course, then they go on to say, "We ... urge you to recommend this bill, as written, for third reading."

Hell's bells. The government introduced a whole whack of amendments. These people walked in and said, "Pass this bill as written, just the way it is."

Ms. Elliott and I pleaded with some of these people, saying that you don't get too many kicks at the can. This legislation doesn't come forward every year. In that cabinet, ministers have to compete with each other. There's kicking and clawing and scratching and biting, minister upon minister, to get their bill at the head of the line. It will probably be a decade and maybe a few more deaths of kids before this legislation comes back before a Parliament.

We voted—the Conservatives and I—against returning this bill to the House. In the committee process, when the clause-by-clause is wrapped up, the question that's put is, "Shall the bill be reported back?" I remember my Conservative colleagues and I saying no, on a recorded vote; we voted against it because it wasn't ready.

Jeez, we're not talking about—I don't know—something that in and of itself is just some bureaucratic process. We're talking about kids, we're talking about women. We're talking about people who are victims. We're talking about people who are dying.

**1750**

And this bill could have been so much better. This bill could have been truly effective. We voted against reporting the bill back. It wasn't ready. The discussion had not yet been exhausted, and the absence of candour was alarming.

The government has the powerful tool of its majority. The government will paint people who oppose this bill as being disinterested in the welfare of children. The government will paint people who oppose this bill as being disinterested in the welfare of women who are victims. It will. This government will use its propagandists and its propaganda machine to condemn those who would dare speak out at the ineffectiveness and the inappropriateness of this legislation and charge them with being Neanderthals and being anti-kid and anti-woman.

There's somehow this—I said it before—almost snotty attitude that opposition members of course should be supporting government legislation. No, our job is to hold the government to account, our job is to expose the government when it fails, our job is to take bad legislation and try to make it better, and I say the opposition has done precisely that on all three points when it comes to Bill 133.

I don't accuse anybody on the government benches of any malice or ill will. Once again, the parliamentary assistant, Mr. Zimmer, did stellar service in stewarding this bill through committee. That's his job. The minister, who didn't write the legislation but was under pressure to get something on the table quickly because the government was taking some significant heat over the Katelynn Sampson murder—the Attorney General rushed this bill out of the word processor and again hung his hat in a knee-jerk way on the panacea of a criminal record check and a children's aid society file check. The government didn't know what the advice of judges was going to be. That's fair enough, but when they discovered what judges were saying to them, surely that should have caused the government to pause, to slow down and to start reflecting on what exactly those judges—highly trained, highly experienced women and men who deal with these scenarios day after day, week after week.

I would have been pleased to see this bill called the Katelynn Sampson bill, but I'm equally delighted that it's not, because this bill wouldn't have protected Katelynn Sampson and isn't going to protect little girls and little boys a year, five years, 10 years from now.

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

**Mr. David Zimmer:** I just want to address one point that the member for Welland raised: his concern about this business of the authority to go in and check, if you will, the criminal records of non-parent applicants in custody cases. So just to be clear, this is what the act would provide:

Non-parents who apply for custody would also be required to submit to a police records check as part of the process. What's wrong with that? That's similar to requirements that are already in place for lots of people who apply for various jobs or volunteer activities that involve direct contact with children.

Second, the act says non-parents who apply for custody would also have to provide information about the existence of any previous children's aid society records and the time frames for those. What's wrong with that? Why wouldn't a judge want to know if a non-parent has been involved with the CAS in various matters?

Third, judges would also have access to information about any other child protection or any other family law cases involving a non-parent. When you think of that, what is wrong? Why wouldn't you want the judge who's going to decide where the child is going to go to know everything you could possibly know about a non-parent applicant? Particularly, is there a criminal record? Is there a previous involvement with the children's aid

society involving children? Are there any other previous family law matters, particularly involving children?

It seems to me it's entirely reasonable for a judge to want to know that, and what this act does is give the specific authority for the judge to get that information.

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

**Mr. John O'Toole:** The member for Welland, I think, spent considerable time making sure the government side understood that we support the intent of the legislation, but find parts of the legislation missing and failing.

As the parliamentary assistant has just stated, there are three new provisions that are added to create new requirements in cases where a person who is not the parent of a child applies for custody through the courts. We don't have a problem with that. There are other sections and provisions that are problematic, and those amendments were moved by Mr. Kormos and Ms. Elliott during the hearings, all of which were defeated.

That's where the consultation to get this thing right was missing. It was deficient to the extent of trying to find that consensus of, first, putting not just Katelynn Sampson, the family, at ease, but other potential victims. The law is supposed to address the deficiencies that exist today, and I think it fails in that measure.

I would say if you look at Ontario, there have been 25 female victims of spousal homicide each year in Ontario from 1975 through 2004. This bill does not provide adequate access to justice in the real sense and to children in the other sense. So in any test of this legislation, however well-intended, we can't support it as it's currently structured. That's the point the government doesn't seem to be prepared to listen to.

When it comes to a vote, I can only say this: You have moved in the right direction. You have not moved completely in the right direction, and you haven't got it right. Why haven't you listened to the comments by the member from Welland and the member from Whitby-Oshawa during the hearings? Why have you not listened and acted, as has been requested not only by myself but by other members on all sides of this debate? We would like to support it, but it just isn't getting the job done.

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

**Mr. Peter Tabuns:** I'd like to thank the member from Welland for his extensive, thoughtful and moving analysis of what's before us.

Legislation can be useful. I know that's an odd thing to say in a Legislature, but from time to time legislation can be useful and actually address a problem.

One of the things the member from Welland didn't go through thoroughly were the comments of the judges who talked about setting aside the legislation itself. If you don't have in place a system of legal aid so that people are properly represented in court, then their issues are not brought before the judges in a way that's coherent, that actually defends their interests and defends the interests of the children whose lives are being dealt with at that moment.

The judges talk about the lack of support for those who don't speak English or who don't speak it as their native tongue. The judges talk about the extent to which the whole system is stretched to the point that people fall through the gaps in that system. So whether the act itself, as written, is useful or not useful, in the end it functions essentially as wallpaper overtop of a crumbling wall, and that wallpaper can hold the pieces as they come forward, but in the end cannot deal with the fundamental structural problem.

If you don't deal with poverty, if you don't deal with the full range of elements that pull people's lives apart in society, and if, having neglected those elements, you don't deal with people being properly represented when they come before a judge and you don't have proper staffing in those courtrooms, all is chaos. This act, whether it's useful or not, in light of those larger structural problems is not going to do what has to be done.

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

**Hon. Monique M. Smith:** I feel compelled to rise in response to some of the comments that the member for Welland made today.

I want to echo the comments about the member for Willowdale, who has done such a great job on this legislation and worked so hard, and to just emphasize that the family law reform that we're looking at today will enhance the effectiveness and responsiveness of our family justice system here in the province. It'll better protect women and children from domestic violence, it will help to ensure the best interests of children in custody decisions, and it will support fairness for families when marriages break down.

The member for Welland made some comments about some of the people who work in the violence-against-women area, and I wanted to note that the violence-against-women stakeholders are supportive of this legislation. We heard from a variety of folks who work in the field, who work directly with victims and have on-the-ground experience, and they are supportive of this legislation. I was disturbed to hear the comments of the member from Welland, who made some disparaging comments about those people who are working in the field with these victims of violence. He questioned their knowledge and their experience, and I think that was inappropriate in this forum, as we've heard from many of these people who are doing a great job on the front lines, working with victims of violence.

I also wanted to just take this opportunity to acknowledge that I meet regularly with folks in my community from VCARS, Amelia Rising, the community counselling centre, which is here today, the transition house—people who are devoting themselves to assisting those who have found themselves in situations of violence in getting out of those situations and helping to protect them from being further victimized.

I also wanted to note for the record that Bill 133 does criminalize breaches of restraining orders. I think there were comments made by the member from Welland that

may have left that in some doubt, and I just wanted to clarify that.

I thank you for the opportunity.

**The Deputy Speaker (Mr. Bruce Crozier):** Member for Welland, you have two minutes to respond.

**Mr. Peter Kormos:** I wish people would pay closer attention. But those who didn't pay close attention can always read the Hansard, can't they?

The member for Willowdale speaks of the amendments and asks, "Why wouldn't judges want this information?" I don't know, member for Willowdale. You've got 12 senior Family Court judges who, in a lengthy letter to the committee, have said, "Thanks but no thanks," to your amendments. They say that they don't work; they're unworkable; they don't address the issue; they don't solve the problem. So I'd say to you that you might want to ask those judges, because you certainly didn't have any judges praising the legislation. You have some of the most senior and experienced Family Court judges saying this is not the solution, and saying quite clearly that the need for custody assessments, professional assessments, is what's going to address the issue.

In your heart, you know that. I know you know that because I've known you long enough, and I know you well enough, and I know you to be a good person and a caring person and someone who's as committed a member of this assembly as one could ever find. So I know that in your heart, you know that that's the case. I understand that you have to run with this bill because, as PA, you've got to do the heavy lifting and sometimes the nasty work, the stuff the minister himself won't touch. But I don't want your constituents to think that you think this legislation is the be-all and end-all, because that's a disservice to you, Mr. Zimmer.

I say to my dear friend the government House leader that I wish she'd read my comments carefully. Do I have concerns when people come before the committee with inaccurate information? You bet your boots I do, and I'll continue to have those concerns.

*Third reading debate deemed adjourned.*

**The Deputy Speaker (Mr. Bruce Crozier):** It being slightly past 6 of the clock, this House is adjourned until 9 of the clock on Thursday, May 7.

*The House adjourned at 1804.*

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Barrett, Toby (PC)	Haldimand–Norfolk	
<b>Bartolucci, Hon. / L'hon. Rick (LIB)</b>	Sudbury	Minister of Community Safety and Correctional Services / Ministre de la Sécurité communautaire et des Services correctionnels
<b>Bentley, Hon. / L'hon. Christopher (LIB)</b>	London West / London-Ouest	Attorney General / Procureur général
Berardinetti, Lorenzo (LIB)	Scarborough Southwest / Scarborough-Sud-Ouest	
<b>Best, Hon. / L'hon. Margaret R. (LIB)</b>	Scarborough–Guildwood	Minister of Health Promotion / Ministre de la Promotion de la santé
Bisson, Gilles (NDP)	Timmins–James Bay / Timmins–Baie James	
<b>Bradley, Hon. / L'hon. James J. (LIB)</b>	St. Catharines	Minister of Transportation / Ministre des Transports
Broten, Laurel C. (LIB)	Etobicoke–Lakeshore	
Brown, Michael A. (LIB)	Algoma–Manitoulin	
Brownell, Jim (LIB)	Stormont–Dundas–South Glengarry	
<b>Bryant, Hon. / L'hon. Michael (LIB)</b>	St. Paul's	Minister of Economic Development / Ministre du Développement économique
<b>Cansfield, Hon. / L'hon. Donna H. (LIB)</b>	Etobicoke Centre / Etobicoke-Centre	Minister of Natural Resources / Ministre des Richesses naturelles
<b>Caplan, Hon. / L'hon. David (LIB)</b>	Don Valley East / Don Valley-Est	Minister of Health and Long-Term Care / Ministre de la Santé et des Soins de longue durée
<b>Carroll, Hon. / L'hon. M. Aileen (LIB)</b>	Barrie	Minister of Culture / Ministre de la Culture Minister Responsible for Seniors / Ministre déléguée aux Affaires des personnes âgées
<b>Chan, Hon. / L'hon. Michael (LIB)</b>	Markham–Unionville	Minister of Citizenship and Immigration / Ministre des Affaires civiques et de l'Immigration
Chudleigh, Ted (PC)	Halton	
Colle, Mike (LIB)	Eglinton–Lawrence	
Craitor, Kim (LIB)	Niagara Falls	
<b>Crozier, Bruce (LIB)</b>	Essex	Chair of the Committee of the Whole House / Président du comité plénier de l'Assemblée Deputy Speaker / Vice-président
Delaney, Bob (LIB)	Mississauga–Streetsville	
Dhillon, Vic (LIB)	Brampton West / Brampton-Ouest	
Dickson, Joe (LIB)	Ajax–Pickering	
<b>DiNovo, Cheri (NDP)</b>	Parkdale–High Park	Third Deputy Chair of the Committee of the Whole House / Troisième vice-présidente du Comité plénier de l'Assemblée législative
<b>Dombrowsky, Hon. / L'hon. Leona (LIB)</b>	Prince Edward–Hastings	Minister of Agriculture, Food and Rural Affairs / Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
<b>Duguid, Hon. / L'hon. Brad (LIB)</b>	Scarborough Centre / Scarborough-Centre	Minister of Aboriginal Affairs / Ministre des Affaires autochtones Deputy Government House Leader / Leader parlementaire adjoint du gouvernement
<b>Duncan, Hon. / L'hon. Dwight (LIB)</b>	Windsor–Tecumseh	Chair of the Management Board of Cabinet / Président du Conseil de gestion du gouvernement Minister of Finance / Ministre des Finances Minister of Revenue / Ministre du Revenu
Dunlop, Garfield (PC)	Simcoe North / Simcoe-Nord	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Elliott, Christine (PC)	Whitby–Oshawa	
Flynn, Kevin Daniel (LIB)	Oakville	
<b>Fonseca, Hon. / L'hon. Peter (LIB)</b>	Mississauga East–Cooksville / Mississauga-Est–Cooksville	Minister of Labour / Ministre du Travail
Gélinas, France (NDP)	Nickel Belt	
<b>Gerretsen, Hon. / L'hon. John (LIB)</b>	Kingston and the Islands / Kingston et les Îles	Minister of the Environment / Ministre de l'Environnement
<b>Gravelle, Hon. / L'hon. Michael (LIB)</b>	Thunder Bay–Superior North / Thunder Bay–Superior-Nord	Minister of Northern Development and Mines / Ministre du Développement du Nord et des Mines
Hampton, Howard (NDP)	Kenora–Rainy River	
Hardeman, Ernie (PC)	Oxford	Deputy Opposition House Leader / Leader parlementaire adjoint de l'opposition officielle
Hillier, Randy (PC)	Lanark–Frontenac–Lennox and Addington	
Horwath, Andrea (NDP)	Hamilton Centre / Hamilton-Centre	Leader, Recognized Party / Chef de parti reconnu Leader, New Democratic Party of Ontario / Chef du Nouveau parti démocratique de l'Ontario
Hoy, Pat (LIB)	Chatham–Kent–Essex	
Hudak, Tim (PC)	Niagara West–Glanbrook / Niagara- Ouest–Glanbrook	
Jaczek, Helena (LIB)	Oak Ridges–Markham	
Jeffrey, Linda (LIB)	Brampton–Springdale	
Johnson, Rick (LIB)	Haliburton–Kawartha Lakes–Brock	
Jones, Sylvia (PC)	Dufferin–Caledon	
Klees, Frank (PC)	Newmarket–Aurora	
Kormos, Peter (NDP)	Welland	Third Party House Leader / Leader parlementaire de parti reconnu
Kular, Kuldip (LIB)	Bramalea–Gore–Malton	
Kwinter, Monte (LIB)	York Centre / York-Centre	
Lalonde, Jean-Marc (LIB)	Glengarry–Prescott–Russell	
Leal, Jeff (LIB)	Peterborough	
Levac, Dave (LIB)	Brant	
MacLeod, Lisa (PC)	Nepean–Carleton	
Mangat, Amrit (LIB)	Mississauga–Brampton South / Mississauga–Brampton-Sud	
Marchese, Rosario (NDP)	Trinity–Spadina	
Martiniuk, Gerry (PC)	Cambridge	
<b>Matthews, Hon. / L'hon. Deborah (LIB)</b>	London North Centre / London- Centre-Nord	Minister of Children and Youth Services / Ministre des Services à l'enfance et à la jeunesse Minister Responsible for Women's Issues / Ministre déléguée à la Condition féminine
Mauro, Bill (LIB)	Thunder Bay–Atikokan	
<b>McGuinty, Hon. / L'hon. Dalton (LIB)</b>	Ottawa South / Ottawa-Sud	Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Premier / Premier ministre Leader, Liberal Party of Ontario / Chef du Parti libéral de l'Ontario
<b>McMeekin, Hon. / L'hon. Ted (LIB)</b>	Ancaster–Dundas–Flamborough– Westdale	Minister of Government Services / Ministre des Services gouvernementaux
McNeely, Phil (LIB)	Ottawa–Orléans	
<b>Meilleur, Hon. / L'hon. Madeleine (LIB)</b>	Ottawa–Vanier	Minister of Community and Social Services / Ministre des Services sociaux et communautaires Minister Responsible for Francophone Affairs / Ministre déléguée aux Affaires francophones
Miller, Norm (PC)	Parry Sound–Muskoka	
Miller, Paul (NDP)	Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek	
<b>Milloy, Hon. / L'hon. John (LIB)</b>	Kitchener Centre / Kitchener-Centre	Minister of Training, Colleges and Universities / Ministre de la Formation et des Collèges et Universités
Mitchell, Carol (LIB)	Huron–Bruce	
Moridi, Reza (LIB)	Richmond Hill	
Munro, Julia (PC)	York–Simcoe	
Murdoch, Bill (PC)	Bruce–Grey–Owen Sound	
Naqvi, Yasir (LIB)	Ottawa Centre / Ottawa-Centre	
O'Toole, John (PC)	Durham	



<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
Oraziotti, David (LIB)	Sault Ste. Marie	
Ouellette, Jerry J. (PC)	Oshawa	
Pendergast, Leeanna (LIB)	Kitchener–Conestoga	
<b>Peters, Hon. / L'hon. Steve (LIB)</b>	Elgin–Middlesex–London	Speaker / Président de l'Assemblée législative
<b>Phillips, Hon. / L'hon. Gerry (LIB)</b>	Scarborough–Agincourt	Chair of Cabinet / Président du Conseil des ministres Minister Without Portfolio / Ministre sans portefeuille
Prue, Michael (NDP)	Beaches–East York	
<b>Pupatello, Hon. / L'hon. Sandra (LIB)</b>	Windsor West / Windsor-Ouest	Minister of International Trade and Investment / Ministre du Commerce international et de l'Investissement
Qaadri, Shafiq (LIB)	Etobicoke North / Etobicoke-Nord	
Ramal, Khalil (LIB)	London–Fanshawe	
Ramsay, David (LIB)	Timiskaming–Cochrane	
Rinaldi, Lou (LIB)	Northumberland–Quinte West	
Runciman, Robert W. (PC)	Leeds–Grenville	Leader, Official Opposition / Chef de l'opposition officielle
Ruprecht, Tony (LIB)	Davenport	
Sandals, Liz (LIB)	Guelph	
Savoline, Joyce (PC)	Burlington	
Sergio, Mario (LIB)	York West / York-Ouest	
Shurman, Peter (PC)	Thornhill	
<b>Smith, Hon. / L'hon. Monique M. (LIB)</b>	Nipissing	Minister of Tourism / Ministre du Tourisme Government House Leader / Leader parlementaire du gouvernement
<b>Smitherman, Hon. / L'hon. George (LIB)</b>	Toronto Centre / Toronto-Centre	Deputy Premier / Vice-premier ministre Minister of Energy and Infrastructure / Ministre de l'Énergie et de l'Infrastructure
Sorbara, Greg (LIB)	Vaughan	
Sousa, Charles (LIB)	Mississauga South / Mississauga-Sud	
Sterling, Norman W. (PC)	Carleton–Mississippi Mills	
Tabuns, Peter (NDP)	Toronto–Danforth	Deputy Third Party House Leader / Leader parlementaire adjoint de parti reconnu
<b>Takhar, Hon. / L'hon. Harinder S. (LIB)</b>	Mississauga–Erindale	Minister of Small Business and Consumer Services / Ministre des Petites Entreprises et des Services aux consommateurs
Van Bommel, Maria (LIB)	Lambton–Kent–Middlesex	
<b>Watson, Hon. / L'hon. Jim (LIB)</b>	Ottawa West–Nepean / Ottawa-Ouest–Nepean	Minister of Municipal Affairs and Housing / Ministre des Affaires municipales et du Logement
<b>Wilkinson, Hon. / L'hon. John (LIB)</b>	Perth–Wellington	Minister of Research and Innovation / Ministre de la Recherche et de l'Innovation
<b>Wilson, Jim (PC)</b>	Simcoe–Grey	Second Deputy Chair of the Committee of the Whole House / Deuxième vice-président du Comité plénier de l'Assemblée législative
Witmer, Elizabeth (PC)	Kitchener–Waterloo	Opposition House Leader / Leader parlementaire de l'opposition officielle Deputy Leader, Official Opposition / Chef adjointe de l'opposition officielle
<b>Wynne, Hon. / L'hon. Kathleen O. (LIB)</b>	Don Valley West / Don Valley-Ouest	Minister of Education / Ministre de l'Éducation
Yakabuski, John (PC)	Renfrew–Nipissing–Pembroke	
Zimmer, David (LIB)	Willowdale	

**STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY  
COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE**

**Standing Committee on Estimates / Comité permanent des budgets des dépenses**

Chair / Président: Tim Hudak  
Vice-Chair / Vice-président: Garfield Dunlop  
Gilles Bisson, Bob Delaney  
Garfield Dunlop, Kevin Daniel Flynn  
Tim Hudak, Amrit Mangat  
Phil McNeely, Yasir Naqvi  
John O'Toole  
Committee Clerk / Greffière: Sylwia Przewdziecki

**Standing Committee on Finance and Economic Affairs /  
Comité permanent des finances et des affaires économiques**

Chair / Président: Pat Hoy  
Vice-Chair / Vice-président: Jean-Marc Lalonde  
Sophia Aggelonitis, Ted Arnott  
Wayne Arthurs, Toby Barrett  
Pat Hoy, Jean-Marc Lalonde  
Leeanna Pendergast, Michael Prue  
Charles Sousa  
Committee Clerk / Greffier: William Short

**Standing Committee on General Government / Comité  
permanent des affaires gouvernementales**

Chair / Président: David Oraziotti  
Vice-Chair / Vice-président: Jim Brownell  
Robert Bailey, Jim Brownell  
Linda Jeffrey, Kuldip Kular  
Rosario Marchese, Bill Mauro  
Carol Mitchell, David Oraziotti  
Joyce Savoline  
Committee Clerk / Greffier: Trevor Day

**Standing Committee on Government Agencies / Comité  
permanent des organismes gouvernementaux**

Chair / Présidente: Julia Munro  
Vice-Chair / Vice-présidente: Lisa MacLeod  
Michael A. Brown, Howard Hampton  
Rick Johnson, Lisa MacLeod  
Gerry Martiniuk, Julia Munro  
David Ramsay, Lou Rinaldi  
Liz Sandals  
Committee Clerk / Greffier: Douglas Arnott

**Standing Committee on Justice Policy / Comité permanent de  
la justice**

Chair / Président: Lorenzo Berardinetti  
Vice-Chair / Vice-président: Jeff Leal  
Lorenzo Berardinetti, Christine Elliott  
Peter Kormos, Jeff Leal  
Dave Levac, Reza Moridi  
Lou Rinaldi, John Yakabuski  
David Zimmer  
Committee Clerk / Greffière: Susan Sourial

**Standing Committee on the Legislative Assembly / Comité  
permanent de l'Assemblée législative**

Chair / Président: Bas Balkissoon  
Vice-Chair / Vice-président: Kevin Daniel Flynn  
Laura Albanese, Bas Balkissoon  
Bob Delaney, Joe Dickson  
Kevin Daniel Flynn, Sylvia Jones  
Norm Miller, Mario Sergio  
Peter Tabuns  
Committee Clerk / Greffière: Tonia Grannum

**Standing Committee on Public Accounts / Comité permanent  
des comptes publics**

Chair / Président: Norman W. Sterling  
Vice-Chair / Vice-président: Jerry J. Ouellette  
Laura Albanese, France Gélinas  
Ernie Hardeman, Phil McNeely  
Jerry J. Ouellette, Liz Sandals  
Norman W. Sterling, Maria Van Bommel  
David Zimmer  
Committee Clerk / Greffier: Katch Koch

**Standing Committee on Regulations and Private Bills / Comité  
permanent des règlements et des projets de loi d'intérêt privé**

Chair / Président: Michael Prue  
Vice-Chair / Vice-président: Paul Miller  
Bas Balkissoon, Mike Colle  
Rick Johnson, Gerry Martiniuk  
Paul Miller, Bill Murdoch  
Michael Prue, Tony Ruprecht  
Mario Sergio  
Committee Clerk / Greffière: Sylwia Przewdziecki

**Standing Committee on Social Policy / Comité permanent de  
la politique sociale**

Chair / Président: Shafiq Qaadri  
Vice-Chair / Vice-président: Vic Dhillon  
Laurel C. Broten, Kim Craitor  
Vic Dhillon, Cheri DiNovo  
Helena Jaczek, Shafiq Qaadri  
Khalil Ramal, Peter Shurman  
Elizabeth Witmer  
Committee Clerk / Greffier: Katch Koch

**Select Committee on Elections / Comité spécial des élections**

Chair / Président: Greg Sorbara  
Howard Hampton, Greg Sorbara  
Norman W. Sterling, David Zimmer  
Committee Clerk / Greffier: Trevor Day

**Select Committee on Mental Health and Addictions / Comité  
spécial de la santé mentale et des dépendances**

Chair / Président: Kevin Daniel Flynn  
Vice-Chair / Vice-présidente: Christine Elliott  
Bas Balkissoon, Christine Elliott  
Kevin Daniel Flynn, France Gélinas  
Helena Jaczek, Sylvia Jones  
Jeff Leal, Liz Sandals  
Maria Van Bommel  
Committee Clerk / Greffière: Susan Sourial

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