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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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ORDERS OF THE DAY

ENHANCING ACCESS TO JUSTICE ACT, 2023

LOI DE 2023 VISANT À AMÉLIORER L'ACCÈS À LA JUSTICE

Resuming the debate adjourned on December 5, 2023, on the motion for second reading of the following bill:

Bill 157, An Act to amend various Acts in relation to the courts and other justice matters / Projet de loi 157, Loi modifiant diverses lois en ce qui concerne les tribunaux et d'autres questions relatives à la justice.

The Acting Speaker (Mme Lucille Collard): Further debate?

Ms. Laurie Scott: I'm going to split my time with the Minister of Public and Business Service Delivery.

It's a pleasure to rise in the Legislature today to speak to the second reading of Bill 157, the proposed Enhancing Access to Justice Act. Before I begin, I would like to thank the Attorney General and the Solicitor General and their staff for introducing an extensive plan to update various provisions of this legislation.

The proposed changes will increase access to justice by modernizing the framework for maintaining order and safety in Ontario's communities. This bill makes changes to the Community Safety and Policing Act, the Coroners Act, the Courts of Justice Act, Fire Protection and Prevention Act, Victims' Bill of Rights and 14 other schedules, so there are a lot of moving parts within this bill. I will probably focus just mainly on one, and I know that my colleague is going to do clean-up on maybe other parts of the bill.

As I've said, I think, many times in the last month in this Legislature, as we have actually introduced many private members' bills to further protect victims and help in their healing, our government, under the leadership of our Premier, has taken the responsibility of public safety seriously and has been outspoken on victims' rights. This extensive refurbishment of various pieces of legislation is yet another step towards making our laws better to serve the people of Ontario by being more responsive and relevant to public needs, which is why I'm happy to see that schedule 18 of this bill would create a presumption of emotional distress for certain human trafficking and sexual offences.

Our proposed changes to the Victims' Bill of Rights would make it easier and less traumatizing for vulnerable individuals to sue their convicted offenders for emotional distress. They would do this by not forcing victims of crime to prove their distress in the civil court system. While domestic abuse, sexual assault and attempted sexual assault are already identified in the Victims' Bill of Rights where a victim can sue their convicted offender for emotional distress that is already presumed true, the proposed changes to the Victims' Bill of Rights expands the list. That means more survivors would no longer have to prove their emotional distress in civil court against their abuser.

Sexual trauma and violence have physical, psychological and emotional repercussions for those who have survived the abuse. They are forced to bear the heavy weight of trauma and must face the challenge of navigating a world that is often oblivious to their scars. Taking this trauma-informed approach for those suffering from PTSD resulting from the actions of their abuser—the greater access to justice they need to heal from the past.

People can hardly imagine the trauma experienced by these survivors. To have to relive that trauma, to be retraumatized in a public spot, going to a court and reliving their victimization, is just something unimaginable.

I know that the present Attorney General, even before he was elected, was an advocate for victims in his community service, and I want to commend him for carrying that through in his new role as the Attorney General.

But, Madam Speaker, just for people to think of that traumatization of going to a courtroom and reliving all that horrible personal terror that they have endured—that's why we have adopted a zero-tolerance policy while also pursuing an environment of believing the testimonies of people who have gone through these traumatic experiences and creating a safe space for survivors to share their stories.

This bill goes further to also include the publication and distribution of voyeuristic recordings or intimate images without consent. Unfortunately, a recent survey of adults between the ages of 18 and 53 found that one in 10 ex-partners have threatened to expose intimate photos of their ex online, and according to the survey, these threats have been carried out in 60% of the cases.

The non-consensual distribution of intimate material is often linked to cyberbullying, coercion and fraud. The worst case of these scenarios can be extremely destructive. Madam Speaker, we saw on the news not that long ago that a young teenage boy had succumbed to this coercion and fraud of intimate pictures that were shared online that

he did not give permission to—just terrible scenarios that we hear. We need to take action like we are today.

Victims of non-consensual distribution of intimate material can face professional repercussions, including the loss of a job, opportunities, damages to their professional reputation and a hostile work environment. I mentioned before about young minors having found their pictures forwarded by their classmates, young people themselves, causing horrible consequences. Unfortunately, Madam Speaker, we all know that the rise of pornography is atrocious and leading to terrible situations in our society.

We need to continue taking steps, and through this legislation, this government is making the justice system easier for victims who have gone through such traumatic experiences to sue their abuser successfully. One of my first pieces of legislation to fight human trafficking was actually called Saving the Girl Next Door Act—asking the question, and for people to say, "Why are we doing this?" In that, there was the Prevention of and Remedies for Human Trafficking Act, 2017, where they could go to a civil court and make a claim to get retribution from their abuser. Now they will not have to testify. They are going to be presumed of this emotional distress that has occurred to them.

So that was in 2017, and as you know, you have been part of a bill that we brought forward; I believe just last week it got its third reading—which is Protection from Coerced Debts Incurred in relation to Human Trafficking Act, 2023, that seeks to make sure that once the survivor escapes their abuser, they are not revictimized because of the debts incurred by their abuser while they were being trafficked. I was happy that all parties had consented and were part of that bill.

Many steps need to go forward, and our government is taking yet another step in the right direction in advocating for victims' rights by taking a trauma-informed and victim-centric approach to delivering justice to those affected by these heinous crimes. Our government is standing with the victims of abuse and trauma, working with them to better deliver justice to all Ontarians.

I know, Madam Speaker, that I spoke specifically on a certain part of that bill that I'm passionate about, and there are many other speakers tonight that will fill in some of the other amendments that are made to certain acts. I would now, if possible, turn it over to my colleague the Minister of—it's very long—Public and Business Service Delivery, please.

The Acting Speaker (M^me^ Lucille Collard): I will also recognize the Minister of Public and Business Service Delivery.

Hon. Todd J. McCarthy: It is a pleasure to address the assembly this evening on this important bill, Bill 157, and to join my colleague, my fellow MPP from our government caucus, and the Attorney General in debating his ministry's latest piece of proposed legislation, rightly and appropriately named the Enhancing Access to Justice Act, 2023. Speaker, this bill, if passed, promises to revolutionize access to justice, fortify community safety and deliver a wide range of modern changes to Ontario's justice system.

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Before I begin, I want to sincerely thank both the Attorney General and the Solicitor General for their tireless work and their dedication and that of their staff within their ministries in seeing this bill to this stage. Simply put, its potential to create positive impacts for every Ontarian cannot be overstated.

Over the decades, I have served in several different capacities within Ontario's justice system, and I can confidently say to my colleagues on both sides of the House and to Ontarians watching from home that this proposed bill has the potential to create more positive change than would initially meet the eye on a review of the bill, and I would be remiss to not acknowledge that this comes as a result of my colleagues and their teams' determined efforts. Thanks to their collaboration, leadership, co-operation and relentless work, we have before us Bill 157, which can play a crucial role in shaping the future of justice in our province. I feel privileged to be able to speak to it tonight, and I do plan to support this bill.

This proposed legislation ultimately marks a major step forward for Ontario's justice system and, more importantly, for the people who depend upon it. The scope of the proposed changes targets a wide range of areas, including simplifying court and government operations, strengthening community safety and ensuring access to justice for a broader spectrum of crime victims.

It is our duty to keep working to make the justice system in our province more accessible and responsive to all of its citizens, particularly those in dire need. That is why we have brought forth this proposed legislation. And our first stride towards justice involves empowering victims of crime, ensuring they have the means to seek redress for emotional distress and related bodily harm.

The proposed legislation expands the scope of crimes under which victims can sue offenders. Let's be clear about that. The changes to the regulation under the Victims' Bill of Rights that lists crimes where victims can sue their offender for emotional distress and related bodily harm has been expanded. It currently only includes aggravated assault, sexual offences, crimes against minors, human trafficking and hate crimes. Our government is proposing to expand the list of crimes to include terrorism, extortion, motor vehicle theft, and additional sexual offences and hate-related crimes. These changes are taking effect. We are proposing changes to the Victims' Bill of Rights to expand the list of crimes where victims are presumed to have suffered emotional distress as a result of those crimes. This means that the victims in relation to those crimes—and that includes hate-related crimes and terrorism—do not need to prove emotional distress in court when suing their offender. This helps prevent retraumatization. This is a presumption of emotional distress in the event of a conviction for those crimes and related bodily harm.

Where there is no criminal conviction—and this does happen, because the burden of proof is different in crimin-

al cases compared to civil cases. A civil action brought by a victim can be brought regardless of the outcome of the criminal prosecution, in the event that proof is not established beyond a reasonable doubt—the civil burden of proof being the balance of probabilities. Where there is no criminal conviction, victims of violent crimes can still pursue a civil claim in other ways. For example, victims of human trafficking without a conviction being entered against the offender—these victims can sue their offenders, currently, using the human trafficking tort available in the Prevention of and Remedies for Human Trafficking Act, 2017. There are also a number of other torts recognized by the courts, such as assault and battery, in which individuals can sue persons who have not been criminally convicted for damages, such as the loss of income—rather, the damages can include loss of income, pain and suffering as a result of either physical or psychological injuries.

Faith-based hate crimes are on the rise in Canada, and the Victims' Bill of Rights already allows victims of hate-based crimes to seek civil damages for emotional distress and related bodily harm. If these hate-related crimes are also related to terror or not, they are presumptively the cause of emotional distress and related bodily harms under the proposals that we have submitted. So changes to the regulation, to be clear, have added terrorism offences, which are often hate-motivated, and hate crimes targeting clergy or disrupting religious worship. These new changes now allow victims of terrorism or hate crimes to bring an action against the offender, and the emotional distress and related bodily harm is presumed to repeat.

While our current system is open to all to access justice, it has been abused by what we call vexatious litigants. There are a number of schedules to this proposed legislation; there are 19 in total, and the one I want to highlight when it comes to vexatious litigation is contained in schedule 6, being amendments to the Courts of Justice Act. Under the proposed bill, subsection 140(1) of the Courts of the Justice Act would be repealed and replaced by a provision that allows for a judge of the Superior Court or the Court of Appeal, on his or her own initiative, to give notice to a litigant whose behaviour with respect to proceedings instituted in the court warrants a vexatious order. Specifically, no further proceeding may be instituted by such a person except by leave of a judge of the Superior Court, and no proceeding previously instituted by the person in any court shall be continued except by leave of a judge of the court. Again, this can be an order made, of course, on notice to the vexatious litigant of the judge's own initiative or on motion by any person as provided by the rules of court.

This is important because access to justice, if it's abused, leads to the tying up of the time of judges, court staff, and gets in the way of other deserving litigants who want and deserve their day in court. So by increasing the availability of a vexatious litigant order, we have, I believe, enhanced access to justice and shut out those who would abuse the privilege of accessing our justice system.

With respect to another major element of this proposed bill, one that not only encompasses a lot of the work that my ministry does day in and day out, but one that demonstrates to the citizens and residents of our province that their government is always thinking of the future with them in mind—that element is digital transformation. My ministry oversees a vast network of digital programs and systems that touch every single corner of government, each and every one just as important as the last. Every single one of those programs, at one point, was run on paper over the years, and the need to meet the expectations of our current digital age could not be ignored. That is why, in order to continue delivering services and support to Ontarians everywhere in an accessible way, we have worked tirelessly to upload and upgrade this network of resources over the years.

Whether you are renewing a licence, applying for a government service, or looking to sign up for some kind of public program, please know—to those who are listening, Speaker—that there is a dedicated team of public servants within my ministry who are working each and every day with their colleagues across the province to deliver on solid and reliable government services.

The justice system should be no exception when it comes to the need to modernize and improve the way we operate in Ontario, and the Attorney General's office has taken a number of major steps over the years to advance our plan to establish digital justice solutions, replace paper-based processes, and expand online justice services. This bill proposes a continuation of that important work. The goal of that strategy is to help build a justice system that is more responsive, accessible and resilient, and we can clearly see the positive effect of this, particularly in rural, northern and First Nations communities. This is a major step towards accelerating access to justice and is part of a series of initiatives of the Ministry of the Attorney General toward that goal.

I could not be more proud to be part of a government that is transforming the way it provides services to all its citizens through the justice system and otherwise.

1810

I want to once again sincerely thank my colleague the Attorney General for his steadfast support of the justice system that keeps Ontario the best place in the world to live, work, learn, and raise a family.

This bill affirms our commitment to a justice system that is fair, responsive and accessible to those who need it the most while concurrently ensuring the safety of our citizens. By reinforcing access to justice for crime victims, contributing to safer communities for our children to thrive in, and modernizing court and government operations, the Enhancing Access to Justice Act, if passed, promises to deliver a number of important changes and updates that would make our province safer, better, smarter and ready for the future. I proudly support this bill.

The Acting Speaker (M^me^ Lucille Collard): We'll go to questions.

Ms. Peggy Sattler: My question is to the member for Haliburton–Kawartha Lakes–Brock. I listened carefully to her remarks, and I do agree about the importance of

schedule 19 and making it easier for victims of certain crimes to be able to sue their abuser in civil court.

I do want to ask the member, why is the government not moving ahead with some of the many other changes that would provide deep and meaningful support for survivors of human trafficking or other crimes, such as improving the Victim Quick Response Program, which would be a huge benefit for those victims; funding sexual assault centres; increased funding for legal aid? When are we going to see those kinds of measures brought forward by this government?

The Acting Speaker (Mme Lucille Collard): The question was directed at the member, but—the minister to respond.

Hon. Todd J. McCarthy: First of all, in response to the question—it's a very important question. The Ministry of the Attorney General, if the member doesn't know, provides court-related supports and legal services that assist those who have been victimized or affected by trauma to meet their unique needs.

Where a criminal charge has been laid—and it's not always laid, let alone does it lead to a conviction—vulnerable victims and witnesses of violent crime can access supports, through the Victim/Witness Assistance Program, that help increase their understanding of and participation in the criminal court process. Financial assistance to support victims' participation in the criminal court process may also be available through the Vulnerable Victims and Family Fund.

More importantly, this bill will serve as an education that even when there is no charge or conviction, there are civil remedies, and in the case of conviction for terrorism and hate-related crimes, there is a presumption of emotional distress—

The Acting Speaker (Mme Lucille Collard): Thank you. Next question?

Ms. Laura Smith: Thank you for both of the members' statements. I really appreciate their present work and past work, and I appreciate what they brought to us in the House today.

I was listening to the member from Haliburton–Kawartha Lakes–Brock, and I want to commend her for her work on trafficking. She has extensive knowledge in this area, and she has worked very passionately in this area; specifically, with respect to victims in the province of Ontario.

I understand this—I used to work under the child protection act, and I think we've had conversations about this. Many vulnerable people and the victims are traumatized, and they're not just traumatized for the here and now; they're traumatized, usually, for the rest of their lives. How do you believe these changes will help those individuals, and what impact do you think it will have for the justice system in Ontario?

Ms. Laurie Scott: I want to actually commend Madam Speaker and the member who asked the question, the member from Thornhill. Together, we've actually brought forward several private members' bills to further protect victims. So thank you to all parties in the Legislature.

The MPP from Thornhill—we most recently did the Change of Name Amendment Act, Bill 138, where convicted sex offenders who are registered in our provincial sex offender registry can't easily change their name so they can distance themselves from the crime that they have done.

I think the emotional distress that they don't have to prove when they're in civil court is absolutely massive, because we know that revictimizing these survivors prevents them, really, from moving forward with their lives, moving forward to access justice—civil versus criminal courts. But really it's another step in helping victims become survivors and healing in their lives.

The Acting Speaker (Mme Lucille Collard): The next question.

Mr. Sol Mamakwa: Thank you to the members for the presentation. I'm always very honoured to be able to speak on behalf of the people of Kiiwetinoong. I know it's a very unique riding. With respect to Bill 157, Enhancing Access to Justice Act, I think about the justice system—maybe perhaps the injustice system. I go to jails in northwestern Ontario, in Thunder Bay and Kenora. Who do I see? It's people that look like me.

There is such historical and intergenerational trauma that people face when we talk about Indian residential schools, when we talk about the trauma from Ralph Rowe, who abused over 500 boys in northwestern Ontario in the 1970s and 1980s. How will this bill help the people that live on the reserve that are still dealing with the trauma? Meegwetch.

Hon. Todd J. McCarthy: I thank the member for the question. I do want to say how I know first-hand what an excellent member he is for his riding and how unique it is, because I joined him when we opened the ServiceOntario at Pickle Lake on November 7 of this year. I was so warmly welcomed. I appreciate that.

I can assure the member opposite that Indigenous communities were consulted by the Ministry of the Attorney General with respect to aspects of this bill, and I can assure the member that the changes to the Victims' Bill of Rights will benefit all Ontarians, including those in Indigenous communities, and in some cases whether or not criminal charges are laid or whether there is a conviction. That's important for all Ontarians and absolutely for the types of cases that the member mentioned for our Indigenous communities.

The Acting Speaker (Mme Lucille Collard): The next question.

Mr. Brian Saunderson: My question is to the Minister of Public and Business Service Delivery. I know in his former life he was a lawyer, a litigant. This bill proposes changes to the vexatious litigant framework. In this time as we struggle with backlogs and getting our court system up and responsive back to its pre-COVID timelines, I'm wondering if he might like to speak to us about the changes to the vexatious litigant definition and mechanism and tell us how that will improve access to justice in the province.

Hon. Todd J. McCarthy: Well, I thank my colleague and friend and fellow counsel for that excellent question.

First of all, let's be clear: What is a vexatious litigant? I know the member knows, but it's not a word we use in everyday language. A vexatious litigant is a person in a civil, small claims or family proceeding who is found by a judge to persistently and unreasonably start court proceedings that cannot succeed or for an improper purpose. It's a form of harassment, I can say to this House—a very nasty form of harassment. Anyone who has ever received a statement of claim in the mail—and the first thing I had to do as defence counsel was to calm down my client, because you can say anything in a statement of claim. They're mere allegations. It's only in rare occasions that allegations are struck out.

Imagine getting more and more statements of claim from one litigant, and then they're amended. It's a form of harassment that's unacceptable. It's using court procedures to harass another for no legitimate reason. So we've increased the ability of judges to throw out those cases, to stop those litigants from harassing others. There's an appeal process and a notice process. That frees judges to deal with legitimate cases and enhances access to justice.

The Acting Speaker (Mme Lucille Collard): The next question.

Miss Monique Taylor: Right across the province, we have seen courtrooms in distress and cases thrown out of courts due to the lack of staffing and the ability to have court resources available. We've seen sexual assault thrown out, impaired driving, firearms—sexual assault on minors have been thrown out of our courtrooms because of delays that this government has created by a lack of funding.

1820

If this Bill 157 passes, will the government consider amending it to address the hiring and retaining of clerks, court reporters, interpreters and trial coordinators?

The Acting Speaker (Mme Lucille Collard): The minister for a quick response.

Hon. Todd J. McCarthy: Well, the member asks a very fair question, but there are so many facets of the justice system. As you know, Speaker, we have a federal system in this country. The Criminal Code is a responsibility of the federal government, and the administration of justice is a responsibility of the provinces.

We have a case called Jordan, decided in 2016 by well-meaning judges of the Supreme Court of Canada, that created 18-month time limits for prosecutions in the Ontario Court of Justice and 30 months in the Superior Court. That is the reason why—and you would have heard me testify as a private lawyer before the federal justice committee, giving the feds the solutions that they could implement to bring that about. We are doing all that we can—

The Acting Speaker (Mme Lucille Collard): Thank you. We're out of time for that question period.

We're going to move to further debate.

Ms. Teresa J. Armstrong: There are not too many legislations that come before this House that I really feel are on very deep and serious topics, and justice is one of them. This bill has very sensitive pieces that the government just debated, of course, the sexual assault and victims part, and I'm going to get to that one. But the other piece is, when we're seeking justice in legislation—and in society, quite frankly, and in each other and institutions—you have to make sure those institutions are running correctly and following the rules.

I look at schedule 6. This is the Judicial Appointments Advisory Committee. One of the things I noticed in this in our notes around this bill was that the JAAC is required by law to produce an annual report. We're talking about justice, we're talking about fixing rules and we're talking about making things just. So the JAAC is required by law to produce an annual report, but it has not produced an annual report for 2019, 2020, 2021 or 2022. When we've tried to get reports from FOIs, the request was denied with an explanation that a search was conducted and no responsive records were located.

When we're seeking justice, we need to make sure the people who work in the justice department, in the courts, are actually following the laws that are out there, because you need to have faith in the justice system. So that's one of the things I thought was a little unusual when we're talking about justice.

The other item that I wanted to talk about in this bill is compensation with regard to schedule 14, the Law Society Act. Again, I'm not imposing any bad will on lawyers or anyone in the justice system, but I'm looking at this schedule 14, the law society, where it amends section 51(6) of the act to give a person who has suffered a loss caused by a dishonest act committed by a licensed lawyer or paralegal two years to file with the Law Society of Ontario that the person wants to receive a grant from the law society's compensation fund. That's a good thing—when people are done wrong by professionals who claim to defend you. But again, a two-year limit—why are we allowing that limit, to allow people who are held up in our justice system to the highest standard off the hook for not providing services to the people seeking justice?

That's what I have to say about that. We're talking about a justice bill, legal bills. Let's get the people that we hold up in the justice system to respond and be held accountable for consequences when they don't abide by the justice system that we have in this province.

The next thing I'm going to talk about, Speaker—and that's why I say that not too many pieces of legislation get me concerned and emotional. The other part is on schedule 18. It's about the Victims' Bill of Rights. I'm not sure if anybody has noticed and seen—yes, they have; I know the member from Kawartha Lakes is very much an advocate for trafficking and the girl-next-door bill.

But recently, it was just, I think—I have to have a little scroll, now that we can use our computers—end of November in BC. A 12-year-old boy died by suicide because he was sexually extorted, as a 12-year-old boy. The victims are getting younger and younger when we see these online extortions.

I want to point out what the police said they have received: "About 90% of the sextortion victims that are

reporting to us are young males." This what the director of Canada's national youth tip line for online sexual crimes, cybertip.ca, told this publication.

They're saying, "Teen boys between 14 to 17 are the most impacted by these crimes. Experts said boys are more likely to start communicating with someone on social media—especially when they think it's with someone their own age who is sexually interested in them."

Victims of sexual assault come in all ages and all forms, all genders. The Victims' Bill of Rights that the government, under schedule 18, has put in this bill does—it's a good thing that they are acknowledging that you don't have to fight in civil court to justify your emotional distress. I think that just goes without saying. When someone has that kind of really disgusting physical, emotional and psychological trauma happen to them, that shouldn't be something they should have to prove. That's something that's obviously supportable.

What the government could do, though, is they could do more when it comes to the portion about the victims' fund. They're saying that you have to present your complaint in this victims' fund, the Victim Quick Response Program. I'll be honest, I don't like the title, "quick response." Nothing is ever quick enough when you become a victim or a survivor, quite frankly, of sexual assault. But they're saying that you have up to six months—a short term, six months—to put your claim in.

I don't think, again, there should be a limit on that. That should be an open limit. We can't gauge when people are ready to come forward. If you think of a 12-year-old boy—let's say this poor young man survived his traumatic situation. Is six months—you know, a young man, and men don't report sexual assaults. Women have a hard time reporting sexual assaults, who are most of the victims. So having that kind of limit I don't think makes sense.

It makes sense for the people who work in the justice system not to have a limit, because what message are you giving to lawyers and paralegals who haven't done their work properly, that two years and you're scot-free? They are held to a higher standard, and there should be no limit for people who've had services from those professions to get compensation.

But yet, we are also putting limits on victims, survivors to access those kinds of important services. Again, I say there's really no justice ever when someone experiences that profound type of violation. It's never going to be healed, but it's good that we have psychological, social work—all kinds of therapies that people can try to get some help to try to cope with their situation, because no amount of money would ever make those things go away. It's very sad that we have people who perpetrate those kinds of crimes on children and women and adults; it's very sad, really. It's hard to believe that we live in a world like that, but we do.

1830

I was talking to a constituent today and they were talking about schedule 1. They're very, very interested in schedule 1. Again, this is a justice bill, and his comment was, "Why is this schedule 1?" It's about, really, a turf war between two architectural bodies and who gets to give licences and titles to different people? He wanted to know why it's in a justice bill, because a lot of this is related to more, I guess, social justice as opposed to business justice. He felt it should be removed from here and be a standalone piece of legislation, because he was affected by this legislation. He's very passionate about that, and so today I talked to him about it. He has been watching the Legislature and I'm going to encourage him to present to the committee.

When I was speaking to him, I said, "I don't know if this bill is going to go to committee, because the government does have a pattern of behaviour of not sending everything to committee. Sometimes there are bills that don't have to go, but there's been many other bills that should go to committee that don't." So, I will let him know, once this debate is over and the government moves the bill, whether or not they will have presentations and public hearings in committee, and encourage him then to apply and get his opinion on-record with regards to that.

Speaker, the justice act—I mean, there are some things in here, of course, that are very much supportable, but there are so many more things that the government could have improved and really looked at justice for people who access it, quite frankly. You don't ever want to be in that situation if you don't have to be. The court system is slow. The court system is wearing on your health—mental health, physical health—depending on what kind of court proceedings you are pursuing.

We've known cases that have been thrown out. So, imagine, to put yourself out there—let's say, we'll use the example of some violence or sexual assault type of case. If you muster up the confidence, the will to proceed, and then to know that because there is so much backlog in a court system, there's not enough staff, maybe, to move it along. Recently, a couple years ago, I know the members from London—we met with the justice representatives, and they told us how there's a shortage of judges and that's why there's a lot of this backlog.

I have to say, the selection of judicial representation to our justice system is also very questionable—some of the rules that have been changed. But there were some good things in there. When they talked about identification with regards to cultural pieces, that was in there.

But accessing justice: The government cut legal aid when they first came into office. One of the things that—the legal aid threshold is a gross income of $18,795, and I really think that with today's times, that amount should be changed. That is a really low amount. Then, you have a lot of people who are working poor. They're working so hard, and they might make $30,000, but if there is an injustice—if we're talking about justice—there's no way they're going to be able to afford to proceed. Even for people who have some resources financially, it's completely draining.

You have really got to decide what justice is worth to you as an individual when you're going to proceed with cases. It's a toll that I think—I hope—the majority of Ontarians don't have to face. When you're embroiled in the justice system, whether you think you're on the right side

of justice or the wrong side of justice, there isn't much justice in justice. At the end of the day, what you have to go through doesn't make it worth it at all, the situation.

I talk about that from some experience, because I studied in corrections when I went to college and I worked in a halfway house. I worked in the King Street Detention Centre, which actually closed—a youth detention centre. I also worked at St. Leonard's Society, in federal parole; I was in the halfway houses.

So, one particular example—we were talking about this at the Salvation Army, which just came yesterday. They were helping people who came out of the correctional system, and we were talking about halfway houses. When I was in the halfway house at King Edward, actually, they had a three-storey walk up, They had units for each of the people on parole. It was a federal halfway house. What happened was, me being the counselor at the time, they had their curfew and they'd come in. I have a very sensitive nose and I smelled alcohol on the person that was coming in.

Interjection.

Ms. Teresa J. Armstrong: Yes, I can smell alcohol.

So, what happened was, the job that I had put me in a very difficult situation. Usually, drinking and drugs are a parole violation. Now, many times these are medical addictions, and so I had to decide, "Do I report this or do I let it go because this person is addicted to alcohol? They're an alcoholic." So, I ended up reporting it, doing the professional thing that you're supposed to do. But what we were talking about at the Salvation Army is that—and no one's saying that those types of conditions shouldn't be on there, but because he violated that parole—he didn't commit a crime. There was no crime committed, but he drank because he's an alcoholic, because he has a medical problem, and he went back to jail.

That's the day I decided they didn't want to be in corrections, because I thought that when people have medical issues, they should be dealt with medically, get the health care they need, not be sent back to jail. He didn't commit a crime. He just fell to his weakness of alcohol. So, that's why I say I maybe have a different point of view about justice and the justice system. I think the people who work in the justice system need to be held accountable. They know how to get around the rules, and so when we're having two-year limits when someone experiences a service that's dishonest when representation happens, they should be held to a higher standard and there should be no two-year limit.

But there should be no limit as well, as I said, on the victims' fund. That shouldn't be there either. People accessing that should have as much time as they need to come forward. I know historically, when the government changed, a lot of the victims were not included in this program. Again, you can't put a timeline on when people are supposed to come forward and report these things in order to get the services that they need under this victims' fund.

With that, Speaker, I look forward to questions and comments on Bill 157 with respect to the Enhancing Access to Justice Act, 2023.

The Acting Speaker (Mme Lucille Collard): We're going to go to questions.

Mr. Anthony Leardi: I appreciated the thoughts offered by the member from London–Fanshawe. It's a bill before us tonight which creates alterations to several different types of acts in the province of Ontario. Several pieces of legislation are dealt with under this act.

One of the ones that caught my eye was the provisions with regard to possession of cannabis in the presence of children. I thought that was an intelligent thing to put in this act, which states that anybody who is running a child care facility out of their home may not do so if there are cannabis plants present. I thought that was thoughtful and probably, obviously, an intelligent thing to do. I would like to ask the member from London–Fanshawe, what are her thoughts on that?

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Ms. Teresa J. Armstrong: I thank the member from Essex—Windsor-Essex?—

Mr. Anthony Leardi: Just Essex.

Ms. Teresa J. Armstrong: —Essex for that question.

Children are very precious and to be exposed around cannabis is completely wrong in my personal opinion—even alcohol, quite frankly.

The people who are in that caregiver role, be it child care centres and be it adults, should be very, very, careful exposing young children, even young adults or teenagers, to those kinds of substances. You're the role model in their lives and you need to have very strong ethics and morals when it comes to that.

The fact that that's even being acknowledged is a good thing. It should never be in places of child care centres when children are there, in the presence of cannabis.

The Acting Speaker (Mme Lucille Collard): Next question?

Mme France Gélinas: I would like to thank the member for her presentation. It was interesting how, at every step of the justice system, the victim needs to have the time, effort and money to get justice.

In Ontario, we have a sector that helps people gain access to the justice system. The government cut their funding by close to $132 million. Do you see anything in that bill that restores low-income Ontarians' access to our justice system given that the cuts that were made are basically a barrier for low-income Ontarians to gain access to justice?

Ms. Teresa J. Armstrong: The member from Nickel Belt is correct that the government stopped renewing the $1-million funding boost to crisis centres in 2020.

The sexual assault support centres are seeing an increase in demand, particularly since COVID; that was a horrible time we all experienced, but there were a lot of trickle-down effects. I don't think people realized that we had to deal with those kinds of things.

They were saying that 81% of centres are seeing an increase in contacts by victims. That's the kind of re-

porting that's happening. And no, particularly in this bill, there is no funding attached to that. The justice piece is in there, but the funding needs to go along for true justice so people can heal from those things.

The Acting Speaker (Mme Lucille Collard): Next question?

Mr. Anthony Leardi: In the world of enforcing court orders, from time to time, people have to resort to a sheriff and then sometimes a question arises as to how a sheriff should carry out their duties in enforcing a court order. What schedule 8 of this particular piece of legislation says is, "Where a question arises in relation to the measures to be taken by a sheriff or any person assisting the sheriff in carrying out a writ of possession," which is to go out and seize a certain object such as a car, "the sheriff or any interested person may apply to the court for directions." In other words, this empowers the sheriff to please go in front of a judge and ask, "How do you want to carry out this complicated matter?" I think that's a very useful suggestion to assist sheriffs in enforcing their duties and can be useful for litigants. I invite the member to offer her views of that.

Ms. Teresa J. Armstrong: I think permitting the sheriff or any interested person to apply for direction from the court where there are questions related to a sheriff's execution of a writ is a supportable piece of schedule 8. Schedule 8 does require additional requirements for the sheriff to maintain an index, including specifics around giving the land registrar access to the index, and the noting of the effective date of each writ and renewal and certificate of a lien. So, yes, absolutely, I think those are supportable pieces in this legislation under schedule 8.

The Acting Speaker (Mme Lucille Collard): Next question?

Ms. Sandy Shaw: Thank you to the member from London–Fanshawe. I wanted to ask about the concept of equitable access to justice.

In every survey of Canadian attitudes on criminal justice carried out in the past 30 years, two thirds of the responses said they found our justice system unfair because it gave preferential treatment to the wealthy and was too harsh toward the poor. There could have been provisions in this bill that would have mitigated against that. The support systems that people who live on low income, vulnerable people need—we have a government that has underfunded rape crisis and sexual assault centres, which is part of justice system supports. It's quite clear that legal aid clinics have had their funding slashed severely by this government.

Finally, you mentioned in your speech that the access to legal aid funding—you have to be earning less than $18,000 to have access? That is a very few number of people in this province. It cuts out many, many people to get the kind of access they need. People representing themselves in court is not helpful for the justice system.

Can you speak about what the government could do to make sure that people have equitable access to justice in the province?

Ms. Teresa J. Armstrong: Yes, when we don't fund those kinds of programs—legal aid—we really squeeze and marginalize the marginalized people into the outskirts of justice.

But to the member's point, the Ford government cut funding to legal aid by 30%, which is $133 million in 2019. Further, the government underspent $103 million, which is 26% of the $389-million budget in Legal Aid Ontario funding for 2022-23. That means people don't have access.

The fact that your certificate is $18,795—and that's gross income, by the way. That's not even—that's your gross income. It's just limiting so many people who don't have the resources financially to access justice. Then, these kinds of cuts do not at all help justice in the justice system. The word justice—

The Acting Speaker (Mme Lucille Collard): Thank you. Questions?

Mr. Anthony Leardi: I appreciate the comments being made by the member from London–Fanshawe tonight on what is a very technical bill.

I want to invite her views on the Architects Act. As it stands right now, the Architects Act sets out certain criteria to be licensed as an architect. Then, there are other people who are not architects, but they do drawings for buildings. What this bill will do is they will now bring those people who are currently—I will use the word "unregulated." They will bring them into a net or an umbrella where they will be overseen by a professional body with regard to professional practice, education, educational development, continuing education.

I think that's a good thing, to make sure that these other people are overseen by a professional body. I invite the member to offer her views of that.

The Acting Speaker (Mme Lucille Collard): For a quick response, member for London–Fanshawe.

Ms. Teresa J. Armstrong: I thank the member from Essex for his question again. This is, I think, a piece that shouldn't be in here. I think it belongs in pieces such as—I think about the College of Trades, when there was the Chinese medicine acupuncture, there was that type of division. They actually formalized the College of Trades under the Chinese medicine acupuncture. There were people who were practising without licences, and that was quite a process. I'm out of time, but it's a process and it needs to be dealt with outside of this act.

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The Acting Speaker (Mme Lucille Collard): Further debate?

Mrs. Karen McCrimmon: I am very happy to be here today to debate Bill 157, An Act to amend various Acts in relation to the courts and other justice matters.

Madam Speaker, this bill is 33 pages of very small-print amendments to 19 different acts, and we got it on November 30, just three legislative days ago. However, I've had a good look at it. There are some parts where I have some concerns and that's what I'm going to talk about this evening, because it has given me some pause.

The first one up is schedule 5. Schedule 5 of this bill removes mandatory inquests into fatal construction accidents. When this bill passes, it will be up to either overworked and underpaid coroners or grieving families to trigger an inquest.

Madam Speaker, there are usually between 20 and 30 needless deaths at construction sites every year, about 40% of which are falls from heights. These deaths are eminently preventable. Inquests provide specific insight into the tragedies that can happen at work sites. They allow the industry to confront specific oversights. By giving specific attention to every death, we set a framework that shows that even one death is unacceptable. Each death deserves the province's attention, and each death must be examined thoroughly so it may never happen again.

Inquests also play an important role for families. They have just lost a loved one unexpectedly in a workplace accident, always before their time. The coroners of Ontario play a vital role in helping grieving families understand the what, the how and the why the death happened. Answers can be so important to the grieving family, and every family deserves to hear them.

That is the first of many problems I will discuss in this bill. The requirement that families request an inquest is a barrier. All families deserve this information, but some will not have the time or the means or know-how to request an inquest. Bear in mind, they have just gone through a horrible, gut-wrenching tragedy, and now this government wants to demand that they jump through hoops to receive an answer about their loved one's death. Some might be able to, but some won't.

This leads to a second issue: What about workers without immediate family? Who will advocate for them? I don't see it here, Madam Speaker.

This bill ignores the second set of things that this inquest serves. Inquests bring information to families, but they also bring information to the public. We are all served by the investigations that inquests do, rigorously examining the cause, the circumstance and the contributing factors to an Ontarian's death and finding out how to prevent another one.

The lack of individual inquests spreads the focus onto trends, and this government has forgotten that the point is to have an individual focus. Each workplace death is an unacceptable loss and must be examined. The idea that we would look at trends—what has happened more than once—allows for a single occurrence, and single-occurrence accidents to fall through the cracks. They must also be examined, the causes identified and everything done to stop them from happening again.

Let me tell you a story of an Ontario worker. This is the story of Bradley Ebbers, a 19-year-old in my riding of Kanata–Carleton who was tragically killed in a construction work site accident. His death was an accident, but it was preventable. We know it was preventable because the coroner's inquest into his death on a construction work site told us it was preventable. He was killed because he wasn't seen by the driver of an excavator. The inquest made specific recommendations—side cameras for heavy machinery—that would stop a death like Bradley's from happening again.

Bradley's family deserved to know every detail. The public deserves to know every detail. All of this was served by the coroner's inquest. It would never have been fair to have asked Bradley's family to be the one to request an inquest. Workers' families should not be thrust into government bureaucracy in their time of mourning. The result of this inquest serves us, the public, and should be provided in the case of every accident, not just for his family, but because it's the right thing to do to prevent more deaths in the future.

These construction sites where one of Ontario's workers has died should be a safe work environment. Everyone working in Ontario deserves a safe work environment regardless of where and what industry they are working in. There is absolutely no excuse—no concession to "they knew that there were risks." When this sacrosanct duty of the workplace is breached, we must examine each and every one. Each death is our failure, and it must never be repeated.

The government's suggestion in this bill reduces a company's, a workspace's, a construction site's individual responsibility. Without an inquest, corporate liability is watered down. Corporations get indemnity. When companies are negligent or cut corners and it leads to the death of a worker, we need to individually investigate, and we need to hold them accountable.

This government has cut a number of inspectors and inspections in many different areas. Time after time, we have seen cuts being made to benefit corporations' bottom lines, and now when those cuts finally make the worker pay the ultimate price, this government doesn't want it to be investigated anymore.

The Solicitor General will tell you that this bill will reduce the backlog on coroners' inquests. I'd like to present an alternate solution: Instead of fewer workers' death inquests, maybe we can work harder to actually have fewer worker deaths. Legislate the number of inspectors and inspections, put in administrative penalties for workplace accidents and deaths, allow workers to report unsafe practices without fear of reprisal and then follow up on those complaints. If we cared about reducing workplace deaths, these are the things that we would be doing.

So that was schedule number 5, but let's jump back and look at schedule number 4. Schedule number 4 of Bill 157 deals with the Community Safety and Policing Act, 2019. It states in paragraph 5 of schedule 4 that section 262 of the act is repealed—doesn't sound like much; six little words. But when you go and look at what section 262 actually is, it is about giving mandatory public notice with notice and publishing announcements and giving minimum time periods for consultations on some very critical issues.

If you're reducing public consultations and public notice, how do we know that we're actually doing the right things? Without this section, it appears to me—and I hope I'm wrong, Madam Speaker; I really, truly do—that the minister can make significant changes to policing in this

province without consultation or notice, changes like prescribing police standards, prescribing codes of conduct, establishing the physical and mental standards to be an officer, authorizing a chief of police to decline to provide information.

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With this change, it appears they can do all of that without public consultation or notice—no scrutiny, no having to defend the changes. The police are a key part of any community, and they should be especially accountable to their community. That's where the bonds of trust between the public and the police are created.

Public consultation and public notice are absolutely essential, and that includes public consultation at committee. I look forward to seeing just that.

The Acting Speaker (Mme Lucille Collard): We're going to go to questions.

Ms. Laura Smith: I thank the member for her comments. I think everybody in this room can agree that safety is a priority for our communities. One of the areas that this bill touches upon is the growth of cannabis in a child care setting. As a parent, I think this is relevant. I think everybody in this room would agree that our children are our most vulnerable. This bill specifically deals with prohibiting child care settings where cannabis is grown, which I think is a positive step for the safety of all individuals, including the vulnerable.

I just wondered if she had any comments on that.

Mrs. Karen McCrimmon: I thank the honourable member for her question, and I have to agree with her. It is important that we take these steps to protect children and make sure that the environments where they are cared for are at the highest standards. Having cannabis or any other substance of that nature in any kind of a child care or daycare facility would be eminently wrong, and I appreciate that part of the bill.

The Acting Speaker (Mme Lucille Collard): Next question?

Mme France Gélinas: In order for our justice system to be equitable, people of low income, people of low means need to gain access. In order to do this, most of them will turn toward legal aid. Legal aid presently sets the bar pretty low. Legal aid has also faced a $132-million cut under this government.

Was the member able to see anything in this bill that would bring justice to low-income Ontarians who are facing difficulties with the law and have to depend on the justice system in order to get redress? Are there any ways to make legal aid available to a broader number of people, even people who make $20,000 a year, or any of that in the bill?

Mrs. Karen McCrimmon: I'd like to thank the honourable member for her question. Unfortunately, no.

I do agree with her that when the marginalized in our society, when the disadvantaged in our society do not have equitable access to legal aid, to the justice system so that it actually treats them fairly, then that is an error on our part. And that justice—in order to be provided to every Ontarian fairly, legal aid must be funded.

The Acting Speaker (Mme Lucille Collard): Next question?

Ms. Mary-Margaret McMahon: Thank you to my fellow colleague from Kanata–Carleton for your beautiful, eloquent speech and for all the work you do for your riding, which I know is very appreciated amongst your constituents.

That was an incredibly sad story about your resident named Bradley. I'm just wondering, if this Bill 157 was implemented at the time of his death, how that would have affected his family, given that there would not be the right for the coroner's inquest?

Mrs. Karen McCrimmon: I would like to thank the honourable member for her question. It means that, for Bradley's death, an inquest would not have been immediately triggered. His death may have been lumped in with other workplace deaths in Ontario, and his family would not have known that Bradley's death was actually taken seriously and that we were going to look and make sure that it didn't happen to anyone else, that we acknowledged this loss.

I think a lot of times what we don't see is that, when families are grieving—when we do a coroner's inquest, they say, "Okay, this mattered. Bradley mattered." Without that, I think it's going to end up with a lot of families being hurt.

The Acting Speaker (Mme Lucille Collard): Next question?

Ms. Christine Hogarth: I just want to thank the member opposite for her speech this evening. Though we may disagree on things, like the carbon tax, when we come to justice, it's important that we get it right.

I just want to note something you mentioned in your speech. You talked about the mandatory inquest for construction workers. But I want to let the member know: It is important to note that, while the change would remove mandatory inquests, families of those lost to construction-based accidents can still request a review through the coroner's office, and one will be completed at their discretion. I just want to make sure that those who are listening are and that the member is aware of that. Would you like to comment on that?

Mrs. Karen McCrimmon: I thank the honourable member for her comment, but as I mentioned in my speech, when a family is in mourning and they have just lost a loved one in that family, the last thing they're thinking about is requesting an inquest. I think that it's up to us. When a family loses someone and we lose someone in a preventable accident, it's up to us. We should not demand that families actually ask for an inquest; it should be automatically done so that people know that these people's lives are valued and that we want to take this seriously and do everything we can to make sure it doesn't happen to some other family.

The Acting Speaker (Mme Lucille Collard): Next question?

Miss Monique Taylor: I appreciate the member's portion of debate this evening. The thing that I want to talk about is, when someone dies at work, they set trials for

fines set by the court. We lost three people at National Steel Car in, what, two years I think it was. The first two trials, they deemed the fine at $140,000 to the owner of the company. Then we have a third one coming up, and families are concerned that that would be the price of a life once again. I don't think that trial has happened yet, but $140,000 for the third time someone dies in a company within two years I think is absolutely, completely unacceptable. Could the members share her thoughts and feelings—

The Acting Speaker (Mme Lucille Collard): Thank you. The member for Kanata–Carleton for the response.

Mrs. Karen McCrimmon: I would like to thank the honourable member for her question. I think she's absolutely right. At least when you have a coroner's inquest, you can take that and actually use it to find some kind of accountability, to find some kind of liability. Without a coroner's inquest into that death, you wouldn't even have that option.

So I think it's really important that workplace deaths have a mandatory inquest, and it would actually create motivation for companies. If they know that they're going to have a mandatory inquest into a death or injury in their workplace, I think you would find that they would work even harder to prevent those kinds of deaths. Without that, I think that the care would not really be there.

1910

The Acting Speaker (Mme Lucille Collard): Another quick question?

Mr. Anthony Leardi: One of the changes that is being introduced by this bill here is that the Cannabis Control Act will be amended. It will now, as a result of this proposed legislation, prohibit the cultivation, propagation or harvesting of cannabis in dwellings in which child care is provided. I think that's a very good change. I don't think that cannabis should be anywhere near child care. I invite the member to offer her opinions on that.

Mrs. Karen McCrimmon: I thank the honourable member for his question and I think he's absolutely right. I agree totally. We must make sure that wherever our children are cared for they do not have to face any substance such as cannabis or others. That should be outlawed, and I appreciate that part in this bill.

The Acting Speaker (Mme Lucille Collard): Further debate?

Ms. Christine Hogarth: Thank you, Madam Speaker, for allowing me to add my thoughts to this debate tonight. I just want to thank everybody for their input on our justice bill. It was just that final comment, when we think about cannabis plants and child care—I think that should be a no-brainer and I'm really glad that that is part of this legislation because, at the end of the day, we need to protect our children.

It is my pleasure to rise in this House today to speak on the Ministry of the Solicitor General's section of Bill 157, the proposed Enhancing Access to Justice Act. Laws keep our community safe and ensure our rights as citizens are always protected against abuse. Past laws are crucial because they provide a framework for maintaining order, justice and stability in Ontario's communities. A revisiting and rebooting of the existing laws to keep them in sync with the times is equally crucial work.

Every day, across government, we work hard to ensure that nothing is overlooked or falls through the cracks. Public safety is the most fundamental responsibility and among the highest priorities of this government. As Ontarians, we have the inherent right to feel safe within our province, and this government works overtime to ensure that right is protected and preserved.

I just want to comment that I will be sharing my time with the member for Kitchener South–Hespeler. She is a former crown attorney, and I'm so proud that she's joined our justice committee. Her input and her experience have been so amazing to the conversation and debate over the last couple of months, and I'm just so pleased that she's a colleague of mine.

The changes you will see in portions of this bill will have a direct impact on the institutions of policing and fire and on our death investigation system. These measures are timely and targeted. Most importantly, these changes are a result of our consultations with stakeholders, police personnel, first responders and others. This government not only listens but acts on what it hears from Ontarians. I have personally heard from our policing stakeholders in Ontario, including the Police Association of Ontario, about effective reforms needed to respond to factors negatively impacting police personnel. I've had consultations with associations representing our first responders on issues that matter to them most.

While those listening exercises are an important ongoing process for us at the Ministry of the Solicitor General, the proposed Enhancing Access to Justice Act introduces impactful amendments and additions across our justice system based on what we have heard from the people. These proposed changes are aimed at clarifying and making existent public safety regulations even more effective. It is our responsibly as legislators to make sure the justice system has the tools it needs to save lives and ensure public order.

We are proposing to modernize pieces of existing public safety legislation, including the Community Safety and Policing Act, 2019, that will be important before officially bringing the act into force next year. This will also help increase trust between communities and the police services by:

—ensuring that police work with communities, including those most vulnerable;

—strengthening the minimum standards of policing to ensure that police services are well resourced and funded by municipal partners;

—promoting effective, independent and efficient governance and policing personnel;

—promoting public confidence in policing through a robust and independent police discipline and oversight system; and

—ensuring that police have the competence, skills, training and continuous education necessary to perform their duties.

Section 207 of the Community Safety and Policing Act, 2019, sets out the timelines for hearings related to disciplinary records.

Now, Madam Speaker, as the Solicitor General pointed out yesterday, completing a hearing within 30 days of an application presents an operational and logistical challenge to all parties involved, including the officer at the centre of such a hearing. So the proposed Enhancing Access to Justice Act, 2023, also includes amendments to the Community Safety and Policing Act, 2019, that states that an adjudicator must be appointed within 30 days. If passed, this proposed amendment will support the development of appropriate and responsive rules and procedures for expungement hearings.

In addition to the Community Safety and Policing Act, 2019, the proposed Enhancing Access to Justice Act seeks amendments to the Fire Protection and Prevention Act, 1997. This begins the important task of moving in a direction of administrative monetary policies—and we in government love our acronyms, so it's called an AMP—that will allow for monetary penalties to be imposed by authorized persons for a contravention of requirements in an act, regulation or bylaw.

Now, I'm going to go back to that acronym: An AMP could potentially, depending on the regulations, be imposed upon anyone, including owners, tenants and corporations who are found to be in contravention of the requirements in the Fire Protection and Prevention Act, 1997, and its regulations such as the Ontario Fire Code.

Madam Speaker, let me point out, passing this amendment does not mean that AMPs will be introduced overnight. Also, passing this amendment does not mean that AMPs will be introduced. The amendment only enables the Ministry of the Solicitor General to consult with stakeholders such as municipalities on the future framework, which includes identifying contraventions where AMPs could be applied; determining the amount and range that the penalties could be set; enforcement and collection, including how AMPs could be administered in unincorporated Ontario; and establishing a framework to review associated impacts during the regulatory process.

The proposed Enhancing Access to Justice Act also includes an amendment to the Coroners Act that, if passed, would require accidental construction-related deaths be subject to a coroner-led, mandatory annual review rather than a mandatory inquest for incidents where one or multiple deaths occur.

And then when I asked the question of the last member—I just want to reiterate it is important to note that while this change would remove mandatory inquests, families of those lost to construction-based accidents can still request a review through the coroner's office and one will be completed at their discretion.

It is important to understand the rationale behind proposing this change. Construction-related inquests typically deal with individual deaths, and therefore are not capable of identifying trends. They are not designated to analyze deaths in an aggregate fashion. A broader in-depth review would help identify those trends and repeat factors that surround them, like age, training, language, health status, workplace culture of safety. A mandatory annual review would generate actionable recommendations that will enhance and advance public safety.

Speaker, just observing the emerging trends in criminal activity is not enough. We have been chosen by the people of Ontario to enhance the existing legislative tools and create ones that ensure public safety. The proposed Enhancing Access to Justice Act supports this critical work with amendments to existing laws.

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Madam Speaker, as I've stated, the end goal here is to keep Ontarians safe. We will keep pushing forward in that direction no matter the obstacles. I thank you for your time and I will pass it off to my colleague.

The Acting Speaker (M^me^ Lucille Collard): I recognize the member for Kitchener South–Hespeler.

Ms. Jess Dixon: Thank you so much to my fellow member for her very kind comments. This is hardly unusual in a place like this, but the more I listen, the more debate tends to turn into very much of a straw-man situation where we are criticizing a bill for not being a completely different bill as versus the bill that it actually is, which is what we are dealing with here. With this bill, talking about access to justice, it's clear that it has become, I think, inaccurately conflated with this concept of payment and paid access to justice as versus a more holistic concern, which is creating a system that is clearer, that is something that people can one day navigate on their own.

As somebody who worked in the justice system for many years and who misses it desperately every day, I can tell you that the justice system and the legal system as a whole is one of the most resistant to change of any industry that I think has ever existed. I was a crown during COVID, and at that point I had no intentions of running for office. I remember being legitimately untainted by any aspirations of future office but being very impressed with what this government was doing to finally drag us kicking and screaming into this century.

It took a new government and a pandemic to us to start, for example, providing accused their disclosure in digital format, but we did it. We made it possible for police officers to swear their informations remotely. All of these things, in their own way, contribute to access to justice.

I want to comment on a couple of things in particular about this bill and about what I've heard and to follow up on my friend's comments about the coroner's inquest and the change to mandatory inquests. As I've listened to the commentary here today, I think that there appears to be a fundamental misapprehension about what a coroner's inquest actually is. A coroner's inquest is not in any way a trial. While it may superficially bear some resemblance to a trial, it is not.

Ultimately, a coroner's inquest is tasked by law to answer five basic questions: who, when, where, how and by what means? Then, "by what means" is restricted to natural causes, accident, homicide, suicide or undetermined. Coroners' inquests are expressly prohibited from

assigning any type of blame or for expressing any legal conclusion. That is statedly not their job.

So when you talk about the utility of a coroner's inquest in a construction site, what we are really talking about tends to be sort of the when, where and how side of things. The purpose of that is to go in and analyze a death that happened to see if something could have been done differently.

The truth, though, is that sometimes, a type of death may occur multiple times, more than once. Repeating the process over and over again to identify the problem doesn't actually assist. It doesn't assist recommendations to simply have more of them.

I think that in conflating a coroner's inquest with a trial, those who are concerned about this change are also failing to understand the traumatizing element of a coroner's inquest in and of itself. A coroner's inquest is meant to be held for a purpose. Although frankly, by law, a coroner's inquest is not even required to deliver recommendations; that's something that is optional for them to do. However, that has become one of their main purposes.

However, if you are the family of somebody who dies in a construction accident, first of all, in a coroner's inquest, you may not even have standing. That decision is up to the coroner. To be the family, and your loved one passes away, and you find out that you really have no role in the proceedings about their death, in and of itself can be quite upsetting. But there's also the fact that, frankly, the last moments of your loved one's life can be then dragged out, pored over, made a matter of record for no particular utility, because this is not going to result in a whole new set of recommendations.

I do remember the very first inquest I ever participated in. This unfortunately was common enough at the time that it doesn't give anything away about the case, but it, along with a number of other horrible things, just lives rent-free in my mind. It was the construction of a high-rise building, and the construction worker—the thing with a lot of this is it ends up being on video in this day and age. He was laughing and speaking to some of his co-workers, and the elevators were at that point functioning. He pressed the call button for the elevator, and he's standing there at the door as it opens, and he's talking to somebody down the hall and waving at them. The elevator doors pinged and opened and he stepped in, and there was no elevator there, and he plummeted to his death. That is the type of thing that you can see that there is perhaps utility—but again, if we're repeating this, that is a deeply personal and deeply traumatizing thing to force a family into reliving simply to check a box, more or less.

I think what's key about this legislation is that the opportunity to request an inquest has been left open if it appears that something unconventional might have happened from which recommendations are useful, but ultimately it removes the mandated re-traumatization of reliving your loved one's last moments.

The other thing that I wanted to comment briefly on is the addition of several other listed offences when it comes to suing in civil court for damages. I've heard a lot of commentary about spending and resources for victims and that type of thing. Perhaps I'm taking this a little bit personally as a former crown attorney, but the main thing I think of when I see that is the provincial government doing what it can within its jurisdiction, within the separation of powers, to provide some additional redress for victims of those types of offences, while dealing with federal policy that remains intent on removing victims' rights and prioritizing that of the accused.

When I talk to people about the stress and trauma of a crown's job, it's not just the things that you see, frankly. It's the times where you have to explain to the victim of an offence why they aren't going to get justice, and it's not because of the court procedure; it's because of the law, the charter, the skewed bias against them. I think that in doing this, the provincial government is within its powers, within its jurisdiction, to try and provide some additional redress to these victims, to try to avoid that re-traumatization, to do what it can to step into the void that has been leftover by a federal government which, frankly, has devoted less and less of its time and resources towards the redress of actual victim issues.

As I said, most of the trauma that I've seen as a crown from victims of this type of offence doesn't really come from, necessarily, the after-effects; it comes from the way that the system is skewed against them. I'll never forget being involved in a trial for human trafficking with a particularly egregious offender. This was when we had—well, we still have—a mandatory minimum in place for human trafficking, and this was yet another case where the defence successfully argued against the mandatory minimum and the judge in that case held that the four-year penalty was extreme because, after all, the victim was not physically injured and could have left at any time of her own volition, because she wasn't actually tied down. That's the type of system that we, as a provincial government, are left to handle and left to deal with and left, honestly, to provide Band-Aids where the federal government is leaving gaping wounds.

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Ultimately, I appreciate this bill for what it is, which is a practical results-oriented bill that looks to address issues where we are lacking, where there are loopholes, where regulations need to be updated, where we can make small but steady progress towards an increasingly accessible justice system for all. I greatly appreciate the work of all the involved ministries on putting this bill together.

The Acting Speaker (M^me^ Lucille Collard): We're going to go to questions.

M^me^ France Gélinas: Thank you for the comments to the bill.

I'm still worried about equitable access to our justice system. It is expensive to go in front of the justice system. For many Ontarians, the only way they could get there is through legal aid. Unfortunately, the government in 2019 cut $132 million out of legal aid and brought the eligibility very low.

Does the member think that somebody who makes $18,000 a year has the means to hire a lawyer to represent

them in front of the justice system? Or should they have access to legal aid?

Ms. Christine Hogarth: I thank the member from Nickel Belt for the question.

Throughout COVID-19, there was an excessive backlog in our courts, but our government—and, I'll tell you, this Attorney General, he moved the court system 25 years in 25 days. That deserves a round of applause, because the work he did to make sure that our court system worked—not just moving it forward. We have added a $72-million investment over two years to address the growing needs of our courts. We've hired new crown prosecutors, court services and staff, and bail vettors—experienced crown prosecutors who facilitate faster bail decisions and resolutions where appropriate. We are moving this file forward, and I would say I would like to applaud that Attorney General for the work that he has done. Congratulations.

The Acting Speaker (Mme Lucille Collard): Next question?

Mr. Brian Saunderson: My question is for my colleague to my right, Kitchener South and Hespeler—Hespeler being famous for the great hockey sticks they used to make back in the day when they were made out of wood.

But as a fellow attorney, one of the longest court proceedings I was involved in was a coroner's inquest in Kingston involving the death of an inmate at Kingston Penitentiary, which automatically triggered a coroner's inquest. I heard the comment of my colleague opposite, and I appreciated the comments of the MPP to my right here about the distinction of the coroner's inquest process, the fact-finding mission to look at ways that we can, in the future, prevent a similar accident from occurring, and not all accidents require that kind of examination.

However, there's a parallel process through the Ontario provincial court which looks at occupational safety, looks at other filings of provincial legislation which could lead to fines for the employer as a result of the incident. I wonder if my colleague could speak to the difference there in that type of process and how it ensures that victims' rights are respected.

Ms. Jess Dixon: Yes, I think these are the processes that were being conflated in some of the other responses to the bill. As I said, you have the coroner's inquest, which is seeking to identify those five questions. But then you also have the potential of initiating an actual prosecution under the Occupational Health and Safety Act, which runs very similarly, of course, to a trial, whereby an inspector has seen cause for the laying of regulatory charges. As I said, it proceeds much like a trial does with, ultimately, a potential finding of guilt and sanctions and fines being levied. Again, that proceeding—a regulatory prosecution does not need a coroner's inquest in order to proceed. It exists of its own right.

The Acting Speaker (Mme Lucille Collard): Next question?

Ms. Teresa J. Armstrong: I want to talk about the coroner's inquest piece. When I think about the coroner's inquests, there's so many valuable pieces of recommendation that coroners' inquests have made throughout the years that haven't been taken up by governments. One of the coroner's inquests that I feel should have been dealt with very seriously was long-term care. There was coroner's inquest after coroner's inquest into deaths in long-term care, and governments ignored those recommendations. Then we ended having the Wettlaufer murders, and it ended up being a public inquiry.

I'd like to know, what will the benefits of a juried inquest that is being replaced under the health and safety act, under workers—how is that going to help recommendations that are made and are going to prevent further injuries in the workplace?

Ms. Jess Dixon: What's important here is, when we're talking about the concept of the annual review, this is not doing away with inquests in their entirety. This is trying to make a more efficient process that also doesn't revictimize families. When you talk about workplace injuries and workplace deaths, really what you're looking for, from a prevention standpoint, is patterns, patterns of behaviour, patterns of risk that we can legislate against, that we can recommend about, that we can actually handle. And it's easier to see that when you are looking at cases side by side and comparing them than it is to deal with them all in a vacuum and then attempt to collate all of that data afterwards.

The Acting Speaker (Mme Lucille Collard): Next question?

Ms. Laura Smith: This proposed legislation contains several pivotal changes, especially with respect to the Coroners Act.

I want to thank the members for their thoughtful comments, both the member from Etobicoke–Lakeshore and the member from Kitchener South–Hespeler.

I'm very intrigued, because the member from Kitchener South–Hespeler talked about patterns and being able to utilize that information for positive work. Given our government's commitment to the safety and well-being of workers, I wondered if she had any comments with respect to allowing for faster and more meaningful recommendations related to different types of deaths and helping future generations?

Ms. Jess Dixon: Again, I think what we're talking about here is the benefit of being able to do a more on-the-ground meta-analysis of what is actually happening so that if there are trends in flouting of safe workplace orders, we can see that, or if perhaps we're seeing, for example, that language barriers are a problem when we're actually stepping back and being able to do a review of these types of deaths. I believe that would actually make it easier to identify these issues and properly legislate against them or put procedures in place in order to prevent them rather than, as I said, the one-by-one process of having a mandatory inquest every single time it happens and focusing only on that specific event. My hope is that this will actually help us identify patterns and react faster.

The Acting Speaker (Mme Lucille Collard): Next question?

Miss Monique Taylor: My question is for the member from Etobicoke–Lakeshore. A few months back, I tabled Bill 74, the Missing Persons Amendment Act. That would have actually been a great addition to this bill. My private member's bill was not even able to be debated here on the floor. It was taken from here and sent straight to the justice committee with the promise to families that that bill would pass and it would be worked on.

Does the member think that bill will ever see the light of day? And is it possible to maybe make an amendment to this bill to add missing persons into this legislation to ensure that vulnerable people across the province, when they do go—

The Acting Speaker (Mme Lucille Collard): Question.

Miss Monique Taylor: —the communities have the proper resources to bring them home safely?

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Ms. Christine Hogarth: I want to thank the member, not just for her question but for her work on that bill, Bill 74.

We have been working hard with our police services to make sure people remain safe across our province. There have been some very positive pilot projects that we have done with wristbands.

I know the member for Sarnia–Lambton, who is not here today—Bob, if you're watching, hello—

The Acting Speaker (Mme Lucille Collard): Don't refer to a member's not being here.

Ms. Christine Hogarth: Oh, I apologize.

To our colleague from Sarnia–Lambton—a pilot project that worked in his riding. So our police services are continuing to do some pilot projects.

I cannot speak on when bills are going to come to committee. That's outside of my purview. But I want to let you know—through you, Speaker—that we will continue and our police services will continue to make sure that our most vulnerable are protected and are safe.

The Acting Speaker (Mme Lucille Collard): Further debate?

Ms. Peggy Sattler: It is a pleasure to rise today to participate in this debate on Bill 157, the Enhancing Access to Justice Act.

I want to start by acknowledging our critic the member for Toronto Centre, who gave a very thoughtful and comprehensive overview of what is in this bill and some of the questions that the official opposition has about some of the schedules in this bill. She also expressed, on behalf of the official opposition, that many of the provisions in this bill are things we can support. Certainly, we do not consider that they go anywhere near far enough to address the fundamental challenges we are seeing today in our court system and in our justice system, but they will make some modest changes that will help people access justice in this province.

We know that access to justice really is one of the bedrock principles of a democratic society that operates under the rule of law, in a democracy. People have to be able to seek legal redress to problems that they encounter with the law, and we have an obligation, as a functioning democracy, to ensure that that access to justice is there.

Speaker, I want to share some of the contents of a letter that was sent about a year ago, in September 2022, by nine members of the civil bar in London—nine lawyers who have years of experience representing litigants in the civil court. They wrote to the Attorney General to talk about some of their concerns with the state of civil litigation in London. London is the regional centre for southwestern Ontario in our court system, which means that London experiences a very high volume of court proceedings. They outlined some of the consequences of the backlogs in our court system and the lack of judges. I know that the appointment of judges is a federal responsibility, but they wrote to the Attorney General because of his role in approving a request to go to the Chief Justice to get funding for new judicial appointments.

In the letter, they gave some real-world examples of what is happening in our court system when people can't get access to timely trials. They said a profoundly disabled child who was misdiagnosed with a brain infection died while waiting for trial. A business that was generating $50 million a year, with dozens of employees, failed because the courts could not find time to hear a dispute about the ownership and control of the business. Parents of an injured adult child with physical and developmental disabilities had to take on significant debt to pay for the child's care in their home. A single mother who could no longer work due to injuries could not pay her mortgage and lost her home while waiting for a trial. A dozen seriously injured senior citizens have faced lengthy delays to resolve their cases. One died without any recompense. Others have to wait years, which may mean that they will not see the benefit of any compensation in their lifetime. Those are just some of the real-world examples that they wanted to share with the Attorney General to impress upon him the urgency of resolving these challenges in London.

One of the issues that they raised in their letter is around self-represented litigants and what that means for the judicial system. They say that judges tasked with ensuring fairness spent significant time dealing with procedural and evidentiary issues that come with litigants representing themselves, because they don't know the intricacies of the legal system. They're not trained lawyers. That is well known as one of the factors that is contributing greatly to the challenges we are seeing in our justice system.

They also point out that the number of self-represented litigants, which is increasing exponentially in our justice system, is in large part because of the cuts to Legal Aid Ontario that were implemented by this government in 2019. We all remember when the government announced that 30% reduction in legal aid funding, which translated into a $133-million cut to Legal Aid Ontario. Legal Aid Ontario funds those community legal aid clinics that can provide support for civil litigants, like in the case of these lawyers who wrote to the Attorney General, but also in other legal matters.

We also know that not only has this government failed to replace that loss of funding that the legal aid system

experienced in 2019, but they are continuing to underfund Legal Aid Ontario. We saw that, this year, $102 million was left sitting on the books that was supposed to go, was allocated to go, to Legal Aid Ontario, but this government chose not to spend it.

Fixing the legal aid system would go a long way to reducing the number of litigants who represent themselves in cases. Raising the income threshold so that more people would be eligible for legal aid and, therefore, wouldn't have to represent themselves in the court—that would also go a long way to reducing the delays in trying to move that backlog forward more quickly. But unfortunately, we haven't heard anything from this government about plans to address the legal aid challenges in our system.

Speaker, I want to focus my remarks on two of the schedules in this bill. This bill has 19 schedules. Many of them are fairly technical. Some are minor. Some have more sweeping scope. But in my time available this evening, I'm going to focus on schedule 5 and hopefully schedule 18.

Schedule 5 is a schedule that makes some changes to the Coroners Act. Right now, in this province, there is legislation that requires an inquest to be held in any death resulting from an accident at or in a construction project, mining plant or mine. What the amendment before us today in this legislation does is it says that, in the case of a death that occurs in a construction workplace, there is not going to be a requirement anymore for a mandatory inquest. Instead, all construction workplace-related deaths will be subject to an annual review by a coroner.

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My understanding is that this amendment was motivated by concerns that were identified by the Provincial Building and Construction Trades Council of Ontario, which was very, very concerned about the length of time it was taking to get that coroner's inquest convened when there was a death on a construction workplace. The average time for an inquest to take place was six to eight years after a worker was killed.

You can imagine, Speaker, the grieving family having to wait six to eight years before that inquest is held, before they can feel that sense of closure that the death of their loved one is being taken seriously by this government—and hopefully, coming out of that inquest, recommendations will be made for changes to prevent other construction workers from having to face the same risks at construction work sites.

We know that the number of workplace deaths on construction sites is among the highest of all workplaces in the province, so it's really important that the government look at safety measures on construction work sites and implement the changes necessary to keep workers safe. But unfortunately, what has happened throughout the years that the requirement for a mandatory inquest has been in place is that the inquest is held, recommendations are made and recommendations are ignored.

We have seen that very recently in this province with the Renfrew coroner's inquest into the deaths of the three women who were murdered in acts of intimate partner violence in Renfrew county. We saw many of those recommendations. The report of the coroner included 86 recommendations; 68 of those were very specific actions that the coroner recommended that the government of Ontario move forward on. Many of those recommendations have been ignored.

Most significantly, the number one recommendation of the coroner's inquest, to declare intimate partner violence an epidemic in the province of Ontario, has been ignored by this government. Actually, not even ignored; it has been actively rejected by this government. The government declared, "Nope, not going to do it, not going to declare intimate partner violence an epidemic in Ontario."

At the same time, we have 79 municipalities that understand the significance of declaring intimate partner violence an epidemic and have done so at the municipal level. I'm proud to say that the city of London is one of those municipalities.

The debate that we're having on this bill is actually quite timely because just last week—we're in December now, but November was Woman Abuse Prevention Month. We had the Ontario Association of Interval and Transition Houses, OAITH, here at Queen's Park holding meetings with MPPs and talking about the reality of sexual assault, intimate-partner violence, gender-based violence in our communities. We saw last week the release of the annual femicide list. That is the list of gender-related killings of women and girls by men. That is what is documented by OAITH in the annual femicide list. This year's femicide list revealed that there were 62 deaths in this province—there's a cumulative total of over 1,000 femicide victims since 1990; last year, 62 femicides. Three of those femicides were in my community of London.

That's why it is so important that cities like London actually acknowledge that intimate partner violence is an epidemic, and it needs to be recognized as such, so that we can muster the resources, the policies, the programs that need to be put in place to respond.

Survivor organizations that support victims of intimate partner violence or gender-based violence—what we hear from those support organizations, like Anova in my community, is that they are seeing unprecedented levels of violence, levels that they have never experienced before.

Last week, I held a meeting with Jessie Rodger, the executive director of Anova, and she told me that Anova turns away women six to eight times a day. Six to eight times a day, women come to the shelter to seek support and the shelter is unable to accommodate them. They spend a lot of time on the phone trying to find other shelters that can take those women in. She told me that women are staying much longer—up to five months—because there's simply nowhere for them to move when they are ready to leave the shelter, because there is a chronic shortage of affordable housing in London and in communities across the province. She told us that there is a seven-to-eight-month wait for victims to access counselling in the community. People who have experienced gender-based violence and are looking to rebuild their lives are told, "You have to wait almost a year before you

can access the counselling services that you need." Jessie Rodger told us that they are having to fundraise for food. They are having to fundraise to prepare meals for the women and children who are staying in the shelter. She said there was a $60,000 shortfall last year in the costs of food for the shelter.

Speaker, there are changes in this bill—I mentioned schedule 18—dealing with the Victims' Bill of Rights that will make it easier for certain victims to sue the perpetrators in civil court.

But really, what we should be doing if we want to support victims is funding the organizations that those victims rely on—organizations like Anova. These critical women's shelters, sexual assault centres—not only have they not seen any increase in base funding for a decade, but they have had funding cut by this government. We saw a $100-million cut to rape crisis centres and women's shelters several years ago, under this government, which has never been replaced. Additional dollars that were flowed to women's shelters during COVID—that $1 million in additional funding has been cut, as of July. Women's shelters are still having to take COVID precautions, as you will know, Speaker—masks and gloves and other kinds of PPE—and now they're having to fund that themselves because the government has decided to stop that additional funding.

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Just in conclusion, I will say that our justice system is in crisis. We are seeing cases thrown out because of unacceptably long delays—delays of over 18 months. We do need to do something to address that crisis. We need to address the staffing shortages in our courts. We need to address the state of disrepair in many of our court facilities across this province. We have to address the challenges with legal aid. This bill will make some improvement, but it goes nowhere far enough to deal with the real issues that the system is facing.

The Acting Speaker (Mr. Will Bouma): Questions and responses.

Mr. Anthony Leardi: One of the very, very important changes being made in the bill before us tonight is a change to what is called the Cannabis Control Act. The change that is proposed is to prohibit the cultivation, propagation or harvesting of cannabis in dwellings where there is child care. I think that's a very important change, and I think it should be recognized as an important one. I think that we can all agree that in any home where there's child care being provided under the definition of that act, there should be an absolute prohibition on the cultivation, propagation and harvesting of cannabis. I would invite the member to offer her views on that particular section of this bill before us.

Ms. Peggy Sattler: As I stated at the outset, and as our critic had stated, we are supporting this bill. Certainly, that schedule of the bill is something we would absolutely support. Children should not be around facilities where cannabis is cultivated, propagated or harvested. I think that's basic common sense.

It's interesting, however, that the Attorney General, when he was asked about this clause, was unable to name a specific instance of where this is happening in the province. But it's good to put measures in place to ensure that it doesn't happen in Ontario, just as measures are in place in BC.

The Acting Speaker (Mr. Will Bouma): Questions?

M^me^ France Gélinas: The member spent a lot of time talking about equity of access to our justice system. She knows as well as I do that the Conservative government cut $132 million to legal aid, which is basically the door that low-income Ontarians use to gain access to our justice system.

The threshold is set very low. Does the member think that somebody who makes $19,000 a year in gross income, which is above the threshold, is able to hire a lawyer to be fairly represented in our justice system in order to have justice in cases that affect themselves or their family?

Ms. Peggy Sattler: Thank you very much to my colleague the member for Nickel Belt for the question. Someone who is making $19,000 a year is living in poverty. They are living below the poverty line. Yet the income threshold to be able to access a legal aid certificate is even below $19,000; it is $18,795. Somebody who is earning $19,000 a year absolutely does not have the resources to be able to hire a lawyer and go through a legal process. That is something that needs to be fixed. That threshold has to be increased to ensure that people in low-income have equal access to our court system.

The Acting Speaker (Mr. Will Bouma): Question?

Ms. Laura Smith: I thank the member for her comments. I think we're all in agreement that vulnerable victims are the individuals that we're here to protect. Changes to the Victims' Bill of Rights through this bill will expand—presently, there are only three crimes under the section: assault by a spouse, sexual assault and attempted sexual assault. Our government is proposing to expand this list to include human trafficking and certain sexual offences, including those committed against minors. This is positive work which means that victims do not need to prove emotional distress in court when suing their offenders when we're in these expanded situations. I'm wondering if the member had any comments on that.

Ms. Peggy Sattler: I agree, and I support changes that allow more victims to be able to pursue civil action against the perpetrator. So this, again, is a change that we see as very supportable.

However, as I stated in my remarks, there is just so much more that this government could and should be doing to support victims. We all, I think, were horrified recently, last month, by the case of Emily, who spoke out after the charges that she had laid against the man that had raped her were thrown out of court. The emotional trauma that Emily experienced as—

The Acting Speaker (Mr. Will Bouma): Thank you. Question?

Ms. Sandy Shaw: I want to refer back to this government who has opened up the Coroners Act. There is a lot to discuss when it comes to the coroner. I'd just like to put

on the record that when we had the coroner at committee, they told us that the 6,000-plus deaths in long-term care—there was not one investigation done because they were all expected deaths. That's a shocking statistic.

In the Auditor General's report from 2019, her overall conclusion was that "the Office of the Chief Coroner and Ontario Forensic Pathology Service ... did not demonstrate that it has effective systems and procedures in place to have consistent, high-quality death investigations that improve public safety and prevent or reduce the risk of preventable deaths," including that they do not "publicly report ... hundreds of recommendations made by inquest."

My question is, while you've opened up this act and made this change, wouldn't it be better, rather than limiting access to a coroner's inquest, if the government would properly fund it and implement the recommendations from the Auditor General's report?

Ms. Peggy Sattler: Thank you very much to my colleague for that question. We saw the Ontario Federation of Labour held a convention last month, and they passed a resolution along much of the same lines. They called on the government to make all recommendations from the independent jury mandatory because we have seen too often that a coroner's inquest is held—for example, the Renfrew coroner's inquest. It's a very thorough process. They come up with a long list of recommendations. The public, often, is not aware of those recommendations, and then those recommendations are ignored.

The Acting Speaker (Mr. Will Bouma): Questions?

Mr. Anthony Leardi: One of the things that this proposed legislation does is it creates a list of offences, and those offences are offences for which victims often sue the perpetrators of the offence. When a victim of an offence sues the perpetrator, as things stand right now, the victim has to prove emotional distress in order to recover compensation. What this bill proposes to do is to make the distress a matter of presumption; that is to say, it will be presumed that the victim suffered, and now the victim doesn't have to prove that anymore. Now, the onus is shifted to the perpetrator to rebut that presumption or, in other words, to prove that such damage did not occur.

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I offer the member an opportunity to comment on that.

Ms. Peggy Sattler: Thank you for that question. The changes that are proposed in schedule 18 to the Victims' Bill of Rights will certainly benefit those victims that have the money and the resources and the capacity to sue their perpetrators and to take legal action against them. What we would like to see in addition, something that would benefit many, many more victims in this province, are some improvements to the Victim Quick Response Program, which is something that this government introduced. What it did was it very, very tightly limited the amount of support that is available to victims—a big change from the previous Criminal Injuries Compensation Board, which gave victims access to financial support for the pain and suffering they had experienced.

The Acting Speaker (Mr. Will Bouma): Further debate?

Mr. Mike Schreiner: It's always an honour to rise in the House, this evening to debate second reading of Bill 157, the government's bill that provides modest enhancements in enhanced access to justice.

I just want to say that I heard a number of colleagues talk about the importance of increasing funding for legal aid and expanding access to legal aid, enhanced access to justice, and I'd say I certainly agree with that. My time is limited, so I'm going to focus in on schedule 1 of this bill.

For a number of months now, Speaker, I've been meeting with architectural technologists in my riding who have been raising concerns about the fact that the Association of Architectural Technologists of Ontario, AATO, has been regulating the profession now for 40 years, largely successfully. Then the Ontario Association of Architects created a designation of licensed technologists, and there have been legal disputes around this. And now this bill comes in and basically provides regulatory authority for the OAA to regulate licensed technologists.

I've written that minister on a number of occasions about—has there been proper consultation on this? When I saw Bill 157 introduced, I asked AATO, "Have you been consulted on this?" They said no. So now we seem to have duplicate regulations that could cause confusion in the marketplace. My hope is that when this bill moves forward it will actually go to committee so we can have some public consultations and so that architectural technologists can actually have a voice in how this schedule negatively affects their profession.

Speaker, I want to mention the importance of ensuring those public hearings, because the government over the last few weeks has really gotten itself into a bad habit of avoiding public consultation and skipping committee hearings on incredibly important bills, some of which have implications for access to justice. The one I want to mention specifically is what happened earlier today when Bill 154 was passed, exempting the government's plans in Ontario Place from provincial law—it avoids illegal accountability, overrides local planning laws and avoids having to do an environmental assessment—only two weeks after a citizens' organization filed a judicial review asking for an injunction to prevent the development of Ontario Place until an environmental assessment was developed. Their access to justice has been denied, and we didn't even have committee hearings on it. Hopefully, we'll have them for Bill 157.

The Acting Speaker (M^me^ Lucille Collard): And then we can move to questions for the member for Guelph.

Ms. Sandy Shaw: Thank you very much to the member from Guelph. I would like to add to your outrage when it comes to access to justice. We passed a bill here that was time-allocated at a second reading. It didn't go to committee, and no debate was allowed on third reading. It was a bill that gave the minister extraordinary powers, impunity from all kinds of things—misfeasance, bad faith, breach of trust, breach of fiduciary obligations—plus the ability to issue MZOs. We were already in a mess in this province, with an RCMP investigation when it comes to MZOs.

I'm going to give the member an opportunity to carry on, to say: How is this a miscarriage of justice when we're talking about access to environmental justice in this province?

Mr. Mike Schreiner: I appreciate the member's question. I don't even know how the government can stand in the Legislature today after what happened with Bill 154. We literally had a citizens' organization just a couple of weeks ago file a court injunction request to stop the development of Ontario Place until a full environmental assessment was conducted. Then the government brings forward legislation exempting them from an environmental assessment at Ontario Place and from any legal action at Ontario Place, with no public hearings on the bill. They sped it right through, passed the committee stage and actually denied 13% of the members of the Legislature from even speaking on the bill. How is that in any way access to justice?

The Acting Speaker (Mme Lucille Collard): Next question?

Ms. Mary-Margaret McMahon: While we're on that topic, in that vein of questioning about denial of democracy and denying Ontarians their right and members of this beautiful chamber their right, what do you think of these umpteen bills that have come to committee where there has been a presentation by the minister, a discussion for a short period of time—maybe an hour—and then, an hour later, amendments are due? Do you think that that gives Clerks, staff, members and Ontarians enough time to actually work collaboratively on bills?

Mr. Mike Schreiner: I appreciate the member's question. The short answer is no. It doesn't give members or the public time for active engagement or participation.

How it relates to Bill 157, Speaker, is that architectural technologists would like input. They would like to be consulted on the fact that a whole new regulatory regime has been created that duplicates what they've been doing for 40 years. We should have some public consultation on that, unlike what we've seen with the greenbelt bill, the Ontario Place bill and other bills that are just being rammed through without any opportunity for the public to speak. I think architectural technologists deserve their say, especially when we are talking about their access to justice.

The Acting Speaker (Mme Lucille Collard): Next question?

Ms. Laura Smith: I want to thank the member for his comments. I worked within the legal system for many, many years, and I was astounded to see how, during COVID—I worked throughout COVID—at one point we were literally in the dark ages with the legal system. We were filing documents with paper, still, in Ontario, and we were waiting on long lists for trial dates in proper courtrooms.

I really want to give massive kudos to the Attorney General, who flicked a switch and changed everything for us, making things more accessible, literally. He did, I believe, what should have been done in a matter of 30 days.

I was going to ask the member, when he talks about delays in justice, what he thought about what our government did.

Mr. Mike Schreiner: I appreciate the member's question. I do think there were some enhancements that increased access during the COVID period. I appreciate the Attorney General doing that. But I've actually spoken with the member from Kitchener South–Hespeler about this, and we both agree—well, I think she agrees with me—that if we are going to enhance access to justice, we need to also ensure that our physical courthouses are places that are accessible for people. I can guarantee you, for over 20 years, lawyers like that particular member have been asking for our courthouse in Guelph to be rebuilt in a way to bring it to modern standards as well.

The Acting Speaker (Mme Lucille Collard): Further debate?

Mr. Anthony Leardi: I'm going to speak this evening about the topic which the member from Thornhill just raised. She had just intimated that there was a big change in the system that took place recently, over the past few years. It was quite a significant change that made life much easier for people involved in the system and, I would submit, also less expensive.

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I'm going to avoid all the legal jargon, and I'm going to avoid complications. I'm going to explain how the system used to work before those changes occurred, and then how it works now and how it's so much better. That's why bills like this one, Bill 157, are important, because they make incremental changes to the justice system that make the system better. So I'm going to start with how the system was, and then I'm going to explain how the system is today. Like I said, that should assist all the members of this assembly in better understanding Bill 157.

I'm going to talk specifically about motions court. A motion is a request that you make to the judge. It's not a trial; it doesn't solve the whole case, but it usually solves one little part of the case on a temporary basis, or what we might call an interim quarter.

Let's take, for an example, an order that somebody is seeking with regard to, let's say, child support. Under the old way of doing things, you would do a notice of motion. It would set out the date and the time that you're going to go to court to see the judge. You would also add to that an affidavit, a sworn document, that sets out your client's evidence or point of view. Then, you would send those over to the other side and physically file them at the courthouse. You physically had to send somebody down to the courthouse with the paper, bring it there and wait in line—take a number, wait in line, and then file the documents. Then, the other side would send back to you their evidence, their written evidence signed by the litigant, and then they would have to bring theirs down to the courthouse—the physical documents—file them, take a number and wait in line to file it. Then, if you wanted to reply, you would send them a reply, again, in paper. Somebody had to walk down to the courthouse and put it in there.

Then, on the day of the motion, everybody drove down to the courthouse. You had the two lawyers driving down to the courthouse and, quite typically, the two litigants driving down to the courthouse as well. So you have four cars driving down to the courthouse. The lawyers go into the courthouse, put on their robes. They go into the courtroom—sometimes the clients go too. Then, you sit and you wait. There would be a list of cases—perhaps, 20 cases, let's just say, for the sake of argument—and you would wait for your turn to be called. Now, if there are 20 cases, that means there might be 40 lawyers. So you physically have 40 lawyers waiting around and waiting for their cases to be called, along with their clients. That could happen, and sometimes, it did happen.

Then, the judge would go through the list. First, the judge would call consent matters. If the two fighting parties had agreed on something, then their lawyers could go in first before everybody else and ask the judge for a consent order. Then, the judge would physically write out the order on the back of the motion materials and then give it to the parties. Then, their lawyers would go back to their offices, type out the order, sign off on it and send it back to the courthouse. Then, somebody who actually physically had to walk in with that document would then present it to the clerk who would then compare it to the judge's writing and approve the typed order. That was called issuing and entering an order.

So you would have lost a whole lot of time, literally, waiting on the list and waiting for your matter to be called, physically, inside the courtroom. Now, it's true that sometimes lawyers could make a cellphone call or what have you during that time, but most of the time, you had to sit and wait. If you were, let's say, 20th on the list, it means you had to wait until the very end of the list, but even if you were 13th, 14th or 15th, there was a precious, great deal of time lost just waiting around.

Then, the Attorney General introduced changes to the court system. Now, I'm going to illustrate how those changes change the way things were done. Now, instead of actually taking physical documents down to the courthouse, what you can do is you can actually file the documents by an online system, eliminating the need of your client paying somebody to physically go down to the courthouse and file the physical documents. Furthermore, anybody who is authorized to have access to those documents now has access to them through that system.

Let's suppose that the pleadings—that's what the documents are called—are exchanged and they're all filed, and then comes the day of the motion itself. Previously, everybody drove down to the courthouse, so you had four cars on the road, and they took up four parking spots. Everybody was at the courthouse. Now what happens is, in many instances, the motions are heard by an online method—either Zoom, for example, or Teams. That means now you've taken at least four cars off the road. If there are 20 cases, each of them having two litigants and two lawyers—20 times four—you've taken 80 cars off the road, because now people are sitting in front of a computer screen, if that's the method that has been chosen, and the lawyers don't have to physically be at the courthouse and neither do the clients.

Here's another great thing about that: You still have to wait to have your matter called, but now you're not stuck down at the courthouse with no access to anything except your cellphone. While they're waiting for your matter to be called, the lawyer can actually work on other things. They can work on other cases, they can make telephone calls, waiting for the matter to be called. Why is that great for litigants? Because now the litigants aren't paying their lawyer to sit at a courthouse, waiting for the clock to tick by to get to item number 20 on the list. Now you're not paying for your lawyer to sit there anymore. That's a huge savings to litigants. That's a great advancement in the system.

Here's what else happens: Let's say the two parties now meet in front of a judge and the judge looks at the documents and says, "Well, I agree with 90% of what's here, but I need the last 10% changed." You can actually, sitting in front of your computer, as a lawyer, go right on to your computer, change the order that's requested, email it to the other lawyer representing the other litigant, to have that lawyer review it and approve it right in front of the judge and—bang—you have your order done right in front of the judge, in the course of the hearing. It's another huge savings to the litigants and the system, and that's great.

What might surprise many people is that, as a matter of fact, lawyers want to finish cases, and they want to finish cases in the most efficient possible way for their clients. They want to give good service to their clients and move on to the next case.

So, quite frankly, the changes that have been made to the system, compared to what it used to be, as to what it is today, are remarkably good for the people who are involved in the system.

That touches upon what we have here, which is Bill 157. This proposed legislation makes adjustments to the system. Are the adjustments being proposed all going to have the same effect as the changes that I described just a moment ago? Probably not. But there are some very good changes to the system, and I would suggest that these incremental changes make the system better by increments, and incremental change is good.

I'd like to take an opportunity to specifically mention schedule 2 of this proposed legislation, which deals with something called the Cannabis Control Act. Some people might think that this type of thing ought to have been thought of sooner; perhaps that's a good thing to think about. Schedule 2 says that the Cannabis Control Act will be amended to prohibit the cultivation, propagation or harvesting of cannabis in dwellings in which child care, as defined under the Child Care and Early Years Act, is provided. Of course, I think we all agree that's a very good thing. There should not be any circumstances in the province of Ontario where somebody accidentally gives access to cannabis to children when they're in the care of somebody else. So that is, of course, in my view, one of the most

important changes that are being proposed under the legislation that we have before us tonight.

Those are my comments on this particular piece of proposed legislation.

The Acting Speaker (Mme Lucille Collard): Questions?

Mr. Sol Mamakwa: Meegwetch, Speaker. As a side note, tomorrow is a special day in Indian country. There's 630 First Nations in Canada. There's a million of us across the country. There's 134 First Nations in Ontario. Tomorrow, there's an election for national chief, so I just wanted to talk about that.

2030

Going back to the speech, you talk about good service to the court system. I know that you just go online, go on a computer, and the next thing you know, it happens really fast. I think you need to come up north. We still use faxes. How is that going to improve when you have no access to Internet, when you have to fax? How does that increase the efficiency of the system?

Mr. Anthony Leardi: Yes, you could still use that method as well. That's a convenience for those people who don't have access to Internet. But under the infrastructure program proposed and being carried out by this Ministry of Infrastructure, we are now expanding infrastructure for Internet to areas of the province where it didn't exist before. That's just going to get better and better, and eventually even reach the most northern parts of the province—eventually. So that's a big assistance to all people, even for those people who are still waiting for that. Eventually when it arrives, it will be an enormous change and, of course, will render the system more accessible to everybody and far less expensive to everybody.

Thousands and thousands of litigants have already benefited from that. It only makes sense to keep going and make sure that everybody in the province of Ontario can benefit from that system as well.

The Acting Speaker (Mme Lucille Collard): Next question?

Interjections.

Ms. Teresa J. Armstrong: No, I have a question. I have a legitimate question.

Interjections.

Ms. Teresa J. Armstrong: Settle down over there.

My question is this: I appreciate the changes to the online services. You may not be able to have these figures, so I'm not expecting you to have the figures. Compared to someone who's going to go to a courthouse, bring their papers and do all that, like the lawyer does, now that they're online, what is the cost difference? You talked about the cost difference when they're waiting at the courthouse, that you're not going to bill them for that, but to file them in person, and now that they're being filed online—what's the cost difference between in-person filing of them and online? What would that savings be to the client?

Mr. Anthony Leardi: First of all, I should mention that anybody who still wants to go down in person to the courthouse and file their documents in person can still do so.

The cost difference can range. For some law offices, they have a great deal of files and they will send them all down to the courthouse every day, and the cost might be actually very small. But under certain circumstances, when you need to file documents right away, you might actually have to hire somebody to make that special trip just for one file. It could be $150. It could be less; it could be more. All the fees are different, depending on how fast you need it to get filed and who's available at the time. So it's very difficult to say specifically how much that is. But any cost saving that can be passed on to the client is a good cost saving.

The Acting Speaker (Mme Lucille Collard): Next question?

Miss Monique Taylor: Thank you to the member for Essex on his portion of the debate this evening. Legal aid funding has definitely been something that people across the province, particularly low-income folks, have had concerns about. Not being able to access legal aid funding depending on your income, which is such a low threshold, affects so many people. Just the cost of a lawyer—the income level of people who are able to access it, I believe, is $18,000—which is completely out of reach and we know has backed up the court system.

Does the member think that the legal aid system needs a review and needs the proper funding to ensure that people who need access to justice have access to those legal aid lawyers?

Mr. Anthony Leardi: That's an interesting question, which falls entirely out of the purview of this bill, but it's an interesting question anyway, and I always like to answer interesting questions. It might interest members of the assembly to know that when it comes to legal aid lawyers—legal aid lawyers are provided to people who are accused of indictable offences, which might carry a jail term. So,if you are accused of an offence and you're being prosecuted and the prosecutor decides to elect a method of prosecution which might result in you being sent to jail, chances are almost guaranteed you're going to get a legal aid lawyer.

But if the member is proposing that we should provide a free lawyer to everybody in the province of Ontario, regardless of what the offence accusation is or what the legal question is, I think she has to reconsider that, because that would probably be a dangerous road to walk down.

The Acting Speaker (Mme Lucille Collard): Next question?

Mr. Will Bouma: I listened with interest to the member from Essex's speech, and I'm intrigued that this evening—listening to all the members speak—I don't hear anyone having any criticism of this bill. Everyone seems to be for everything in it. It's incremental. I really appreciated how you dug into how the system used to work and how much better it can work and even how you filled out the fact that with all the changes that have happened, if you still like to do old-school, you can still make all those things happen.

I haven't had the opportunity to ask any of you, the opposition members, this question yet, but have you heard anything from the opposition negative at all? Again, what, to you, is probably the key part of this bill, just moving things forward incrementally in order to make the system function better for access to justice for the people of Ontario?

Mr. Anthony Leardi: I thank the member from Brantford–Brant for that thoughtful question, and of course, he has demonstrated himself over and over again to be a very thoughtful member of this chamber.

I note that there are 19 separate schedules to the proposed legislation, and as the member from Brantford–Brant observed, we've not heard any negative comment about 18 of the 19 sections. I would presume that when you score 18 out of 19, that everybody is going to vote in favour.

Of course, somebody might say that you must score 19 out of 19. I don't know if there's anybody in this chamber who has ever consistently scored perfect in their life, but I certainly have not. If I could consistently score 18 out of 19, I would vote in favour every single time.

The Acting Speaker (M^me^ Lucille Collard): Next question?

Ms. Peggy Sattler: Thank you to the member for his comments. One of the concerns that we have raised about this bill is with regard to schedule 5 and the changes to the Coroners Act. We know that there are too many cases of coroners' inquests that make very important recommendations and the recommendations are ignored. And now this legislation removes the requirement for a mandatory inquest and instead puts in place a coroner's review.

My question is, what mechanism is there to ensure that recommendations that come out of that annual coroner's review will actually be implemented by this government?

Mr. Anthony Leardi: What this act actually does with respect to the Coroners Act is that presently there's a bunch of inquests or inquiries which are mandatory. Those might still also take place, but they simply won't be mandatory.

It seems to me that it's quite reasonable that you wouldn't expect the coroner to automatically and mandatorily get involved every single time. I can think of many, many examples where a coroner might choose not to get involved because it doesn't make sense to be involved. I think every member of this House, all 124 of us, could probably come up with an example where a coroner should not be involved in something, particularly when the family doesn't want the coroner to be involved, and those are circumstances that arise from time to time. So it seems to me that that's a very rational thing to do.

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The Acting Speaker (M^me^ Lucille Collard): We're going to move to further debate.

M^me^ France Gélinas: Ça me fait plaisir de dire quelques mots ce soir au sujet du projet de loi 157, Loi modifiant diverses lois en ce qui concerne les tribunaux et d'autres questions relatives à la justice.

Le projet de loi a 19 annexes. Je ne pense pas avoir le temps de passer au travers des 19 annexes dans les 20 minutes qui m'ont été accordées, mais je voudrais quand même m'attarder sur quelques-unes de ces annexes.

Dans la première—c'est vraiment l'annexe 1, la Loi sur les architectes : la loi modifie la Loi sur les architectes pour créer un permis restreint autorisant l'exercice de la profession d'architecte. Les conditions d'un permis de restreint seront énoncées dans les règlements.

Ça serait très important de s'assurer que pendant les discussions, on donne l'opportunité à l'association des techniciens en architecture d'être entendue. Ils sont venus ici à Queen's Park—ils ont passé une grosse partie de la journée à Queen's Park—parce qu'ils ont de sérieux problèmes avec l'annexe 1 du projet de loi et ils aimeraient être entendus. C'est une profession qui existe en Ontario depuis plus de 40 ans. L'annexe 1 va tout changer par rapport au type de travail qu'ils font, et ils n'ont jamais eu la chance d'être entendus. Ils ont été surpris par ce qui est inclus dans l'annexe 1 et ils cherchent des réponses et également des changements.

L'annexe 2 parle de la Loi sur le contrôle du cannabis. Je vous dirais que ce que l'annexe 2 essaie de faire, c'est d'interdire la culture, la multiplication ou la récolte du cannabis dans les logements où sont fournis des services de garde d'enfants. Je vous dirais, madame la Présidente, qu'on a cherché, et on n'a trouvé aucune place en Ontario où un service de garde d'enfant faisait également la culture, la multiplication ou la récolte du cannabis. Mais bien que ça n'a jamais existé en Ontario qu'on a été capable de trouver, bien là, on va s'assurer que ça ne l'existera pas dans le futur non plus parce qu'on va avoir une loi qui va l'interdire.

Vous savez, madame la Présidente, que je suis critique de la santé pour mon parti. Je ne haïrais pas ça : voir qu'on n'utilisera pas non plus la cigarette dans les services de garde d'enfants, qu'on n'utilisera pas non plus d'alcool dans les services de garde d'enfants, mais là, non, c'est seulement le cannabis. Mais, en tout cas, c'est un petit pas dans la bonne direction—un pas qui n'était pas si important que ça qu'on le fasse parce que ça n'existe pas en Ontario, mais ça n'existera jamais parce que ça va être dans le projet de loi.

Une autre qui m'intéresse était l'annexe 4, qui est quand même intéressante du côté francophone, parce que, du côté francophone, on a traduit le terme anglais « special constable » en français comme « agent spécial ». Et maintenant, grâce à l'annexe 4, on va les appeler des « constables spéciaux. » Je vous dirais que dans le lingo de tous les jours, un « special constable » en français, ça a toujours été traduit par « constable spécial ». Mais là, ça va l'être de façon officielle dans une loi.

Du côté un petit peu plus sérieux, si on parle de l'annexe 5, on parle de la Loi sur les coroners. Lorsqu'un travailleur ou une travailleuse décède par suite d'un accident survenu au cours de son emploi dans une installation minière—il y a beaucoup, beaucoup de mines dans mon comté—dans une mine ou sur un chantier de construction, un coroner doit être avisé lorsqu'une personne responsable—pour les installations minières, on va continuer d'avoir une enquête du coroner.

J'aimerais parler quelques instants de ce qui s'est passé à Sudbury le 8 juin, 2011.

June 8, 2011, is a day I will always remember. Very early in the morning, my phone started to ring non-stop because two miners, Jason Chenier and Jordan Fram, were killed by a run of muck at the Stobie Mine in Sudbury. Jason Chenier and Jordan Fram were working in an ore pass at the 3,000-foot level, transferring broken rock and ore upwards, when there was a sudden release of muck, sand and water. The run of muck came through a transfer gate, burying one of the workers and hitting the other one, causing him crushing injuries.

The Ministry of Labour laid charges under the Occupational Health and Safety Act in the accident after finding that there had been a blockage of wet muck in the ore pass. It also said that Vale—Vale is the mining company that owns that mine—had failed to deal with earlier water issues in the mine. Vale was fined $1,050,000, the highest fine ever given under the health and safety act by an Ontario court.

In the Sudbury courtroom, Vale pleaded guilty to all three counts:

—failing to prevent the movement of material through an ore pass while hazardous conditions existed;

—failing to maintain the drain holes at the 2,400-foot level of the Stobie mine, leading to the accumulation of water, creating wet muck that then hung up; and

—failing to ensure that water, slimes and other wet material was not dumped into the ore pass at the 2,600-foot level of the mine.

Vale was fined $350,000 for each of those three counts.

The supervisor of Jason Chenier and Jordan Fram also faced six charges, but the crown elected to drop its case against Mr. Keith Birnie, saying that there was a slim chance of conviction.

The fines came after many, many months when Steelworkers Local 6500 had basically said and proven that Vale had failed to take all reasonable steps to prevent the deaths of Jason Chenier and Jordan Fram at Stobie mine.

Jason was 35 years old and Mr. Fram was 26 years old when they died that day.

I wanted to bring that forward because those miners—unfortunately, every year, some miners will go underground and never come back up; some miners will die. Mining is still a workplace that has a high level of risk.

With schedule 5, it was surprising to me to see that those protections that are triggered when a worker is killed at work will continue to be available for workers who died in the mines—and I'm happy that they will continue to be there—but they won't be there anymore for construction workers. I have a little bit of a problem getting my head around this.

I can tell you that, for our community, the coroners' inquests and the process through the courts allowed our entire community to heal—to find out exactly what happened and to find out what the recommendations are, what can be done. I can guarantee you that everybody who works in health and safety for Vale, which is the company that owns most of the mines in my riding—it's Local 6500 of USW that represents those workers, and they take each and every one of the recommendations that are done, they bring them to their health and safety committee, and they make sure that each and every one of those recommendations are implemented so that every miner who goes down for his shift comes back to his family and friends at the end of the shift.

There are lots of best practices, lots of changes to health and safety of workers that have happened because those coroners' inquests took place, because of those judicial reviews that took place of workers who died at work. So I understand that, for miners, things will stay in place; for construction workers, things will change.

2050

I also want to put on the record what happened on June 30, 2013, when Matthew Humeniuk and Michael Kritz died in a boating accident. Stephanie Bertrand was also in the boat; she died a few days later at the hospital from her injuries. We had a verdict of the coroner's jury of the Office of the Chief Coroner under the Coroners Act in the province of Ontario for this accident. The coroner was Dr. David Cameron, who is well known in our area, and he made 26—I'm going by memory—no, 27 recommendations, many of them that I could easily put on the record.

To the government of Ontario: "Ontario should:

"(1) Put in place an independent body to provide oversight to all 911 operations, keeping in mind regional differences in service levels, and its mandate should include, but not limited to:

"(a) investigating, responding to, and resolving complaints;

"(b) conducting audits;

"(c) collecting data and conducting research;

"(d) conducting systemic reviews...;"

—ensuring timely access by family to all pertinent and comprehensive information related to death where 911 services are involved;

—develop and conduct a public awareness campaign on the purpose of the 911 service, including alternative numbers for reaching police in non-emergency situations;

"(4) investigate method to deter inappropriate and accidental"—kind of pocket-dialing—"use of 911 services;"

—ensure that conclusion and recommendations of internal review conducted in relation to deaths where 911 services are involved are made public to ensure transparency, accountability and accuracy;

—ensure that "private and public 911 communication centres for police, emergency medical services, EMS, fire"—and he makes a bracket—"(career and volunteer) ... collectively to be called emergency services, operate on the same or compatible computer-aided dispatch system by December of 2023 to allow for immediate sharing of critical information among emergency services;"

—require that Ontario and all municipalities ensure that the computer-aided dispatch system has the capacity to utilize the rebid feature—and he goes on and on.

Although we had a coroner's inquest and we had the verdict of a coroner's jury from the Office of the Chief Coroner under the Coroners Act that made recommendations directly to the government of Ontario, I am really sad to say that very few of those 27 recommendations have been put in place by the province of Ontario.

You know, Speaker, that I often read petitions in the House about 911 services. I have been reading those since 2013 and nothing has changed. Those recommendations come from an accident that took place in 2013; we are in 2023. The coroner says to ensure that all 911 communication centres "operate on the same or compatible computer-aided dispatch system by December of 2023." This is right now. None of that is in place, Speaker. None of it is in place.

So if we are serious that we want to prevent further deaths, if we are serious that we want to people to have access to justice, like the name of the bill would call it—enhancing access to justice—then maybe we should follow through on the coroner's jury and the recommendations that they made to the province of Ontario. It is rather sad to see.

Many of you will remember that last week, we had nice visitors: The Anishinabek Nation came to Queen's Park. They treated us to a nice lunch. They had an event in the evening, and they came and met with many of us. I wanted to bring some of their requests forward, because we are changing the law in respect to the courts and other justice matters, and this is what they were asking for.

They're talking about the Community Safety and Policing Act, and I will quote from their ask. The Anishinabek Nation, one of the oldest groups of First Nations, started with a comment that says:

"Inadequate, discriminatory and/or absent enforcement and prosecution for First Nations has resulted in escalating gun, drug and gang activity, sexual assaults, and multiple homicides. This is well understood and described in decades of publicly funded inquests, commissions, tables, and reports. Inadequate and/or absent enforcement and prosecution harms and undermines First Nations' ability to govern effectively. The Community Safety and Policing Act creates some new opportunities for First Nations to be involved in safety operations, but it falls short of ensuring that First Nations laws are respected and enforced. We realize this is an incredibly nuanced issue, however, we do not support explicitly making the enforcement of First Nations law not a mandatory function of the police. This will make it even more difficult for First Nations to navigate their negotiations with police forces since we currently operate with some flexibility and ambiguity."

They made recommendations. The first one was to amend the Community Safety and Policing Act's "proposed regulation 11(2) to include enforcement of First Nation laws and bylaws in the" Community Safety and Policing Act's "definition of adequate and effective policing to include enforcement of those First Nation laws and bylaws that:

"(a) identify who can be on land/property, (i.e., residency laws);

"(b) identify what cannot be brought on land/property, (i.e., prohibition laws); and,

"(c) authorize removal of trespassers from land/property, (i.e., trespass laws)."

A huge delegation of First Nations came. They talked to us. They gave us changes that need to be done. We have an opportunity with Bill 157 to bring their recommendations forward to make the changes that the First Nations are saying that they need in order to feel safe, in order to gain access to justice. We have 19 schedules in that bill. How hard would it have been to have 20 schedules in that bill and listen to the First Nations and make sure that we consider the changes that they have brought forward? They had many examples as to why those were important.

I just realized that I don't have too much time left. Bill 157, as I said, has 19 different schedules. I'm not so sure how many of them will actually improve access to justice, but I know one thing that is sure to improve access to justice: make sure that more people have access to legal aid—more people in lower incomes. No, we don't want everybody to have access to a lawyer freely, but to set the bar at $18,500 a year in gross income is just too low. People who make $19,000, $20,000, $23,000, $24,000 a year do not have the money to hire a lawyer to help defend themselves, and this is wrong. If we want to make access to justice—

The Acting Speaker (M^me^ Lucille Collard): Thank you. This is time.

Questions?

M^me^ Sandy Shaw: Merci pour votre allocution ce soir. Moi aussi, je voudrais concentrer sur l'annexe 5.

Premièrement, je suis désolée. C'était vraiment un incident triste chez vous. Toutes mes condoléances à votre communauté.

Il y a beaucoup de mines chez vous, mais chez nous, à Hamilton, il y a beaucoup de métallos, et les décès au travail sont toujours une tragédie. Je suis aussi, comme vous, un peu confuse et peut-être un peu déçue que les morts sur les chantiers n'auront pas une enquête. Est-ce que vous pensez que sans une enquête, ça va aggraver les choses pour garder les travailleurs en sécurité?

M^me^ France Gélinas: J'ai donné un exemple que—malheureusement dans le secteur minier, il y a encore beaucoup de décès de travailleurs et travailleuses. Donc, les enquêtes du coroner, elles continuent d'être très utiles, parce que je peux vous garantir que le Syndicat des Métallos va prendre chacune des recommandations qui en ressortent et vont les amener à la table des négociations, ainsi que des gens qui s'occupent de la santé et de la sécurité au travail, pour s'assurer que chacune des recommandations sont mises en place pour s'assurer que le secteur minier est aussi sécuritaire que possible.

Je connais moins bien le secteur des travailleurs de la construction, mais ça m'inquiète un peu que le même processus n'existera plus lorsque tu as un travailleur ou une travailleuse de la construction qui décède.

The Acting Speaker (M^me^ Lucille Collard): Questions? Questions?

Further debate? Further debate? Further debate?

Mr. Downey has moved second reading of Bill 157, An Act to amend various Acts in relation to the courts and other justice matters. Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please say "aye."

All those opposed will say "nay."

The motion is carried.

Second reading agreed to.

The Acting Speaker (Mme Lucille Collard): Shall the bill be ordered for third reading? I heard a no.

The Attorney General.

Hon. Doug Downey: I'd be pleased to refer it to the Standing Committee on Justice Policy, Madam Speaker.

The Acting Speaker (Mme Lucille Collard): The bill is therefore referred to the committee on justice policy.

Orders of the day? The Minister of Children, Community and Social Services.

Hon. Michael Parsa: No further business.

The Acting Speaker (Mme Lucille Collard): There being no further business, this House stands adjourned until tomorrow, Wednesday, December 6, at 9 a.m.

The House adjourned at 2104.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenante-gouverneure: Hon. / L'hon. Edith Dumont, OOnt
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Brady, Bobbi Ann (IND)	Haldimand—Norfolk	
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Burch, Jeff (NDP)	Niagara Centre / Niagara-Centre	
Byers, Rick (PC)	Bruce—Grey—Owen Sound	
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Cho, Hon. / L'hon. Stan (PC)	Willowdale	Minister of Long-Term Care / Ministre des Soins de longue durée
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Coe, Lorne (PC)	Whitby	
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Dowie, Andrew (PC)	Windsor—Tecumseh	
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Dunlop, Hon. / L'hon. Jill (PC)	Simcoe North / Simcoe-Nord	Minister of Colleges and Universities / Ministre des Collèges et Universités
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Fife, Catherine (NDP)	Waterloo	
Flack, Hon. / L'hon. Rob (PC)	Elgin—Middlesex—London	Associate Minister of Housing / Ministre associé du Logement

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French, Jennifer K. (NDP)	Oshawa	
Gallagher Murphy, Dawn (PC)	Newmarket—Aurora	
Gates, Wayne (NDP)	Niagara Falls	
Gélinas, France (NDP)	Nickel Belt	
Ghamari, Goldie (PC)	Carleton	
Gill, Hon. / L'hon. Parm (PC)	Milton	Minister of Red Tape Reduction / Ministre de la Réduction des formalités administratives
Glover, Chris (NDP)	Spadina—Fort York	
Gretzky, Lisa (NDP)	Windsor West / Windsor-Ouest	
Grewal, Hardeep Singh (PC)	Brampton East / Brampton-Est	
Hardeman, Ernie (PC)	Oxford	
Harden, Joel (NDP)	Ottawa Centre / Ottawa-Centre	
Harris, Mike (PC)	Kitchener—Conestoga	
Hazell, Andrea (LIB)	Scarborough—Guildwood	
Hogarth, Christine (PC)	Etobicoke—Lakeshore	
Holland, Kevin (PC)	Thunder Bay—Atikokan	
Hsu, Ted (LIB)	Kingston and the Islands / Kingston et les Îles	
Jama, Sarah (IND)	Hamilton Centre / Hamilton-Centre	
Jones, Hon. / L'hon. Sylvia (PC)	Dufferin—Caledon	Minister of Health / Ministre de la Santé Deputy Premier / Vice-première ministre
Jones, Trevor (PC)	Chatham-Kent—Leamington	Deputy Government House Leader / Leader parlementaire adjoint du gouvernement
Jordan, John (PC)	Lanark—Frontenac—Kingston	
Kanapathi, Logan (PC)	Markham—Thornhill	
Karpoche, Bhutila (NDP)	Parkdale—High Park	First Deputy Chair of the Committee of the Whole House / Première Vice-Présidente du Comité plénier de l'Assemblée législative
Ke, Vincent (IND)	Don Valley North / Don Valley-Nord	
Kernaghan, Terence (NDP)	London North Centre / London-Centre-Nord	Deputy Opposition House Leader / Leader parlementaire adjoint de l'opposition officielle
Kerzner, Hon. / L'hon. Michael S. (PC)	York Centre / York-Centre	Solicitor General / Solliciteur général
Khanjin, Hon. / L'hon Andrea (PC)	Barrie—Innisfil	Minister of the Environment, Conservation and Parks / Ministre de l'Environnement, de la Protection de la nature et des Parcs Deputy Government House Leader / Leader parlementaire adjointe du gouvernement
Kusendova-Bashta, Natalia (PC)	Mississauga Centre / Mississauga-Centre	
Leardi, Anthony (PC)	Essex	
Lecce, Hon. / L'hon. Stephen (PC)	King—Vaughan	Minister of Education / Ministre de l'Éducation
Lumsden, Hon. / L'hon. Neil (PC)	Hamilton East—Stoney Creek / Hamilton-Est—Stoney Creek	Minister of Tourism, Culture and Sport / Ministre du Tourisme, de la Culture et du Sport
MacLeod, Lisa (PC)	Nepean	
Mamakwa, Sol (NDP)	Kiiwetinoong	Deputy Leader, Official Opposition / Chef adjoint de l'opposition officielle
Mantha, Michael (IND)	Algoma—Manitoulin	
Martin, Robin (PC)	Eglinton—Lawrence	
McCarthy, Hon. / L'hon. Todd J. (PC)	Durham	Minister of Public and Business Service Delivery / Ministre des Services au public et aux entreprises
McCrimmon, Karen (LIB)	Kanata—Carleton	
McGregor, Graham (PC)	Brampton North / Brampton-Nord	
McMahon, Mary-Margaret (LIB)	Beaches—East York	
Mulroney, Hon. / L'hon. Caroline (PC)	York—Simcoe	President of the Treasury Board / Présidente du Conseil du Trésor Minister of Francophone Affairs / Ministre des Affaires francophones
Oosterhoff, Sam (PC)	Niagara West / Niagara-Ouest	

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Pang, Billy (PC)	Markham—Unionville	
Parsa, Hon. / L'hon. Michael (PC)	Aurora—Oak Ridges—Richmond Hill	Minister of Children, Community and Social Services / Ministre des Services à l'enfance et des Services sociaux et communautaires
Pasma, Chandra (NDP)	Ottawa West—Nepean / Ottawa-Ouest—Nepean	
Piccini, Hon. / L'hon. David (PC)	Northumberland—Peterborough South / Northumberland—Peterborough-Sud	Minister of Labour, Immigration, Training and Skills Development / Ministre du Travail, de l'Immigration, de la Formation et du Développement des compétences
Pierre, Natalie (PC)	Burlington	
Pirie, Hon. / L'hon. George (PC)	Timmins	Minister of Mines / Ministre des Mines
Quinn, Nolan (PC)	Stormont—Dundas—South Glengarry	
Rae, Matthew (PC)	Perth—Wellington	
Rakocevic, Tom (NDP)	Humber River—Black Creek	
Rasheed, Kaleed (IND)	Mississauga East—Cooksville / Mississauga-Est—Cooksville	
Rickford, Hon. / L'hon. Greg (PC)	Kenora—Rainy River	Minister of Northern Development / Ministre du Développement du Nord Minister of Indigenous Affairs / Ministre des Affaires autochtones
Riddell, Brian (PC)	Cambridge	
Romano, Ross (PC)	Sault Ste. Marie	
Sabawy, Sheref (PC)	Mississauga—Erin Mills	
Sandhu, Amarjot (PC)	Brampton West / Brampton-Ouest	
Sarkaria, Hon. / L'hon. Prabmeet Singh (PC)	Brampton South / Brampton-Sud	Minister of Transportation / Ministre des Transports
Sarrazin, Stéphane (PC)	Glengarry—Prescott—Russell	
Sattler, Peggy (NDP)	London West / London-Ouest	
Saunderson, Brian (PC)	Simcoe—Grey	
Schreiner, Mike (GRN)	Guelph	
Scott, Laurie (PC)	Haliburton—Kawartha Lakes—Brock	
Shamji, Adil (LIB)	Don Valley East / Don Valley-Est	
Shaw, Sandy (NDP)	Hamilton West—Ancaster—Dundas / Hamilton-Ouest—Ancaster—Dundas	
Skelly, Donna (PC)	Flamborough—Glanbrook	Deputy Speaker / Vice-Présidente Chair of the Committee of the Whole House / Présidente du Comité plénier de l'Assemblée législative
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Smith, David (PC)	Scarborough Centre / Scarborough-Centre	
Smith, Hon. / L'hon. Graydon (PC)	Parry Sound—Muskoka	Minister of Natural Resources and Forestry / Ministre des Richesses naturelles et des Forêts
Smith, Laura (PC)	Thornhill	
Smith, Hon. / L'hon. Todd (PC)	Bay of Quinte / Baie de Quinte	Minister of Energy / Ministre de l'Énergie
Stevens, Jennifer (Jennie) (NDP)	St. Catharines	
Stiles, Marit (NDP)	Davenport	Leader, Official Opposition / Chef de l'opposition officielle Leader, New Democratic Party of Ontario / Chef du Nouveau Parti démocratique de l'Ontario
Surma, Hon. / L'hon. Kinga (PC)	Etobicoke Centre / Etobicoke-Centre	Minister of Infrastructure / Ministre de l'Infrastructure
Tabuns, Peter (NDP)	Toronto—Danforth	
Tangri, Hon. / L'hon. Nina (PC)	Mississauga—Streetsville	Associate Minister of Small Business / Ministre associée déléguée aux Petites Entreprises
Taylor, Monique (NDP)	Hamilton Mountain / Hamilton-Mountain	
Thanigasalam, Hon. / L'hon Vijay (PC)	Scarborough—Rouge Park	Associate Minister of Transportation / Ministre associé des Transports
Thompson, Hon. / L'hon. Lisa M. (PC)	Huron—Bruce	Minister of Agriculture, Food and Rural Affairs / Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Tibollo, Hon. / L'hon. Michael A. (PC)	Vaughan—Woodbridge	Associate Minister of Mental Health and Addictions / Ministre associé délégué au dossier de la Santé mentale et de la Lutte contre les dépendances
Triantafilopoulos, Effie J. (PC)	Oakville North—Burlington / Oakville-Nord—Burlington	
Vanthof, John (NDP)	Timiskaming—Cochrane	Opposition House Leader / Leader parlementaire de l'opposition officielle

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West, Jamie (NDP)	Sudbury	
Williams, Hon. / L'hon. Charmaine A. (PC)	Brampton Centre / Brampton-Centre	Associate Minister of Women's Social and Economic Opportunity / Ministre associée des Perspectives sociales et économiques pour les femmes
Wong-Tam, Kristyn (NDP)	Toronto Centre / Toronto-Centre	
Yakabuski, John (PC)	Renfrew—Nipissing—Pembroke	
Vacant	Kitchener Centre / Kitchener-Centre	
Vacant	Lambton—Kent—Middlesex	