



**Legislative Assembly
of Ontario**

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de l'Ontario**

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**Official Report
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**Journal
des débats
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Monday 15 November 1999

Lundi 15 novembre 1999

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 15 November 1999

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 15 novembre 1999

*The House met at 1332.
Prayers.*

MEMBERS' STATEMENTS

FERRY SERVICES

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I would like to take this opportunity to share with the Legislature an issue of great importance to the residents of Hastings-Frontenac-Lennox and Addington.

Amherst Island is located at the east end of Lake Ontario, the gateway to the Thousand Islands. Residents of the island rely on a ferry to travel back and forth to the mainland for work and supplies.

Unlike many ferry services in the province, the residents of Amherst Island pay to travel to and from the island. During the summer months, residents travel on a large, stable ferry, the Frontenac II. In the winter months, the islanders are expected to use the smaller ferry, the Amherst Islander. The smaller ferry has only half the vehicle capacity of the Frontenac II. Even after recent dock renovations, vehicles continue to experience difficulty when boarding and exiting the smaller ferry because of low water levels. Last week, service to the island had to be cancelled because rough waters made the use of the smaller ferry unsafe. Also, there are no life jackets available on the lower car deck, but only on the upper passenger deck. Both of these situations present serious safety concerns for the ferry users.

The Ministry of Transportation has indicated that the larger Frontenac II will not be available to serve the residents of Amherst Island year-round. Essentially, an antiquated agreement will be maintained even though it is well known that this agreement does not provide adequate, equitable or safe—

The Speaker (Hon Gary Carr): The member's time is up.

POLICE MEMORIAL

Mr John O'Toole (Durham): Today in Ontario, police officers across the province put their lives on the line to serve and protect us. I'd like to take this opportunity to pay tribute to the dedication and courage of Durham, and indeed all Ontario, police officers. Each

time a police officer is killed in the line of duty, the whole province shares in the tragedy.

It is important to honour our fallen officers. As members of the Legislature will know, the Ontario government recently unveiled its plans for building a permanent memorial to fallen officers on the grounds of Queen's Park. In September, Premier Harris and Solicitor General David Tsubouchi met with the families of several fallen officers. The Premier and the Solicitor General shared with them a model of the monument and confirmed this government's support for police officers in Ontario. The memorial, by the way, is expected to be completed in the spring.

The monument will help to preserve the memories of those courageous officers who gave their lives while serving others. As well, the monument will inspire today's front-line officers with the knowledge that society values them as they continue to face dangers each day.

I would also like to take time to pay tribute to one of my late constituents. Mr. Allan Christiansen of Courtice died in a tragic accident as he was travelling home after celebrating his graduation that very day from the Ontario Police College in Aylmer. Allan was only 22 years old, and he was due to start his policing career with Durham regional police the following week.

I know that Allan was looking forward to serving the people of Durham, and as a father I can tell you my sympathy is with his family and friends at this difficult time.

1340

HEALTH CARDS

Mr Pat Hoy (Chatham-Kent Essex): Last week the Ontario Legislature adjourned to pay respect to local Canadian heroes, those Canadian veterans and their families who made it possible for all of us to live in peace.

You can imagine how appalled I was to discover that the Ministry of Health was creating anxiety for a family that gave four of its members into Canada's service in the First World War. In its passion to uncover fraudulent use of the health care system, the ministry had turned its zeal on a 93-year-old resident of a Chatham rest home, who has lived in Canada since infancy. He has no landed immigrant papers because papers were not required prior to 1947. But the Ontario government is refusing to

provide a new health card without proper documentation. This takes time and money for census searches.

The ministry asked a 91-year-old woman who could not remember details of her arrival as a young child to go ask her parents. What kind of nonsense is this?

I understand vigilance to protect our health care system from fraud, but it should be tempered with fairness, reason and respect. I ask the Ministry of Health to work directly with the federal government to establish citizenship where documents and knowledge may not be available, and not torture helpless families with mindless bureaucracy.

ROBERT MILLER AND
FERNANDO SCONZA

Mr David Young (Willowdale): I want to take this opportunity to congratulate two members of the Toronto police force stationed at 32 division in the riding of Willowdale. They are Constable Robert Miller and Constable Fernando Sconza. Each of them received the Ontario Medal for Police Bravery last week at an investiture ceremony at Queen's Park.

On July 25, 1998, Constable Robert Miller rescued four individuals from a house with dangerously high levels of carbon monoxide. He did so after entering the house on no less than three occasions to ensure that all the residents were out safely.

On June 2, 1998, Constable Fernando Sconza rescued an elderly woman who had been shot by a gunman. He quickly went to the front porch where she lay bleeding and lifted her away, even though he knew the gunman was still in the house and was armed.

Fernando Sconza and Robert Miller make a difference to our community in Willowdale, and I wish to acknowledge their heroic deeds. These dedicated officers continue to serve and protect the people of Ontario along with thousands of other officers across this province. It is because of them that Ontario is a better and safer place to live. That is why I am circulating a petition throughout Willowdale, which urges the federal government to pass tougher penalties for crimes committed with firearms. Hundreds of Canadians are harmed and killed each year in crimes involving firearms. We owe it to the people of Ontario, we owe it to the fine, brave officers who serve our communities to get tough with violent criminals. We owe it to all of them to make appropriate and meaningful changes—

The Speaker (Hon Gary Carr): The member's time is up.

QUEEN'S UNIVERSITY

Mr John Gerretsen (Kingston and the Islands): I rise to make members of the Legislature aware that higher learning flourishes in beautiful eastern Ontario, and especially in the city of Kingston. The recent Maclean's magazine rankings for 1999 were published last week. Again, Ontario's oldest institution of higher

learning, with Ontario's second-oldest academic chemistry building, is ranked number two nationwide. I refer, of course, to Queen's University, a splendid institution that counts many on both sides of this House among its proud graduates.

It's been another good year for Queen's. Many of its faculty have won honours for teaching and research. Queen's student engineers recently placed second in the World Solar Challenge car competition in Australia. There they brought greetings during the race from Kingston, Ontario, to the people of Australia.

Queen's ranking of 1999 academic all-Canadians is number one in the country. Again, in 1999, Canadian Business magazine ranked Queen's School of Business number one in the country. Queen's technology transfer organization, Parteq, is ranked among the outstanding commercialization groups in North America.

Now Queen's looks to the contribution it will make in the year 2000 to help solve double cohort enrolment problems, along with taking on the challenge to become number one in the rankings next year.

In closing, let me add that it's no accident of history that the land we occupy here today carries the proud name, Queen's Park.

PASSENGER RAIL SERVICE

Mr Gilles Bisson (Timmins-James Bay): I rise today with regard to something that's happening across northeastern Ontario that concerns many, not only the north-east but I think concerns other people as well, and that is the state of the rail passenger services across northeastern Ontario.

You would know, that the government of Ontario is responsible for the ONR. In the past, it used to subsidize that train in order to make sure that the train was there for the people who needed it. In many instances, the train is the only way for people to be able to move from one community to the next or to be able to visit families or keep doctors' appointments in Toronto or North Bay, or wherever it might be.

What's different today is that you have a government in power, the Conservative government, with the Premier from North Bay where the head office of the ONR is, who don't give a darn about the train. They've reduced and eliminated entirely the subsidy that was paid to the ONR. We find ourselves in a position now that the government, by way of a special committee, is trying to figure out how to deal with the train—just the buzzwords in order to be able to get rid of it—and we ask ourselves what the future is. We know the future isn't bright.

I want to remind the House that it was the Premier, the leader of the third party, the member for Nipissing, Mr Michael D. Harris, who back in the early 1990s sent a letter to the National Transportation Agency saying that the train was important and a vital transportation link for the people of northeastern Ontario.

I want to know what happened between then and what's happening now. Why is it, when you're the gov-

ernment and you have the authority to deal with it, you don't and you turn your back on the citizens of north-eastern Ontario?

CRIME PREVENTION

Mrs Julia Munro (York North): I rise today to speak on an issue that is of great importance to the residents of York North and all Ontarians: crime and safety.

First, I would like to welcome the many police officers who are here in attendance today and thank them for their dedication and courage.

Last Wednesday I hosted a crime and prevention community forum in the town of Newmarket. I want to thank all those who took part, especially my constituents and the members of the York region police.

After listening to the constituents, I can tell you that people are pleased that finally a government takes crime seriously. We have listened to our fellow Ontarians. Our government believes that only when we get tough on crime will our communities be much safer than they were in the past.

During the forum, my constituents praised many of our government's steps on combating crime, such as 1,000 new police officers and 90-day suspensions, to name a few. Working in partnership with our police forces, we believe these steps will make Ontario the best place to live, work and raise a family. However, across the House from me it is quite a different story. The Liberals do not seem to understand that people do not feel safe in their communities.

My community forum on crime and prevention is another example of our government listening. While the Liberals make excuses for criminals and do nothing, we will work with our police and the public to fight crime.

EMERGENCY SERVICES

Mrs Lyn McLeod (Thunder Bay-Atikokan): In July the Minister of Health assured us that her government had fixed the problems of overcrowded emergency rooms once and for all. Last Wednesday 17 hospitals in the Toronto area were on emergency room redirect. They were not accepting patients coming in by ambulance. Ambulance drivers had to try to find a place for their critically ill patients in one of the five hospitals that were still taking emergencies in their emergency departments. Sometimes the ambulances just stayed in the parking lot, waiting until there was room.

The government spokesman once again assured us that patients would be assessed within 15 minutes of coming into an emergency room, which is not very reassuring if you can't get into the emergency room in the first place. Why are the emergency rooms so crowded that they cannot take emergency patients? Because they are full of people who need to be cared for in hospitals that are already filled to overflow levels.

One caller to our office last week told us about more than 30 patients lying on gurneys in an emergency room

hallway because there were no beds available in the hospital in Mississauga.

The minister may say you don't have to wait hours to be assessed in the emergency room any more, but you still have to wait to get into the emergency room, you still have to wait for treatment, and you still wait for a hospital bed if you need to be admitted.

This is not just a Toronto problem, and the problem can only get worse, not just because the winter flu season is coming but because the hospital restructuring process is just beginning to shut down acute and chronic care beds. Half of our hospitals are running deficits trying to meet the needs of patients who come in their doors. This government has not fixed the emergency room situation once and for all. Ask any patient who needed emergency care last week.

1350

GRAFFITI

Mrs Brenda Elliott (Guelph-Wellington): In the spring of 1996, Guelph police constable Doug Pflug noticed a disturbing increase in the amount of graffiti in the city of Guelph. He took it upon himself to find a strategy to combat this problem.

He first solicited the help of a known local graffiti artist. One of the solutions proposed was to find free wall space where the artist could paint legally. Within weeks, while city workers cleaned old graffiti off walls elsewhere, the artist had transformed a grey cinder block wall inside Guelph Memorial Gardens arena into a bright, dynamic mural.

Constable Pflug then convinced the local businesses and media to sponsor the annual Guelph police graffiti contest, which again allowed the youths a chance to demonstrate their talent, and this time compete for prizes, in a positive legal way on legal canvas.

Eventually, permanent space was freed up in a downtown tunnel running under the CN rail tracks.

At this point, graffiti in the city of Guelph has been reduced by 90%, saving property owners and local taxpayers the cost of cleaning it up, and one of the local artists has since been accepted to study art at university.

My congratulations to Constable Pflug and to all others who find creative solutions to turn around nuisance activities.

GOVERNMENT EXPENDITURES

The Speaker (Hon Gary Carr): On Monday, October 25, the member for Windsor-St Clair rose on a point of privilege on a matter respecting the non-passage of a supply bill for the fiscal year ending March 31. I thank the House for its patience while I took time to consider this matter.

In his point of privilege, the member for Windsor-St Clair referred to the Ministry of Treasury and Economics Act, section 14, which says: "Despite anything else in this act, whenever the Assembly has concurred in the

report of the committee of supply recommending the passage of any estimates, the Lieutenant Governor in Council may authorize the payments of any items so concurred in.”

The member then referred to order in council 626/99, which invoked this provision in circumstances where supply had been concurred in, but the supply bill itself had not been passed.

The intent of the March 24, 1999, order in council was “to appropriate the expenditures approved by the assembly to the votes and items of the estimates and supplementary estimates concurred in by the assembly....”

According to the member, the order in council had no legal validity because section 14 of the act, in referring to the committee of supply, which no longer exists, was no longer operative.

I’ve had an opportunity to review the member’s submissions, the submissions of the government House leader, and our parliamentary precedents.

My response to the member’s submissions begins with a ruling on January 22, 1997, by Speaker Stockwell. In that ruling, as the member for Windsor-St Clair noted, the Speaker found a prima facie case of contempt had been made in circumstances where the ministry pamphlet undermined respect for the parliamentary process. In the case at hand, the member states that the order in council similarly undermines respect for the parliamentary process.

With great respect, however, there are important differences between the circumstances in 1997 and those before me now. First, unlike in 1997, the action in the case at hand is the passage of an order in council pursuant to a provision in an the act of this Legislature.

The second difference is that, unlike in 1997, the Speaker is in effect being asked to consider and decide on legal and constitutional issues that, according to our own precedents and various parliamentary authorities, are better left to the courts and litigants.

Let me refer to Speaker Edighoffer’s ruling on April 23, 1990, when he said, “Speakers in this Parliament and other parliaments throughout the Commonwealth have consistently held the view that the Speaker will not give a decision upon a constitutional question or decide a question of law.”

For other precedents and authorities to the same effect, I refer the members to page 6538 of our Hansard for January 28, 1997, pages 7227 and 7228 of our Hansard for February 26, 1997, and citation 168(5) of the sixth edition of Beauchesne.

Whether the fact that a committee of supply no longer exists works to invalidate section 14 of the Ministry of Treasury and Economics Act is clearly a legal question, not a procedural one.

The precedents and authorities therefore being clear and consistent on this point, I find that a prima facie case of contempt has not been made out.

My only other observation about the member’s submissions deals with their timeliness. This House met on 12 sessional days over seven calendar days after the

passage of the order in council and before the dissolution of the 36th Parliament. Not only has a considerable amount of time passed since order in council 626/99 was made, but we are now in an entirely new Parliament.

It is important that members do not delay in raising a point of privilege lest it be ruled out of order due to the passage of time. A point of privilege should be raised at its earliest possible opportunity and in the Parliament to which it relates. In this regard, I refer the members to citation 115 of Beauchesne.

I thank the members for their patience.

INTRODUCTION OF BILLS

PEMBRIDGE INSURANCE COMPANY ACT, 1999

Mr Wood moved first reading of the following bill:

Bill Pr13, An Act respecting Pembridge Insurance Company.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

ONTARIO MARINE HERITAGE ACT, 1999

LOI DE 1999 SUR LE PATRIMOINE MARIN DE L’ONTARIO

Mr Barrett moved first reading of the following bill:

Bill 13, An Act to preserve Ontario’s marine heritage and promote tourism by protecting heritage wrecks and artifacts / Projet de loi 13, Loi visant à préserver le patrimoine marin de l’Ontario et à promouvoir le tourisme en protégeant les épaves et les artefacts à valeur patrimoniale.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Mr Toby Barrett (Haldimand-Norfolk-Brant): This bill creates a new act, the Ontario Marine Heritage Act, 1999. Under the new act, the crown is the owner of every abandoned wreck sunk in waters on crown land in Ontario that has been submerged for more than a prescribed period of time. These wrecks are called “heritage wrecks” in the act.

The new act defines “marine heritage site” and prohibits anyone who does not have a licence under the Ontario Marine Heritage Act from entering a heritage wreck or damaging or removing a heritage wreck or protected artifact.

The new act creates an obligation to notify the minister of evidence of a marine heritage site. The minister must publish a record of marine heritage sites known to the minister.

MOTIONS

HOUSE SITTINGS

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on November 15, 16 and 17, 1999, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

STATEMENTS BY THE MINISTRY AND RESPONSES

POLICE OFFICERS

Hon Michael D. Harris (Premier): I rise today in a very non-partisan spirit to speak not just for the government but on behalf of all the people of Ontario.

Today I want to pay tribute to Ontario's police officers, brave men and women who risk their lives in the service of others. Like so many in this province, I consider the work of police officers—their calling, if I can use that term—to be one of the highest forms of public service.

We are all very fortunate to be served by the dedicated men and women of Ontario's many police forces. We depend upon them every day. We know the risks they take. Today, on behalf of the people of Ontario, I just want to take a moment to say thank you.

1400

Police officers are there for us. People know that and they count on them. In return, I want to say to all police officers in Ontario: You can count on us to be there for you. My wish is that that sentiment be unanimous, but there will always be some who disagree. To them I ask, what does it say of our society if we forget the contribution of those who risk their lives to protect us? When some people urge government to place new restrictions on police chasing suspects rather than new restrictions on suspects fleeing police, what message does that send to our children? There is no room for neutrality between victims and their assailants and between lawbreakers and those who seek to enforce the law.

Have no doubt where this government stands: We stand solidly on the side of victims and solidly behind the men and women who risk their lives to support the law. That is why we have moved to meet the requests made by police officers across this province.

We are helping to place new front-line officers on the streets of Ontario communities: 534 so far, with a goal of 1,000 by next year.

We are working with police to implement a rural crime prevention strategy, part of our \$150-million community safety commitment.

We introduced and passed the Community Safety Act allowing police to notify communities about the presence of high-risk offenders. As the next step, we will reintroduce Christopher's Law, which would create the country's first registry of pedophiles, of rapists, of child molesters and of other convicted sex offenders.

Responding to the concerns of police officers in urban communities, we have introduced the Safe Streets Act. This law would give police the tools to crack down on aggressive panhandlers and on squeegee people who harass and intimidate motorists.

We created and we will introduce legislation to strengthen the role of the Office for Victims, chaired by victim advocate Sharon Rosenfeldt, and served as special counsel by Scott Newark, former executive director of the Canadian Police Association.

We have renewed the mandate of the Crime Control Commission. The member for London-Fanshawe, Frank Mazzilli, a former London police officer whom I am proud to have serve as a member of our caucus and as parliamentary assistant to the Solicitor General, is one of the commissioners. The member for Cambridge and parliamentary assistant to the Attorney General, Mr Martiniuk, is the other.

Within this term, we will fulfill our Blueprint commitments to introduce a Parental Responsibility Act and to introduce measures to strengthen the ability of municipalities and the province to crack down on establishments where it can be shown that illegal acts, including the use and sale of narcotics, habitually occur.

Together with police officers and concerned citizens across Canada, we continue to press the federal government to strengthen the law governing young offenders, repeal the "discount law" that lets offenders out of prison after serving only two thirds of their sentence, repeal the "faint hope" clause that causes victims so much trauma and so much grief, and stop giving federal pardons to convicted sex offenders.

We have also moved to establish a permanent memorial to police officers killed while serving others. I know that some members of this assembly have spoken critically of the police memorial. Some may believe that the memorial is inappropriate or that the sacrifices of these brave men and women do not justify the cost. Today I am urging all members of the assembly to put aside partisan differences and recognize the contributions made by the men and women of Ontario's police forces, both past and present members. In particular, I ask all members to join in endorsing the police memorial project, a fitting and appropriate tribute to the memories of 192 men and women who served their communities at the cost of their lives.

I encourage all people in this province to support their local police, to remember the dangers they willingly face, and to join in saluting Ontario's police officers, both past and present.

The Speaker (Hon Gary Carr): Just a quick reminder to our guests that it is a rule that there is to be no clapping in the House. I know that sometimes that rule would like to be pushed aside on some occasions, but it is a rule, so I would ask our guests to refrain from clapping.

Hon David H. Tsubouchi (Solicitor General): I rise today to inform the House that shortly this government will be taking further action to make Ontario's streets safer.

We have all witnessed the tragedies that have resulted when those committing criminal acts take reckless flight from the police. Some people will argue that crime is not a major problem. They'll blame anyone but the criminals. Try telling that to the victims and the victims' families.

We have demanded the federal Liberals amend the Criminal Code to include stiffer penalties for criminals who take reckless flight from the police, but in the absence of federal action we are moving forward to make Ontario's streets safer.

We've met with many groups, including the Ontario Association of Chiefs of Police, the Ontario Association of Police Services Boards, the Police Association of Ontario, the Ontario Provincial Police, the Ontario Provincial Police Association, and the Association of Municipalities of Ontario. Today we are responding to their concerns and their input to address criminals who take reckless flight from the police.

I'm pleased to tell members that shortly our government will be introducing amendments to the Highway Traffic Act. These amendments, if passed by the Legislature, would, in cases involving bodily harm and death, provide for court-ordered driver's licence suspensions of not less than 10 years and up to life, with the suspension being consecutive to any other suspensions; increase the existing provisions for driver's licence suspensions for escape-by-flight offences to five years; double the fines for failing to stop for police up to \$10,000; and introduce a fine for escape-by-flight offences of up to \$25,000. These amendments would also impose a jail term for escape-by-flight offences for up to six months. Furthermore, the proposed regulatory change would increase the demerit points available for this to seven points.

Criminals who try to take reckless flight from the police, endangering innocent citizens and police, must be made accountable. All too often the critics point their fingers to the wrong people. It's time to get tough with those who think they can get away with endangering the lives of the police and innocent bystanders. We have to make our streets safer and start putting the blame where it belongs: on the criminals who take reckless flight from the police.

Criminals fleeing from police must be stopped quickly and safely. We will not solve this problem until we make it clear to offenders that attempting to escape is not an option.

In consultation with Ontario's police services, this government has already taken action to better train and equip Ontario's police for situations in which criminals take flight from the police. Last April, for the first time in

Ontario, we announced the development of a new regulation under the Police Services Act to provide better guidelines for police officers who find themselves in pursuit situations. The guideline is in the hands of Ontario's police services and they are developing procedures to ensure their officers are familiar with the guidelines. At the same time, the Ontario Police College is developing new training procedures to complement this regulation.

To encourage alternatives to pursuits, we have provided funding as well to tire deflation devices and helicopter pilot projects.

Our objective is to have the toughest penalties in this country for criminals who try to take reckless flight from the police. I call on all members of the House to support these measures to make our communities safer.

1410

Hon Rob Sampson (Minister of Correctional Services): I'm honoured to join in saluting the vitally important contribution Ontario's police forces make in preserving public safety in our province. I know the people of Ontario deeply appreciate the courage and the dedication of the police officers who put their own lives at risk to protect all of us.

As the Premier has just outlined, the Ontario government is bringing forward changes to help police get the job done on the front lines, changes like the Safe Streets Act introduced in this House earlier this month. This battle is a battle we cannot win on our own. The federal government must be a committed partner in the war on crime, yet the federal government has taken no action to repeal the so-called faint hope clause, which allows convicted murderers to apply for early parole and reduced sentences, and which brings families of victims back to court to relive tragic memories. It has taken no action to repeal the discount law under which offenders can get out of jail after serving only two thirds of their sentences. The people of Ontario demand truth in sentencing; 25 years should mean 25 years.

The public is especially concerned about the rise in youth crime. The federal government had a chance to address this in a comprehensive way when it reviewed the Young Offenders Act. It chose not to do so. As a result, the proposed legislation is woefully soft on violent young offenders. The people of Ontario demand stronger legislation to deter violent crime and hold young offenders accountable.

Our government has made it clear where we stand: on the side of law-abiding citizens and on the side of those who protect them. The people of Ontario are now asking the federal government where it stands.

The Speaker: Responses?

Mr Dalton McGuinty (Leader of the Opposition): Let me say at the outset that we in our party as well are very grateful for the sacrifices and the good work performed day in and day out by police right across the province. We acknowledge their work and thank them for that as well.

I also want to say that I am pleased to support the government's intention to create tougher penalties for drivers who flee our police and who, by so doing, endanger lives. In the past year, eight Ontarians have been killed in police chases: Father Miovski, a priest here in Toronto, who was killed while changing a flat tire, was hit by a car that was being chased; John Gibbons, a 47-year-old father of six, hit by a pickup truck fleeing from the police; Sergeant Richard McDonald, a Sudbury police officer killed while laying down a spike belt, trying to stop a van that was being pursued by police.

When someone in a vehicle flees our police, that vehicle becomes a deadly weapon and people's lives are put at great risk. For that reason alone, this crime should be met with serious consequences.

In addition to toughening up our provincial laws, we believe the federal government has an important role to play here as well, so we're calling on the federal government to consider three things. First of all, we ask them to create a separate Criminal Code offence for escape-by-flight offences. Second, we're asking that the federal government create serious minimum sentences that will constitute a real deterrent for escape-by-flight offences. Third, we're asking that the federal government enable our judges, in the most severe cases, particularly those involving a loss of life, to impose a life sentence. I can assure the House that I will be pleased to work with the Solicitor General, the Attorney General and the Premier to lobby Ottawa for those changes to our Criminal Code.

While I'm happy to support these changes, I'm happy to tell you what else we in the Liberal caucus will be happy to support. The government has gone to some lengths today to tell us about the failures of the federal government to act on a number of fronts when it comes to making Ontario safer for Ontarians. Let me tell you that we've been asking this government—begging this government—for over two years now to support tougher penalties for the customers of child prostitutes. That was a part of our recommendations put forward in our First Steps document, and Rick Bartolucci, my caucus colleague, has brought forward a private member's bill on numerous occasions to try and force this government to take action.

We've also put forward the idea of creating safe school zones, in which any drug or weapons offence would result in stiffer penalties.

We support greater funding for the Ontario Provincial Police Project P in the fight against child pornography in an era where anyone with access to the Internet has the potential to download pornography right into the comfort of their living room.

We support Richard Patten's changes to the Mental Health Act that we believe will go a long way towards making Ontario safer. We also support provisions that would prevent mental health patients from being discharged unless they can be guaranteed help in the community.

We support gun registration.

We support photo radar. We believe that our police should have as an additional weapon in their arsenal photo radar. By the way, we believe that any funds levied from fines for photo radar should be directed to our policing efforts in Ontario, either to hire more policing or to make our highways and our roads safer.

I can also tell you, Mr Speaker, that we support an end to the privatization of policing services across Ontario. The Premier's former Solicitor General has suggested that municipalities should deal with your cuts to municipalities by replacing highly trained public police officers with security guards. If the government wants to put forward a bill to stop the privatization of our police, we would be delighted to lend support on that front as well.

I think it is plain that all Ontarians have a real and genuine interest in making Ontario safe for everybody, and it's not this government alone that represents the interests of our police and those who have a concern about criminality in Ontario. We have a number of ideas that we've put forward and we look forward to working with this government, should they so choose to move forward.

Mr Howard Hampton (Kenora-Rainy River): Speaker, allow me first of all to say to the Solicitor General that we appreciate very much that he is bringing forward this legislation. We will work with him and with his government to ensure that the legislation that is passed is good legislation and that it addresses the problem which has been out there, not just recently but for some time now.

I say as well to all of the police officers across the province that you have our support in ensuring that crime prevention is truly the agenda of the whole province, in ensuring that our streets are safe and secure and that our citizens are safe and secure. That continues to be the agenda of the whole province.

I want to make some comments, however, on what I believe is really happening out there, because part of the contribution to the debate must be not just to congratulate but also to note what is really going on.

I say to the government that you cannot achieve good crime prevention in this province by press release alone. I fear that on occasion that is what it appears to be to many people across the province.

For example, we watched in this Legislature a while ago when, with much excitement and much pronouncement, you brought forward your so-called victims' rights legislation. That legislation has been to the courts and the courts have had an opportunity to comment on that legislation. I'm not exaggerating when I say that when the courts considered that legislation, they found that it gives no rights to victims; it gives no advantage to victims; in fact, it is superficial, hollow and shallow. It does absolutely nothing to advance the position of victims in our law enforcement system.

1420

Then there's the issue of the rural crime prevention strategy. I want everyone to know I think that's

important. I think that's very important. But I want people to know that if you actually go out there to rural communities across this province, many of them experience longer response times than ever before. The response times for the police to be able to address what is happening is growing longer, not shorter. How police officers are going to be able to concentrate on crime prevention in rural communities when the response time for crimes that are committed is growing longer is, I think, a logical impossibility.

The government mentions its Crime Control Commission—I would say the so-called Crime Control Commission. I'm not going to make any comments on it. I think it distinguished itself by its comments about the Santa Claus parade a year ago.

What needs to be said is this: The fact of the matter is, we support police services across this province. But if we support police services across this province, why are there fewer police officers in the province today than there were five years ago? That is the reality of what is happening, and we should thank Statistics Canada for reminding us of it.

Statistics Canada tells us that in 1994 there were 20,737 police officers in Ontario. Today, there are 20,454—some 283 fewer police officers in the province, even though the population has grown by several hundred thousand people. The number of police officers out there is dropping when the population is increasing. I think it's a logical impossibility to say that you support police when in fact, as a result of government policy, the number of police officers on our streets is being reduced.

There's more, though. In fact, in the next two years some 5,730 police officers are going to retire and the government doesn't even have a plan to keep up with that natural rate of retirement. I'd hoped we would have announced here today a plan by this government to address the shortage of police officers and to address the fact that nearly 6,000 police officers are going to retire over the next two years but, alas, there is nothing.

People in our communities want to feel safe and secure on our streets, but what is happening out there, unfortunately, is that the well-off can feel safe and secure because they can hire private security agencies, but those who are not well off are witnessing a situation where we have fewer police officers, where the response time is, unfortunately, growing, not decreasing.

The Speaker: The member's time has expired.

VISITORS

The Speaker (Hon Gary Carr): Before we begin oral questions, I would like to inform the members of the Legislative Assembly that we have in the Speaker's gallery today 10 interns from the federal Parliament internship program who are currently visiting Queen's Park. Please join me in welcoming our guests.

WEARING OF RIBBON

Mrs Sandra Pupatello (Windsor West): Speaker, I'd like to ask the House for consent to continue to wear the ribbon which represents the school colours for one of the schools in my riding which is visiting the House today.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed?

Interjections.

The Speaker: I'm afraid I heard some noes. I'm sorry, I did hear some noes.

POLICE MEMORIAL

Hon David H. Tsubouchi (Solicitor General): Mr Speaker, on a point of order: In light of the absence of an endorsement in the response as just delivered by the opposition, I seek unanimous consent to move a resolution without notice endorsing the memorial to be dedicated to our police officers killed in the line of duty and that the vote on this resolution be taken immediately.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed. The Solicitor General.

Hon Mr Tsubouchi: The resolutions reads:

"Be it resolved that, in the opinion of this House, the expenditure of public funds on the memorial being erected on the south side of the Whitney Block here at Queen's Park is a fitting, appropriate and worthwhile commemoration of those many brave men and women who, as members of Ontario's police forces, have been killed in the line of duty while protecting our homes and our communities, having made the ultimate sacrifice while dedicating their lives to helping the citizens of Ontario feel safe and secure."

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

ORAL QUESTIONS

YOUNG OFFENDERS

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. Last week some very troubling information was brought to the light of day. A ministry official with the former Solicitor General, by the name of Betty Doan, gave sworn testimony to the effect that the most senior staff person of your former Solicitor General ordered her to falsify a document. It appears that she was directed to do so in order to cover up knowledge that the minister was aware that there were concerns that young offenders had been abused in a provincial jail and did nothing about this. We're talking about sworn testimony to falsify documents, the order coming from the most important person working in the former Solicitor General's office, his right-hand person.

Premier, will you do the right thing today and ask Mr Runciman to resign while a legislative committee investigates these very serious allegations?

Hon Michael D. Harris (Premier): For the record, it's not Betty Doan, it's Betty Dean. Also for the record, the former Solicitor General and Minister of Correctional Services, the Honourable Bob Runciman, indicated to this House in that position over three years ago that he first became aware of the incident at Elgin-Middlesex Detention Centre in June 1996. Minister Runciman, as every member of this House knows, has the utmost integrity, and I accept his statements as fact.

Yet again, the members opposite are dredging up old stories and allegations for their political convenience in order to divert attention, I suggest, from the most serious leadership challenge that has faced the Ontario Liberal Party in some time.

Mr McGuinty: Premier, surely your writers can do better than that.

I know you're hoping that this too shall pass, that this will go away and you won't have to face these questions, but we're going to keep coming back to this. In addition to the ministry staffer coming forward last week with sworn testimony, there was a sworn affidavit by the then acting Deputy Solicitor General. That affidavit also said that the minister's office was kept informed of the allegations of abuse as early as March 1996, despite the minister's claims, and now yours, that he didn't know about the allegations until June of that same year.

So we have the sworn testimony of a staffer and we have a sworn affidavit by the acting deputy minister. Premier, do you not think this is a serious matter that warrants investigation by a parliamentary committee?

Hon Mr Harris: Mr Speaker, I refer the question to the Minister of Correctional Services.

Hon Rob Sampson (Minister of Correctional Services): I know the leader of the official opposition's researchers have probably told him that this matter of February 1996 is before the quasi-judicial tribunal, and before the courts on a couple of other items. It would be totally inappropriate to discuss that matter here and to speak to the fact that he is raising in this House today.

1430

Mr McGuinty: Nice hand-off, Premier. You get the pre-set script, stand up and deliver that, and then you hand it off to this other guy.

Let's understand once again what we're talking about here. We have a former staffer who issues an order. These are allegations brought forward by third parties, independent parties. They say that Bob Runciman's chief of staff ordered that documents be falsified. Then we have the acting deputy minister who comes forward and says that Bob Runciman's office was aware of these allegations in March and not June, which he said he was in this House back in June the same year.

So again, back to you, Premier. These are very serious allegations. It goes to the heart of what government is all about. It goes to the integrity of your government; it goes to your integrity. Ontarians are demanding that you have Bob Runciman resign and that you give us an opportunity to investigate the matter—

The Speaker (Hon Gary Carr): Will the member take his seat. Time.

Hon Mr Sampson: If the leader of the official opposition wants to refer to statements made in 1996, he can read Hansard, as I'm sure his researchers have done, and he will find that in June 1996 Mr Runciman said, when he was made aware of that particular incident—it was a subject of extensive questioning that day in the House, and Mr Ramsay from your party said, "I will accept the minister's word on that." I'm surprised that the leader of the official opposition—

Interjections.

The Speaker: Please take your seat. Member for St Catharines, order.

Minister.

Hon Mr Sampson: I would have thought the leader of the official opposition would be interested in what this government has done in response to the issues and incidents around February 1996. I would have thought he would want to know that we have instituted training programs for our correctional officers so that they could specialize in young offenders in our institutions. I would have thought he'd be interested in the cultural review that we undertook to determine how we could properly equip our correctional officers to deal with incidents such as the one around February 1996—

The Speaker: New question.

OAK RIDGES MORAINÉ

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Minister of the Environment. As we speak, you will be well aware that there are plans underway for massive new developments on the Oak Ridges moraine. These developments include the construction of 14 new golf courses, and 26,000 new homes housing over 75,00 people.

I took the opportunity last week to visit the moraine and learned in much greater detail about the sensitive aspects of this bioregion. I'm asking you, Minister: In all the circumstances, would not the appropriate thing to do here today be to declare a freeze on all development pending the development of a comprehensive plan that would allow for sustainable development in the future?

Hon Tony Clement (Minister of the Environment, Minister of Municipal Affairs and Housing): A couple of things: First, the particular issues the member is mentioning are before the OMB, so we'll let them deal with the matter. In the instant case of the applications that are before the OMB, I can tell this House that the honourable member is surely aware that the Ontario government is taking a position at both OMB hearings on the environmental issues that reflect the moraine. We are of the position that there are environmental issues that have to be protected on behalf of the people of Ontario, and we are doing that at the OMB hearings.

In terms of the broader public policy question, yes, we have a balance that has to be struck between prosperity and the environmental aspects of lands, including the

lands on the moraine but also throughout the entire province. When his government was in power they didn't have that problem because there was no prosperity in Ontario. We have the opportunity to balance those issues, and we will balance those issues.

Mr McGuinty: The minister talks about balance, but there has been no balance whatsoever when it comes to his approach in advocating for the environment in Ontario. In fact, you're the guy who has been shilling for developers. What I'm asking you to do, as the Minister of the Environment, is to immediately declare a freeze on all development on the moraine. That's a very simple thing to do.

The people of York, Durham and Peel are asking for the same thing. They're asking your government to show some leadership on this matter. They want a freeze so they can develop tools to ensure that development takes place in a sustainable way. They're asking for a freeze. Will you give us the freeze, Minister?

Hon Mr Clement: Maybe this is a relevant issue to the honourable member as it's probably his first visit to the moraine. I was there well before I became Minister of the Environment. Congratulations on being up to speed, finally, on some of the moraine issues.

I can tell the honourable member that this is an important issue; there's no doubt about that. But it's an issue that is created because we have prosperity in Ontario, because we have lower taxes in Ontario, we have more jobs and opportunities in Ontario, and yes, there is a role to ensure that there is a balance between prosperity and development and the environmental issues that we hold dear for ourselves, our children and our grandchildren. We have that challenge. He didn't have that challenge when he was in government because there was no prosperity and development happening in Ontario at the time. But we will deal with that challenge and we will do so in a way that is fair to Ontario. I can assure the honourable member of that.

Mr McGuinty: I wonder if at some time there might be anybody over on the other side who will stand up for the environment in Ontario, because they have failed to do that yet.

Minister, you have failed to do anything on this score so far except to interfere and to intervene on behalf of developers.

We have put forward a private member's bill that would give the same kinds of protection to the moraine that we give to the Niagara Escarpment. Will you stand up now and support that bill? We have put something on the table. You have failed to act. People in the community are looking for protection; they are looking for leadership. You have failed to show it. We have put a bill on the table. Will you, at minimum, support that bill?

Hon Mr Clement: Perhaps the honourable members are not aware of the private bill that the Leader of the Opposition is talking about. First of all, that private bill apes verbatim the Niagara Escarpment Commission act, so in terms of putting new thought into the process,

congratulations, your researchers were sleeping on the job again.

I can tell the honourable member that we have taken a stand as a government in Ontario. We are before the OMB. I won't comment on the specifics of the case, but we are there to lead evidence—hydrogeological evidence, scientific evidence—when it comes to the environmental issues that are before the board. We have taken a position.

I would ask the honourable member a simple question. We have the advantage here in Ontario, finally under a Mike Harris government, of prosperity, which pays for the things that we care about, including environmental protection. We have taken a stand in favour of prosperity, in favour of jobs, in favour of opportunity. I ask the honourable member, what side is he on?

YOUNG OFFENDERS

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. My question concerns the role of a member of your cabinet in what appears to be the cover-up of abuse of young offenders at the Elgin-Middlesex Detention Centre.

We know all about these events. The child advocate reported that young offenders were put in shackles and handcuffs, were kicked, beaten and prodded and left nude, with no clothing, for several hours. We know the child advocate raised her concerns to the deputy minister of corrections in March 1996. We know she continued to do so for two years. And last week, a respected public servant testified under oath that the minister, Mr Runciman, knew and that the minister's executive assistant ordered that a briefing note be changed.

Premier, what are your standards? What happens in your government when your minister's recollection of events is totally at odds with somebody who is giving testimony under oath?

Hon Michael D. Harris (Premier): I have already answered this question, and I think the information is before this Legislature, as it was three years ago. You may want to correct the record on the statements that you attributed to Betty Dean. They are totally inaccurate.

1440

Mr Hampton: Premier, we can read the transcripts. We know that on March 4, 1996, the assistant deputy minister of the Ministry of the Solicitor General and Correctional Services, Michael Jordan, told Kathryn Hunt, the Solicitor General's executive assistant, about the riots at Elgin-Middlesex and the allegations of beatings. We know this because Mr Jordan, who is still an ADM, says this in an affidavit.

We also know that on March 5, the minister's office got a call from a Bluewater inmate's mother telling them she had concerns for her son's safety. Those are the records of events. Your Solicitor General didn't call in the police to investigate until May 31.

Premier, how much evidence does there have to be? What are your standards? What are the standards for a

cabinet minister in your government when public servants give sworn testimony that his recollection of events is totally at odds with what really happened?

Hon Mr Harris: I've seen no such testimony, and the information you've given the House is totally inaccurate, incorrect. You quote Betty Dean and you quote her totally inaccurately. That seems to be your standard. That is certainly not our standard.

Mr Hampton: The Premier would have us believe that the child advocate didn't know what she was doing. The Premier would have us believe that parents who phoned the Solicitor General's office were somehow completely mistaken. The Premier would have us believe that a deputy minister didn't know. He would have us believe that the minister's executive assistant didn't do what she was alleged to do.

Premier, there is a course of events here that goes back over three years. Papers were shredded at that institution, and now it is coming out and it is very clear what the course of events was.

My question for you is: In your government, how do you hold cabinet ministers responsible? What is your course of conduct when it becomes clear that a cabinet minister's version of events is totally at odds with the version of events that is being given under sworn testimony?

Hon Mr Harris: My code of conduct is to insist on the truth, something that seems to have escaped you, sir.

Mr Hampton: I would say we'll let those people who are giving sworn testimony decide what is true.

HATE CRIMES

Mr Howard Hampton (Kenora-Rainy River): My next question is also to the Premier. Your government has made a lot of noise about asking the federal government to change the Criminal Code. I'm going to ask you to join with me today in getting the federal government to change the Criminal Code.

Earlier this morning I went to a demonstration where people were demonstrating against the American hate messenger, Fred Phelps. Mr Phelps is an American who advocates hatred towards gay and lesbian people. A police officer has said, "If this was done against a Catholic or a Jew or a black person, charges could be laid under the Criminal Code."

Would you join with me in asking the federal government to change the Criminal Code to make it an offence to spread hatred against gay and lesbian people?

Hon Michael D. Harris (Premier): Yes.

Mr Hampton: I'm glad to hear your answer. I'm asking you to join me in sending a letter to the Prime Minister of Canada so that someone like Mr Fred Phelps will not be able to come to Ontario any more, will not be able to come to Canada any more and spread messages that incite hatred towards gay and lesbian people.

Could I have your commitment that forthwith this week, you and I will author a letter to the Prime Minister

of Canada, the federal Minister of Justice, advocating an immediate change in the Criminal Code.

Hon Mr Harris: I think it's a terrific idea. The leader of the New Democratic Party has come forward with a constructive suggestion on how we can work together in this Legislature. It's certainly the first time since the last election, in fact since 1995, that I have seen a party come forward with a constructive suggestion. I accept. We'll jointly author a letter and my office will get in touch with your office and we'll send it off to those Liberals in Ottawa and tell them to do the right thing.

Mr David Christopherson (Hamilton West): On a point of order, Mr Speaker: I would like to ask you to afford the Premier an opportunity to retract his comments. I'm sure he realizes in hindsight that the comment he made regarding the truth, as he was raising in his remarks, really was unparliamentary. I would ask him to withdraw those remarks.

The Speaker (Hon Gary Carr): I did not hear the remarks; I was looking for the next question. If the Premier wants to withdraw them, he certainly can do that at any time.

Hon Mr Harris: If I said anything unparliamentary I would be happy to withdraw, Mr Speaker.

SCHOOL CLOSURES

Mr Dalton McGuinty (Leader of the Opposition): A question for the Minister of Education. Minister, behind you today are 40 students from W.D. Lowe Secondary School in Windsor. I had the opportunity to visit that school, and I can tell you that it is a unique and wonderful institution. They speak 17 different languages and represent over 70 different countries.

The problem, of course, is that their school is being threatened with closure because of your funding formula, because you only measure square feet instead of measuring the needs of our students. Minister, you control the dollars; you make the rules. Will you tell these students today that you will fix your formula that counts square feet and not student needs?

Hon Janet Ecker (Minister of Education): I welcome the students to the Legislature. There have certainly been some interesting exchanges for them to witness today.

Trustees have a very difficult authority and responsibility in terms of deciding how to allocate their resources, how to decide which schools should be open and which should be closed. That's not a new responsibility for trustees. They've been doing it for many years. For example, when the honourable member's party was in power, there were 168 school closures. In our mandate there have been 86 school closures.

Because of the sensitivity of those decisions, we believe it is up to the local trustees. They are elected by the community to make those decisions. We heard the message from the boards a year ago that they needed more flexibility. We gave them that. They needed more money to help make those decisions. We gave them that

as well, and I look forward to the final deliberations of the trustees in this community.

The Speaker (Hon Gary Carr): Supplementary.

Mrs Sandra Pupatello (Windsor West): Minister, behind you are 40 students who woke up at 4:30 this morning to be in the House and who hope to hear from you potentially about an exemption. Our school board in Windsor is on record: Your funding formula does not allow this school to stay open. It's not the trustees' decision but your government's formula. These students are here today to hear you tell them, because they live in downtown Windsor, because they're part of an inner-city school the likes of which you will find in Ottawa and Toronto, where they have needs to remain in their community school—minister, will you consider today an exemption of that school funding formula that will benefit not just W.D. Lowe but every other inner city school in Ontario?

Hon Mrs Ecker: I find it passing strange that the honourable member would ask me to provide a guarantee that her leader was not prepared to give that school when he visited there during the election.

We do understand that trustees—

Interjections.

The Speaker: Member for Windsor West.

Hon Mrs Ecker: I appreciate the commitment that students and parents have to a school in their community. That's one of the reasons, when the board said to us that they needed more money to help make it easier to make these decisions so they wouldn't have to close some schools, that they needed more flexibility in terms of how they could make those decisions so they could adequately consult with the community, that we did all those things.

I really believe that it's a difficult decision for these trustees. When we have a school that is less than half full, I think the trustees should take a look at that. I also understand that the community has made recommendations to the trustees—

The Speaker: The member's time—new question.

POLICE PURSUITS

Mr Garfield Dunlop (Simcoe North): My question is to the Solicitor General. Minister, earlier today you announced to the House that our government will be seeking changes to the Highway Traffic Act. You also mentioned a regulation that accompanies the legislative changes. Could you please explain what the regulation entails and how it will further give police the tools they need to fight crime?

Hon David H. Tsubouchi (Solicitor General): I'd like to thank the member for Simcoe North for the question. It is true that a regulation has been developed, working with our police stakeholders. We're certainly interested, as is the police community—and all of these are things that the police do already. They already exercise discretion before they embark on pursuing a criminal who is fleeing from them. They make this discretionary call on the basis of the safety of the innocent

bystanders or the community at large and their own safety, balancing this against the importance of catching criminals, in some cases committing very serious crimes. So this is already done. But this has now, through their cooperation, through working with us, been developed into regulation.

There are other safety checks on this as well. The pursuit can be called off at any time. There's also a decision made at the station—

1450

The Speaker (Hon Gary Carr): Minister, take a seat. Supplementary.

Mr Dunlop: Minister, could you please explain to me what other efforts we will be making to ensure that our police are able to use this regulation as a tool to crack down on the criminals who take flight from police?

Hon Mr Tsubouchi: First of all, I'd like to thank the member for putting this in the perspective it should be in. The emphasis, of course, should be on the criminal, because if we didn't have a criminal attempting to escape from the police, very often very recklessly, we wouldn't have an incident. So that's very important. Second, we also believe the training is very important as well. There are some aspects to this that are important. The police need the tools to do their job. They not only need the proper equipment and training, but they also need the tough penalties to enforce against these criminals.

By working with the various police associations or police stakeholders, we have a commitment to work with them now to develop the proper training they need, not only in this area but in other areas as well, because the safety of our officers is of concern to us as a government.

CRIME PREVENTION

Mr Bruce Crozier (Essex): My question is for the Premier. Your safe streets bill, while attempting to attack Toronto squeegee kids, seems to have a more sinister effect: to block the activities of charities in Ontario.

Under your legislation, students cannot hold up signs along roadways to invite motorists into charity car washes. Since when has this been considered aggressive?

Jim Parent, president of the Windsor Goodfellows, has stated that your legislation would kill his organization. Charities like the Goodfellows rely heavily on newspaper sales at traffic signals for fundraising. This law would be devastating to them.

The government is purposely taking fundraising abilities away from charities. Premier, Bill 8 is bad legislation. Bill 8 has nothing to do with safe streets and everything to do with punishing the good, along with your perception of the bad.

Why is this government making it a priority to undermine community values? Why don't you just withdraw a bad bill?

Hon Michael D. Harris (Premier): Let me respond in general to the question and the rationale behind the question. If there's any specific detail, I'd be happy to refer to the Attorney General by way of supplementary.

What I read into this question is a disgraceful lack of confidence in the police to use common sense in understanding the difference between aggressive panhandling, that which is interfering and causing safety concerns, and the case you raised.

Anybody who would raise that kind of a question, particularly on this day, when a number of police officers are here, has a disgraceful lack of respect for a profession that has a far higher standard than you have.

Interruption.

The Speaker (Hon Gary Carr): Would the member take his seat. I would remind our guests, as I did earlier, that clapping is not allowed in the House by our guests. I understand that they may not have known that, but I have given one warning. I would appreciate it if our guests would not clap. Supplementary.

Mr Crozier: Premier, let me tell you why I raised this question: because your Attorney General, on November 3, when asked about the days soon being gone when firefighters in small towns can stop traffic to ask for donations or teens can stand at the roadside to ask motorists to come to a car wash, replied, "They will have to obey the law."

Staff Sergeant Dave Rossell, spokesman for the Windsor police services, said: "We can't pick and choose which laws we want to enforce and those we don't. We may be put in the position where we'd have to enforce" this law.

Premier, you're the one that's putting charities across Ontario in jeopardy. I raise that question because they want to know why you have such a poor piece of legislation, why you won't withdraw it and why you won't make it an objective of those that you want to—

The Speaker: Time. Premier.

Hon Mr Harris: It really is not fair for me to take all these lollipops, so I'll refer the supplementary to the Attorney General.

Interjections.

The Speaker: Order, member for Sudbury, member for St Catharines.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): The member opposite speaks about obeying the law, and indeed this bill, if passed by the Legislature, would apply to all people in Ontario. We're all subject to the rule of law and we're all obliged to obey the law, whether we're politicians or we're anyone else in this society, but I'd recommend to the honourable member that he read the bill before he comments on it.

In terms of holding a sign on the sidewalk, you'll see that the bill says "soliciting on the roadway." That's what the member will see if he bothers to read the bill. He'll also see in the bill, if he bothers to read the bill—

Interjection.

The Speaker: Member for Essex. I won't warn him again.

Hon Mr Flaherty: The member opposite will also see, if he bothers to read the bill, that passive solicitation on the sidewalk and so on would not be prohibited under

the bill. So he is creating a difficulty, quite frankly, that is not created by the legislation. I don't know why he's doing that. I suggest he read the bill carefully, and he'll see that the problem is not present in that bill.

The Speaker: New question.

Mr Frank Mazzilli (London-Fanshawe): My question is to the Attorney General, but first I'd like to say that I'm proud to join members on both sides of the aisle in this House in welcoming police officers from various police services in Ontario to the Legislature.

Mr Attorney General, I am a former front-line police officer. My question to you is this: Could you tell us what our government is doing to help police keep streets in Ontario communities safe?

Hon Mr Flaherty: I thank the member for London-Fanshawe for the question. This government has been bringing in a range of measures to assist our police officers in Ontario.

Let me focus on the one that is before the House now. The proposed Safe Streets Act is our government's response to requests from police and others for action to protect the public's right to use our streets and public places without being hassled and without being intimidated. If the bill is passed, it would ban aggressive solicitation, such as aggressive panhandling. It would ban commercial activity on highways, such as squeegeeing. It would ban, in situations in which people are captive, soliciting of them, such as in lineups at automated banking machines. It would ban the disposal of unsafe objects, such as hypodermic needles, used and unused, which our children should not have to walk by on their way to school.

Mr Mazzilli: Could the Attorney General please explain whether the Safe Streets Act will give new powers to police officers as they work to protect Ontario communities?

Hon Mr Flaherty: I'd like to inform the member for London-Fanshawe that the proposed Safe Streets Act would amend the Highway Traffic Act to prevent a person on a roadway from stopping or approaching a motor vehicle and offering to sell any commodity or service. That kind of commercial activity on the highway endangers public safety and is a matter of public protection in Ontario.

The police have requested certain powers which they would need to enforce the law. That does include an arrest power in situations where it's necessary to do that to prevent the continuation or repetition of an activity. Quite frankly, I expect the vast majority of people in this province would obey the law if this Legislature sees fit to pass the law, and it wouldn't be necessary for the police to impose arrest. But if it is necessary, if it's repetitive behaviour, if it's defiant to the police, the police need that power.

1500

ONTARIO DISABILITY
SUPPORT PROGRAM

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Community and Social Services. We have reminded you time and again that you have a terrible record as a government in terms of addressing issues for disabled people. I want to tell you about Gayle Doucette, who is a disabled person in my riding. She applied to the Ontario disability support program in mid-July. She had taken great effort to fill in all the forms. She had given it to her physician. More than a month later, her application form was returned to her, and they said, "In one place, the birth date isn't filled in properly; the complete address isn't filled in properly," despite the fact that in several other places it was.

The Speaker (Hon Gary Carr): Question?

Mr Hampton: Anyone looking at the form could have gotten the information from elsewhere in the form, or they simply could have called her. Yet your ministry sends back the application form and delays her support situation for four months. Minister, why are you treating—

The Speaker: Will the member take his seat; it's the time.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): Improving income supports to people with disabilities has been a priority of our government. When I was first elected to this place, we had to wait up to two years to see a case adjudicated. We felt that was too long. We have undertaken a step-by-step approach to try to get that down. It certainly hasn't happened overnight, so we're taking every effort to do a better job for people with disabilities. As the member opposite will know, I can't make specific comments on a specific case. I'd be very pleased, if he'd like to send me the information, to look into the specific charges on his behalf.

Our goal is to move from two years to six to eight weeks. As of November, for the cases we receive for adjudication, we'll have it to eight weeks, which is certainly ahead of schedule. Step by step, we're making a better plan for income support for people with disabilities.

The Speaker: Supplementary?

Ms Marilyn Churley (Broadview-Greenwood): Minister, you delayed a woman's much-needed disability benefits for three months because of an incomplete birth date and address. You sent the whole package back to her instead of making a phone call. That sounds like a lot of red tape and wasted time and resources to me. I read from your government's speech from the throne: "Your government will create a permanent red tape watchdog. Its expanded mandate will include subjecting all new regulations to a strict business impact test."

It seems that cutting red tape and improving barriers for business is a priority of your government, but cutting

red tape and barriers for disabled people isn't worth your time. Chaos and delays rule at the ODSP, and for five years, Minister, your promise to the disabled people of Ontario has been broken by failing to pass a strong and effective Ontarians with Disabilities Act. Minister, I'm asking you again today, will you clean up the mess at the Ontario—

The Speaker: Order; member's time. Minister?

Hon Mr Baird: We made a commitment to create a separate program for income support for people with disabilities because we believed the previous program, when the member opposite served in the cabinet, was not serving people with disabilities well. We took away the label of "permanently unemployable." We're doubling the budget for employment supports to help move people into the working world. It was taking up to two years for people to be able to get their case adjudicated. We found that unacceptable. That's why we set out to change that process, set out to change that system to go from two years to six to eight weeks. The Ontario disability support plan legislation was proclaimed May 1, 1998.

We've made great progress. Can we do a better job for people with disabilities? You bet. Step by step, we are increasing service. I can tell you, we're going to keep working on it, because people with disabilities deserve our respect and our priority in terms of government expenditures.

FAMILY RESPONSIBILITY OFFICE

Mr Ernie Parsons (Prince Edward-Hastings): My question is to the Attorney General, but in his absence I will pass it to the Premier. My office is inundated with calls from constituents who are being told that they'll have to wait to have enforcement orders undertaken by the Family Responsibility Office. It's my understanding that this is due, in many cases, to the computer system not working properly or in fact not working at all. Others are telling me that when they call for information on their file, they are being told that the system is down. I understand it may not be working until after Christmas or into the new year, and this results in long, long waits while the files are retrieved manually.

Premier, from the beginning your government has made a mess of the Family Responsibility Office, and it's hurting the people of this province. I would ask if you could set your squeegee obsession aside for a few minutes or a few days. My question is, could you use that time to fix the computer at the Family Responsibility Office?

Hon Michael D. Harris (Premier): The Attorney General is here. I refer it to him.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I thank the member opposite for that question. With respect to computerization and the inventory of documents at FRO, I think the issue the member is addressing is that there sometimes is a delay of two to three weeks in inventorying a document in the computer system. That does not mean

that the case is not being worked on. It does mean that it takes some time for scanning to take place. That I believe is the answer to the question raised by the honourable member opposite.

Mr Parsons: The staff are indicating that the computer system is simply not working. The scanner is not working, resulting in months and months of delay.

The offices of the FRO were consolidated in Toronto to improve service, but instead of that we're seeing children in this province not getting the finances they need for food and rent for their family. My question is very simple: When will the system be fixed?

Hon Mr Flaherty: The intermittent systems problems do not affect the timely processing of support payments. I hope the honourable member will convey that to his constituents, that the payment of support payments is not affected by the scanning of documents. That's quite important so that families in Ontario will not have cause for concern over this particular issue.

I would say to the member opposite, when he looks at the Family Responsibility Office, to recognize that the vast majority of people in Ontario who have support obligations, men and women, towards their former spouses and their children are honourably making their payments, and we should remember that. The Family Responsibility Office is dutifully making sure that those payments are getting to the spouses and the children who need them in Ontario.

COMMUNITY POLICING

Mr Jerry J. Ouellette (Oshawa): My question is for the Solicitor General. We're all concerned about the safety of our communities and of our families. With Durham region having its first murder, and quite a senseless death, I might add, my constituents are asking, along with officers Ryan and Bell, who have joined us here today, what it is that our government has done and is doing in regard to community policing?

Hon David H. Tsubouchi (Solicitor General): I thank the member for Oshawa for the question. First of all, our community policing partnership program will result, at the end of the program, in another 1,000 front-line police officers on the front lines. This represents an investment of about \$150 million that our government is prepared to do to make sure we do have more front-line policing available.

In addition to that, we fund a number of other programs: Crime Stoppers, the RIDE programs, certainly Neighbourhood Watch and Block Parents.

But community policing is very important to all of us. We believe it's the right direction to take. There are a number of communities across the province—in fact, Ken Robertson in Hamilton, who is the chief there, and also Lenna Bradburn in Guelph, have received an award recently for working with their communities to increase the police presence, but also to work with them on the police relations with the community. These are the types of programs we need to applaud and support, and I was

very happy to be there to make sure that both of them were recognized properly.

Mr Ouellette: Community policing initiatives are extremely important to my and all constituents of Ontario. As we enter the holiday season, could you explain more about the government's support for the Reduce Impaired Driving Everywhere program for Ontario?

Hon Mr Tsubouchi: The RIDE program is very important to all of us. Certainly now we need the awareness, as we get into the holiday season, about drinking and driving and how it is not acceptable in today's society. Since 1994-95, the province has more than doubled the funding for the RIDE program, and this tells you how important it is.

Recently I had the opportunity to go to the National Students Against Impaired Driving Day. The students of Regina Pacis high school were there to rally and to bring awareness of the problems of drinking and driving to other members of the youth community there. I applaud the leadership of these students for working with their community. It bodes well for the future.

Once again, I tell you that this government is committed to cracking down on drinking and driving, as we have brought in tougher rules, as we have brought in a number of programs that will result in less drinking and driving, and endangering our communities.

1510

SPENDING REDUCTIONS

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Chair of Management Board, and it has to do with government spending. The government has indicated that it plans to cut one cent from every dollar it spends in each of the next two years. So you plan to cut, I gather, \$500 million in the first year and \$500 million in the second year, for a total of \$1 billion. You have also indicated that you plan to increase health spending over those two years by, I think, about \$1.3 billion. The point is that if you plan to cut \$1 billion from total spending and you plan to increase health spending by \$1.3 billion, then I believe, based on what we've been told, that you plan to cut \$2.3 billion from the budget exclusive of health care. That's about a 10% cut.

My question to you is: When do you plan to announce to the police organizations and our education systems exactly how you plan to cut what looks to me like about 10% of their budgets over the next two years?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I don't know where the member opposite gets his numbers. I can tell you that I disagree with the premise.

We are going to fulfill what we said in the Blueprint. This government is different from when your party or the NDP was in power. We believe the taxpayers' money should be used effectively and efficiently. It's an ongoing process, and we will make an announcement in the near future about programs that are no longer needed or that

can be delivered better, not by the government. He will just have to wait for that, because we want to do that in a thoughtful and careful manner.

Mr Phillips: I just take the numbers the government publishes and assume they're correct. What you have said to the public is that you plan to cut 1% of the budget, \$500 million, in each of the next two years. I want you to confirm that in your answer. Second, you have said that that's overall spending, total spending. If that's not correct, then I want you to tell the people of Ontario that it's not correct.

My point is this: According to those numbers, you're going to reduce spending by \$1 billion; you're going to increase health spending by \$1.3 billion; you're going to cut the rest of the budget by \$2.3 billion. If that is not the case, clarify that with Ontario. If you are planning to cut \$1 billion, you still need to cut about 4% out of our education and policing budgets. I simply say to you, these organizations must plan. When will you tell the people of Ontario how you plan to cut either \$1 billion or \$2.3 billion? Tell us what the number is and tell us how you plan to do that over the next two years.

Hon Mr Hodgson: As the member will know, it's slightly less than what they campaigned on to cut. We will be doing this in a thoughtful manner. All programs will be reviewed to see if we need to be in that business any longer or if there is a higher priority. There will be an increase in health care spending. You know law and order has been a priority: We're hiring 1,000 new police officers in this province to crack down on street crime. Your party has been opposed to any initiative to get serious on crime. We're lobbying the federal government to change the Young Offenders Act so we can have more rigorous enforcement.

I don't think you need to sit back and pretend that somehow the Liberals are above this. We will be making an announcement, in a thoughtful and careful manner in the near future, showing where we are going to reduce the cost and size of this government.

PAROLE SYSTEM

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question is to the Minister of Correctional Services. Recently the Toronto Sun reported the National Parole Board study showing 58 people were killed by offenders who were under community supervision. I find this alarming and I have to wonder how the decisions are made to release offenders. I also note that what these statistics do not report is the number of crimes other than murder that are committed by those who are paroled federally.

All this leads me to wonder how our own provincial board of parole operate. Specifically, what information is considered as part of Ontario Board of Parole hearings, and what changes have been made to put public safety first?

Hon Rob Sampson (Minister of Correctional Services): The honourable member is quite correct, there are

two parole systems operating in Ontario: one under the jurisdiction of the federal government, dealing with individuals who are sentenced to two years or more; and then one that's run by the province, through the Ontario parole board, which deals with individuals who are sentenced to two years and less.

In Ontario, we consider parole to be a right and not a privilege. That's why our system is tough on offenders and puts public safety at the top priority. Under federal law, of course, inmates are eligible to apply for parole after serving only one third of the sentence. We have to live within that federal law. But when our board in Ontario reviews a parole situation—

The Speaker (Hon Gary Carr): Answer.

Hon Mr Sampson: —it considers a number of factors, including for the first time, again because we brought it forward, victims' input, in dealing with parole decisions. They deal with the inmate's current—

The Speaker: Time. Minister, take a seat. Supplementary.

Mr Gill: Minister, I appreciate the information you have given us about how the parole system works. I wonder if the minister could tell us what percentage of offenders who apply for parole are actually granted parole. Can the minister also inform us as to the status of our commitment to Ontarians to require that parolees take part in mandatory drug testing.

Hon Mr Sampson: As a result of the reforms initiated by our government, only 33% of offenders were granted parole by the Ontario parole board last year. That's down from a high of nearly 60% in 1993-94. That's half of what it was.

With regard to the member's second question, I would like to say very directly and very clearly that we will honour our commitment to require parolees to be tested for drugs on a random basis as a condition of their parole release. Those who fail this test will have their parole revoked.

We know that drug abuse is of course not only illegal in itself but is proven to be linked to other criminal behaviours. That's why those on drugs who pose a safety risk to others will have their parole revoked.

NUCLEAR FUEL

Mr Tony Martin (Sault Ste Marie): My question is for the Premier, and it's about the shipment of plutonium to our province. It seems, by the news reports we read today, that the Americans aren't interested any more in shipping plutonium to Ontario. It looks like the federal government was the only level of government keen on this initiative.

I was pleased to stand on the bridge in Sault Ste Marie with our leader, Howard Hampton, and our federal leader, Alexa McDonough, in opposition to this initiative. I was also proud to stand with Greenpeace and other groups, such as my own municipality, First Nations, police associations, the FONOM executive and others, raising some very sincere and genuine concern about the

safety of this particular movement of weapons-grade plutonium.

But there is still a risk that Russian plutonium may come in through Cornwall, and it appears that the government may still go ahead with sending a small amount of plutonium to the Soo for testing purposes. Premier, will you go on record today as opposing the import of weapons-grade plutonium to Ontario?

Hon Michael D. Harris (Premier): The Minister of Energy can respond.

Hon Jim Wilson (Minister of Energy, Science and Technology): I thank the honourable member for the question. Clearly, the only involvement we would have in this with respect to the energy side and my portfolio is through the new Ontario Hydro, the Ontario Power Generation corporation. They indicated very clearly that they're not interested in burning that plutonium in their Candu reactors. Secondly, all of the safety matters on that are in the hands of the federal government. So you should talk to the Liberals and the federal Liberal government. It's their project; it's their call. We've said we're not interested at this point.

The Speaker (Hon Gary Carr): Supplementary.

Ms Marilyn Churley (Broadview-Greenwood): I appreciate that answer, it's a partial answer to the question we have, but it's still a very serious issue, as you know. Just because a large amount won't be going through North Bay is no reason to say that the issue is being won. What we and the people from Cornwall and communities throughout eastern Ontario, who still could be at risk because of this, want to know, what I'd like you and the Premier to say today is that you are going to take specific action as the government of Ontario in dealing with the federal government. I want you to stand and state what kind of action you and the Premier are going to take in terms of talking directly to the federal government to make sure they say no to Russian plutonium coming through Ontario.

Hon Mr Wilson: Quite a long time ago our power company, the Ontario Power Generation Corp, made the very point to the federal government that we're not interested in burning that plutonium in our reactors. I don't know how you could be any clearer. I don't know where they're going to go with it if they're not going to burn it in the Candu reactors, so I think that pretty well shuts things down. You see the United States indicating that they're not interested in sending weapons-grade plutonium across the border. I expect the federal Liberal government will make the proper decision in this case. We've made our position quite clear.

1520

POLICE SERVICES

Mr Dave Levac (Brant): My question is for the Solicitor General. Earlier this session I pointed out in a statement that there's a genuine concern from the public at large and from the police associations across the province regarding the possible privatization of police forces,

something we on this side take very seriously. It has been brought up in caucus several times.

Schermerhorn, in the Kingston Whig-Standard, said that during their meeting with former Solicitor General Runciman, the Solicitor General suggested that Napanee look into having a private security firm do some of the OPP work for them. Whether or not that's a misquote, it caused a problem in our community as to whether this government is contemplating privatizing the police forces of Ontario in any way, shape or form. Would you tell us today that you have no intention of privatizing police in Ontario?

Hon David H. Tsubouchi (Solicitor General): Let me start with a definitive statement: I don't favour privatizing police services in Ontario, no.

In fact, I was able to convey that to both the PAO and the OPPA at meetings we've held in the last several months. People need an Ontarian accountability. That accountability means that you feel the police are there for you in your communities. We trust the police. I don't believe there's the same trust in privatized services in this area. People need that accountability. I believe in the police, we believe in the police, and the answer is no, we don't believe in privatizing the police.

Mr Levac: Believe it or not, the question wasn't answered. We need your commitment that you will not privatize police forces. We don't need the rhetoric that's being said right now. The rhetoric that's being said right now is basically: "We love you. We have our private little meetings."

Will you pass legislation that will not permit privatization of police forces?

Hon Mr Tsubouchi: I guess I could say, "What part of no didn't you understand?" But again, very clearly, you asked me if we favour privatizing police, and I answered very definitely: no.

POLICE AND FIRE SERVICES BRAVERY AWARDS

Mr Bob Wood (London West): My question is for the Solicitor General. Last week awards were given for police and fire bravery, including, I might mention, two police officers in the community of London. It's a tribute to the men and women of the police and fire services, and it gives our community a chance to feel proud.

Can the minister assure us of his continued commitment to this program, and is the minister prepared to look at ways of expanding it?

Hon David H. Tsubouchi (Solicitor General): First of all, I was very privileged to be there last week for the firefighters and police bravery awards.

I'm very pleased to say as well that today Bruce Miller, with the London police service, is here in the gallery. Bruce, along with his fellow police officer in the London police service, Brad Merrison, received awards for bravery when they entered a burning building on their hands and knees and, despite the smoke and the danger involved in that, were able to save lives.

That's very indicative of the type of men and women we have serving this province, in both the police services and the fire services. It's really a privilege for us to be able to recognize this bravery, because we speak for all the communities across this province and not simply for our side of the House.

Mr Wood: The minister will be aware that there are a number of community programs associated with these awards. I wonder if he could tell us which of these he thinks are most effective and whether he's prepared to consider expanding the reach of those programs.

Hon Mr Tsubouchi: One of the really great things about the police community is that they work very closely with their communities at large. We are privileged as government to work with them to support many programs such as Block Parents and Neighbourhood Watch, and programs such as Crime Stoppers which work against criminals within these communities.

The government just doesn't do this. The various police services do this in their own communities. They have a number of educational programs, they work with the children, and they have forums. Even in my own area, York region, police chief Fantino has set up a number of community forums to get input from the community as to what they believe is important for their safety in their own communities. This is not unique. This happens right across the province, in small communities and large. I have a great hope that this will continue, and I believe it will. Our government will continue to support programs like this.

PETITIONS

AIR QUALITY

Mr Pat Hoy (Chatham-Kent Essex): I have a petition that's rather lengthy. I will read it in part:

"To the Legislative Assembly of Ontario:

"Whereas the effluent coming from the commercial alcohol ethanol plant is creating a noxious smell in the former city of Chatham in the municipality of Chatham-Kent Essex, which has a nauseating impact on citizens who breathe it in;

"Whereas the citizens of Chatham have repeatedly brought this problem to the attention of the Ontario Ministry of the Environment and the former MPP for Chatham-Kent;...

"Whereas the citizens of Chatham-Kent Essex believe that they have a right to clean air and that Commercial Alcohols Inc must be subject to the environmental law in place to protect citizens;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the measures contained in regulation 346 of the Environmental Protection Act be immediately enforced on Commercial Alcohols Inc to ensure that the citizens of Chatham and the surrounding area have fresh air to

breathe, free from the noxious odours that are spewed by the ethanol plant located on Bloomfield Road, in the westerly outskirts of the former city of Chatham in the municipality of Chatham-Kent Essex."

I affix my signature to it.

PORNOGRAPHY

Mr Dan Newman (Scarborough Southwest): I have a petition signed by 150 residents from Scarborough Southwest. It was sent to me by Mrs Cathie Neagle of the Catholic Women's League of Canada at Immaculate Heart of Mary Church. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas children are exposed to pornography in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposures to pornography;

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

"To enact legislation which will create uniform standards in Ontario to prevent minors from being exposed to pornography in retail establishments, prevent minors from entering establishments which rent or sell pornography, and restrict the location of such establishments to non-residential areas."

I've affixed my signature to this worthwhile petition.

BONE MARROW DONATIONS

Mr Rick Bartolucci (Sudbury): This petition is to the Ontario Legislature:

"Whereas it has become apparent that there is no co-ordination of the unrelated bone marrow donor program in northern Ontario; and

"Whereas North Bay, Sault Ste Marie, Sudbury and the surrounding areas have an immediate need for a northeastern Ontario bone marrow donor centre that is equipped to address the unique requirements of northerners; and

"Whereas the Ontario bone marrow program is not accessible to the specific needs of northerners;

"Therefore be it resolved that we, the undersigned, petition the Ontario Legislature to establish a northeastern Ontario bone marrow donor centre in order to allow northerners to participate in this life-saving program."

This petition is signed by 3,206 people, and I affix my signature to it.

1530

HIGHWAY SAFETY

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I have petitions signed by a number of constituents from my riding, particularly Orangeville, Shelburne and Caledon. It's addressed to the Legislative Assembly of Ontario:

"Whereas 13 people died during the first seven months of 1999 on Highway 401 between London and Windsor; and

"Whereas traffic levels on all sections of Highway 401 continue to increase; and

"Whereas Canada's number one trade and travel route was designed in the 1950s for fewer vehicles and lighter trucks; and

"Whereas road funding is almost completely paid through vehicle permit and driver licensing fees; and

"Whereas Ontario road users pay 28 cents per litre of tax on gasoline, adding up to \$2.7 billion in provincial gas taxes and over \$2.3 billion in federal gas taxes;

"We, the undersigned members of the Canadian Automobile Association and other residents of Ontario, respectfully request the Legislative Assembly of Ontario to immediately upgrade Highway 401 to at least a six-lane highway with full paved shoulders and rumble strips; and

"We respectfully request that the Legislative Assembly of Ontario place firm pressure on the federal government to invest its gasoline tax revenue in road safety improvements in Ontario."

I have signed this petition.

NORTHERN HEALTH TRAVEL GRANT

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario:

"Whereas the northern health travel grant was introduced in 1987 in recognition that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

"Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

"Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

"Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

"Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographic locations;

"Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities."

This is signed again by dozens of my constituents who share this concern, and I've affixed my own signature in full agreement.

CONSTRUCTION INDUSTRY

Mr David Ramsay (Timiskaming-Cochrane): I have a petition here signed by over 1,000 constituents from Timiskaming-Cochrane. The petition reads:

"To the Honourable Chris Stockwell, Minister of Labour:

"Whereas there are many unemployed and under-employed workers in this region; and

"Whereas many professional and industrial jobs in this region have been monopolized by Quebec workers; and

"Whereas the Quebec government has never respected interprovincial agreements on cross-border workers;

"We, the undersigned, petition the Minister of Labour of Ontario as follows:

"We would like the Minister of Labour to impose new hiring regulations on Quebec workers coming to work in Ontario. Furthermore, we would like the minister to implement an 'Ontario first' policy on hiring. These policies would help to provide for better jobs for the residents of this province."

I will affix my signature to this petition.

DOCTOR SHORTAGE

Ms Caroline Di Cocco (Sarnia-Lambton): To the Legislative Assembly of Ontario:

"Whereas the recent changes in boundaries by the Ministry of Health have allowed for Lambton county to no longer be considered underserved in the ratio of patients to ophthalmologists;

"Whereas Lambton county no longer has a local practising ophthalmologist who specializes in retinal laser surgery;

"Whereas the population of Lambton county is 120,000 strong and aging, making travel difficult;

"We, the undersigned, petition the Legislative Assembly of Ontario to extend and increase billing caps not only in Sarnia-Lambton but throughout Ontario where necessary to ensure efficient and effective eye care for all Ontarians."

This petition has 2,200 signatures, and I affix my signature to the petition.

HIGHWAY SAFETY

Mr Steve Peters (Elgin-Middlesex-London): To the Legislative Assembly of Ontario:

"Whereas 13 people died during the first seven months of 1999 on Highway 401 between London and Windsor; and

"Whereas traffic levels on all sections of Highway 401 continue to increase; and

“Whereas Canada’s number one trade and travel route was designed in the 1950s for fewer vehicles and lighter trucks; and

“Whereas road funding is almost completely paid through vehicle permit and driver licensing fees;

“We, the undersigned members of the Canadian Automobile Association and other residents of Ontario, respectfully request the Legislative Assembly of Ontario to immediately upgrade Highway 401 to at least a six-lane highway with full paved shoulders and rumble strips.”

This is signed by many members of my constituency, and I’m very pleased to sign my name also.

HENLEY ROWING COURSE

Mr James J. Bradley (St Catharines): My petition reads as follows:

“Whereas the Henley rowing course in St Catharines is an outstanding rowing facility which has for several decades been the site of hundreds of international rowing competitions;

“Whereas the World Rowing Championship has been held in St Catharines in 1970 and 1999 and has been declared an outstanding success on both occasions;

“Whereas the municipal, provincial and federal governments, along with generous private donors, invested several million dollars in the upgrading of the Henley rowing course to enable the 1999 World Rowing Championship to be held in St Catharines and that as a result the Henley is a first-class rowing facility;

“Whereas the organizing committee of the World Rowing Championship, the annual Royal Canadian Henley Regatta and other prestigious regattas, has the proven expertise to operate major international rowing competitions;

“Whereas all taxpayers in Ontario will be compelled to contribute to any financial assistance provided by the Ontario government for the Olympic bid for the city of Toronto;

“Whereas the creation of a new rowing facility outside of St Catharines for the Toronto Olympic bid would result in the unnecessary expenditure of millions of dollars to duplicate the St Catharines rowing facility;

“Whereas the rowing facility for several recent Olympic Games has been located outside the sponsoring and host city;

“We, the undersigned, urge the government of Ontario to persuade the Toronto Olympic bid committee to propose the Henley rowing course in St Catharines as the site of the rowing competition for the 2008 Olympic Games.”

I add my signature, as I know the St Catharines and District Chamber of Commerce would like to add their signature, because they’ve now joined this crusade.

ORDERS OF THE DAY

SAFE STREETS ACT, 1999

LOI DE 1999 SUR LA SÉCURITÉ DANS LES RUES

Mr Flaherty moved second reading of the following bill:

Bill 8, An Act to promote safety in Ontario by prohibiting aggressive solicitation, solicitation of persons in certain places and disposal of dangerous things in certain places, and to amend the Highway Traffic Act to regulate certain activities on roadways / Projet de loi 8, Loi visant à promouvoir la sécurité en Ontario en interdisant la sollicitation agressive, la sollicitation de personnes dans certains lieux et le rejet de choses dangereuses dans certains lieux, et modifiant le Code de la route afin de réglementer certaines activités sur la chaussée.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I’d like to advise the House that I will be sharing my time with the member for London-Fanshawe, the member for Kitchener Centre and the member for Peterborough.

Today we proceed with the debate on second reading of Bill 8, the Safe Streets Act, 1999. When the people of Ontario talk about the quality of life in their communities, certain things come to mind. Key among these things is the ability to use their streets and their public places without being impeded and without being concerned for their own safety and security. Yet, for the past few years, the experience of many people in large and small urban areas of Ontario has been different. Motorists driving on downtown streets now sometimes find their way blocked by people with squeegees, sometimes cleaning windshields without permission and sometimes being abusive when they don’t receive payment. Shoppers, including the elderly, sometimes find they can’t get into their favourite department store without being blocked by people who are aggressively soliciting.

We talked with police about this serious problem. We heard them say that, yes, the communities they serve expect them to do something to address these concerns. They told us that they need the tools to be able to do their job.

Parents in some communities have to think twice about letting their kids play in neighbourhood parks. Why? Because of the risk that someone will have carelessly discarded dangerous objects, such as hypodermic syringes, in the sandbox. Imagine a three-year-old child playing in a park, in a sandbox, falling and landing on broken glass, needles or a used condom. I’ve been told directly by residents about this type of thing happening in downtown Toronto. Our children ought to be able to enjoy their neighbourhood parks with confidence. The sad and unfortunate reality is that in some communities parents sometimes encounter these problems.

1540

These are problems not unique to Ontario. We find them in other cities and towns in Canada and in the United States, but that does not mean that our government intends to be complacent. Anyone who cares about people and the quality of our lives together in our communities would want us to deal with these problems. The people of Ontario deserve—they're entitled—to be able to go about their daily activities in safety and security.

Our government heard their concerns. We made a promise in the Blueprint, and again in the throne speech. We are keeping our promise. We have introduced the Safe Streets Act. This bill, if passed, would protect the ability of the residents of this province to use and enjoy public places in safety—the roads and the sidewalks and the parks—safe public use of public places, which after all belong to all of us.

I've said it before, and I've even heard opposition members express this same view, that people in Ontario have a right to drive on the road, to walk down the sidewalk and to go to public places without being or feeling intimidated. The opposition justice critic, the member for St Paul's, was quoted in the media as saying this about squeegee people: "We cannot condone the effect within a civil society. You should be able to walk the streets and not be harassed." The member for Eglinton-Lawrence, who is also a member of the official opposition, the Liberal Party, told the Toronto Star a couple of years ago about a personal altercation with squeegee-ers. He told the Star, according to that paper: "A lot of people are fed up with these punks." He said that he himself would propose legislation to give police the right to seize squeegee equipment.

The member for Eglinton-Lawrence can rest easy; he doesn't have to introduce the legislation he talked about introducing to solve the problem, because we have. We have introduced Bill 8. All my colleague has to do now is to cast his vote in support of this bill when the time comes. I'm sure the Liberal member for St Paul's and I'm sure the member for Eglinton-Lawrence, another Liberal member, will be consistent with their previous statements and support this bill when they're called upon to vote on second reading.

Our government has done more than just talk. We have seen the limitations of municipal action here in Ontario and elsewhere in Canada. With the Safe Streets Act, we are the first province in Canada to take a stand and address these problems comprehensively. By introducing this bill, we are exercising our authority to regulate the safe and secure use of public places in Ontario.

The Safe Streets Act proposes to make provincial offences out of the following: commercial activity on the roadways, including squeegeeing; soliciting in an aggressive manner; soliciting in places where the person is not usually free to walk away, what we call captive audience situations; and also, disposing of used condoms,

syringes, broken glass in outdoor places such as parks without taking reasonable precautions.

If the bill passes, all of these activities would become offences for which a police officer can warn or arrest. If passed, the Safe Streets Act would also expand sentencing options for our courts. Penalties would include fine, probation, or jail for up to six months for repeat offenders. Probation itself could consist of community service, restitution, or drug or alcohol counselling.

I am aware that there are some concerns about the impact this bill may have on fundraising campaigns that are carried out on roads and sidewalks. In fact, I believe some members of the opposition, finding that the public is so strongly on side with us on this bill, have taken to creating fear in this regard where none is warranted.

They have been telling the good people in their communities that if the Safe Streets Act becomes law, traditional fundraisers for charities such as car washes for the local school band can no longer be held because these actions would be subject to prosecution. This is a misrepresentation of the intent of this bill. Charitable activities contribute to the quality of life in our communities. Our government knows that; the opposition knows that; the people of Ontario know that.

If this law passes, a Boy Scout or any other volunteer for a charitable organization may continue to solicit in a non-aggressive manner at locations where members of the public are not a captive audience. That is what the bill provides. Those who are trying to create anxiety among our charitable organizations I hope will take the opportunity to actually read the provisions of the bill.

We support the work of charitable organizations. These groups work with police; they work with local authorities year after year to carry out their solicitations in public places, safely and in accordance with the law. We encourage these groups and the volunteers who work with them to continue their good efforts.

Let me speak briefly, if I may, to the two key offences that the bill would create. First of all, commercial activity, including squeegeeing on the roadway—and it's important to emphasize "on the roadway" so that our charitable organizations in Ontario will understand that we're referring to that kind of activity on the roadway and not on the sidewalk, so that's commercial activity—and second, aggressive solicitation.

With respect to commercial activity, the Safe Streets Bill proposes to ban commercial activities such as squeegeeing on the roadway by closing a loophole in the Highway Traffic Act. That act already prevents a person from entering a roadway to stop or attempt to stop a vehicle for commercial solicitation. We're talking about commercial activity, business activity on our highways in Ontario. Squeegeeing takes place when the vehicle is already stopped. Therefore, we propose to change the Highway Traffic Act to make it illegal to also approach a vehicle to offer, sell or provide anything to anyone in that vehicle on the roadway.

I want to point out that with this amendment the Highway Traffic Act would better deal with an activity

that is a safety hazard not just to the people in the car and other traffic but also to the offender in the street.

It is important also to note that this amendment would exempt legitimate emergency services. Tow trucks and the Canadian Automobile Association would still be able to help motorists in trouble without fear of penalty.

Our effort to make squeegeeing illegal has been described as an attack on young people who have no homes or jobs and who are simply trying to make a living. Our government has been accused by some of not addressing the root causes. I think we should take a close look at these claims.

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Our government has allocated \$265 million to employment programs for young people and adults. We fund summer job programs. We fund apprenticeship training. We fund courses on basic literacy, resumé writing and job preparation. We do this to help people who are unemployed get the skills for jobs with a real future.

Does any reasonable person believe that squeegeeing gives a person a chance of a better future? Who is being helped if activity that doesn't lead to a better future and endangers the lives of squeegee persons and drivers is encouraged?

In the safe streets bill, aggressive solicitation as a provincial offence includes the following: first, threatening physical harm to the person solicited; second, blocking the path of the person during or after the solicitation; third, using abusive language; and finally, following the person being solicited. The bill also proposes to ban solicitation in places where people cannot easily move away, places like bus stops, pay phones and bank machines.

I don't have to spell out how vulnerable you can feel at a bank machine, particularly if you're alone, if you're an elderly person, waiting for the cash and card to come out. You are in a captive situation. Someone who approaches you in order to solicit compromises your safe use of a public place.

With its provisions against captive audience solicitation, Bill 8 aims to further protect people's ability to feel safe and secure in their own communities.

I want to stress that the bill does not restrict all types of solicitation. A person may solicit in a non-aggressive manner at locations where members of the public are not a captive audience. Nor does this bill interfere with the ability of persons to freely and effectively speak or communicate with others. The bill does allow members of the public to freely choose whether to stop and listen to the person soliciting or to proceed on their way.

Our government is aware of concerns, and they've been raised with me, that this bill would affect mentally ill people who act out on the streets. This is not the intention of the bill. We have, in fact, committed to spending \$45 million in each of the next three years to provide housing and other supports for people with serious mental illness. About \$16 million was allocated

in 1998 to fund 24 assertive community treatment teams for people who are severely mentally ill.

In addition, at a number of court locations in Ontario offenders who are mentally ill may be directed to treatment programs at the discretion of the crown attorney. There's a good example of that in Toronto. In 102 court in the old city hall in Toronto, there is a specialization in treating offenders with mental illness. An on-site psychiatrist and a mental health worker provide direct services. These include assessment of fitness to stand trial or designing a course of treatment for the offender to follow.

Overall, our government is reviewing the Mental Health Act and related legislation to see how we can fix laws that stand in the way of families and police and social workers, all trying to help the mentally ill.

It has also been said that panhandlers and squeegeers are homeless and that our government is not doing enough to address homeless issues. Let me set the record straight. Every year, the province spends more than \$2 billion to help people who are homeless or at risk of being homeless. That's not \$2 million, it's \$2 billion of taxpayers' money, of the citizens' money, in Ontario.

In March of this year, our government announced \$100 million in new initiatives that will dedicate more resources to affordable housing, supportive housing for people with mental illness and other community supports. This includes incentives to help families move out of hostels and into more permanent housing.

We have made clear our willingness to work with other levels of government, with communities, not-for-profit groups and the private sector to help those who are homeless now and to prevent homelessness in the future. We cannot force people to undertake our programs. We can make these programs available and accessible, and that is what we have done.

But let me once again remind the House of the fundamental intent of this bill, the Safe Streets Act. The bill proposes to help make it easier for the people of Ontario to use public places safely. It is designed to protect the ability of children and seniors, women and men across this province to safely use their streets, highways, laneways, parks, parkettes, schoolyards. It is about regulating conduct to enhance quality of life in our communities.

The introduction of the Safe Streets Act is action in response to the concerns we've heard from the people of Ontario. They have asked us to act on the problems of squeegeeing and aggressive solicitation, which have interfered with their safe passage in public places. They have asked us to act to keep their neighborhoods free from carelessly-disposed-of dangerous objects.

Our government is exercising its responsibility and taking leadership to maintain and protect the ability of Ontario residents to use their streets, sidewalks and parks in a safe and secure manner. I urge the members of the opposition to support the right of the people of Ontario to have access to public places without interference and intimidation.

Mr Frank Mazzilli (London-Fanshawe): It's a great honour to stand before the Legislature today as a new member and give my first formal speech in this historic building. As I walk through the halls and see the portraits of those who have been so fortunate to serve here prior to all of us, I'm reminded of what a great province and what a great country we live in.

Like many Canadians, I emigrated to Canada as a young child. I grew up in London and learned a sense of community and responsibility from my parents, who worked hard and sacrificed to give my brother, my sister and I a better life.

I was later able to service my community as a police officer for 17 years. I was fortunate to work with many of the fine men and women who serve and protect the people of London. Again I was able to gain a greater appreciation for the community that I lived in by being exposed to sometimes the best and sometimes the most tragic parts of our society. I looked around and saw the greatness that was in our community, our province and our country. Also, I know we can do better. My children and all of our children deserve the best we can give them. They are worth the sacrifices we make for them.

Over the summer, I had the opportunity to meet many of the people who serve in this House, on both sides of the aisle. I appreciate and respect the sacrifices they have made to serve their constituents. I am proud to join them in serving the people of Ontario, and I would like to thank the people of London-Fanshawe, who have given me the opportunity to serve as their elected representative by placing their faith in me.

I'm proud to represent the new riding of London-Fanshawe. London-Fanshawe was created out of the former ridings of London North, London Centre, London South and London-Middlesex. London-Fanshawe is home to various income levels and occupations. We have professionals, such as lawyers and teachers and police officers, along with the many skilled workers, such as the men and women working at the GM Diesel plant. We are also home to a wide range of ethnic communities and their community centres.

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London-Fanshawe is the industrial centre of London and the surrounding area, with large industries such as GM Diesel, Siemens and 3M, as well as many growing enterprises such as the Robert Gordon Co, Grove Packaging and Trudell Medical Supply.

London-Fanshawe is also home to the London Health Sciences Centre, which is one of the finest health care facilities in North America. We are home to the London International Airport, which is becoming an expanding gateway to the world.

I would also like to add to the voices of other honourable members here in the House and welcome my former colleagues, who were in the gallery, from the Police Association of Ontario. These men and women who were with us in the gallery today, as well as the thousands of officers they represent, put their lives on the line every day to maintain safety and security in our

communities, and we owe them an enormous debt of gratitude. These men and women do an incredibly difficult job every day, and they do it with honour and respect for the community around them.

Here in Ontario the police have worked hard to earn respect, especially among new Canadians, to whom the word "police," in their native countries, represented repression and brutality. Police in Ontario have earned their respect and have established a reputation not only here at home but around the world, to the point where many of our officers have been members of international forces sent to foreign countries to teach police services how to do their job and earn respect in their communities.

We must continue to support our police and provide them with the tools to do their jobs better, to protect us all, while providing them with the safest possible working conditions.

As a police officer for 17 years, I understand the fear that many people feel walking the streets in our communities. I have a seven-year-old daughter, and my wife and I are expecting another child soon; I am concerned for their safety. I believe, as this government does, that all Ontarians should be able to walk the streets in their communities and should be able to drive the streets in their towns and cities without the fear of intimidation and without having to fear for their safety.

Policing services from around the province, as well as municipal politicians of all political stripes, asked for help in dealing with the problem of squeegee people and aggressive panhandling. We listened. We went to the public and we consulted, as we did throughout our first term, with community groups and individuals who wanted to work constructively with us to arrive at a solution to this problem. Those consultations led to our commitments in the Blueprint to give police the authority to crack down on squeegeeing and aggressive panhandling. This behaviour jeopardizes the use of our streets.

However, this bill goes even further than our commitments in the Blueprint. We've also included a ban on the disposal of syringes, broken glass and other dangerous objects in parks or any other outdoor place used by our citizens. This is not just a throw-in clause; this is an important addition to the provincial offences. I have often seen these types of objects thrown in schoolyards and parks. Critics may argue that these objects being disposed of are related to more serious crimes which the perpetrators should be charged with, and they are right. But what they fail to understand is that often there is not enough evidence to charge those people with the more serious crimes. The addition of this clause means that legislation will give police one more tool to help them keep our communities safe.

Under this act, the Highway Traffic Act will also be amended to make it illegal for people to enter the roadways and offer commercial services to drivers. This will give police the tools that are necessary to protect the public from those squeegee persons who are causing problems at intersections and attempting to intimidate

drivers who are obeying the law. There is also another safety issue that the act will deal with. Squeegee persons running into traffic are definitely a risk not only to themselves but to others.

The bill will also create a new provincial offence to deal with any kind of soliciting that is aggressive, including panhandling. It would also become illegal to panhandle anywhere that someone would be in a captive situation. This would include a person who could not move away from a panhandler, at an automated teller machine, a payphone, a public toilet facility, a taxi stand or a transit stop, on a bus or other transit vehicle, while someone is getting in or out of a vehicle or in a parking lot.

There are those people out there who claim that panhandling is not a problem. It is a problem. These people target the most defenceless members of our community: the elderly, mothers with young children, as well as others. They will attempt to intimidate them into giving them money. This is wrong. This legislation will give the police the tools that they need to deal with those who prey upon others through intimidation and fear.

People have told us that they have been threatened with physical harm, that they have had their path obstructed during and after being solicited, that they have been subjected to abusive language and that they have been followed. People have told us that they have been approached by people who were under the influence of alcohol or drugs and that they have continued to be solicited even when they have said no. This must stop. This government is prepared to do what is necessary.

This legislation gives the police and the courts a broad range of options to deal with these problems. The police will now be able to give someone breaking this act a warning. They can also ticket the individual and in extreme cases they can arrest the person.

The courts, when dealing with someone charged under this act, will also have a great deal of latitude. They can impose a fine, community service, probation or, in extreme cases, a jail term of up to six months for repeat offenders.

Homelessness is a tragedy that exists in cities not only in this province but across the country and throughout the world. It is a terrible thing and all levels of government must work together to achieve solutions to this problem. Many critics of this legislation have decried that it is an attack against the homeless. That is simply not true. Many of these people who are squeegeeing and panhandling in an aggressive manner are not homeless. This is an issue of public safety, not of homelessness. The people targeted in this bill are those who seek to prey upon people by using fear and intimidation. Some have continued to try to intimidate the community and government by promising to resort to what they refer to as more serious crime such as prostitution, drug dealing and break-and-enters. These are not homeless, these are thugs who want money that they have not earned and that they do not deserve, taking it from people who often cannot afford to give it up.

I've had inquiries from my constituents concerned that this legislation may somehow affect groups like the Girl Guides selling cookies or volunteer firefighters raising money for muscular dystrophy. I have assured them, as I will assure this House, that this government encourages legitimate charitable organizations and therefore they will be specifically exempted from this legislation.

Police, municipal politicians and citizens told us there was a problem. People do not feel safe walking the streets in our communities. They do not feel safe driving their cars through the streets in our cities. We listened to their concerns. We consulted with community groups and individuals around the province to hear their ideas and their solutions to the problem.

During the election we promised, in our Blueprint, to bring in legislation to protect citizens from squeegeeing and aggressive panhandling. Now we have introduced the Safe Streets Act. This act will give police the tools they need to deal with these problems. That is what being a responsible and responsive government is about: listening to identify a problem, consulting with the public to determine the best solution to the problem and then acting to solve the problem. That is what we have done.

1610

Mr R. Gary Stewart (Peterborough): I am extremely pleased to be able to stand and debate Bill 8, the Safe Streets Act, because it shows a government that is responsible. It also addresses a public concern, a concern of all people, no matter what the age.

I think it's extremely appropriate today to be debating this issue, the week after Remembrance Day. If I look at what has happened on our streets—and I come from a rural community, where maybe squeegeeing and solicitation are not quite as aggressive as they are here in Toronto and the bigger centres but, all the same, they are happening in the rural area—I don't believe that seniors, the older vets, young mothers, children, my grandchildren, should not be able to walk down the streets in this province and feel safe.

I am concerned also for those who are squeegeeing themselves. Certainly this bill is addressing squeegeeing, as it appears, but I'm concerned about their safety. I leave here to go back to Peterborough and go along Wellesley to Church and up, and I see these squeegee people coming out and trying to do the windows. People are getting aggressive in the cars, they are getting annoyed, and the minute that light changes, they are gone. The squeegee people are trying to get through those cars to get onto the sidewalk. I will suggest to you that if we don't change some of what is happening in allowing this and we don't put legislation in place, we're going to have squeegee people who are dead, who are killed on the street corners because of what's happening there. You can't dart in among cars the way they are doing and expect that accidents will not happen.

I also suggest to you that road rage is increasing at these particular stoplights where the squeegee people are basically interfering with the movement of traffic by the people who are using these roads.

I also believe that this type of bill will allow the police in the various municipalities to have some control over what they feel is aggressive or non-aggressive solicitation and squeegeeing, because I don't believe in a big, broad brush for all of this world or all of this province. The situation is much different in Peterborough or in Cornwall than it is maybe in Toronto or London. I believe that the individual police officer and police force should have the right and the opportunity to address them as it relates to those people.

I look at the vets that we just got finished honouring three days ago. They fought to make this country safe; they fought to make this province safe. We have to make sure that what they fought for is going to happen and that their streets are safe to walk down, whether it be, as I said, a senior, a vet or a young mother.

Interjection.

Mr Stewart: They fought for this country, and I would suggest, sir, that when I'm talking about the vets in this province or this country, you should be quiet, because I respect them and it appears you do not.

I would suggest also that this type of aggressive solicitation is not something that we all have to be subject to. Certainly the seniors of this province are afraid, in many cases, to walk down our streets and I don't think that's very right either, because those seniors were the pioneers of this country who helped to build these communities, helped to build this nation. I suggest to you that they should have that right to be able to feel free to walk down the streets and not be intimidated in any way whatsoever.

As I have mentioned, I have six grandkids and I want to make sure that they are safe when they go down the streets. They should have that right to go on those streets without any type of intimidation whatever.

Our community of Peterborough is one of few safe communities in this province and I want to compliment Mary Jane Smith and George Mitchell who headed up that program, along with the Peterborough Chamber of Commerce, to make our community as safe as possible.

But you can't make communities safe by words. You have to make sure that there are rules in place that people have to abide by. That's why we have government. Whether it goes back to the Bible, there are still rules that we all must abide by, and I suggest that we do.

The disposal of these dangerous objects in the parks and in the playgrounds I think is despicable. I think that we have to have legislation in place to make people be responsible for themselves, especially for the children and the younger people from the cores of these major cities, where they don't have a place to play, where they don't have places to go to have family picnics, where they don't have places to go to throw a ball around or play touch football. We have to make sure that those parks that they have the opportunity to go to are safe. We have to make sure that those parks do not have the types of objects that would be an impairment to their health, such as the syringes, the condoms, etc. I believe that, again, these are individual rights of people to be able to

use the public places like the parks, whatever they might be.

I believe that people have the right to drive on the roadways, to walk on the sidewalks, to enjoy—and I want to emphasize that word “enjoy”—the public places, to make sure that they are safe and they have security there as well. I believe the police forces of this province have done such a wonderful job—and we've heard about it today—and do have the ability to make those decisions on the spot.

When I think about people being aggressively intimidated, possibly in places like going to a bank machine—do you want to have somebody intimidating you, looking over your shoulder, etc, when you're going to try and do business at one of those bank machines? I don't believe anybody in this House wants that, although there will be criticism being done.

I also want to emphasize the fact that municipalities at the moment don't have any way to make sure that the squeegeeing, the soliciting, whatever—there was an interesting thing the other day. I was walking down a main street—it happened to be in this city—and there was a fairly aggressive solicitor soliciting me and sitting on the sidewalk. About two feet from the top of his head, on the inside of the window, was a “Help Wanted” sign. I wanted to go back and take a picture of that. Here was a person who found it much easier to be part of the underground economy, not to go to work, because in his mind, or their minds—so many people would say there's no work around, yet there was a sign on the inside of the window above where he sat saying “Help Wanted.”

I would suggest, with the type of programs that have been mentioned here in this debate, we are endeavouring to make sure that as many people have the opportunity to work as want to. I suggest to you that this will continue under this government.

1620

Just a couple of other comments I would like to make: I know there has been some concern, and I've received calls, regarding the charitable groups that feel this is going to make it tougher for them to raise funds. As you have heard from the minister and the other speakers, this is not true. If it happens on the street, then yes. But people should not be on the roadway doing the types of things they could possibly do. I can assure you that the firefighters and the police of this province will not be jeopardized in any way. It's a comment that's being made, and I hold these types of people, the firefighters and the police, in a great deal more respect than it appears people across this House do.

I am pleased to speak to this bill, because I want to make sure not only that the people of this province are protected, but also the people who are involved, much like those people who are doing some aggressive soliciting, as well as those who are darting among the traffic to the possibility that they themselves won't be safe.

I am pleased to have made a couple of comments. I believe this is a good bill and I support it 100%, because in this great province we have to be able to have the rules

in place. We want—and this government is committed to this—to make all areas of this province as safe as possible.

Mr Wayne Wetlaufer (Kitchener Centre): It gives me a great deal of pleasure to rise in support of the Safe Streets Act, Bill 8. While campaigning in the spring election, I met with literally thousands of my constituents. One of the priorities that they expressed time and again was community safety. I'm sure members of this Legislature know that the members of my riding are very hard-working; they're very honest; they have a great work ethic. They've cultivated one of the most industrious and successful regions anywhere in the world. We have large businesses; we have thousands of small businesses. We have a very prosperous area. We have a 4.9% unemployment rate. It is the highest employment rate of any in the province.

So when I talk about the success of my riding, it's not just the riding; it's also the region in which the riding is located, the region of Waterloo, which is one economic unit. All the people in this region are very concerned about community safety. We have large institutions—Manulife, Clarica. We also have large-scale companies—Budd, Babcock and Wilcox, Schneider's. But we also have, as I mentioned before, those thousands of small businesses which will some day grow into medium-sized businesses and large businesses, ultimately. We have all these people who now are obtaining jobs. Their concern first and foremost in 1995 was jobs and the economy. Now these people are looking at community safety.

There are those on the opposite side of the House who will ridicule our government's efforts on squeegee kids. Let me point out that the member for Eglinton-Lawrence, a Liberal member of the opposition, said that a lot of people are fed up with some of these punks. That was reported in the Toronto Star on June 21, 1996. The member for St Paul's also said that within a civil society you should be able to walk the streets and not be harassed. That was in the Toronto Star on October 2, 1999.

I ask the Liberals, through you, Mr Speaker, how it is that their leader doesn't know this is a problem? We have elderly people who feel totally intimidated by squeegeeing and other aggressive panhandlers. How is it that the Leader of the Opposition does not know that this is a problem in Toronto? How is it that he doesn't know it's a problem in southwestern Ontario? How is it that he doesn't know it's a problem in all of southern Ontario? Doesn't he talk with his fellow members from Eglinton-Lawrence and St Paul's? Does he not also know it's a problem in Ottawa, from whence he comes? I used to live in Ottawa. I lived in Ottawa for three and a half years, and I still have friends down there. Believe it or not, I talk to them from time to time, and I hear that squeegeeing is a problem in Ottawa. It's a problem, but Dalton McGuinty, the Leader of the Opposition, doesn't know it. What that says to me is that he doesn't know what is going on anywhere in the province. Is it any wonder he's got leadership problems?

Mr Doug Galt (Northumberland): But not for long. He won't be there.

Mr Wetlaufer: That's correct. It may not be a problem for long.

During the election, our party promised the voters of Ontario that if we were given the honour of forming the government again, we would address the issue of community safety. In our campaign platform document, the Blueprint, we promised voters that we would provide the means to hire "1,000 new police officers" to patrol our streets, that we would provide "police officers with modern law enforcement equipment." We would replace "aging jails with new, more secure facilities." We also promised to introduce "90 day, on-the-spot suspensions for drunk drivers." We would establish "a zero tolerance policy for unsafe trucks and truckers." We would expand "Ontario's DNA crime lab," making it North America's best such lab. We would provide "increased funding for the independent special investigations unit, so that our police forces" would be "not only more effective" but "more accountable." We would dramatically increase "the number of applications to have criminals, particularly pedophiles, declared dangerous offenders." We also promised voters that we would stop aggressive panhandling and other kinds of aggressive solicitation, such as squeegeeing.

We did that.

Mr Michael Bryant (St Paul's): Not with this bill.

Mr Wetlaufer: The member for St Paul's says we won't do it with this bill. I'm also going to quote something else the member for St Paul's said. You said it's going to take some time to get people thinking of the Liberals as a law-and-order party. You said that. You were quoted in the Toronto Star on October 2, 1999. Well, we're doing a lot more with this bill than the Liberals could ever have conceived.

Communities throughout Ontario are asking for something to be done to combat aggressive forms of panhandling, and the Safe Streets Act, 1999, will do just that. Squeegeeing is not a trend or a fad like Cabbage Patch dolls, the Hula Hoop or Pokemon. Squeegeeing is an offence. It intimidates the elderly and it has to stop.

1630

This act makes it an offence to unsafely dispose of a condom or needles. We know the problems that causes. We know about the problems that have been attached to squeegeeing. We know about the problems that have been attached to condoms. We know about the problems with AIDS. You people don't understand that. We are doing something, and I am very glad to lend unqualified support to the Safe Streets Act.

The Deputy Speaker (Mr Bert Johnson): Comments and questions?

Mr Dominic Agostino (Hamilton East): In response to comments that were just made by the previous speakers, I find it interesting how, as they found welfare to be the hot-button issue for this government in 1995, they found that was the tool to beat up on the poor, now, as we get beyond the 1999 election, this government has

found a new way of beating up on the poor and beating up on the homeless, and that is, of course, through this type of legislation.

Clearly there is a problem in some pockets with squeegee kids, some squeegee kids being rude and aggressive and so on. That's a small part of a bigger problem that we're facing and that these young people are facing. The reality is most of these people are homeless. The reality is most of these people are in poverty. The reality is most of these people have come from very difficult circumstances. So what does the government do? They've got the Rudy Giuliani solution. This is good old New York City. You take the homeless, you take the squeegee kids, you take the panhandlers—anybody who doesn't fit into your mould of Ontario—and just lock them up, throw them away. Maybe you can do what Giuliani did and have the trucks come out in the morning and just pick them right up, pick the homeless people right off the streets at 7 o'clock in the morning before the rest of the world, the rest of New York City, gets to see that. That is this government's approach.

You're obsessed with right-wing, Republican-style issues, and you continue to do that. You've done it with drug testing. You copied Governor Engler. You've taken Governor Engler's approach in Michigan and decided you're going to drug test all welfare recipients because, in your view, all welfare recipients are somehow on drugs or alcoholics. Now you've done the same thing here with squeegee kids. The reality is you have failed to acknowledge the problem.

Let me say to you that the reason we have more homeless today and the reason we have more difficulty with people on the street today is as a direct result of your government's policy. You are responsible, through your actions in the last four years, for putting many of these people on the street, making them homeless, putting them in poverty, and now you come in as though heroes to save the day. What's happening here is an absolute disgrace, an insult to poor people across this province.

Mr Gilles Bisson (Timmins-James Bay): You've got to give credit to the government. They've found a unique way to deal with poverty. Why didn't everybody think of this before? You pass a law against it and you say for anybody who is poor and doesn't have a job, for whatever reason, and finds themselves having to panhandle or go out a wash somebody's window in order to make a few bucks to put a square meal on their table at the end of the day, we'll pass a law and we'll make it against the law and we'll throw them in jail. That's the essential of what you guys are doing here.

I can't believe it. You've got the government on the other side making comments, stupid comments, that someone who is panhandling somehow is not someone who is homeless. Excuse me. Have you taken a walk around the city of Toronto? There aren't too many people living in Thornhill who are out panhandling in the morning or in the afternoon. It's people who are homeless. You guys are living in a dream world and the dream that

you're having is scary; it's a nightmare. Would you guys give your heads a shake? This is political legislation to try to deal with what you see as a political issue, "We want to be seen as the party of law and order." It has absolutely nothing to do with the issue of homelessness, it has nothing to do with the issue of poverty, and least of all, it has nothing to do with law and order.

The reality is that kids are out there squeegeeing—for what reason?—because they are not able to find a job in Mike Harris's Ontario. It's not because they're out there by choice and they have all kinds of other choices to make. People who are out there panhandling are there for very much the same reasons, and I would add, many of them are there because they've been basically sent out of provincial institutions. When we started to depopulate the mental institutions in this province, many of those people landed on the street. Take a walk some day outside of Thornhill and go take a look at what's happening in downtown Toronto.

It is unbelievable that a responsible government in a democracy would come into this House and pass legislation that says basically, "Being poor is against the law."

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I'd like to congratulate the Attorney General and other members of the government side for speaking on this bill, the Attorney General specifically in responding to a social problem that has been drawn to our attention by the Toronto police, by the city of Toronto, who have concerns with how they're going to deal with certain social problems.

To the member for Timmins-James Bay, yes, generally, these types of social problems do exist in the urban areas. I doubt if they happen in your riding. I doubt if too much of it happens in my riding. It does occur, and as one of the government speakers mentioned, this bill is about community safety, this bill is about seniors and other persons who are walking down the street and simply concerned with their safety, with being able to walk down, being unobstructed by solicitation or other matters.

It's a very simple bill to read. I recommend that members of the opposition read it. Section 2, for example, says, "No person shall solicit in an aggressive manner." That's all it says. Then it further defines what an aggressive manner is, "'aggressive manner' means a manner that is likely to cause a reasonable person to be concerned for his or her safety or security."

What's wrong with that? What's wrong with putting a law forward to stop them from acting in an improper manner, and acting in a way that will enable people to walk down the street unmolested? The bill is quite specific about other things you can't do and defines more specifically what an aggressive manner is, "Threatening the person solicited with physical harm, by word, gesture or other means, during the solicitation or after the person solicited responds or fails to respond to the solicitation." What's wrong with that?

Ms Caroline Di Cocco (Sarnia-Lambton): An act to promote safety in Ontario—I find that this government is

a master at appearing to talk about safety. There are fundamentally a lot of issues that are more complex regarding these kids on the streets, and this government is certainly not addressing them in the least.

One of the areas that I see in my own riding is that when it comes to the number of police, we don't have enough placements in police colleges to replace the police who are retiring from the force. That's a real safety issue, because we don't have the people there to protect us when we need real protection, and it isn't from squeegee kids.

Squeegee kids are not a hazard to our society, but allowing dumping of hazardous waste from the United States into prime farmland is a hazard to our society.

Using the squeegee kids as a hot button is really absurd, because locally what has been front page in Sarnia-Lambton is the fact that the volunteer firefighters and professional firefighters who raise money for the Kinsmen, for the Santa Claus parade, stand in the middle of the street to raise money, and it has been stated by members of our police in Sarnia that they will have to enforce the law and they're going to have to ask the volunteer firefighters not to stand in the street and raise money for the Santa Claus parade. So squeegee kids is only a hot button that I believe this government is using.

The Acting Speaker (Mr Michael A. Brown): Responses?

Mr Wettlaufer: The reality is that squeegeeing is a safety issue. Just as recently as this morning, I had occasion to speak with a police officer. You have to understand that this police officer is six foot three and weighs in at over 250 pounds, and he said that he was surprised at how easily these squeegee people approached him at an intersection, asking for money for cleaning the windshield. He said he wondered how many smaller drivers, particularly women driving alone or with their children, felt intimidated into giving money to these people just to be left alone.

We have to address this problem. We have to say to people of Ontario that we respect your right to be able to go to a bank cash machine without being harassed by a panhandler, we respect your right to go into the parks and schools and not be confronted with disposed syringes, we respect your right to be able to approach an intersection without being concerned for your safety, and we respect your right to be able to go into an intersection and not be concerned about your vehicle being damaged.

This is a safety issue. Our government is addressing it, something the other two parties would not be willing to do because they simply do not have the intestinal fortitude.

The Acting Speaker: Further debate?

1640

Mr Bryant: I rise today to speak to this Bill 8 on behalf of the official opposition. I'm going to be sharing my time with the member for Kingston and the Islands, the member for Essex and the member for Hamilton East.

We are committed to safe streets, and I'm glad the members opposite have managed to go through press

clippings and have found a few quotes from a few Liberals saying there what I'm saying here: that we are committed to safe streets. That means providing a myriad of approaches to tackle crime and its causes. That means looking to other jurisdictions in seeing what works. That means no superficial quick fixes, but rather an intelligent, long-term approach to serious and potentially serious threats to safety on our streets.

This bill, on the other hand, represents the height of superficiality. It demonstrates brutal priorities and brutal execution. You can't paper over a criminal justice policy. This act won't work.

Let me deal with each of these in turn; first, the priorities.

We had an election in June, and I don't know what the election issues of the members across from me were, because they seem to be very different from the election issues that I had in my riding. In my riding, the issues were health care, education, housing, and serious approaches to the safety of our streets. Exactly what honourable member had squeegee legislation high on their agenda? Obviously, the answer is none.

None of this is to understate the importance of criminal issues, the importance of the safety of our streets, but let's look at serious issues like the rise of organized crime. That's on the rise, and this government is doing nothing about it. Hate crime is on the rise, yet this government is doing nothing about it. The proliferation of illegal guns is on the rise, and this government is doing nothing about it. Police officers and victims' organizations have told me that domestic assault is on the rise in the province, and this government is doing nothing about it; rather, they're cutting funding to women's shelters. Child pornography is on the rise. We know an increasing number of child porn Internet Web sites are starting in Toronto, and this government is doing nothing about it. We know that deadbeat dads can wander the streets of Toronto—not squeegees, this government would hope, but deadbeat dads—without fear of prosecution, thanks to their famous 1% crackdown rate against deadbeat dads. We too take crime seriously, but we rather would first deal with the priority crime issues.

But let's turn to street crime, because the bill is in front of us, and let's look at serious street crime problems.

The drug trade: This government in its Blueprint committed to reduce the drug problem by cracking down on dealers. Do we have a bill yet from the government doing that? No. Apparently, squeegees are more important than cracking down on drug dealers. This government has done nothing on this commitment.

The Tories also made a commitment in their Blueprint to address underlying social problems such as poverty, illiteracy and drug abuse. Is there anything in Bill 8 addressing this? No, of course not. Has any action been taken by the government? No, of course not. Squeegees apparently are more important.

The most cynical part of the priorities demonstrated by this government is the fact that this bill is taking place

prior to any announcements, let alone amendments, to the Mental Health Act. By its own admission, this government has said that changes need to be made to the Mental Health Act. I sat on a talk show with the member for London-Fanshawe and he acknowledged it, and the honourable Attorney General acknowledged it again today. Yet by failing to introduce legislation dealing with the Mental Health Act prior to passing this legislation, what this government is saying is: "Yes, there are people on the streets who need to be treated. Yes, legislative changes must be undertaken in order to treat those people. But, no, we're not going to do that. We're going to incarcerate those who, by this government's own admission, need treatment, not incarceration." That's bad execution, it's unconscionable, and it's a cynical ploy to appear tough on crime.

By failing to address the causes of the nuisance and the sometime harassment and trespass to property that results from squeegee kids, by failing to address the causes—homelessness, poverty, and whatever turns people to the streets—this government is using the least effective tool to sweep our streets of these people as if they were garbage. The squeegee people and panhandlers are being put in the same bill as used condoms and used syringes, as if they're all garbage that we can sweep from the streets of our cities. As the member for Peterborough pointed out, this is not garbage. These are people. The member expressed some concern about them being killed as squeegee kids on our street corners—a moment of remarkable compassion for the member for Peterborough. As he's suggesting, these are people. You can't paper them away; you can't sweep them away. They'll be back, because this legislation is simply going to shoo them from one street corner to another, as I'll speak to in a moment.

Lastly with respect to priorities, by creating an offence to drop a used syringe, this government not only fails to address the causes of crime or the treatment of substance abusers, not only fails to crack down on crack use, it fails to clean up the effects of this crack and heroine use on our streets, because there's nothing in this bill and there has been no commitment by this government, not a peep, about cleaning up the mess that's left behind after the drug trade and the sex trade has been through a neighbourhood. No, they're willing to crack down on littering syringes and used condoms. Sure thing, Mr Speaker. This government is really tough on crime.

Number one was priorities; number two is execution. The Tories' approach to this problem is doomed to failure. Let's look at what the options are, just look to the offence options. Let's not look at the press release, let's not look at the speeches, let's not look at the photo ops; let's look at the bill. Under the bill there are basically three alternatives: incarceration, warnings or fines, and nothing at all—that's the third alternative.

Let's go through each one.

Incarceration: I can tell you, having spoken to provincial offence prosecutors, Highway Traffic Act prosecutors, and certainly speaking to crown counsel—and of

course a lot of these charges will end up in provincial court if there is another charge tacked onto it—there is no crown around who is going to actually follow through when they have got anything from break-and-enter to sex trade and drug trade and assaults and sexual assaults and attempted murder and homicide. In the scheme of things, they are not going to make this a priority. They are not. By itself, if the only option is incarceration, you can be sure that the prosecutors won't be asking for incarceration. So if they're not asking for it, chances are that neither the JPs nor the judges are going to deliver on it.

1650

If there's no incarceration, then where are they going to go? I'll tell you where they're going to go. They're going to go back on the streets. So that's option 1, incarceration. I say here that it won't happen, and we'll see whether or not it happens.

But let's say it does happen. If the goal is to make these people more productive members of society—and let's be clear, we're not talking about rounders, we're not talking about people who have a long criminal rap sheet. Those people are in a different category; this is not about them. This is about squeegee people. Within that category, the studies tell us—

Forget about the studies. I live in Toronto. I walk down the streets. I ask squeegee kids, "Would you be doing this if you had a choice?" There's an empirical question and we're about to find out what the answer is. How many of these people are homeless? How many of these people are rounders? How many of these people in fact are going to go back to their Rosedale and Forest Hill mansions? That is the urban myth and is going to be proved to be just that. We're going to solve that empirical question in due course and we're going to see whether or not these kids do come back.

But is this going to make them more productive members of society? Is this going to help them get a job? Is throwing them into jail going to help them get into treatment centres? Of course not. Incarceration should be the last resort. Yet it is the only punitive resort under this legislation.

So there is option 1, incarceration which won't happen or incarceration which does happen, and what kind of a sentence are they going to get for squeegeeing? They're going to be right back on the streets.

Option 2 under the act is warnings and fines. In a nutshell, that's just not going to work. It didn't work in Montreal. It hasn't worked in Toronto up until now. Criminal Code offences which permit police to give out warnings have been on the books. Of course warnings aren't going to work, and I'm going to speak to the experience in Montreal in a moment.

In a nutshell we have three alternatives: incarceration and then they're back out on the streets; no incarceration, they're back out on the streets; give them a fine, they're back out on the streets.

I care about addressing this problem and I guarantee you that the way to address this problem is not to push them through the revolving door of the criminal justice

system and then hope that nobody notices when they come back out.

I've spoken about a number of other jurisdictions. I'd like to speak to that and in particular the New York experience, because the Honourable Attorney General made reference to lifestyle offences, which is taken straight out of the broken windows policy propounded by Mayor Giuliani.

So let's talk about what really happened in New York. Two thirds of the number of squeegee people on the streets of New York were removed under Mayor Giuliani. There were approximately 190 of them. They consisted of middle-aged men with fixed addresses and previous run-ins with the law.

I lived in New York for a time pre-Giuliani and I lived for a time post-Giuliani, and I and anybody who has been to the city noticed the difference. But for those of us who were there during Mayor Dinkins's reign, we all remember that most of the squeegee people there were not like the squeegee people here in Ontario; fittingly so, I guess, the Canadian version of squeegee people. Most of the New York squeegee people were rounders, most of them were junkies. Once they went into the criminal justice system, as I'll talk about in a moment, they were sent off to treatment. The approach was not to try and lock up the problem or shoo the problem away; the approach was to deal with the problem.

I just want to make the point at the outset that we're talking about two very different classes of offenders in the New York approach versus the Toronto approach. The reason that New York was a success was because of the Manhattan midtown court project. What happened was they would be brought into the system and the prosecutors would work together, with the judges if necessary but ideally prior to that, to divert them into treatment programs, jobs programs, social agencies. Remember, this is a Republican mayor who is doing this. They hadn't at that point gutted or trashed those agencies, so in fact there were programs to send them to.

Instead of just throwing them into jail, they put them into either the addiction program or the jobs program or if in fact they were mentally ill and they needed treatment, they went into that treatment program. As a result of that, the regulatory system was used as a tool, but there was an understanding that there had to be both a stick and a carrot.

There's nothing in this bill that does that. That's not in the options that are set out under this legislation. Diversion programs are nowhere to be found in this legislation. Diversion programs, in fact, are not used under the Highway Traffic Act, and they will not be used under the Provincial Offences Act for this offence. All we're doing here is that we're taking the first half of the New York experience and using the stick and ignoring the second half, which is what made it effective in diverting them into areas which might actually make these people more productive members of society.

Now let's turn to a Canadian example that worked. In Vancouver in 1998, the city council passed a bylaw to

deal with squeegeeing and panhandling. Council also resolved to work with government agencies, crown counsel, to ensure that aggressive panhandling as well as its root causes, such as drug and alcohol addictions and mental illness, were addressed. City council also resolved to work with business associations on initiatives to address squeegeeing through outreach programs and public education campaigns. This is what Vancouver did. The current police initiatives which are still ongoing involve a voluntary compliance program offering aid and assistance to those who will take it.

Lastly, in Vancouver the policy of arresting aggressive panhandlers under the Criminal Code was explored. They tried it, and then they abandoned it because it was found to be too much of a strain on resources. In a nutshell, the cops wanted to be dealing with more serious crimes when they could be sending out a government agency worker to put somebody into that particular program. That seems like a more sensible approach.

Council finally resolved to deal with the approach using collaborative efforts, including regulation and enforcement, programming directed at the root causes behind the behaviour and public education to better inform the public of the issue. This was their approach, and they have been successful in reducing the problem of squeegeeing and aggressive panhandling on their streets.

Lastly, we turn to Montreal. Here's a Canadian example that didn't work. During the summer of 1998, Montreal cracked down on squeegee kids. The mayor made a promise and the mayor followed through on the promise, just like this government proposes to follow through on its promise to crack down on squeegee kids. So, in May 1998 Montreal was injected with 50 new patrol officers devoted to ticketing squeegee kids, which is more of a commitment, I might say, than we have here in this bill. We have words in the press release about police being shuffled around, but we have nothing in this bill and nothing from the Honourable Attorney General speaking to more police officers being devoted to ticketing squeegee kids. If that's the case, I would question the priorities of that.

The patrol officers handed out hundreds of tickets, the bulk of which remain unpaid to this day. The effect of the crackdown on squeegee kids was simply to shuffle them from one corner to another. This past summer, the number of squeegee kids in Montreal was exactly where it was the year before. Did the Montreal example work? Why don't we ask the mayor of Montreal, who proposed the bylaw, who campaigned on the bylaw and who voted for the bylaw. Guess what? Mayor Pierre Bourque recognized that the crackdown on squeegee kids did not work. The crackdown alone, I repeat, did not work.

The mayor's focus is now on prevention and addressing more significant crime, such as the drug trade and the sex trade, which has increased. I might as well forecast now the lesson the mayor of Montreal learned from the city of Montreal. Bourque agreed that the crackdown on squeegee kids was partly to blame for the corresponding increase on the drug trade and the sex

trade. At the end of the day, the overall problem of dealing with safe streets was in no way effectively addressed.

Why did New York City work? Why did Vancouver work? Why did the Montreal approach not work? Again, it's not only about fulfilling the offence provisions but also what you do with them once you put them in the paddy wagon. I have not heard a thing from the other side of the House, I've never heard a word from the government in all their speeches, today or previously, about what happens after they're arrested. The government doesn't want us to know what happens after they are arrested, because what happens after they are arrested is that they are going to come right back out on to the streets.

1700

As I said, in New York, the Mid-town Manhattan Court Project used regulatory law to divert those charged with quality-of-life offences into social agencies and treatment centres, not prison. In Vancouver, government agencies, business associations, police and crown counsel work together to provide outreach programs to help get the squeegee kids into more productive lives. Either a government outreach worker or a police officer could divert the street kids to the appropriate agency before the charge was laid, because once they've got a record it's going to be that much harder for them to get the job that they need to get their lives on track.

Let's also listen to those who have looked at this problem. The Caledon Institute studied street crime and street problems in Toronto and Winnipeg, and they concluded, "Legal prohibition may sound as if it would be a cheap and easy solution, but the difficult truth is that it would at best provide a temporary cosmetic cover-up." This is what I am concerned about with this legislation: that in fact it is just a cosmetic cover-up; that it is part of a paper criminal justice policy of this government that will have no effect.

This year the SHOUT Clinic Report was released. It was on homeless youth and employment, and it was put out by the Central Toronto Community Health Centres. They went around to the streets and they talked to everybody on the streets in Toronto and in Winnipeg, and they came up with these results. They said that what you ought to concentrate on is nine particular areas, and I'll just quickly run through the list.

They said the government needs to undertake long-term solutions. A low-income housing policy—well, we know that's not taking place under this government.

A policy which addresses increasing homelessness—we know that this government is doing nothing on that, and there's certainly nothing on that in this bill.

Employment training programs—again, it's going to be difficult to put somebody in an employment training program if they're either on the street or in jail.

Returning them to school—that would be a useful thing to do with a squeegee person, to try to get them into school, to try to get them into a post-secondary institution.

Substance abuse programs—government needs to invest in substance abuse programs, says SHOUT, but there's nothing about any of that under this bill, and not a peep from this government on this topic.

Diversion programs—I've already spoken to that. Nothing under this bill is going to permit the diversion of these people into those programs. Certainly no resources are being expended into those diversion programs.

Lastly, community action treatment teams, it was proposed, should be sent out to deal with the mentally ill. It's going to be difficult to send out health care workers to undertake a constructive approach if in fact there are no changes under legislation that would permit them to do that.

One recommendation that the SHOUT report made—and this is interesting, because the government didn't undertake any of those eight plausible ideas, and they actually contradict recommendation number four, in which they recommend that crackdown programs in and of themselves will be ineffective and should not be undertaken unless the ensuing recommendations are proposed. So you may have an argument over whether or not the regulatory approach is the right approach, but at the very least, the regulatory approach without more is doomed to failure and a recipe for disaster.

Where do I get that from? I get that from looking at the Montreal experience, I get that from the studies I just cited, and lastly, I get that from the New York and the Vancouver experience. But this government wouldn't want to look to any other jurisdictions and get a substantive, comprehensive approach because that would contradict their paper policy for the criminal justice system. What would this government care about long-term, effective solutions?

My last point on this bill—and I don't want to move specific amendments; I understand we are here on second reading, problems with the bill in and of itself. This bill is the height of tokenism, the height of superficiality and the most cynical legislation we could imagine to address this problem.

When you look at the bill, and at the definition of "aggressive" under "aggressive soliciting," you may say to yourself, "That sounds familiar." Well, it does sound familiar. It duplicates the federal Criminal Code provision on assault; I think it's section 2(43) of the Criminal Code. Leaving aside the constitutional status of such a move, what more does this provision add if it already exists under the Criminal Code? Well, the answer is that it doesn't do anything and it's consistent with papering over the problem.

Let me say this about the constitutional status: There is no ostensible provincial anchor under the aggressive soliciting section—I'm referring to section 2 here. There is no provincial anchor under section 2. It's a different matter under the Highway Traffic Act; it's clearly a provincial matter. But under section 2 of this act there is no provincial anchor. There is always the potential for constitutional questions, but there's no point supporting or passing legislation when, on its face, before it's even

passed, it clearly doesn't meet the constitutional test under the Constitution Act, 1867. So it's difficult to imagine a more ineffective bill. Not only is it bad priorities, not only is it bad execution, but the bill isn't even going to stand for more than a year under our courts, I imagine. I repeat: There's nothing in section 2 dealing with provincial matters.

It's also so poorly drafted that it may capture private business negotiations. Why would I say that? The only aggressive soliciting I have ever been a part of is in my former life as a aggressive solicitor, and the honourable Attorney General will understand that in business negotiations it is often a tactic to undertake an aggressive approach. Well, there is nothing under section 2 of this act that refers to any of these aggressive solicitations as taking place in public. I looked and looked, and there's nothing under section 2 that requires somebody to be out on the sidewalk or on the street for this to be taking place. I can only imagine the negotiations between the honourable government House leader, the Opposition House leader and the leader of the third party. I have no doubt that they become very aggressive, and that they will be contravening the act. It is overbroad at best, ineffective at worst.

The last point is one that has been raised by the member for Essex that, of course, there are all kinds of absurd hypotheticals that anybody could stand up and make with respect to the overbreadth of this act, and that is the nature of free speech. It is the job of lawyers, in fact, to stand up and do just that. But the problem of Shriners and Odd Fellows and firefighters actually being captured by this act is not a hypothetical dreamed up by lawyers or opposition members. These are constituency concerns that have been called in to members, at least on this side of the House, and that I hope raise a real concern on both sides of the House. If a complaint is made to a police division that there may be a violation of this act on a certain street corner, it would go without saying that the police would be bound to investigate it and we may find that this act is more a hindrance to effective law enforcement than it purports to be.

So we do not support this legislation in principal because at best it won't work and, at worst, squeegee kids will be shooed off the streets around the 416 and moved up to the 905 or wherever they can survive. This is the sweep-it-under-the-rug act, it is the antithesis of an effective, intelligent, earnest approach to a very serious crime problem in our cities.

1710

Mr Bruce Crozier (Essex): It's my privilege to stand today to speak to this Bill 8 and to add to the comments of my colleague from St Paul's.

I have a copy of Hansard from this afternoon's question period in which the Premier of the province said to my question that it's a "disgraceful lack of confidence" in the police "to use common sense ... in understanding the difference between aggressive panhandling..." While I have the utmost confidence in the police of this province, the problem is that this bill allows—as was just men-

tioned by the member for St Paul's—a complaint to be made by a citizen of the province, and the police then presumably will have to act upon that.

In the few minutes that I have, I'm going to rely on the comments of others; I'm going to rely on the bill itself. It might interest the public in the province to know that in this five-page bill, notwithstanding the fact that the word "squeegee" has been mentioned a number of times during debate, there is not one word in this bill that says "squeegee." So we have to take the bill at its face value and say: "Yes, the law does not discriminate. This bill is to cover everybody. Everybody is treated equally under the law."

Now, the minister himself in question period this afternoon said that somehow or another there was being a misrepresentation under the bill. In fact, I think it was his comments in the opening of this debate that there was a misrepresentation in the bill. In fact, the minister suggested that I read the bill, which I have, several times.

The minister also made a comment today that this is intended to prevent commercial solicitation. He used the word "commercial" a number of times. Well, I've used our handy computers, Minister, and nowhere in this bill can I find the words "commercial" or "commercial solicitation," and that's contrary to what you said this afternoon. So if there is some misrepresentation being made, perhaps that applies to more than just one person in the House today.

When we go to the bill, the definition of "solicit" is very detailed. It means "to request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means."

I raised the possibility today that students standing and inviting motorists into a charity car wash might be considered to be illegal. The minister might well wonder, where did I get an idea like that? Strangely enough, Minister, I remind you that on November 3, as reported in the Toronto Star on November 4 under briefs, under "Queen's Park" it says "Fundraisers Warned," and I quote from the article:

"Volunteer firefighters and other people raising money for charities are being lumped in with squeegee kids under the Harris government's proposed Safe Streets Act. Attorney General Jim Flaherty said yesterday the days will soon be gone when firefighters in small towns can stop traffic to ask for donations or teens can stand at the roadside enticing motorists to stop for charity car washes." In quotes it says, "They will have to obey the law."

When it comes to obeying the law—

Interjections.

Mr Crozier: The minister is chirping over there. I'm only going to use—

Hon Mr Flaherty: Read the quote.

Mr Crozier: I read the quote, Minister. I'm only going to use words from the bill and I'm only going to use words, quotes, from other individuals.

The bill also goes on to say that “roadway” has the same meaning as under the Highway Traffic Act. You’ve explained that. It goes on to explain what a vehicle is, which includes automobiles, motorcycles, vans, trucks etc.

There are five or six definitions of a captive audience. In this bill it says, “No person shall ... solicit a person who is using, waiting to use, or departing from an automated teller machine.” Well, leading up to Remembrance Day in my home town of Leamington, there was a Legionnaire standing at a bank machine collecting money for poppies. Under this bill, I can see no other explanation but that if you’re soliciting someone waiting to use or departing from an automated teller machine, you would be in contravention of this law.

Also, it says as one of those six areas, “No person shall ... while on a roadway, solicit a person who is in or on a stopped, standing or parked vehicle.” I refer to section 177 of the Highway Traffic Act: “No person, while on a roadway, shall stop, attempt to stop or approach a motor vehicle for the purpose of offering, selling or providing any commodity or service to the driver or any other person in the motor vehicle.”

The minister tells us that charities need not be concerned, but the law is the law. So what do charities have to say about it? Jim Parent, president of the Goodfellows in Windsor, says, “If that becomes law, it would kill us.” This was in the Windsor Star, Friday, November 5. And when it comes to a question of whether this can be treated with some understanding, some compassion, some common sense, I only quote from Staff Sergeant Dave Rossell, a spokesman for the Windsor Police Services: “We can’t pick and choose which laws we want to enforce and those we don’t. We may be put in a position where we’d have to enforce.” That was in the Windsor Star Saturday, November 6, 1999. They’re not my words. They’re concerns of Staff Sergeant Dave Rossell. These are concerns of Jim Parent, president of the Windsor Goodfellows. I’ve had expressed to me back in my riding the concerns of the firefighters, who have raised tens of thousands of dollars for the burn unit at Metropolitan General Hospital. They’re their concerns. We know that there are people out there who are going to complain, if for no other reason than to cause mischief, if for no other reason than the fact that—they weren’t threatened, they weren’t intimidated, they weren’t even stopped perhaps, because most of these are done when the signal light is red—simply, they want to see this law, which the minister says applies to everybody, enforced.

The office of my colleague from Sarnia-Lambton received a call from the mayor’s office in Sarnia. It seems that the government’s new law prevents the local Kinsmen club from shining car windows on street corners to finance the local Santa Claus parade, and the member for Sarnia-Lambton brought that to our attention.

If squeegee kids are the problem—and my colleague from St Paul’s has outlined a number of issues that apply to them that this bill certainly won’t address—why, then,

would this government write a bill that can apply to every other group in the province that ever enters on roadways?

It would appear that one of their own members, from London-Fanshawe, has already, as he said this afternoon in the Legislature, assured his constituents that groups such as the Brownies selling cookies and firefighters collecting money for the Muscular Dystrophy Association will be specifically exempted from this law. But my problem is, it’s not in the law. The law that we’re debating today has absolutely no exemptions. As has been said, everybody’s treated equally under the law. And as the minister himself has said, they will have to obey the law.

I ask the minister to look at this piece of legislation. It’s badly drawn for the objective you have indicated you want to accomplish. Look at the law. Allow some amendments when it comes to committee. If you’re not going to do that, just withdraw the law and go back and make one that, as my colleague from St Paul’s has suggested, is effective, that does the job you want to do and that does not attack charitable organizations in the province.

1720

Mr Agostino: I rise along with my colleagues to speak to this bill. I think my colleagues have clearly outlined the weaknesses of the legislation and the areas of the legislation that are unworkable, unenforceable and, frankly, make much of this bill quite useless.

I want to speak for a few minutes on the approach this government has taken in dealing with this problem, the reality of the situation, the people who are affected by this bill and really what has been this government’s lack of action in trying to deal with the serious, underlying issues that have forced many of these people into the situations they are in and have become the focus of the attack of this government.

Poverty is a significant factor with people who are homeless, people who are panhandling, people who are working at the corner, the squeegee kids. When you look at the stats, the research that was done by the addictions research foundation of Manitoba found that 85% of panhandlers had failed to graduate from high school. There are about 200 squeegee kids in Toronto. They are mostly homeless individuals ranging from the early teens through the 20s. There are some exceptions, but that is the majority of the group affected. Research on homeless youth over the past decade has found that these kids were often victims of sexual, physical and mental abuse at home. Some were involved in petty crime, and drugs and alcohol were also a factor for many of these kids.

The reality is that by passing what I would call this American-style, Republican law or approach to dealing with a serious problem, the government is failing to deal with the underlying causes that force many of these people out there. If you listened earlier to some of the speakers on the government side of the House, you’d almost think it was a career choice they made. I’m sure the squeegee kids choose to be at a street corner in the middle of the winter, in freezing temperatures, running

out and cleaning a car window. I'm sure that's a career choice most of those people make. Somehow government members lead us to believe that these people pack up their tools at the end of the night and go home to some suburb.

Mr Bisson: They go to Thornhill.

Mr Agostino: Thornhill, as my colleague says, or maybe some actually get in their Mercedes and drive off to Rosedale for the evening.

You make it look like it's a career choice, that somehow people choose to live that way, somehow people choose to be homeless, somehow people choose to be poor. If you talk about careers, this government has made a career of picking on the most vulnerable, poorest people in our province, and this bill goes along those lines.

I don't see anything in this bill that talks about programs to get mentally ill people off the streets. I don't see anything in this bill that talks about finding accommodation for the homeless, beyond simply the shelter network, through affordable housing. Where does this bill deal with that? In what you have done, where are the increased programs to deal with these people? Once you round them up and throw them in jail, and then they come back out, I guess you'll just throw them in jail again. Maybe the new superjails you were talking about will be filled simply with homeless people and squeegee kids. That's the best way; nobody sees them then. You said you'd fix the problem, just like you fixed the problem with welfare by changing the rules and forcing hundreds of thousands of people from the system on to the streets. You fixed that problem in your mind as well.

This is typical of how this government approaches problems, and you of course continue to try to score cheap political points at the expense of others. Yes, there are some aggressive squeegee kids. I think we've all seen it. But I can tell you that the vast majority of times when I've been at a stoplight, they come, they ask, you wave them away and they move on. In the last five years, I think my car has been done once without me approving it. In most cases, they're not rushing out there, threatening and intimidating you, threatening to break your windshield, break your antenna and smash in your headlights. Maybe it just happens to Tory members, I don't know, because you seem to be the ones having these problems all the time. Maybe you're out there inciting it.

Ms Marilyn Churley (Broadview-Greenwood): They have signs in their cars saying, "We hate squeegee kids."

Mr Agostino: Maybe that has something to do with it. I just find that you have taken this and you're saying that the perception is much worse than the reality here, and you're going to score some political points on it.

But again I ask you, how does that deal with the issue? How does bringing this law into place now that will force you to jail squeegee kids or homeless people if they persist in being squeegee kids or persist in being homeless—again it's this choice they've made. How does this deal with the underlying problems that are

there? How does this deal with the potential mental health problems many of our homeless face? How does that help? You haven't been able to answer that. How does it help the young person who's on the street, has no home and this is their only means of survival? What are you going to do? What alternative have you put in place? Absolutely nothing, which is typical of how this government approaches a serious social issue.

I suggest that if this government were serious about dealing with the problem—yes, you need legislation for the few who are aggressive, and yes, you may need legislation for the few who intimidate people. That is not the case for most of them. On the other hand, you've got to, then, come in with programs and spend some money on programs that are going to help these people.

You talk about resources. We had police officers here today, and it was pointed out clearly in the House how there are actually fewer police officers working on the streets of this province today than there were when your government took office. You're the big law-and-order guys. You're the guys who talk about law and order all the time, the big, tough guys, and you actually have a situation today where there are fewer police officers working the streets of Ontario than there were when you took office. Now you're going to take even those limited resources that are there and you're going to spread them out even further. You're now going to force police officers to respond to complaints about squeegee kids at maybe half a dozen or 10 or 15 corners in Toronto.

Again, you're going to stretch those limited resources. Where's the announcement tied up with this bill that you're going to bring the hiring level of police officers not only up to where it was five years ago but also increase it to reflect the increase in population we have had in this province in the last five years? I have not seen any of those announcements.

We have again with this bill an example of this government reacting the way their Republican friends in the United States advise them to. Michael Murphy not only consulted for the campaign, but I'm sure he consults with you in between campaigns to tell you what the hot buttons to push are. As I said earlier, you pushed the welfare button in 1995. You then copied Governor Engler's proposal in Michigan for welfare drug and alcohol testing because you found not that there were a disproportionate number of problems in that area but because politically it pushed a hot button. It was a winner for you. It doesn't matter how it hurts people. It doesn't matter how it stereotypes people. It doesn't matter how you label people by your programs. It doesn't really matter, because your pollsters tell you that it's good politics to do that. Your American pollsters tell you that it works in Michigan and it works in New York so, darn, it has to work in Toronto.

This is how you deal with pressing, difficult social issues: You push hot buttons, and you go after people who are vulnerable. Chances are that most of the homeless, the panhandlers and the squeegee kids—I don't think there will be 10,000, 1,000 or even 200 of them

protesting outside the Legislature—are not going to be able to hire one of those expensive lobbyists who works the corridors of this place to lobby the minister on their behalf. Somehow I just don't think squeegee kids, homeless people and panhandlers are going to quite be up to doing that to change this law. They're likely going to be unheard in all of this.

But government has a responsibility to protect the poor, to protect people who are having difficulty and to help people who are having difficulties in life, and you've chosen not to do that. You have chosen to take a hammer. You have chosen to make it—again, another example of a crime, to be poor in Ontario, and you've chosen an approach that frankly is not going to work. It has been tried in other jurisdictions the way you've done it, simply with the legislative end and the big law enforcement end, without the support, and it hasn't worked. And it's not going to work in Ontario. You're simply going to move the problem around. You're simply going to put more people in jail because they happen to be poor. You're going to marginalize folks even further in society.

This bill is a disgraceful way of dealing with a real problem here and once again I would say to this government: Do what is right to help people. Do what is right; don't simply continue to beat up on people, to beat up on the homeless, on the welfare recipients of this province and on people who need your help. You have a responsibility to do that and I suggest to you that you have failed miserably with this piece of legislation.

1730

Mr John Gerretsen (Kingston and the Islands): As I sat here listening to both the Attorney General and the members from the government side and to three of our own members, I was thinking to myself: "Here we are. In the last 11 months we have been in this House, I believe, for a total of less than 15 days." Seven days last April and May, and this is our third week. We have four legislative days a week.

Mr Wettlaufer: And we're still hearing the same thing from you.

Mr Gerretsen: He's saying, "And we're still hearing the same thing from you." But isn't it really sad, with all the problems that we have in this province, that the government regards this piece of legislation as its flagship legislation as we go into the next millennium? I think that's really a shame. I really and truly believe that, when there are so many other problems out there that we should be dealing with in a very constructive fashion.

When we see the ever-expanding difference between the haves and the have-nots in our society, increasing at such a very rapid rate, we are dealing with—and, I'll grant you, this may be a problem to some people here in Toronto. There may be one or two squeegee kids, or maybe even three or four, who are too aggressive in stopping motorists and what have you. The Attorney General well knows, as has already been pointed out by my colleague from St Paul's, that there are laws on the books right now that can deal with that matter. There are

Criminal Code sections that can be used right now. But somehow we're dealing with a situation that, to my way of thinking, is marginal at best when you think of all the other problems that we could be dealing with at this time.

I have respect for this Attorney General. I believe that he means well and he's well-intentioned and dedicated to his job. But he's got two major problems in his department that have been festering now for the last three or four years and my question to him is, why isn't he doing something about those two problems, the first being the Family Responsibility Office?

Let there be no mistake about it: It is much more than whatever computer problems we heard about today in the House. This is an office that has been troubled right from the very beginning, starting about three years ago, where people are paying money in support into our court systems throughout this province. Women, mainly, and children who depend on that support money aren't getting it out on the other side, where at times they have to wait for two or three months. Now, that is a real crime. That is a real crime, when the women and children of this province rely on the support money and they're not getting it.

We just recently had a meeting in Kingston, and a couple of members from the third party attended there as well, Mr Kormos and Ms Martel, and we heard from people over and over again, and each one of us hears from people over and over again in our own constituency offices, about the problems they have had with this office for at least the last three years. And nothing is being done to resolve it.

As a matter of fact, I have one staff person who spends half her time in just dealing with Family Responsibility Office situations. These aren't situations where people aren't paying into the system. No, somehow the money gets lost in the system and it's not coming out at the other end. Why doesn't he spend his time and energy dealing with those problems?

The second major problem that's out there—and this isn't the sort of problem, the kind of situation we talk about in this House on an ongoing basis—but how about the legal aid funding? Speaker, you and I know that the number of legal aid certificates that are issued in this province are about a third of what used to be issued four or five years ago. What does that mean? I know there are some people at home right now who are saying: "Well, that's right. When you get charged criminally, you're on your own and you don't need a certificate. You look after your own representation, and if you can't afford it, that's just too bad."

Mr Bisson: It works for the rich, not the poor.

Mr Gerretsen: That's right. The system works for the rich but not for the poor. If he was really committed to doing something in his department to make sure that everybody gets equal treatment before our judicial system, he would be doing something about the amount of legal aid funding that is put into this province.

The Acting Speaker: Stop the clock. A point of order, member for Northumberland.

Mr Galt: On a point of order, Speaker: I believe the debate is on Bill 8, the Safe Streets Act. I haven't heard very much about that in the last five to 10 minutes—

The Acting Speaker: I am certain the remarks will turn to the Safe Streets Act.

Mr Gerretsen: Thank you very much, Mr Speaker. I always find it very interesting that this member and some other members opposite used this same tactic in the last House. Whenever they hear somebody talk about the real issues of Ontarians out there, they quickly try to divert it and say, "You're not talking about Bill 8." Well, there's nothing in Bill 8, sir, that isn't already covered in the criminal law. There's absolutely nothing to talk about, and you know it as well as I do. It is all just about hot button, push-button politics. Somehow you think that some of the people of Ontario may be looking for this kind of legislation, when you should be telling the real truth and that is the fact that the situations you intend to deal with in Bill 8 are already dealt with in the criminal law of this province, sir. So, yes, there are many more important issues that the Attorney General and this government should be dealing with.

How about the question of doctor shortages? The former Minister of Health said here the other day that we don't have a doctor shortage problem but the problem we have is a distribution problem. Tell that to the hundreds and thousands of families across this province who are trying to look for a family physician in small towns and large towns, in rural areas and in big cities, who aren't able to get a family doctor. Why don't you deal with that problem?

Mr John Hastings (Etobicoke North): Why didn't you, when you were here?

Mr Gerretsen: They keep saying, "Why didn't you, when you were here?" First of all, it wasn't this kind of a problem back in the mid-1980s, and secondly, people really don't care what happened 10 or 15 years ago. They want you to deal with the problems that are out there right now, and how you are going to fix those problems. Those are the issues that we should be dealing with.

Interjection.

The Acting Speaker: The member for Kitchener-Centre will come to order.

Mr Gerretsen: Why don't we do something about the real problem of the homeless? A lot of these squeegee people, as you call them—you don't call them "squeegee kids" anymore, which is kind of interesting. A lot of these squeegee people are homeless. Why don't you do something about their problems? Why don't you?

I blame the federal government just as much as the provincial government in this. Both of you have decided to go out of the housing business completely and you're downloading it onto local municipalities. You know and I know that affordable housing will not be built in this country without a substantial amount of input and resources from both the federal government and the provincial government. I challenge you right now to match the amount of money that the homeless situation is

getting from the federal government. We all saw the news media reports—

Hon Janet Ecker (Minister of Education): They haven't got it, John. They haven't got it.

Mr Gerretsen: Just a minute now. We all saw the news reports last Friday that federally there is a plan about to be announced for \$700 million. That would translate to Ontario as roughly, I would say—we usually get about a third of the total federal amount of money, so that would be a program of over \$200 million that the feds are prepared to contribute to the homeless situation in the province of Ontario.

Are you, Madame Minister of Education, since you have so much to say, willing to commit the province to \$200 million as well and match the federal contribution?

Hon Mrs Ecker: I did it last year. You weren't listening.

Mr Gerretsen: The minister said she did it last year. Well, I haven't seen any of the new supportive housing being built. I haven't heard any of the announcements being made. As a matter of fact, we all know that you are all talk and no action.

Why don't you fund, for example, in my own home community the Kingston youth shelter, which is a shelter set up to take the homeless youth who got to be homeless for whatever reason, it doesn't matter? They're out in the streets right now, in the middle of the winter. Why don't you fund that project?

1740

Hon Mrs Ecker: We have.

Mr Gerretsen: You don't even know what I'm talking about, Minister. Would you please listen for a moment?

The Acting Speaker: This is best done through the Speaker.

Mr Gerretsen: Yes, Speaker. She said she just gave them money.

You didn't give them any money, because they were closed for six months, and it's only through private donations and with the help of the Hotel Dieu Hospital in Kingston that they are open right now. I'm challenging the government to give enough funding to make sure that the Kingston youth shelter will have enough money so that it can shelter the homeless youth during this coming winter.

Why don't we talk about the real issues that are out there? There are so many other issues that we could be talking about. For example, how about getting some money back, Minister of Education, for educational assistants so that those children who need the help of educational assistants in their schools will actually have that help and not be given 0.6 support so that in effect they're only supported for two thirds of the time or even less than that?

Mr Bisson: I'd like to make a quick comment on the comments made by the Liberal caucus. I note that the Tories were booing that, but I think they really did miss the point. At one point the member for Northumberland got up and said that somehow or other the comments

made by the honourable member had nothing to do with the debate. I think they don't get it. It has everything to do with the debate, because what you guys are doing by way of this legislation is trying to deal with the effects of poverty rather than dealing with the causes. Rather than going out there and promoting policies that deal with how we try to prevent poverty in our province so that all people are able to get a fair share of the pie, you guys are saying, "Let's go make a law that makes it illegal to be poor in the province of Ontario." That's basically what you're doing, and you're attacking the effects of what is happening when it comes to poverty. That's what this government is doing.

First of all, let's be realistic, because it was said earlier in the debate that the government for the last five years, since they came to power in 1995, have been wearing as a badge of honour all of the attacks that they have made on the working and the working poor and the people who are poor in the province of Ontario. You've gone out and you've attacked people on welfare. You've gone out and attacked people who are in housing programs. You've gone out and attacked people by way of cutting rent control legislation. You've gone out and attacked workers when it came to legislation that gives them the ability to negotiate fair and collective agreements. Time after time this government has chosen sides, and they are with the rich people of Ontario. They're not with the middle class, they're not with the poor, and that's why they're bringing this legislation to the House. They know their policies don't stand up, so they come in and play the politics of crime. They want people to believe that somehow this is going to make your streets safer. Well, it's not.

The reality is, kids are out there with squeegees for what reason? Because for them, there isn't a golden job that Mike Harris talks about. People are panhandling why? Because the work isn't there and in some cases because they are outside of mental institutions that you've depopulated, and what you're trying to do is make laws that make it illegal to be poor in Ontario. I find that reprehensible.

Mr Galt: I was certainly very impressed with the member for St Paul's tremendous theatrics in his presentation, but poor content.

The member for Kingston and the Islands would get top marks for being off topic. It's obvious, when he was so far off topic that he didn't want to address the bill and it's very obvious that he enthusiastically agrees with it.

He talked a lot about affordable housing. I think he forgets that we're spending \$2 billion a year on affordable housing, which works out to \$750 for a family of four. You just ask how many in Kingston with a family of four want to pay \$750 to help with social housing.

I don't think there is any question but the responsibility for affordable housing lies with all three levels of government. The member for Kingston and the Islands might first ask the federal Liberals what they're doing, and secondly, as mayor of Kingston, what did he do in the early 1990s for affordable housing in Kingston? I don't think he did anything and he may tell us in the response.

Many of the speakers from the official opposition made reference to service clubs and volunteer fire-fighters. I too was concerned about this and certainly questioned and read the bill. Certainly there's nothing there, if they're not in an aggressive manner and they're not out there after a captive audience, that's going to interfere. Yes, the minister said "must obey the law." That's true of all of us. These people can still wave cars over along the side of the road.

I think what really insulted the Legion members was the member from Essex saying that they were there for profit. I can assure you the Legion members were not there distributing poppies for profit, and you said "for a profit."

The Acting Speaker: Questions or comments?

Ms Churley: Mr Speaker, I—

Interjections.

Ms Churley: No, no it's okay.

The Acting Speaker: The member for Broadview-Greenwood. Order.

Ms Churley: It's a pleasure to be able to get up for a couple of minutes and talk about his bill. Hopefully, I'll have an opportunity later on to, as we continue with this debate, to say more.

I'm glad that some of the Liberal members brought up housing. It certainly is very much a part of the bill that we're talking about today, because the Tories continue to talk about sweeping the streets clean of poverty, but they're not talking about any of the solutions to why people are there in the first place. I think that people are more willing to look at the law and order side of things when they see a government taking seriously its responsibility to all the people of Ontario and making sure that there is housing there for those who most need it.

I will say to squeegee kids and panhandlers and other people who are homeless and who are suffering from poverty, largely because of the policies of this government—when they ran and won in 1995 and now they're continuing with this—that one thing that should be of comfort to them is that this is mostly smoke and mirrors. It's going to create more paperwork for the police, it's going to create more paperwork for the courts, but at the end of the day, there's not going to be much action out there in terms of sweeping the streets, the kind of thing they want to get done, and they know it.

It's like workfare. They get up with their smoke and mirrors on workfare and say, "Oh, we're creating all these jobs," and in fact they're not. We know that. It's in the public domain that it hasn't worked. They are doing the same thing with this legislation. It is smoke and mirrors to give the impression to their friends, their universe, that they're actually doing something. They know that it's smoke and mirrors just as well as we do.

Mr Hastings: It's interesting to listen to members for the official opposition in terms of their being so dismissive of the bill.

First off, the member for St Paul's says that it's a cosmetic cover-up and there really isn't a problem here with these squeegee folks ranging all the way from—I've

seen them from age 12 up to at least 39 or 40, depending on which part of the city of Toronto perhaps and some other parts of Ontario. Certainly they are there. Some of them are very respectful of the motorists, but I can tell you, I've had personal experience with them, as have lots of members of the public. I'd had lots of people from my constituency call up and say: "Would you please deal with this particular situation. These people are not courteous, not respectful. They are threatening." For these folks over here to stand up and say there's really not a problem just continues to show an example of perpetual denial.

They claim that this is an attack on the poor and the vulnerable. If it were an attack on the poor and the vulnerable, I'll tell you, the previous regime that was in had a really classic attack on the poor and the vulnerable. They took 30% surtax on earnings—get this—of \$8,000 in 1993-94, practically confiscated people's income. No wonder we had people out doing squeegeeing, because of your policies of the previous government. You ought to be ashamed of yourselves. You're also supporting being champions of civil disobedience. Shame on all of you for that.

1750

Mr Bryant: I've heard mischaracterizations, but I've still heard nothing from the other side of the House about what happens after the squeegee kids get arrested under this act. What happens next?

I said in my comments that they're going to be sent right back out on to the streets or that they're going to be incarcerated, and neither alternative is going to work. I said this is a problem that needs to be addressed more effectively. But all I heard from the other side was something about our suggesting this is not a problem. So let me be clear.

We want the streets of Toronto to be safe. We want to tackle this problem. But we cannot support a piece of legislation which is going to be ineffective, which represents brutal priorities, which is going to be struck down by the courts because it's so poorly drafted, which is nothing but smoke and mirrors, and which does nothing to address the problems of street crime in the cities of this province.

Lastly, I cannot believe, after so much has been said on this side of the House about what happens after they get arrested under this legislation, that not one member will stand up and say: "Here's what's going to happen. We're going to throw them in jail or we're going to throw them right back out on to the streets." That would be a responsible response to this debate, and then we'd know exactly what the alternatives are. But they won't do that because they don't want us to notice that either people are not going to be rounded up at all and this legislation is just going to sit on the books because nothing is going to happen, or there's going to be a temporary crackdown for a few months and the police will go out and arrest. But they're absolutely hoping we won't notice that a year from now the kids will still be on the streets, because this legislation does nothing to

address the issue of street crime in the cities of this province. So we cannot support it.

The Acting Speaker: Further debate?

Mr Peter Kormos (Niagara Centre): This bill is so replete with contradictions and ironies: This whole concept of criminalizing what for most people is but annoying behaviour, the whole prospect of using jail and incarceration as a way of responding to what is, at its heart, an overriding social and economic problem.

I'm sure many folks here are probably far better travelled than I am. But in totalitarian countries, communist countries, panhandlers were swept up by the police and shooed away, because the totalitarian regimes wanted to present themselves to the world as being full of equality and fairness when it came to distributing food and other wealth.

I understand. I read the legislation that grew out of Mayor Giuliani's street-sweeping exercise in New York. Some of this is much akin to it.

It's ironic that this chamber consists primarily of middle-aged, middle-class people, and our minimum wage is seventy-eight and however many thousand dollars a year. That's the minimum wage of a member of the Legislative Assembly. The vast majority of members make far more than that minimum wage. Here we are talking about panhandling and living on the street and having to squeegee at an intersection to put a couple of bucks in your pocket, when there's not a person in this room who could say with any—I won't say honesty—could say with any candour that they have endured that for more than perhaps a fleeting moment. We're as middle-class and as middle-aged as any group of people could be, and here we are talking about a problem and an issue that's totally alien to us.

I'll put to you that this is quasi-criminal legislation, because it means people go to jail. There are arrest powers contained here for police officers. It means that people can be dealt with by way of incarceration. Surely there's got to be some assessment of the proportionality of the thing that you want to end and the process by which you want to end it. Criminalizing annoying behaviour—I understand that some people may well find panhandlers and squeegee kids annoying. I find the Canadian Home Shopping Channel annoying, yet I'm not suggesting that any Legislature would ever see fit to outlaw the Canadian Home Shopping Channel.

The fact is that down where I come from, in Niagara Centre, this bill and panhandlers and squeegee kids were not the topic of conversation over the course of this past weekend, and I would suspect that held true for most of Ontario, even the greater part of Toronto. At the end of the day, I read, and I'm sure I've read the same stuff you have, that there are maybe 400 squeegee kids, if that many, here in Toronto and some other large cities—I'm told Ottawa and London, Ontario.

We're told of the potential for criminality by virtue of them being there out on the street, yet not one single example has been given to us of a criminal offence committed by a so-called squeegee kid in the course of

pursuing that windshield to wipe it clean. Urban mythology, that's what it is. We've heard all the stories about old people getting their cars keyed, scratched along the side, windshield wiper blades broken off etc. I haven't seen or heard or read of a single prosecution. That is a criminal offence. If that sort of thing occurs, there should be criminal intervention and criminal prosecution, and if a person is guilty there should be a conviction and an appropriate penalty.

While we talk about the proportionality, we also have to talk about the enforceability. No Legislature in its right mind would pass unenforceable legislation, because all that does is reveal it to be mere lip service, smoke and mirrors. Mere lip service.

When the bill was introduced, because the bill is really three parts—I want to explain to you, Speaker, I'm going to have a lot more time to finish discussing this. There's an hour of leadoff time, except we're obviously going to have to break at 6, and I'm so grateful to my team-mates in this strong NDP team here, this caucus, for allowing me to use that lead response time. The fact that I was critic in this area was, I'm sure, somewhat helpful too.

Let's talk about enforceability. We have three major sections here. In one, you're talking about panhandling; two, you're talking about squeegee kids—

Interjection.

Mr Kormos: That's precisely what you're talking about. In three, you're talking about the disposal of syringes, condoms and broken glass in public areas. We made reference to it on the day the bill was introduced, in response to the minister. Enforcement is going to be a real problem. The fact is that a street junkie or crackhead isn't thinking about whether or not he or she is safely disposing of that syringe when they toss it into an alleyway. All the provincial offences acts in the world aren't going to persuade that person not to get rid of that syringe as quickly as possible, and the fact is also that they tend not to do it in eyesight of others. Do you understand?

Disposing of a used condom—and I want to reiterate my great sympathy for police officers who are going to have to retrieve the evidence and examine it sufficiently so as to testify that it was used. Indeed, as a defence lawyer one might be inclined to ask, "Used for what, Constable?" If the police officer offers that response, you then go on to ask him, "How do you know that?" I

suggest that enforceability of the disposal of new or used syringes and used condoms and even broken glass is close to nil, close to a bare zero.

The fact is, do I want, do you want, does our citizenry want police officers engaging in, let's say, surveillance? Because that's what you've got to do to bust this kind of stuff. And surveillance is one of the most expensive forms of policing because it requires huge teams of police officers. There can't be any gaps. There has to be continuity, sitting in an alleyway watching for a condom to drop when all sorts of other stuff is going on in every one of our communities and it's going on because police officers aren't out there on the streets in sufficient numbers.

The fact remains that if a junkie or a crack user or a methamphetamine user throws away a syringe that was used for one of those substances, one would like to think that our police are more interested in retrieving the evidence and having it tested so that person can be prosecuted under the new version of the Narcotic Control Act. I don't look forward to the day when encumbered crown attorneys and federal prosecutors are using this act—think about this, please—to make deals, to plead down to a mere disposing of a syringe when we have a serious drug problem in this province and in this country that warrants some very significant intervention.

The contradictions: I started by reading the definition of "aggressive manner." I wonder if the Attorney General has paid heed to the whole argument that will be made, I'm certain, about the usurpation of federal jurisdiction, because I also took a look at the definition of "extortion" in the Criminal Code of Canada, and quite frankly this bill's interpretation of aggressive manner to obtain something, to wit money—"aggressive manner" means a manner that is likely to cause a reasonable person to be concerned for his or her safety and security"—hold on just a minute, Speaker—the parallel of the definition in the Criminal Code.

I'll continue next time this bill is passed. I'm sorry I couldn't include all my comments this evening. I appreciate your patience. There's a whole lot more to comment on—

The Acting Speaker: Thank you. It being 6 o'clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1802.

Evening meeting reported in volume B.

ERRATA

| No. | Page | Column | Line(s) |
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| 10 | 371 | 2 | 16 |

In issue L-10, substitute "McLellan" for "McClellan" at:

Should read:
Christopher Stephenson, this piece of legislation

page 371, column 2, line 25; page 372, column 1, line 41;
page 372, column 2, line 4; page 377, column 1, line 9;
and page 379, column 1, line 25

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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| | | York North / -Nord | Munro, Julia (PC) |
| | | York South-Weston / York-Sud-Weston | Cordiano, Joseph (L) |
| | | York West / -Ouest | Sergio, Mario (L) |

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

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

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