



Legislative Assembly
of Ontario

First Session, 37th Parliament

Assemblée législative
de l'Ontario

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 16 November 1999

Mardi 16 novembre 1999

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 16 November 1999

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

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The House met at 1845.

ORDERS OF THE DAY

SAFE STREETS ACT, 1999

LOI DE 1999 SUR LA SÉCURITÉ
DANS LES RUES

Resuming the debate adjourned on November 15, 1999, on the motion for second reading of 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.*

The Acting Speaker (Mr Tony Martin): To resume debate, member from Niagara Centre.

Mr Peter Kormos (Niagara Centre): Thank you, Speaker, and thanks for remembering the name of the riding. I still think of it as Welland-Thorold. As a matter of fact, I was thinking about Welland-Thorold and Pelham and south St Catharines when I was here last night because, as you know, this bill was debated until 6 pm, and then at 6:30 debate was not resumed on this bill, but was resumed on another bill.

Of course we're talking about what is known colloquially as the government's squeegee bill. It's a bill that's going to put squeegee kids in jail. When I say it made me think of Welland-Thorold, Pelham, south St Catharines, it's because over the course of last week when we had our fall break or winter break through to Monday, I had an opportunity in a number of venues to talk to people from Niagara Centre, and not one asked me or instructed me to support this legislation. Not one of them, as a matter of fact, even raised the matter.

Heck, Friday I was over at Gallaher paper mill in Thorold, which the workers have been occupying for 26 days because the main creditor, TD Bank, was encouraging the receiver, Ernst and Young, to sell it off as mere inventory, to liquidate it, which would have meant the loss of 310 jobs in Thorold. Thorold's a small town, small-town Ontario. It's like most of Ontario; it's small-

town Ontario. It's not Toronto, it's not Ottawa, it's not London. Those workers had been in there for 26 days and finally, as a result of their hard work, as a result of their commitment, Ernst and Young, the receiver, was able to bring parties together and it was announced that there was going to be a sale of the plant to a purchaser who was going to keep the plant operating.

That was a day of celebration, let me tell you. Maybe it was because so much attention was focused on having saved Gallaher paper, maybe it was because of the excitement over that that folks never mentioned this bill to me, but I tell you, there were several hundred family members, members of the community, community leaders out there who didn't mention the squeegee bill legislation.

Throughout the weekend I was at a number of events. Heck, Saturday night I was at a dinner at the Hungarian Hall for the 85th anniversary of All Peoples' United Church. Again, several hundred people, and I tried to say hello to them, of course, stopping table to table, and not a single one mentioned the squeegee bill. Sunday morning I was at the same church, All Peoples' United Church, for their 85th anniversary service. We had a chance to chat afterwards, and nobody raised this bill as an issue. So forgive me if I have erroneously reached the conclusion or drawn the inference that there is no great mass movement advocating for this legislation, but that's my impression. I want to be candid.

Hon Frank Klees (Minister without Portfolio): Maybe you were in the wrong church.

Mr Kormos: He says I've been to the wrong church. No, All Peoples' United Church is a good church with good people. I've been in many churches. I was over at the Hungarian Greek Catholic church a couple of weekends ago. I was at the 50th anniversary of Faith Tabernacle. They've got a huge church in Welland, thousands of members of the congregation there, and not one of them said a word about the bill.

I may be wrong, because even when I reflect back on when the government first raised this as an initiative, when the government first announced that they were going to get tough on squeegee kids, I do tell you that I received but one comment from one resident of my riding, because she had seen me speaking somewhere on the issue and belittling the proposition. I asked her: "Are you sure I was belittling it? Is that a fair assessment of what I was doing?" She assured me that from what she saw, I was belittling it. I am sure she was probably right; I probably was belittling it. But then I said to her: "Look,

fair enough. You want to put squeegee kids in jail and you want police officers' attention diverted to squeegee kids." We didn't know about the rest of the bill then. "Wouldn't you really rather have police officers out there solving real crimes, crimes where people are victimized, crimes where people's homes are broken into, crimes where senior citizens are being ripped off either by fraud and phone fraud or by people snatching their purses as they are leaving the supermarket?"

The woman reflected. She doesn't live in Toronto. She apparently had been confronted by squeegee kids while leaving Toronto, Spadina Avenue or University Avenue, one or the other, and found it an unsettling experience, but she also acknowledged that she had never seen that phenomenon before, and fair enough.

Once again, I'm prepared to concede that for some people, not for me but for some people, squeegee kids at the intersection may be annoying, but I'll repeat and I'll say what I did last night: You can't criminalize behaviour merely because it's annoying. Like I said last night, I find the Canadian Home Shopping Channel very annoying, but I would never in a million years suggest outlawing that. I'm sure people here find me annoying and they may wish that there were legislation that would deal with me, but nobody would raise that with any seriousness.

I'll tell you what's annoying. I almost hit a pedestrian on University Avenue a couple of weeks ago. It was a Bay Street stockbroker guy in his blue suit rushing across the road trying to get at the exchange to put in an order before the bell rang. Darn near hit the guy. I had to slam on the brakes. I thought: "My God, why isn't there a law against this? Why isn't there a law against stockbrokers dashing across the street just so they can get to the market, to the exchange, before the last-minute bell?" I think it had something to do with diminishing stock prices in one of the airlines. I'm not sure. The guy was a little rattled, but heck, no more rattled than I was. I was worried. My Chevy pickup has got enough dings and dents on it already. The last thing I need is blue serge, the wool from a stockbroker's jacket, imbedded into the front grille. I find that very annoying, but I'm not about to introduce a private member's bill saying, "Ban people from running across the road to get to the stock market in a hurry."

As I said last night, this deals with essentially three parts: (1) with the squeegee kids; (2) with what this government calls aggressive panhandling; and (3) with the syringes and condoms and broken glass on the streets or in alleyways, or possibly in playgrounds or parks.

I've explained several times now, trying to just put this in the proper perspective, that squeegee—these are kids who are trying to hustle a few bucks. I'm sure the reasons for wanting to hustle a few bucks are as varied as the young people out there doing this. The argument that some of these kids have homes I'm sure is right; I'm sure some of them do have homes. But I'm also sure that most of them are living under very difficult conditions. They are out there trying to make a couple of bucks.

Let's put it in perspective. When I was a kid, and a whole lot of other kids from Crowland, we used to make up shoeshine boxes, nail them together ourselves—they weren't the most precise things in the world—and when the guys were leaving the Kingsley Hotel or the Dexter on a Saturday afternoon, leaving the men's beverage room, as it was then, we'd hit them up for a shoeshine. Quite frankly, I'm sure that our shoeshines weren't particularly efficient; we weren't the most competent shoeshine youngsters in the world. I'm sure it was considered annoying by more than a few of the gentlemen leaving the Dexter Hotel, the Kingsley, the Rex, or the Reeta as they were confronted by a kid saying, "Shoeshine?" We used to hound them. If you got somebody who you figured was a fairly decent catch, you'd chase after him: "Mister, mister, you sure you don't want your shoes shined?" We'd start at 25 cents and, "Look, I'll do it for a dime." Were we annoying? Of course we were. But were we criminals? I think not. We were kids trying to hustle a few bucks, 25 cents or 10 cents or 15 cents at a time, by shining shoes.

The other thing that concerns me about this whole approach to deciding who's worthy of being on the streets and who isn't causes me to reflect back to the days when I practised law. I used to be amazed when I had accused, for instance, with cheques that bounced, NSF cheques. It soon struck me that there was a distinction being made. From time to time, I've written an NSF cheque. I have; I confess. Inevitably when that happens, George's Hardware will phone me up and say, almost embarrassed, "Pete, gosh, your cheque came back NSF." He'd apologize for calling me about it. I'd say: "Please, don't you apologize. I wrote you a bad cheque. I'll be right down there."

But, you see, somebody who isn't middle-aged and middle-class, somebody who is perhaps poor—we have a lot of poor people in our society—or a single mother, if they write an NSF cheque, the owner of that store, the Loblaws or the Zehrs, or the owner of George's Hardware, more often than not doesn't bother calling that person at their home and saying, "Look, you left us an NSF cheque"; they call the police. They've criminalized that behaviour. It's strange that some behaviour is criminalized—the very same behaviour, for all intents and purposes—for one sector of the population, and is non-criminal for another.

We've raised this in the House. The Attorney General has responded with some candour in a variety of ways.

We've talked about how this bill could impact firefighters who on Labour Day weekend, September 1, go out there and raise money as part of an international phenomenon of raising money for treatment programs for kids. What they do in Wellington, and I'm sure they do across the province in a similar way, at least in small-town Ontario, is firefighters will stand right at the intersection. They are out there to lean on you a little bit. There's nothing subtle about their pitch. They've got the bucket. They'll lean on you to throw a couple of loonies

or a toonie or a five-dollar bill into the bucket, and you get a little token indicating that you've already paid once.

Again, I don't object to that. It's neither unsafe nor is it annoying from my point of view. But I've also seen, for whatever reason—in their minds I wouldn't want to go—people who would roll their window up and say, "Go away," to the same persons out there doing volunteer work, trying to raise some money for some serious treatment and research programs.

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The Attorney General has conceded that that kind of behaviour could conceivably—it's a matter of fact, on the roadway—fall within the scope of this legislation. Earlier today the Premier said—if it wasn't the Premier, it was another one of his ministers in response to a question—we've got to rely upon the discretion of our police. Why don't you just say so in the bill? At the very least, exempt charitable organizations, which are out there actively fundraising. Exempt them from coverage under the bill, please. They deserve that much.

So, you see, it's a matter of soliciting money. There are some nice, neat, legal, middle-class ways of doing it, and then there are some less-sophisticated, perhaps cruder, poor-kid ways of doing it. Who gets targeted? Who's in the scopes? It's the poor kid. I don't think this government or any other government has the prerogative, even by virtue of being in a majority position, to criminalize what is merely annoying behaviour.

I took a look, of course, at the list of things which were deemed to be aggressive, an aggressive manner. One of the things the bill says is, "Thou shalt not beg at an ATM," a bank machine. I've got to confess, I've seen panhandlers around those machines. I've seen them there, approaching and panhandling the people who are going to or leaving the machines. If you ask them why they go to the area of those ATMs, I suspect there are two reasons: one is because those ATMs, if they can sneak in, can provide a reasonably warm, safe place for homeless people to sleep during the night, and I acknowledge they do that.

Is it a comfortable scenario for a pedestrian or another passerby to walk into their ATM and see a homeless person sleeping there? I would feel very uncomfortable, and I have felt uncomfortable, but more so for the person who's compelled to sleep under those conditions and doesn't have a roof to put over their head.

If you ask a panhandler why he or she goes to an ATM machine, it's the same as asking Bonnie and Clyde, "Why do you rob banks?" Their response was, "Because that's where the money is." Why do you panhandle around an ATM? Because that's where the money is.

I should mention this. If that's to be deemed aggressive panhandling, I would feel far safer in a context where there are lights, probably a security camera and other people around if I'm confronted by a stranger, be it a panhandler or not, than I would on some quiet, dark personless street where there are no pedestrians travelling back and forth.

I hear what the government is saying, but it's just that my perspective is the complete opposite. If I'm going to be panhandled, please let me be panhandled in a place with lighting and with security cameras. Think about it. The last place I want to be approached or anybody wants to be approached by a stranger is on a lonely, dark street where other people aren't around. Quite frankly, if you're going to get mugged, you're more likely to get mugged on the lonely, dark street than you are at the ATM.

You talk about people who are waiting for buses or waiting for a taxi, I presume. Once again, you're in a place where there are other people around, people waiting to use a pay phone. There are other people around. That's the safest you're going to get in terms of being confronted by a stranger in any city, big or small.

Let me talk about aggressive panhandling in terms of being persistent. All of this assembly has occasion to be out on the streets of Toronto from time to time, and we've all been panhandled. I'm sure of that. From my point of view, there's nothing more upsetting than the lethargic panhandler who merely sits there silently with their hand out. We've all seen that sort of person. That person is perhaps among the most pitiful, because they don't have well-honed panhandling skills. At the end of the day, I'm certainly far more moved by a panhandler who has a line. You've seen the signs, "Help me for my down payment on the condominium," stuff like that. Those sorts of marketing techniques—and they are—quite frankly are far more conducive to more generosity on the part of the patron than the limp, lethargic panhandler, who again is far more pitiful, because clearly that's a person who has lost a whole lot of hope and a whole lot of sense of why they are where they are.

There is nothing in this legislation that's designed to protect poor people. There's nothing in the legislation that's designed to assist poor people in removing themselves from positions of poverty. As a matter of fact, there is nothing at all deficit-fighting about this bill. That's why in the context of this I want to make reference to an article I read in the National Post, November 10, 1999. It's an article about Donald Trump, who is a would-be or wannabe presidential aspirant in the United States. This guy is not a left-winger. This guy is not even a middle-of-the-roader. He's a pretty conservative guy.

Interjection.

Mr Kormos: Oh, he is, fascinating guy, multi-billionaire, who has thrust himself on to the political scene in the United States and, at least at this point, purports to be considering running for the Reform Party of the United States, the Ross Perot party. Here's Donald Trump, and do you know what he says about the American debt and deficit? You'll find this interesting.

Mr Bert Johnson (Perth-Middlesex): It doesn't matter, we're going to hear it anyway.

Mr Kormos: You bet your boots you are. Here's Donald Trump, who has a solution to the American debt. He's a very wealthy man, and he says we should impose a one-time only wealth tax on America's very wealthy, a 14.25% tax on the net worth of any individual or trust

that exceeds \$10 million. There is nothing in the article to confirm the figures, but Donald Trump insists that would raise the trillions of dollars necessary to literally eliminate the American debt, which is huge. If Canadian debt is enormous, American debt is huge, huge, huge. He indicates a one-time only tax. He indicates that he'd be prepared to pay his fair share of that. There's some logic to it. He doesn't want to make poor people pay off the deficit of the United States or reduce it or pay off the debt; he wants the people who have benefited most from that debt and deficit, the richest people in the United States, to pay it off.

I think it would be interesting to put this into a Canadian context of enormous wealth and see what would be required to eliminate Canadian deficit and debt. I suspect that the figures would be very similar to the American figures. I'm not sure of that, but I suspect they would.

I would like government speakers to this bill, and I'm sure there are going to be some, to speak about what this bill means to their folks in their own communities, because, as a matter of fact, most of the Toronto members are non-government members. I'm not sure if that's necessarily the case, but most are. I would like to hear from government members as to how their communities, their constituencies, respond to this proposition, to this effort to ban squeegee kids. I would also like government members, if they can, to provide us with petitions signed by people who insist upon this legislation. That is not to say that all legislation has to be prompted merely by petitions or by a groundswell of public opinion, it's not to suggest that at all.

Yesterday I talked about the magnitude of the consequences here. This legislation permits the courts to put people in jail, granted, not on a first offence. Do we really want to jail squeegee kids, especially when we know that the biggest bulk of squeegee kids who do get busted if the arrests and the prosecutions are successful, aren't going to be able to pay the fines because they're poor in the first place? Most of those arrested are going to have to go to jail not because it's their second or third offence, but because they don't have the money to pay the fine. Is that what we really want to do? Are we really that concerned, rather than, for instance, using the Highway Traffic Act as it exists now? Because there are a number of sections, as I understand them, in the Highway Traffic Act that would permit the police to prevent obstruction of traffic, if indeed that's what is happening, by squeegee kids or anybody else.

1910

We've been told that the chiefs of police of Ontario endorse this bill. I believe we've been told that, I'm not sure. But I would like government members to tell us what the rank-and-file police association members believe with respect to this bill, whether rank-and-file cops see that their time is well spent out there busting squeegee kids, because it requires surveillance. Perhaps we'll have undercover squeegee kids now and all the expense and person hours that that requires or that that demands. Maybe we'll have to have undercover squeegee

kids, cops who will put earrings in their ears and get some tattoos and maybe comb their hair up spiked and colour it weird and wonderful colours.

Mr Doug Galt (Northumberland): Blue.

Mr Kormos: Blue? Tory blue. Maybe that's what we're going to end up with. But the incredible expense, the incredible public expense that that type of police operation requires, are we convinced that that incredible expense outweighs or is proportional to the offence? I don't think we are.

The Police Association of Ontario was here at Queen's Park today. They were lobbying individual members, no two ways about it, and I respect them for that. God bless, they should be out there lobbying. One of the things we heard from the police association members, none of whom was from Niagara, but bordering on Niagara and similar types of communities, is that there is still a serious problem in terms of staffing of police departments, a very serious problem. Again, I'd like to hear from other members as to whether they got the same message from the Police Association of Ontario. One of their messages to us today in our caucus was that they need more staffing. They understand the thrice-told promise by the government of 1,000 new police officers. They also indicated how that in fact wasn't the effect, because it wasn't 1,000 net police officers, it wasn't 1,000 new police officers. As a matter of fact, many police services were using that funding to replace officers who had gone into retirement.

It seems that the police of this province are inclined to agree that we're understaffed in terms of policing, and that's without additional duties like busting squeegee kids. That's without having to stand at any number of street corners in the south end of Toronto and bust kids—because they're not going to have a driver's licence, more likely than not; they may not even have ID. So that means the police officer has to take them down to the station, is going to have to mark down whatever exhibits he or she obtains: the squeegee, the bucket. I don't know if they're going to keep the water in a freezer bag so they can indicate it was soap or detergent or what have you or Turtle car wax, I don't know. But that's going to be hours and hours of time for one bust. Talk to cops. They're frustrated already about the amount of time they have to spend doing notes and filling out reports for what at the end of the day are modest breaches of the law.

The cops I know in Niagara and the cops I know in other parts of the province are people who are out there doing their very best to enforce law and to protect citizens—their very best, with broken tools and very, very limited resources. The last thing they need is to be sent out on a blitz to bust squeegee kids.

You know what's happening down in Niagara region, like a few other regions across the province, where the Niagara regional police, like some other regional police forces, are being required to conduct option four speed traps. Are you aware of those? I am, let's put it this way, intimately aware of them.

Hon Cameron Jackson (Minister of Tourism): How much did it cost you, Peter?

Mr Kormos: I'll get right there. What they do is they set up a laser speed detector at a transition point from one miles-per-hour speed to a second, to a subsequent, and boom, they've got you. Everybody they catch is speeding, no two ways about it. You see, the option four is because the police officer says, "OK, you know about option one, two and three." That's plead guilty, plead not guilty, plead guilty with an explanation and so you get a fine reduced. The police officer says, "Oh, but you haven't heard of option four." Inevitably the recipient of that suggestion says: "Oh, option four? No, I haven't heard of it." Option four is when you go down to the local police station within two days, fill out a multiple choice test, which isn't marked or graded, mind you, doesn't even have your name on it, and you pay I think it was \$50 cash, exact change, no receipts.

Hon Mr Jackson: There's an implication there.

Mr Kormos: Oh, no. The Niagara Regional Police have raised hundreds of thousands beyond that. I believe the last report was well beyond mere hundreds of thousands.

Mr Jackson might find this interesting because Mr Jackson has been involved with the Ukrainian intern program here at Queen's Park. The first time that happened I had a young Ukrainian student with me. He had accompanied me to Welland and done some events and we'd done all sorts of things; visited the constituency office. I hope it was a good experience for him, as it was for the other Ukrainian interns. I think it's a good program.

As we were leaving Welland in the truck and he was telling me again about the breakdown of the old system in Ukraine—they're going through all the turmoil of developing a new economy, a new society—he suggested to me that from time to time in Ukraine, if cops stop you they want cash. It happens in any poor country. One of the reasons it happens in places like Mexico and a whole lot of places where police are more likely to accept cash—no receipts—is because of the extreme poverty they live in.

I was assuring this young man that doesn't happen in Canada. I said, "Look, over the course of decades there have been many criticisms of police officers, but police officers are not corrupt in the sense of being paid off." As a matter of fact, if you try to pay off a cop in Canada, you're likely to get busted big time and go to jail, which is not inappropriate.

Just as we were having this conversation—he speaks enough English; he spoke darn good English, as a matter of fact—and I was assuring him that doesn't happen in Canada, it's the waved-over, "Pull the truck into the Welland county fair grounds." The police officer knows me. I'm sure I know most of the police officers, except the young ones who have come on since I've stopped practising law. This young fellow was more than aware of what happened. He was sitting there and his jaw was dropping because, although he knows a lot of English, it isn't quite perfect. He may not have caught all the nuances. When we drove away from there he said: "What

do you mean it doesn't happen in Canada? What do you call what just happened?"

I had to explain to him that this is what police in Ontario are forced to resort to. They've got to be out there, and it does have a lot to do with fundraising. I've seen the memos, the directives from the inspector of a detachment to the commanding unit of that shift. The memoranda are very specific. They indicate we're going to have an option for laser out there today at such-and-such an intersection. The fact is, a speed trap like that costs a lot of money to maintain because you need three or four officers—somebody to be there to maintain security, somebody to pursue the cars that don't pull over when they get waved over—but it also has meant incredible revenues for Niagara and several other regional police forces across the province.

Some of the police who are doing it, mind you, have become addicted to the overtime, because the speed trap is so lucrative that it can pay overtime to police officers. But most of them would far sooner be out there preventing real crime. They'd far sooner be out there pursuing real criminals, people who have broken into somebody's house, people who have mugged and assaulted other people, people who steal cars and people who murder and do aggravated assaults and sexual assaults and rapes and that kind of mayhem.

Here we are, and by virtue of this bill you're effectively telling cops, "Go out there and spend Lord knows how many hours busting squeegee kids." Do you really think the first thing on a squeegee kid's mind—because you've read some of the reports, and I appreciate they're only anecdotal because there were newspaper reports and oftentimes real names weren't reported. You've read any number of reports from Montreal, and now Toronto, about squeegee kids getting tickets, but they don't pay the tickets. They don't pay the fines. They're out there on the street. They don't have enough money to pay a fine. A \$500 fine is a deterrent to somebody who has 500 bucks in their pocket and who's going to really miss it sadly when it goes.

Part of this bill is a reflection—it's almost literary—of a broken windows argument. I was at the conference of the crime control commissioners, all three of them with their long black trench coats belted up, their fedoras on to protect their heads from the cold, blustery winds of wherever their last junket was. I don't know. I went there very ready, very willing and interested in what was going to be proposed because there were a number of experts from across North America, especially some American experts.

1920

Mr Martiniuk, you may be able to help with this. The one from the Florida area, who had had an extreme amount of success with young offenders, I didn't mind his input at all. I enjoyed and appreciated the commentary he was making. Then there was another fellow who was interviewed by the press, a New York City person—this is the one we're talking about now, right?—who, when asked about Toronto's squeegee kids, said some-

thing to the effect of, "Oh my, yes, they're very polite, aren't they?" He'd never seen squeegee kids that polite.

In the United States they wanted to clean up, among other things, the Bowery down at the south end of Third Avenue, which is a totally different sort of scenario. In New York City it wasn't squeegeeing, because they didn't use squeegees. More often than not they used big, greasy rags and left your windshield in worse condition than it was when you got confronted by the window-washing person.

The other element—and please respond to this, if you will—about the broken windows theory is precisely that: broken windows. That is, if you've got an empty building and one windowpane gets broken and if you don't fix that properly, eventually that building will become a target for more and more vandalism. It will be spray-painted and more windows will be broken and then more windows will be broken and it'll be gutted. That's very different.

What this government is trying to do is relate the broken window theory to the squeegee kid phenomenon. But there has to be the premise, you see, that squeegee kids are first of all doing something illegal. This government is acknowledging, by virtue of this legislation, that what squeegee kids are doing now is not illegal; it's not a criminal or harmful activity. They purport to respond to it by making it illegal. You could do that about so many things. You could make any number of things illegal and then create all sorts of statistics about how successful you were in responding to it because you merely said it was illegal.

I don't think most Ontarians see squeegee kids as such a frightening or dangerous phenomenon. We've heard the arguments about how squeegee kids snap off windshield blades and scratch and key cars that are going past them, maybe the cars that don't give them anything, or maybe they holler obscenities at a driver. We haven't been made aware of a single arrest of any squeegee kid in this city, in this province. If there are records of that or demonstrations of it, please say so. But there's been no identification of a single instance where a squeegee kid is in fact convicted or even charged with a purely criminal offence. I agree; if you scratch somebody's car, that's a mischief charge. That's under the Criminal Code. If you break a windshield wiper, that's again a mischief charge. You convict that person under the Criminal Code.

The government tries to link squeegeeing with criminal behaviour, yet I haven't heard of any criminal behaviour on the part of squeegee kids. I haven't even seen a headline in the Sun that says, "Squeegee Kid Robs Bank," identified by his bucket in the right hand and a squeegee in the left and the four earrings in the left ear, or through the nose or God knows where else. I haven't seen a single news report, not even in the Toronto Sun, that says, "Squeegee Kid Crime Wave."

I know why Elliot Ness did it: because there were millions and millions of dollars of booze and gambling and prostitutes. That's why Elliot Ness did it. Why are you guys doing it? I understand the crime commissioners,

those long black jackets. I don't know, maybe they should issue you guys badges and you could say: "Hey, crime commissioner. Crime commissioner. Up against the wall, squeegee kid." Do you have those badges? I don't know. "Spread 'em, squeegee kid."

You guys watch too many 10 pm TV movies of the week. You guys are probably watching that Cops show on Fox TV perpetually. It couldn't come from anywhere else. Why don't you try Vision or Bravo or even the Learning Channel? Try the Learning Channel instead of Fox's Cops. Hell, you'd be further ahead watching Jerry Springer, and if you pass this legislation, some of you are going to end up on the Jerry Springer show. You're going to be asked to explain how a city like Toronto, one of the biggest cities in all of North America, with a handful of kids who provide the service of washing windows at an intersection during the red light—you're going to be on there because people are going to say, "You guys nuts?"

Let me put it in this perspective. I've always made this commentary: It costs me six bucks to walk to Queen's Park and five bucks to take a cab. I'm well aware that there are panhandlers out there. I had a woman in Welland tell me the other day that when she's in Toronto and is panhandled, she says, "Look, I'm privileged to be able to make a choice about whether or not I give that person a toonie or a loonie." This woman understands—a very kind woman, obviously—that there are some of us who are quite well off and there are others of us who aren't. It's as simple as that. I don't begrudge any of the people I might encounter walking here in the morning or walking home at night a loonie or a couple of quarters or whatever spare change I have left in my pocket. I don't begrudge them that.

It could happen to any number of us. It could, through any number of processes: mental illness, total family breakdown, drug or alcohol addictions. It really is a matter of, "There but for fortune go I." Don't think that we're so much smarter and better educated. Some of the people out there on the streets are extremely well educated, extremely bright, many of them are, but they've suffered misfortune that most of us, if not all of us, haven't yet. It really is a matter of, "There but for fortune go I."

What you've done is you've forced panhandlers into the most untenable positions, where they have to remain silent, where they can't engage in any contact with the pedestrian, where they can't have enough of a little kick to their pitch so that it makes it something worthwhile for both parties involved. You guys are going to create a far more disturbing type of panhandling than this city has ever witnessed. You are.

Don't think for a minute that this bill is going to either end squeegee kids or end panhandling, or for that matter end the phenomenon of people throwing broken glass, beer bottles, pop bottles into alleyways or into paved areas—or condoms or syringes.

I'll go back to where I was last night. The kind of person who throws a syringe into a public place isn't thinking about the Provincial Offences Act. You

understand, that person has just become blasted out of his mind with his or her hit of heroin or cocaine or crack or methamphetamine. The last thing they're thinking about is, "Oh, I better not put that syringe there; I just shot up my heroin" or cocaine or crack or what have you. Of course they aren't. Most of them don't shoot up in plain view of the public or witnesses, nor do they throw the syringe away in a manner or in a place where it could be observed by other people. Is it repugnant? It goes beyond repugnant to find syringes in public places where kids and other people could have access to them.

We've got to stop the phenomenon. I say you stop the phenomenon not by having a makeshift, do-nothing piece of legislation banning the throwing away or improper disposal of syringes, but you change the scenario by getting tough with drug traffickers and drug importation. That's how you deal with that phenomenon.

We just read in the press about the federal government making a major commitment to the RCMP, targeting certain areas, among them drugs. I'm not quick to praise the federal government, and they probably could have and should have done far more, but it's that very specific sort of concentrated effort that's going to start to address these problems, not creating a flimsy Provincial Offences Act. You've already read the news reports from lawyers saying: "I'm ready quick as a boo to challenge this as unconstitutional. Among other things, it would invade on some rights: freedom of expression etc." On the other hand, there probably would be some arguments indicating that it enters into what is solely federal Criminal Code jurisdiction.

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I mentioned to you last night how the extortion section of the Criminal Code is remarkably similar to the harassing or active or aggravating or aggressive soliciting, outlawing or banning soliciting in the places where the public is most safe. You're banning soliciting by way of panhandling. You're banning it in the places where the public is safest. That just again seems to me upside down, topsy-turvy, the wrong way to go about it.

Notwithstanding that you're banning panhandling, please talk to some of those panhandlers. Talk to some of those folks out there. I agree that for a whole lot of them panhandling isn't their sole source of income. Many of them are on disability pensions. Yet in the city of Toronto, notwithstanding a full disability pension, you're forced to go out there and panhandle. Many of them are suffering from conditions which leave them very marginalized, very ill-equipped to perform jobs, whatever jobs are available. Many of them have part-time jobs and with a minimum wage of \$6.85 an hour aren't able to rent even the crummiest—and try going to some of these rooming houses where these people are living. Try even entering and submitting yourself to the incredible conditions that we encounter.

Remember Dr Galt's bill last Thursday, which we all supported, about cruelty to animals. Let me tell you, doctor, there are good human beings living in conditions that we wouldn't let an animal live in here in this city,

here in this province. I was pleased to support your bill asking for reform with respect to animal abuse. But you notice that all of us, including you, were very careful to make it quite clear that we weren't somehow indicating the paramountcy of animal welfare over the welfare of anything or anybody else.

For God's sake, then, have enough regard for those poor, disenfranchised and marginal people out on our streets; have enough sympathy for them, as you clearly do for animals. Talk to some of those people out there on the street and you'll find as many reasons for them being there as there are people out there. You won't find any cushy lifestyles. You'll find desperate people who are living lifestyles that most of us couldn't even begin to imagine nor begin to contemplate enduring. As I say, there but for fortune go any of us, not necessarily in our youth, not necessarily now but perhaps in the future.

You're talking about cleaning up public parks and alleyways and places where the public go, on school grounds. Let's not just talk about, as we did, needing more aggressive drug enforcement and giving cops the resources to deal with drug trafficking and drug use. Let's talk about giving the municipality enough resources to get out there, like municipalities used to be able to afford to do, with workers doing real jobs, real work keeping those places clean. As I said before, I agree with you that to stumble across a used or any syringe is incredibly repugnant and dangerous and, I'll concur, so is a used condom and so is broken glass. You put it in your bill. Whether that was there for some poetry, to relate to the broken windows reference, I have no idea.

If you want to charge somebody for smashing glass in a public place, I suppose, if you really wanted to arrest that person and charge him with something, perhaps you should. If you wanted to make it an offence for people to dispose of any number of dangerous things in a public place where the public can have access to them, especially kids and so on, if you want to make that an offence, I suppose at the end of the day you probably could. What you've done here is, you've tried to deceive—no, I shouldn't say that. That wouldn't be fair. But you've tried to cloak this bill in some broader public safety statement, so you threw in the broken glass and the syringes and the condoms, when the real target or the first target is panhandlers and squeegee kids.

Panhandlers and squeegee kids, get used to it. How do you like it so far? Those are the manifestations of the defunding of any number of institutions. Those are the manifestations of the abolition of rent control. Those are the manifestations of a health care system that has been cut off at its knees. This bill will be accompanied by companion bills. I'm convinced that your enforced treatment bill, the community treatment plan, has far more to do with sweeping the streets than it has to do with real mental health treatment.

This is a new Parliament with a whole lot of newly elected people here, and most of you not from the Toronto area. I spoke to a cabinet minister a couple of years ago who indicated to me that he and his wife—

I think it was his wife—were on Bloor Street and had been confronted by a person who was very frightening for both of them, a person who—I'm convinced from the description—may well have suffered some sort of mental illness. My response to the cabinet minister, whom I've known for a good chunk of years, was: "My God, cabinet minister, you've been in Toronto long enough. Come on, you know as well as I do that mental health care institutions had disorged their clientele, their patients many years ago. You know as well as I do that the vast, vast majority of these people don't pose any harm to people in the community," just like the vast number of panhandlers don't and the vast, vast—I'm convinced all of the squeegee kids don't pose any harm.

I'll mention it again. On a Thursday night in the middle of winter, when I head out of here with my windshield covered with salt and slush and coated up and I run out of the fluid in my reservoir, I want a squeegee kid at the end of University Avenue. I want a squeegee kid there before I get on to the Gardiner and the QEW, no two ways about it.

Mr Galt: And were they there?

Mr Kormos: They take care of me. I couldn't think of why they wouldn't take care of you, doctor. I couldn't think of why for a moment.

Mr Galt: On a cold, wet and snowy night.

Mr Kormos: It must be the vanity plates, doctor. They know who you are.

It would be so refreshing with this bill, if it goes into committee, and I'm insistent that it must, to have some Tory backbenchers stand up and be counted—quite clearly you disagree with the Liberals, I'm sure; we insist, not as often as the Liberals should but, fair enough, you disagree with us—to have a few backbenchers stand up and say: "This is hoey. This doesn't warrant serious consideration by a Parliament, the government of Ontario."

The Acting Speaker: Questions and comments?

Mr Galt: It's always great to be in the House when the member from Niagara Centre speaks. It's entertaining. He's just a tremendous speaker. I enjoy it thoroughly. I also enjoy his twisted logic at times. It's kind of neat to hear how he walks through it. It's kind of fun, particularly when he talks about the undercover squeegee kids coming out to monitor what's going on. It's very kind of him to bring back to mind what we debated last week: the animal abuse resolution that I brought in. I recognize there are problems that people have with abuse, and to help remind him of some of the things we've been doing recently, I was just jotting down some things here to bring to mind for the member from Niagara Centre.

One of the things is that we've changed the funding for shelters for women. There's more stable funding, all under one roof of one government. We're fast-tracking the software programs for the CAS: We now have 51 of the 54 in place, and 1,000 new computers for the program. We've brought in LEAP, the learning, earning and parenting program, for 16- and 17-year-old teenagers

who are finding themselves parents and still want to continue their schooling to make something of themselves—some \$25 million. We brought in a breakfast program, a unique idea on the part of the Premier. We brought in the child reform bill, putting the best interests of the child first and foremost, rather than the general idea of family.

We are really leaders in prevention of violence and helping victims here in Ontario. We've put \$100 million into the prevention of violence against women, and added some \$18 million annually last year for the domestic violence justice strategy. This is real, concrete evidence of what this government is doing to help stop abuse in this province.

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Mr James J. Bradley (St Catharines): I thank my friend from York West, where he will now have to match 72% in the next election to be credible as a candidate, because that's what the candidate won by last night, thanks to the assistance of the member for York West provincially.

I want to comment to my colleague from Niagara Centre and ask him about the real problem that's out there, that is, insufficient funding so our police forces cannot have the number of individuals they would like to have to engage in community policing, to be able to go into the secondary schools and have a liaison with the students and with the members of the faculty of those schools, to be in the front line, to be able to respond to genuine problems which arise in our part of the province and other parts of the province.

I was shocked to learn, though I shouldn't have been, that when his government was in power there were more police officers on the streets of Ontario than there are today. I thought with all the rhetoric, with the big show that was put on when the police officers were in the gallery, the phony dog-and-pony show that went on at that time, that somehow we had doubled the number of police officers in Ontario. I know in the Niagara region there are instances when officers are unable to respond simply because there is not a sufficient number of them there.

The province put a little carrot out for five years and said, "You can hire some more people," but they've downloaded \$18 million of additional responsibility on the local taxpayer. So when the police board endeavours to get some money from regional council, it's much tougher today.

I would be interested in the member's comment on the lack of police in the province today, particularly in Niagara.

Mr David Christopherson (Hamilton West): It's a pleasure to rise and comment on the speech of my colleague from Niagara Centre. He has a real gift for communicating, and part of that is his ability to take very serious objects and use incredible humour—he had me in tears a couple of times there, throughout—to make a point, particularly an important social point. I think he does that through humour and through his down-to-earth

examples, arguably better than anyone else in this House. When he talks about the manifestations of the cuts you have made, it's a shame that government members don't pay a lot more attention to this. Think about what's going on out there on the streets right now. There are homeless people on virtually every corner when you walk around in downtown Toronto, and in a lot of our other major centres. Most of the people here, within a few years, are not that far off my age. When I was growing up, we didn't see that. It wasn't in Toronto; it certainly wasn't in my home town. It didn't exist; neither did food banks, which have now become institutionalized.

Why aren't you fearful over the recent reports that tuberculosis is coming back in big numbers, and in many cases it's happening to people who are on the street, when their health has deteriorated, when they're congregated together? Why isn't that considered to be as big a crime as kids cleaning windshields for a few bucks?

Again, nobody is condoning the odd ones who are aggressive, but you have your priorities so out of whack as a government by saying that this is the important safe street issue that you're going to lead with in this Legislature that it takes someone like Peter Kormos to bring you down to earth.

Mr Carl DeFaria (Mississauga East): I enjoyed the presentation from the member for Niagara Centre. He is always very passionate when he speaks about law and order. As a defence lawyer, I understand the concerns he has regarding legislation that tries to regulate certain activities Ontarians may find offensive, but I found his presentation very limited, to the area of squeegee kids, and he not talk about other portions of the bill.

I would like to ask the member, for example, what's wrong with the provision of section 2 of the bill, which says that no person shall solicit in a manner that is aggressive, that no person shall be solicited and threatened with physical harm, that no person's path shall be obstructed by a person soliciting if the person has indicated that he is not interested or fails to respond and that no abusive language shall be used by a person soliciting citizens using a sidewalk or public streets. I would like the member to address those issues, because it's important for us to know if the member disagrees with those provisions, and then to suggest some amendments.

Also, in subsection 3(2) where it says that no person shall be solicited near an automated teller machine or in a public transit stop or in a parking lot, those are provisions that I would like comments from the member on, not just restricted to squeegee kids.

Mr Kormos: First, to the member who just spoke. I indicated earlier that if you look at the extortion section of the Criminal Code, what your definition of "aggressive manner" does is replicate the extortion section. So if somebody is using threats of violence to get somebody to give him money, that's called extortion. By all means, go ahead, if somebody is using threats of violence to obtain money from a passerby, have that person arrested and charged with extortion and let the courts deal with that person in the appropriate manner.

Quite frankly, the other issues you raised, I already said, why do you go to an ATM to solicit? Because that's where the money is. You don't solicit on a dark, untravelled street. What better place to solicit than at a TTC stop? Quite frankly, if a TTC security person wants to oust you from the TTC station, they can. They can charge you with trespassing, and they do.

I'll go on to one of the other issues; you didn't raise it. You can't be drunk or stoned when you solicit. My God. Most of us, before we'd conduct ourselves in that kind of way, would have to suppress so much of our own egos and pride we'd have to be drunk and stoned—think about it—before we could bring ourselves to do that. These people are living sad, desperate lives, and I understand why they might get drunk and then go out and solicit.

Just quickly, look what we're doing here. You remember Alice's Restaurant, Arlo Guthrie? Remember, Guthrie shows up at the draft board after having been convicted of littering? Guthrie is interviewed by the military interviewer, and when he discovers he has got a littering conviction, he sends him over to the Group W bench with the rapists and the murderers and other mean and evil people. They said, "What are you here for?" He says, "Littering." We're putting litterers on the Group W bench. We're putting squeegee kids into criminal cells. It's ridiculous.

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The Acting Speaker: Further debate?

Mr Gerry Martiniuk (Cambridge): This country has a long legal tradition, based upon the English tradition, which goes back 1,000 years: the crown versus the accused. When an individual does such harm to the public good, not to the victim, this is a reason to initiate a state action against an accused.

For 1,000 years, the victim had no status before our criminal courts. Oh, sure, they were a witness, hopefully, but they did not have status of any kind. They weren't part of the proceedings. I'm proud of our government's record of recognizing for the first time in Ontario the rights of victims, because they are innocent parties. We today recognized innocent victims and our victims' rights bill does that too. Somewhere along the line—because we've ignored victims, and I have yet to hear anyone on the opposition discuss victims in relation to this bill—we forgot that victims also have rights, and so does society.

I believe that we all should have the right to drive our roads without fear and apprehension; we should have the right to walk our public places without fear and apprehension.

The opposition offers no protection. Do I feel apprehensive when I'm approached by a squeegee person or an aggressive panhandler? I may not. But I can assure you my daughter does; I can assure you my mother does; I can assure you your wives do. But they say: "That's their problem. They'll get used to it. That's the big-city way." We do not have to get used to feeling apprehensive in our public places. If we do that, then our society is on the slippery road to ruin.

Sir Robert Peel, when he initiated the first modern police force as we know it in the UK, spoke about his fear of crime and disorder, not just crime as we know it but also disorder on our streets. Graffiti, public displays of drunkenness, squeegee persons, aggressive panhandling: These are all signs of disorder on our streets that lead to fear and to lack of co-operation with the police, and are not to be tolerated in a democratic society.

Why do we need this bill? Bill 8, the Safe Streets Act, 1999, is only one element of our government's broad effort to make our towns and cities safer places to live and raise a family. It deals with squeegeeing, aggressive solicitation and the disposal of dangerous objects in parks and playgrounds. These are the activities, among other signs of disorder, that interfere with people's ability to safely use public places and affect the quality of life in our communities.

From media reports, we know that these are problems not just in Toronto but in places like Kingston, Oshawa, Ottawa, Hamilton, London and Peterborough. We travelled, as a crime commission, to over 70 different locations around this province, and on many occasions these concerns were voiced.

The government promised in the Blueprint and the throne speech to introduce legislation to stop these disorderly activities. The people of Ontario have a right to drive the roads and enjoy places in safety and security. The police have asked for this legislation to help them in their job to serve and protect. Right now, I've had a number of police officers tell me that when they write a ticket for obstruction of traffic under the Highway Traffic Act, that ticket is ripped up in front of their face.

The Ontario Association of Chiefs of Police passed a resolution at its 1998 annual general meeting calling on the government of Ontario to make squeegeeing and aggressive panhandling arrestable offences. The mayor of the city of Toronto made a similar request.

Existing municipal and provincial laws do not capture squeegeeing. They are not strong enough to deter aggressive solicitation. The Highway Traffic Act stops people from entering a roadway to stop a vehicle, but squeegeeing takes place when the vehicles are already stopped. The Trespass to Property Act applies mainly to private property and does not have a jail term as a sentence. The Liquor Licence Act makes public drunkenness an offence, but can only be applied in cases of extreme intoxication. Municipal bylaws do not permit arrest or probation or imprisonment.

What do we want to accomplish in this bill? If passed, the Safe Streets Act would allow Ontario to use its provincial jurisdiction to put in place legislation with stronger penalties. The Safe Streets Act proposes to amend the Highway Traffic Act to capture commercial activity on the roadway, such as squeegeeing, as an offence.

The bill would create new provincial offences: soliciting in an aggressive manner; soliciting in places where the person solicited cannot ignore the solicitation and move away; and lastly, the disposition of used condoms,

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

The police would have the power to warn or arrest the offenders. The courts would be able to impose a fine, probation or jail for these offences, plus many of the alternative remedies available to the judicial system.

The Highway Traffic Act amendment: To make commercial activities on the roadways, such as squeegeeing, illegal, the safe streets bill proposes to close a loophole in the Highway Traffic Act. It would become illegal to approach a vehicle to offer, sell or provide anything to anyone in the vehicle. By closing that loophole, the Highway Traffic Act would more effectively deal with an activity that poses a danger not only to the people in the vehicles but also to the offender on the street. The amendment would exempt tow trucks and other emergency vehicles that help motorists in trouble.

Aggressive solicitation: The Safe Streets Act makes aggressive solicitation a new provincial offence. "Aggressive" is defined in the following ways:

(1) Threatening physical harm to the person solicited—that is the most obvious; (2) blocking the path of a person during or after a solicitation; (3) using abusive language while soliciting; (4) following the person being solicited; (5) soliciting while under the influence of alcohol or drugs; and (6) continuing to solicit the person even after the person says no.

Solicitation in a captive audience situation: The safe schools—the safe streets bill proposes a new offence: solicitation in places where people cannot easily move away. Someone, for instance, standing at a bank machine waiting for the cash to come out is in a vulnerable situation. Soliciting someone in that position puts the person's safe use of a public place at risk.

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The full list of captive audience situations where the bill proposes to ban solicitation includes: at all automated teller machines; at a pay phone, a public toilet facility, taxi stand or transit stop; on a bus or any other transit vehicle; while someone is getting in or out of a vehicle or is in a parking lot; while on a roadway in order to solicit from a person in a vehicle.

We believe that the safe schools act—the Safe Streets Act, if passed, will be an effective and useful deterrent for our police services.

We are also concerned about and have included offences regarding the disposal of dangerous objects. The people of Ontario have raised this issue of concern about the safe use of public spaces. Children and families are being exposed to syringes, used condoms and broken glass in their neighbourhood parks and schoolyards. These dangerous objects are left there by careless and uncaring individuals. The Safe Streets Act would make it an offence to throw dangerous objects in laneways, parks and schoolyards. People must take reasonable precautions to dispose of these kinds of objects. This provision is included because we value kids' ability to play in public places in safety.

There would be additional powers given to the police. If passed, Bill 8 would give the police the power to crack down on these proposed offences. The police will still retain the discretion to issue a warning or write a ticket. The police would be able to arrest offenders who refuse to stop engaging in these activities. The police would also be able to arrest offenders for identification purposes.

Proposed penalties under the act: The courts, we believe, must have a full range of penalties to make the police's work more effective. The Safe Streets Act would empower courts to impose a fine or probation as a sentence for these offences and to jail repeat offenders. Probation itself could consist of community service, restitution or, if the offender is willing, drug or alcohol counselling. We would expect these penalties to send a strong message to people engaged in offences addressed by this legislation.

The government believes that the Safe Streets Act reinforces the quality of life we expect and deserve in our communities. Our government is doing what needs to be done to protect the safe use of public places.

I am proud to be part of a government that takes leadership seriously, operating in a responsive and responsible way to matters of public concern.

As I said when I initiated my talk, I think this bill addresses the rights of victims and the rights of our society. It is not enough to talk about whether it's criminalization or not. I do not believe it is. I think these matters deal with public disorder, which comes under the provincial jurisdiction. No doubt, it will be tested, as most bills are these days, but we are assured that this falls within the purview of the jurisdiction of the province of Ontario. It is most important. I think we have had some discussion about the broken windows theory, and there are many theories that are predominant. There are really three, and I'd like to spend a couple of minutes discussing them and then ending with the broken windows theory.

The first theory is I guess what we'd call the American roots of crime theory. This theory was propounded earlier but really was codified by the federal commission in the United States reporting to President Johnson in 1967, some 30 years ago. Basically, and I'd like to word it carefully and fairly, I believe that the roots of crime theory said that it wasn't really the fault of an offender when he or she committed this act; it was really the fault of parenting or society. In order to do something about it, I believe it would require a massive state intrusion on the family, and I don't know whether that's possible in a democracy. I have yet to be convinced by any studies I've seen that the theory works, that the theory that removes responsibility from the offender in any way helps us to prevent crime.

The second theory is an interesting one. It's usually referred to as the reform theory and deals with the use of automobiles, which is our blessing and our curse in our society, and has become very popular since 1945. The theory simply is that if you put enough police cars on the road, that will prevent crime and that's what we should

be doing. It held many attractions, not so much in Canada but in the United States, because it totally isolated in many respects the police officer from the public and therefore cut down corruption, a vice that fortunately our society has not had to deal with in any major way but they have in the States, and the chiefs usually like it because it removes discretion from the police officer. The studies are clear that not only does flooding an area with patrols willy-nilly not prevent crime, but in less than 3% of the cases is the accused ever apprehended.

That whole milieu of the reform model deals with catching the crook after the crime has been committed, which is unfortunate. It led, for instance, to something that happened in Ontario not too long ago, where the police did not warn of a possible serial rapist. They were so intent on catching the crook, the rapist in this case, that they forgot that their first duty is not to catch the criminal; their first duty is to protect and to prevent crime. The court quite properly, in my opinion, pointed that out in a most forceful way to the police.

The third is the broken windows theory, and the example is trite, but if you have a house with a broken window and you don't repair it and all the houses around are in good shape, sooner or later every window in that house will be broken because it is a sign of someone not caring, it is a sign of disorder. That application can be taken to our streets. The Safe Streets Act is saying to everyone: We want our streets back. We are entitled to have our streets back, where our wives and mothers and children can walk the streets without fear, without apprehension and in safety.

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Mrs Lyn McLeod (Thunder Bay-Atikokan): I notice that the member from Cambridge made what I recognize to have been a bit of a slip of his tongue, and he corrected himself very quickly, when he referred to this as the Safe Schools Act, when of course it's the Safe Streets Act. But I thought it perhaps was not a totally accidental slip of the tongue, because as I recall the Safe Schools Act, which the member from Cambridge would have been a strong supporter of, it had something to do with simply getting rid of the problem kids in the school, getting them out of the school to create a safer school setting for students who remain. It didn't have much to do with what you would do with the kids once you got them out of the school setting, it didn't say anything about what kind of program you might put them into; it just basically got those kids out of sight. I think that is essentially what the Safe Streets Act does. It wants to simply get the squeegee kids out of sight, to create an illusion of safety because we have gotten rid of the visible problem that seems to be upsetting people.

I also thought it was interesting that there was a reference to the Safe Schools Act because, as I understand, it is probably about 85% of panhandlers, people we see as squeegee kids who actually have not graduated from high school. Nobody wants to ask, why are these people on the streets? What kinds of problems did they have that

prevented them from getting the kind of education that would lead them into productive jobs?

What is even more troubling for me is that this is a government that simply wants to ignore the underlying issues even as they take steps that make the underlying problems worse. Again I'll come back to the concern about whether or not the people who are being dealt with in this Safe Streets Act are people who have not been able to make it through our education system for whatever reason: home background, disabilities, all kinds of reasons that can prevent young people from getting through their high school program and getting the education they need. This government with its new high school curriculum is about to make the dropout rate from high schools significantly greater. I have been told that the grade 9 curriculum in mathematics alone, if it's implemented, would lead to the failure of about 50% of the kids in grade 9.

Mr Christopherson: I thought it was interesting that the member from Cambridge opened up his remarks by making reference to their Victims' Bill of Rights. I think that is a perfect example of the sort of smoke-and-mirrors politics that this government has polished to a perfection in terms of saying one thing and entitling things one way, but the reality being the other. The Victims' Bill of Rights is the best example there is, because we have on record what they said and we have on record what the Supreme Court of Canada said.

In the speech from the throne on September 27, 1995, the Lieutenant Governor on behalf of the Mike Harris government said, "As the first step in righting the balance between those who live outside the law and those who depend on the law for protection, this session your government will introduce a Victims' Bill of Rights."

On second reading on December 13, 1995, then-Attorney General Charles Harnick said: "This legislation is a major step in righting the balance between the needs of victims and the rights of the accused. It is one of the most comprehensive victims' bills of rights in this country."

He went on to say: "It'll bring meaningful change to the way victims are treated in the criminal justice system. We will give them the recognition and the support that they deserve."

All of that debate was about the fact that nobody else cared except them.

What happened in May of this year? I will tell you. Mr Justice Gerald Day—excuse me, it was the Ontario Court (General Division), not the Supreme Court. The judge, Mr Justice Day, said it's a "tepid statutory endorsement."

Secondly he said, "The act is a statement of principle and policy, beguilingly clothed in the language of legislation."

He went on to say, "I conclude that the Legislature"—meaning you guys, because you voted it in—"did not intend for section 2(1) of the Victims' Bill of Rights to provide rights to the victims of crime." It didn't do what you said and this won't either.

Mr Brad Clark (Stoney Creek): I would like to compliment the member from Cambridge for his comments. It was a very rational and a very healthy debate. He explained very clearly where the government is going and why we're going in that direction.

I have to state for the record that some of the comments that have come across the floor saddened me. Whether it's heckling or whether it's actually comments in debate, they have attacked us personally for supporting this thing. They have stated that we're vicious, mean-spirited, ugly, angry people. When they're making those statements, at the same time they're making statements that we're touching hot buttons. For me, the definition of "hot button" is the democratic will of the people. The definition of a "hot button" is that people state they want this done. At the same time, while they're making these statements, they're saying, "Who's asking for these things?"

I hold in my hand a bylaw that was passed by the Hamilton-Wentworth regional council October 5, 1999. I think it's a wonderful council. Aggressive panhandling bylaw: "No person shall aggressively panhandle on any streets or sidewalks regulated by this bylaw. No person shall solicit money from any pedestrian by panhandling on any streets."

The reality is that there are many cities across this province that have concerns, and those concerns are reflected as a result of the democratic will of the people in their community. The business people who operate their businesses, the people who walk down the street, who drive through the streets want to drive and walk unencumbered. They don't want to walk in fear or apprehension. They don't need to be aggressively approached and followed down the street because they won't hand over money to the panhandlers. That's what this is about.

I should point out that nowhere in this legislation does the word "squeegee" appear.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I've heard this evening the presentation from members of the government that this bill is intended to ensure the safety of the people of Ontario. I have to say, from my part of the world, it's something I had to explain to them. I had to say, "Well, this is the purpose for which the legislation is intended." I think it's unusual that we have a bill like this that's going to address a situation that is, for the most part, localized and is not really an issue for most of the people in the province.

I heard the member from Cambridge earlier this evening talk about some people he knows who would be intimidated. I could not help but note that the examples he presented were all female. I think I would like to make a statement this evening that as a small female person who has from time to time been approached by these people, never once have I been intimidated by them. I have been moved by them and, like my colleague from Niagara Centre, have been so moved that I've even donated to their cause.

I think the government would do better to consider the reasons why these people find themselves in need of asking for support and looking for ways to ameliorate their situation than to say, "You're breaking the law," making it illegal for these people who are in a desperate situation to have to do this.

So I rise in the House tonight to say that I think it's most unfortunate that we have to take time to consider this kind of legislation when there are so many important issues—issues in my riding—that aren't getting addressed by this government.

Mr Martiniuk: I would like to thank the member for Hamilton West for his comments, the member for Stoney Creek and the member for Frontenac-Lennox.

I ended off by saying, and I'll repeat it, I believe that this bill will permit us to take back our streets for the citizens of this province. To say that perhaps we shouldn't pass this bill because it only affects some parts of our province is taking parochialism, I believe, to an extreme and I cannot accept it. I do believe that the problem, though localized to six major urban areas, was in fact spreading to others.

I thank you very much for the time spent this evening.
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Mr Richard Patten (Ottawa Centre): Mr Speaker, I'd like to let you know that I'll be sharing my time with the member from Hamilton Mountain.

The first thing I'd like to say related to this particular bill is that I'm going to concentrate my remarks. While the members opposite say that this has nothing to do with squeegeeing, we all know that's what we're talking about, as a good part of the impact of this is on, as you say, people soliciting on roadways. So I will be talking about that, panhandling and the implications I think are there for many of these young people, and the penalties upon conviction.

I want to start by saying that I really do believe that this is very limited, narrow-minded—and I hesitate to use the term, but I believe it's narrow—and it's not a developed concept in trying to address what I'm sure we all agree is a social issue. Not only that, but in many instances it is not particularly democratic, and I believe it will be challenged, as it is right now, at the moment, as we speak, in other jurisdictions that have attempted to do the same thing in a limiting manner.

I'd like to pose two questions, and these are not my questions: Is it good public policy to use legal coercion against peaceful panhandlers? Can it be morally right in a democratic society to prevent one person from publicly saying to another, "I'm in trouble and I need help"? These are two questions that were addressed in a recent paper which was produced by the Caledon Institute of Social Policy, if not the most then probably one of the most credible social policy think-tanks in the country, and I might modestly add, situated in my riding of Ottawa Centre.

That's not the reason why I give it credibility but because I have found over the years that it has done some excellent work. The title of their particular report is

Down and Out in Winnipeg and Toronto: The Ethics of Legislating Against Panhandling. It presents a thoughtful, convincing argument that we cannot expect much success if we simply treat panhandling as an isolated problem to be dealt with by police action. Panhandling and squeegeeing are symptoms of a deeper social problem, surely. We must address the underlying causes of the so-called problem. Actually, I prefer to call it a complex social challenge.

I suggest that we need to have a comprehensive social development approach providing meaningful job opportunities, housing, social services. This has to be coordinated and it must be a multi-sectoral response because there is no one-size-fits-all punitive measure isolated to a few things that is going to solve this sort of challenge.

I must say I will give this government credit on having commissioned a report on the development of the early years—we have to see what it means in terms of responding to that—the Fraser Mustard-McCain report, an excellent, fabulous piece of work, all research-based, that will change the attitude of many of the supporters of the Progressive Conservative Party in Ontario if they truly read it, because they'll no longer be able to say, "Early childhood education is only the purview of those who would like to see their children babysat." It's much, much deeper than that.

I would say, by extension, that so too must we invest in youth as well, who are beyond, of course, just the early years, and particularly those groups—and this happens perhaps in most societies—who are alienated from mainstream society: the homeless, the unemployed, many who are suffering from mental illness. In that category, of course, we use euphemistically the term "squeegee kids."

For the Attorney General to introduce legislation to jail squeegee kids and panhandlers who are repeat offenders, I find, frankly, quite incredible. That they will be repeat offenders is a given because they undoubtedly won't be able to pay the fine on a first conviction, which gives a penalty of not more than \$500, and on each subsequent conviction, not more than \$1,000 or imprisonment for a term of not more than six months or both. Let alone, I'd be surprised to see too many judges acting on that kind of thing for these sorts of convictions.

It seems to me that somebody doesn't understand either how to deal with or the importance of trying to deal with, or at least the importance of attempting to make an effort in dealing with, marginalized members of society, certainly ones who can't pay the fine in the first place because of their particular state of being in their lives by virtue of the fact that they are living on the street. So of course they will get bumped up to the subsequent conviction category. Again, they won't be able to make payments, so what will happen ultimately is that they may be, at least the bill suggests they should be, imprisoned.

Having served as the Minister of Correctional Services during my first term in office, I know first-hand how crowded our jails are, so I ask, does the Attorney General talk to the Minister of Correctional Services about the

appropriateness of this way of dealing with this problem? Even Corrections used to have a whole series of community programs to help people adjust. There used to be a whole series of preventive programs—

Interjection.

Mr Patten:—and the member for Hamilton Centre, the former Corrections minister, would know this. We have very little now. Everything seems to point towards hitting hard, being punitive, putting them away, as if somehow you are dealing with people who are doing this by choice, totally right of mind, totally of their own convictions, with many other alternatives. Surely, members, you know this is not the case. We are dealing with people who need some support, some who need some treatment I would venture to say, some who need to see some opportunities, some who need some counselling and certainly some immediate opportunities for alternatives. Furthermore, to announce this initiative during Crime Prevention Week I find more than a tad ironic. To be debating the law on the eve of National Child Day, which is this week, I also find to be somewhat interesting.

I want to talk about this legally binding international convention. The commemoration of two historic United Nations events has already taken place: The adoption of the Declaration of the Rights of the Child on November 20, 1959, and the adoption of the Convention on the Rights of the Child, 10 years ago, on November 20, 1989, says more about how out of step this particular piece of legislation is, because these legally binding international conventions, which are the most widely ratified human rights treaties in history, set legal and moral standards for the protection and care of children. A child, by this convention, is anyone 18 years and under.

One of the articles says: “No child shall be deprived of his or her liberty, unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.” The article also prohibits children who are deprived of their liberty from being detained together with adults.

The new federal youth justice strategy is in sync with the convention and is attempting to address prevention through a social development approach. It proposes new youth justice legislation to use intensive custody as a last resort for the most high-risk youth who are repeat violent offenders or have committed murder, attempted murder, manslaughter or aggressive sexual assaults. Obviously, in those cases, it’s a different set of circumstances.

The federal youth justice strategy is built on several principles: partnership with provinces and territories, a multi-disciplinary approach—I underline that—citizen and community involvement—I underline that, because there are some fine things that are taking place in many communities—and children and youth as a national priority. It would appear that the provisions in Bill 8 are out of step with the current thinking about sentencing both

nationally and internationally. I suggest that should be considered.

If this government knew anything about young people who are homeless, it would know why they’re on the street in the first place. I want to make reference to a report that is quite lucid and indicates some very interesting stats. The Shout Clinic, a program of Central Toronto Community Health Centres, did a groundbreaking report on homeless youth and employment. Making Money, the Shout Clinic report on homeless youth and employment, profiles the various ways that homeless and street-involved youth currently make money in Toronto, including formal employment, social assistance, sex trade work, criminal activity, squeegee cleaning and panhandling.

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The largest group of street youth interviewed for this study were in fact youth who engaged in either panhandling or squeegeeing as a main means for generating income. The report said:

“The existing research in Canada indicates that these youth tend to be fiercely independent and chose to squeegee instead of panhandle ... because of a strong work ethic, in which they believe they should provide a service to receive money. This research also indicates that squeegeeing as an activity is associated with ‘heightened psychological well-being and a reduction of criminal activity.’”

Some may agree that this is as constructive as perhaps they are seeing themselves, but at least it’s a positive sense from some of these youngsters.

My time is running out fast, and I would like to deal with one last thing for my last minute. That is that the safety bill is being challenged in a number of jurisdictions: in Ontario, by poverty activists, in Winnipeg and I believe in Vancouver as well. In fact, we will see this occur in Ontario because while everyone would agree there is a nuisance factor related to all of this—there are ways in which we want to deal with that—this only deals with the punitive measure, without any understanding or any constructive, positive alternatives.

I’d like to end by quoting Professor Julian Roberts, who says:

“Are squeegee kids a safety threat? I often hear people say that by hopping in front of vehicles at traffic lights, the kids are likely to cause an accident. Let’s remember these kids ply their trade on their flat feet and approach stationary vehicles. They know what they’re doing.

“If these kids are a safety hazard, where does that leave bike couriers weaving in and out of lanes at rush hour while travelling at speed on unstable two-wheeled vehicles? Or what about rollerbladers, lurching their way down the street, with no effective way of stopping quickly and safely? Are these not potential accidents waiting to happen? There’s nothing about these groups in the ‘safety bill.’”

My final comment is that this bill does not in any way address something other than to put people in jail when what it needs is a compassionate response in order to

respond to a fairly complex social condition in which we have people who are needing and wanting a much more comprehensive response.

Mrs Marie Bountrogianni (Hamilton Mountain): I'm grateful for the opportunity to add to this debate. When I first heard the term "Safe Streets Act," it reminded me of the safe schools policy, when it first came to the Hamilton Board of Education. At the time, it provided very simplistic solutions to a very complex problem: If students did something wrong, suspension or even expulsion.

Eventually, the Hamilton-Wentworth Regional Police spoke against that part of the policy because they may have been safe schools, but they were dangerous streets, and these kids were left unsupervised on the streets.

This rings a few similar bells, but the issues here are much more complex. I want to add three aspects to this issue that I really hope the government will think about when drafting and implementing this act, and hopefully adding some more well-thought-out acts in the future, that is: probation officers and the lack of resources for probation officers; mental health services and the cut-backs and what that has done to the crime statistics; and privatization of police officers.

The probation officers' caseloads in Ontario remain at 70% above the national average. Within the Ministry of Community and Social Services, there are approximately 210 probation officers assigned to 12 area offices, supervising nearly 10,000 cases.

In addition to the Criminal Code, the Young Offenders Act and the Provincial Offences Act, these officers must also be mindful of the Child and Family Services Act. Caseloads are reflective of this reality.

A related point is the disparity of caseloads. For example, Toronto has half the caseload per probation officer that my region does, Hamilton-Wentworth, and that needs to be addressed.

The Ministry of the Solicitor General and Correctional Services employs 635 probation and parole officers reporting to 40 area managers. In the ministry, there are approximately 72,000 clients under supervision, including 11,000 phase-two young offenders. During the 1996-97 fiscal year, there were approximately 53,000 adult offenders under supervision in the community on any given day.

In essence, 87% of the offending population is found within the community, yet the Correctional Services division allocates only 20% of the budget towards community supervision. Meanwhile, 77% of the budget is spent on incarcerating 13% of all offenders. The question that has to be asked is, where do most offences occur? Clearly, it would be prudent for policy-makers to focus attention on the community, particularly given that almost 90% of the ministry's clientele is being supervised in the community, in that environment.

Reviews of research repeatedly indicate that probation officers are the criminal justice practitioners best able to predict recidivism. When I was working in the Hamilton school board and I spoke with probation officers and

youth officers on a weekly basis, sometimes more often than that, I was appalled that the probation officer often saw the young offenders once every two weeks. That's clearly not enough if we truly want to prevent crime, as the member opposite was alluding to.

If we truly want to make our streets safe, it is imperative that the situation of the mentally ill offenders also be examined. Since the government's initiative to deinstitutionalize the mentally ill in the 1970s and the 1980s, there has been an inadequate investment in community resources to support these individuals. Research shows that at least 12% of offenders suffer from some type of mental or emotional disorder, and this subset of offenders is at higher risk to re-offend, particularly if they're not complying with their medication. Yet once they are out of jail or prison, there is very little monitoring of their behaviour. To further exacerbate this situation, these clients are often faced with a lack of appropriate housing and community supports.

Very quickly, to mention a case in Hamilton, a young offender in a holding facility who is severely disturbed will be out next week. There are no resources for him. The waiting list is over a year long. I was speaking last night with the boy's mother, who has her own medical condition, which is exacerbated by stress, and she is afraid for when her son comes out next week. She knows that he'll be back if he doesn't get the support that he needs.

It's very simplistic to say we take these kids, whether they're squeegee kids or any type of young offender, and put them in jail, without having the appropriate resources once they are out. This particular young person has been getting counselling in the facility and his mother says there has been some improvement. This needs to continue when he gets out. A biweekly visit to a probation officer isn't going to do it.

There is very little within our system of social health and welfare that can offer Ontario youth at risk and their desperate parents some assistance with situations like these.

I'd like to talk about the last point, and this is privatization of our police officers. I was heartened to hear from the Solicitor General that the answer is no, he doesn't agree with privatization, but I'd like to see proof in legislation of that.

I'll give you a case study again that happened in Hamilton, in my riding actually, in the last few months. The member for Hamilton West probably remembers this. It was a high-speed police chase. A young offender had stolen a vehicle and was chased by a private security officer, who was obviously not trained properly in this regard. This young man drove at high speed up the mountain and crashed into a house on Upper Ottawa on Hamilton Mountain, exploding the car of course, being killed instantly and putting the people who were at home at the time at risk. Their house caught on fire.

An appropriately trained police force knew not to chase this boy. They were aware of the situation, but they were properly trained and they knew not to chase him. In

fact, they then went into the house to save the residents of the house from being burned.

Here's the irony: The private officer is not held accountable; he's simply a witness in this case. Our publicly and professionally trained police officers are being investigated by the SIU. That's not fair, that's not appropriate, that's not professional and that's not solving the problem.

The public is willing to pay for their safety and security; they're willing to pay for properly trained police officers. I was speaking to them earlier and they need more resources to be trained. Research has shown that the public is willing to pay when it comes to their safety and when it comes to their health care. I hope the government heeds these requests as well as the requests for more resources for probation officers, to prevent the crime as well as to address the crime after it has happened.

Thank you for the opportunity.

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Mr Christopherson: I'm pleased to rise and comment on the remarks of my colleagues from Timiskaming-Cochrane and of course our rookie member on Hamilton Mountain, who is doing an excellent job, I must say, in representing the community.

Hon Mr Jackson: Oh, that's not fair. I thought it was a good speech. Don't call her a rookie.

Mr Christopherson: There's nothing offensive about "rookie." You were one too, you know; everybody was. Well, you might be special, Cam. I acknowledge you're very special.

However, to the point. Like the member from Timiskaming-Cochrane—

Mr David Ramsay (Timiskaming-Cochrane): Ottawa Centre.

Mr Christopherson: Now, why did I do that? I'm sorry, Ottawa Centre. Forgive me.

Hon Mr Jackson: Now he sounds like a rookie. Can I send you over a floor plan?

Mr Christopherson: Yes, but can I read it? That seems to be the problem. I have a floor plan; reading it accurately seems to be the problem. My apologies, Richard.

The member from Ottawa Centre commented that his first round in cabinet was as minister of corrections and we share that history. Neither of us, I should point out, ever rose to the lofty heights of being a Harris crime commissioner, but we did serve as justice ministers. I agree with him and I agree with the angle also taken by my colleague from Hamilton Mountain, and that is that everything you do is based on this notion of, one of your favourite phrases, "cracking down." Everything is cracking down.

One of the first things you learn when you become minister of corrections is that one of the things you have to determine right away in dealing with individuals is, have you got someone in front of you that's mad, bad or sad? That's putting it in a very brief sentence, but much of what happens in corrections is applying the right

treatment, if you will, support, sometimes it's disciplinary action, but applying the right things to the right person in the right circumstances. It's OK to hire someone in the Premier's office that has a criminal record in the past and we've had that happen, but God help when we talk, about a group of kids that are just trying to survive. You're going to crack down on them. You guys are so tough—crack down on those kids.

Interjections.

The Acting Speaker (Mr Michael A. Brown): Order. You could take these conversations outside. Reset the clock. The member for London-Fanshawe.

Mr Frank Mazzilli (London-Fanshawe): It's a pleasure to rise to respond to the members from Ottawa Centre, Hamilton and Hamilton Mountain on safe streets. The interesting thing is that the member from Cambridge, who was a co-chair of the crime commission during the last term, toured the province, and during that tour of the province the community identified a problem. The community was made up of citizens, police leaders, municipal leaders. The problem they identified was people taking over our streets, people jumping in the middle of traffic for the purpose of squeegeeing, for commercial purposes, intimidating people to give them money in exchange for that service. The community identified this problem and came to our government to be a part of a solution. Along with community problems and community policing, part of the solution is a community-oriented government. We are a community-oriented government, and we have implemented some of the solutions the community has asked us for. The solution was to come up with the Safe Streets Act by outlawing squeegeeing, thereby preventing any risk to young people jumping in front of traffic in exchange for money, and by preventing aggressive panhandling.

A member from across the floor said she would not be intimidated if she was aggressively panhandled. You know what? It wouldn't be an offence. If she wasn't intimidated, she doesn't have to make the complaint; there would be no offence. So she's welcome to turn over all her money. But for the people in this province who are intimidated, this government is listening.

Mr John Gerretsen (Kingston and the Islands): Let me first of all say how refreshing it was to hear tonight two members who actually know what they're talking about, and that's the member for Ottawa Centre and the member for Hamilton Mountain. They talked about the real issues we should be talking about when we're talking about the criminal justice system. We should be talking about, when somebody falls off the track, what is the best way to deal with that individual in order to bring that individual back on track?

The member for Hamilton Mountain, as a psychologist for the school board in Hamilton, knows how to deal with these issues and knows how to deal with those problems. It is not by cracking down on people but it's by taking that young individual and seeing whatever went wrong with that individual and trying to help that person so that

they can truly lead a productive life in our society. That's what it's really all about.

We all know that the kind of action the government wants to take under this legislation, it can already do so. The criminal law provides for it.

The thought struck me while I was sitting here that maybe this is the kind of legislation that we should immediately refer, once it's passed, and undoubtedly it will be passed, taking their attitude into account, to the Red Tape Commission and ask Frank Sheehan, the member who is serving for \$1 a year, "Is this legislation necessary in order for the government to basically enforce the laws that are out there right now?" I am sure that Frank Sheehan, being the honourable man that he is on the honourable commission that he leads, will say: "No, this law is not needed. The Red Tape Commission will strike this law down because it is already dealt with in our Criminal Code."

Mr Mario Sergio (York West): I'm delighted to take two minutes and compliment my colleagues from Ottawa Centre and Hamilton Mountain. I think they have exposed very well the contents of the bill and the causes that the government fails to recognize.

I think perhaps there is nothing more offensive than a homeless person passing the night on the sidewalk, on a grill, instead of someone panhandling on the street. I think people would find that much more offensive than somebody who is panhandling.

Let me say that this type of legislation is exactly typical of this government. They keep on throwing out pieces of legislation without considering the consequences, without putting into place any other mechanism, as they say, any other infrastructure, to take care of the following problems. I have to say, regrettably, the members of the government do not consider that if they go ahead and pass this piece of legislation, there is nothing else in place to take care of those people.

They are going after a couple of hundred kids. The government keeps on failing to act, if you will, to consider passing legislation in dealing with 200,000 kids, the subject of deadbeat parents. Instead of looking after that, passing legislation to look after 200,000 kids and their mothers, or fathers, whatever, they are going after a couple of hundred kids.

This piece of legislation does not belong in this House. I think it will never reach the courts. I think it will actually tangle the courts more than ever. I would hope that the members of the government will reconsider this piece of legislation.

The Acting Speaker: Response, the member for Ottawa Centre?

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Mr Patten: I'd like to thank the member for Hamilton Mountain for a very astute set of comments, and the members for Hamilton Centre, London-Fanshawe, Kingston and the Islands and York West, especially the latter two, for their extremely astute observations. I appreciate that very much.

I would like to say, though, in response to a number of comments, that I hope this legislation isn't going to be one of those pieces that is time-allocated by closure and just rammed through, that there will be an opportunity for some debate.

As you've heard by the reactions of a number of members, this is not a universal issue throughout Ontario. It's not a concern in many communities. It's of some concern in some other communities, perhaps of greatest concern in the Toronto area. Fine. Let's make sure we have legislation that does this.

It's interesting that the legislation, under section 177, says this—listen to this—subsection (1), "No person, while on the roadway, shall solicit a ride from the driver of a motor vehicle other than a public passenger conveyance."

That means that there's no hitchhiking. Imagine being in northern Ontario. What would happen? Imagine being a student.

Interjections.

Mr Patten: All right, so the members say it's already a law. Well, if it's a law, why is it in there again? Most of what you have in here is already in bylaws, has already been dealt with by the municipalities. It's a redundant thing. It's just an attempt to get the optics to appease those people who do not want to show any understanding to people trying to survive on the streets. Shame on you.

The Acting Speaker: Further debate?

Mrs Julia Munro (York North): It gives me great pleasure to rise today to speak on the new Safe Streets Act.

I would like to congratulate the Attorney General, the Honourable Jim Flaherty, for bringing this bill forward. I can tell you that it is an important and timely issue to my constituents.

Last week I hosted a crime and prevention forum in the town of Newmarket in the riding of York North. Many of my constituents attended, as well as representatives from the local school boards, Crime Stoppers, the VCARS program and other programs run by the York Regional Police.

I would like to thank all those who attended to give their expert advice, as well as those concerned citizens who came forward to voice their concerns on crime and safety issues.

Speaking personally to my constituents during this forum, I can tell you that they know Ontario is a great place to live. We are the economic engine of Canada. We have high employment, and we have a good standard of living.

Nevertheless, they still do not feel as safe as they should travelling in our cities. Many of my constituents do not feel safe walking down their own streets because of fear of harassment. Being so close to Toronto, many of my constituents commute to work here. When they arrive, many have to walk or drive on streets where the threat of aggressive solicitation is always close at hand. Mothers with children and seniors are particularly vulnerable to harassment from aggressive panhandlers.

Certainly we owe it to them to protect them from this sort of unnecessary harassment.

Speaking on a personal level, I can tell you, as a woman driving from time to time alone, I certainly recognize the fear that people have in having someone approach their car, at night particularly.

This is not the way it should be in Canada. There is no justifiable reason for someone to be soliciting for money in this aggressive way. Our government agrees. We have listened to the public and our police, and we have acted.

In the Blueprint, we committed to giving police the power to crack down on squeegeeing and aggressive panhandling. We reiterated our commitment in the speech from the throne, and on November 2 we introduced the Safe Streets Act, 1999, which proposes workable tools to deal with these problems.

The Safe Streets Act would close a loophole in the Highway Traffic Act. This act stops people from entering a roadway to stop a vehicle, but squeegeeing takes place when cars are already stopped. Under the Safe Streets Act, the Highway Traffic Act would be amended to make it an offence to enter the roadway to stop, attempt to stop or approach a motor vehicle to offer, sell or provide any product or service to the driver or anyone else in the vehicle. Of course, towing and other emergency services would be exempt. Several new provincial offences would be created, specifically, aggressive solicitation, including panhandling, such as threatening the person solicited with physical harm; blocking the path of the person solicited; soliciting while intoxicated by alcohol or drugs.

The new act will forbid solicitation of persons in situations where they cannot easily leave, such as bus stops and taxi stands, at automated teller machines, in parking lots or while getting in and out of a vehicle.

In the past, these practices have been tolerated. I'm pleased that once again our government is acting to address an issue of such importance to Ontarians.

Aggressive panhandling is not the only fear my constituents face. During my community forum on crime and prevention, several of my constituents expressed concern that they can no longer go to the park with their family for fear that their children or they themselves would be exposed to used condoms, syringes and broken glass in outdoor public places.

As a teacher, I have seen people dispose of these types of dangerous materials in the schoolyard. This was a cause of great concern for me and my former students. As someone who uses the public park regularly as an opportunity to enjoy such activities as walking and playing with my dogs, exposure to these types of materials is always a potential threat. Our schools and parks should be places of enjoyment, not places to avoid. This is why I'm very happy this bill has been brought forward. Our new legislation will place a ban on the disposal of these types of materials in these public places such as streets, parks and schoolyards.

Along with the public, our police have also asked us to move on this issue. The Ontario Association of Chiefs of Police passed a resolution at its 1998 annual general

meeting, calling on the government of Ontario to make squeegeeing and aggressive panhandling arrestable offences. The police are the ones on the front line every day, who put their lives on the line. For this, a great deal of thanks goes out to them. If necessary, the police can arrest offenders, if the officer believes an offence has been committed, to establish the identity of the person or to prevent continuation or repetition of the activity in cases where the offender ignores a warning not to repeat the offence. However, arrest is not the most desirable outcome. We are interested in helping individuals.

I've heard criticism from the opposition that this is an attempt to punish the poor. Nothing could be further from the truth. The intent of this legislation is to regulate the safe use of streets, sidewalks and other public places in Ontario. It is not criminal legislation. We are interested only in helping those who think they are trapped in this situation to find a more rewarding and appropriate environment. There is no future in being a squeegee kid. We recognize that many of these individuals are in need of help. Some may not be there by their own choosing or they are not aware that help is available.

This is why we have given a range of options for the police to follow for each particular case. Our new changes will help them in their job to serve and protect by expanding the range of responses available to police. Depending on the situation, an officer could warn the person engaged in unsafe activities; ticket offenders; summon the offender to attend court; contact child and family services if the person is under 16 years of age; issue a warning; advise that conduct may be an offence and future infractions could result in a charge; or contact the appropriate social service or psychiatric treatment agencies.

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What this means is that now our police officers have the power to intervene and direct squeegee people to the many programs set up to help them, and there are many programs that can put them on the road to independence and a better life. Many of those whom we refer to as squeegee kids are of school age or dropouts from school. With this intervention, we can help these people get back.

Everyone agrees that only through education can a young person find a stable and satisfying future. Education is the key to their future. Once these people are back in school, there are many programs designed to help them get a job upon graduation. The Ontario youth apprenticeship program offers Ontario secondary school students the opportunity to train as registered apprentices while enrolled in school. It allows a student to complete his Ontario secondary school diploma and to gain apprenticeship training towards a certificate of qualification with journeyman status in a skilled trade.

Some are young, school-aged parents who have dropped out of the education system and are forced to rely on welfare. Now they can join the Learning, Earning and Parenting program, or LEAP, which is being implemented across Ontario. This program provides support and incentives to young parents so they can stay in

school. For those individuals and single parents and couples aged 18 to 21 on welfare, they are subject to Ontario Works requirements. Ontario Works can provide employment training and help them find a job. For those who have not completed high school, they can have the opportunity to enter the high school equivalency test program or general education development. This test is recognized as being equivalent to Ontario secondary school graduation. I am sure you will agree that a good education is a passport to a better future.

Many squeegee people are homeless. Our government is working to help them. Ontario spends more than \$2 billion every year to help people who are homeless or are at risk of becoming so. Provincial initiatives support affordable housing, supportive housing for people with mental illness and community supports. Ontario is committed to working with other levels of government, communities, not-for-profit groups and the private sector to help those who are homeless now and to prevent homelessness in the future.

We are also aware that some people may need help simply because they are disabled. The Ontario disability support program creates employment supports that recognize that people with disabilities want to work and can work. We can help people with disabilities prepare for, get and keep a job. The specific supports can include employment planning, training, job placement and assistance with the cost of technical aids.

We are also very aware that many panhandlers are in need of medical help. We are responding to the needs of these people. The Ministry of Health and Long-Term Care is undertaking a review and revision of mental health law to ensure that people who endanger themselves and others can get the care they need. Approximately \$16.3 million in total was allocated in 1998 to fund 24 assertive community treatment teams to provide services for people who are severely mentally ill.

We are leaving it to the discretion of the crown attorney, who can decide if any offender should be directed to mental health intervention programs. In Hamilton, Windsor, Peel, Toronto, York, Durham, Ottawa and Kenora, offenders can tailor a course of treatment to follow and complete. Treatment programs are designed in conjunction with a psychiatrist or mental health service.

The point of safe streets is not only to stop innocent people from being harassed on the street but also to take people out of the misery of the street, through police intervention, and place them into a more meaningful existence. Unfortunately, sometimes a stronger deterrent is necessary to persuade people that such behaviour is not in their best interests nor is it acceptable in civilized society.

Under our proposed changes, the courts would have the power to sentence offenders to the following sentences: for a first conviction, a fine of up to \$500; alternatively, they can impose a sentence of probation. For a repeat conviction, the court can levy a fine of up to \$1,000, probation or imprisonment up to six months. Probation orders could include a number of conditions:

not repeating the offence; community service; restitution or participation in training programs; drug or alcohol counselling if the offender is willing.

We believe that comparable offences such as trespassing have similar arrest powers. The maximum fine for a first offence is \$500 and \$1,000 for repeat offences. The fine for panhandling in Vancouver is between \$100 and \$2,000, and in Winnipeg it is up to \$1,000. Yet even here this bill allows for flexibility in order to address the best interests of the accused. The Safe Streets Act gives the trained professionals of the court the power to make the final decision about what penalty to impose for each situation. The judge may take into account the convicted person's financial status before determining the sentence. Imprisonment is available as a sentencing option for repeat offences and is a penalty for breach of probation.

Although it is Toronto that is assumed to be the main focus of this bill, in fact this is a problem in other areas of Ontario. Several communities across the province have noted their concerns about squeegeeing and aggressive panhandling and other aggressive solicitation. Some, including Ottawa, have passed bylaws to help deal with these problems. There are reports of these problems from Ottawa, Kingston, Oshawa, Toronto, Hamilton and London. This new bill would be available to assist all Ontario municipalities.

Municipal bylaws are limited. While they result in offenders receiving tickets, they do not allow for arrest or imprisonment. The province was asked to provide tougher means of dealing with the problem. It has responded by introducing legislation that will give police and the courts tools to help ensure the safe use of the streets. The bill is only one element of our government's broad effort to make our towns and cities safer places to live and raise families.

I have heard some of the opposition complain that this would criminalize the Girl Guides and the Boy Scouts. If the opposition actually reads the act, they will find that nothing could be further from the truth. It is very clear what constitutes a crime. Certainly the difference between aggressive panhandlers and Boy Scouts is apparent to all. In fact, as the Premier noted yesterday, it is an insult to the public and our police to suggest they can't distinguish between someone breaking the law and someone involved in charity fundraising.

Our government continues to support and encourage all those charities that work so hard on worthy causes to solicit in a non-aggressive manner. The bill does not stop legal charities from soliciting on sidewalks.

It is no surprise that the opposition has a problem with this important bill. As Mr McGuinty stated in a Queen's Park scum after the throne speech on October 21, "They"—the squeegee people—"are at most a nuisance." Talking to my constituents in my crime and prevention community forum, I can tell you that Ontarians understand this is more than a nuisance.

The member from St Paul's stated on October 2 to the Toronto Star, "Within a civil society, you should be able to walk the streets and not be harassed." Again, the

member from Eglinton-Lawrence, himself a victim of aggressive panhandling, stated to the *Toronto Star* on June 21, 1996, "I am surprised and disappointed that Mr McGuinty seems indifferent to the experience of his own caucus colleague."

Again, on October 2, the member from St Paul's stated in the *Toronto Star*, "It's going to take some time to get people thinking of the Liberals as a law-and-order party." Ontarians have come to the same conclusion. That is why we were re-elected to lead Ontario in the 21st century.

Ontario residents have asked us to do something. Police, businesspeople, mayors, community members have asked us to do something. We have listened, and we have introduced the Safe Streets Act. It is all part of being a responsible and a responsive government.

It is clear, when you look at this piece of legislation, that it is balanced; it is providing safety to our citizens on the one hand and options to the police on the other to treat a serious issue. We have put in place the various mechanisms through the work of various other ministries to provide the network of safety for those people who find themselves in this position, and it is further evidence of our commitment to make sure that Ontario is the best place to live, work and raise a family.

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Mr Bradley: One of the problems that we have in the province is the fact that there are many people who are former psychiatric patients who don't have an opportunity to be treated appropriately. Many of the people we see on the streets who are supposedly panhandling or are street people are people who have been thrust into a system where they thought—and it might have been well-meaning at the time—that in fact there were services in the community to deal with them. There was a great move—it was a fad to a certain extent—to deinstitutionalization, as though we were talking about the old movie of many years ago called *The Snake Pit*, which depicted a psychiatric institution in a very unfavourable manner. It may have been accurate, but it was unfavourable in those days. When we deinstitutionalized, when we took people out of the institutions and put them back into the communities, we didn't have the appropriate supports that are there.

I look at this as a problem across the country and in many jurisdictions, not simply in Ontario. I think what we have to do is provide services for those people. In some cases, it may well mean going back to a psychiatric hospital to receive appropriate treatment. I don't consider that a negative. I consider that a positive in some cases. In other cases, it's simply enhancing the treatments that are available in the community.

You talk to the people who have manic-depressive people in their family, or they might have paranoid schizophrenics in their family, and those people are beside themselves because they know that the person might hurt themselves or hurt somebody else. Yet they feel helpless. They call our offices and they feel helpless. I would like to see a bill which would deal with that

before we get into dealing with this legislation. I think that would be very appropriate.

Mr Christopherson: In regard to the comments made by the member from North York—is that correct?—I noted in her speech that, like a number of other Tory members, there's an attempt to portray those of us who disagree with this legislation as somehow being soft on that very narrow part of the issue that's being dealt with that quite frankly can be of concern. I find that particularly insulting because I don't buy the argument that legislators are inherently soft on crime or tough on crime. I think all of us, by virtue of being elected, knocking on doors, being in our ridings, understand the element of crime in society and its relationship with people's lifestyle or quality of life and how it impacts on their families, which is exactly why we oppose this in the fashion that it's being put forward.

I know that the member from North York doesn't like the idea that we're saying it's a criminal law solution to a social problem, but that really is the way we see it. The fact of the matter is that you have cut out so many supports from our society, cut back in so many areas—"Yes," I say to the Deputy Speaker as he shakes his head and says, "No." You cannot cut the kind of money that you have out of our system. You can't take 22% of the income of the poor. Boy, I know what would happen if somebody said they were going to take 22% of your pay, but it was OK for you to support a measure that took 22% of the income away from the poorest of the poor.

Does this sort of thing answer all the problems? No, of course not. But is it a large, fundamental part of why we have these kinds of growing social problems? Yes, it is, and it's only going to get worse, because you're planning to cut even more.

Mr John O'Toole (Durham): It's my pleasure to stand and compliment the member from York North and her very insightful comments with respect to Bill 8. I think it would be rather redundant to repeat and to expand on the comments she's made, but I can agree with her, and I can also agree with the Attorney General, the Honourable Jim Flaherty from Whitby-Ajax. This is long overdue.

We all as members know—I can only speak for my riding. The police association from Durham region is here, along with the Police Association of Ontario, seeking the support of the government to bring some law and order, some semblance of order, to the streets and the communities of this province. In response to that, this measure and also the pursuit issue that was dealt with yesterday are indications that this government is prepared to make the difficult decisions in the interest of safety in our communities.

Just today I received a memo from the Canadian Automobile Association, which has come out in full support of this particular legislation, Bill 8. Out of respect, I'm going to quote from David Leonhardt from the Canadian Automobile Association. "Whether a person is wielding a squeegee or pamphlets for the most worthwhile cause, he or she should not be permitted to become

a safety hazard on a public roadway.” Who could disagree with that? The oversimplified version is that safety is in all of our best interests. “It is a dangerous intrusion into traffic,” to quote Mr Leonhardt.

The member from York North covered most of the salient points of Bill 8. The viewers watching tonight should support this bill.

Mrs McLeod: With deference to the member from York North, I had to feel as I listened to her that she was describing the government that she wished she was a part of rather than the government that she actually is a part of. In fact, she was describing what she would hope this bill could be about, or at least why the bill could be justified, that is, because her government really is dealing with the underlying problems rather than simply trying to get squeegee kids off the street.

I think the member actually wishes perhaps that her government was doing something about homelessness. But those of us on this side of the House would be absolutely amazed to find out just exactly what it is the government is doing, because to the best of our knowledge all they've done with homeless situations is to cancel all social housing projects, and now to turn the responsibility for any existing social housing over to the municipalities, absolutely relieving themselves of any responsibility for dealing with the homeless situation at all.

I think this member actually was hoping that the government was doing something about mental health. She believes her government when they're talking about treatment programs for people who are addicts, for example. I think she's forgotten that this is the same government that intends to close about 3,000 mental health beds and that really has not put any community alternatives in place, apart from a couple of community assertive action teams across the province.

This member may even think along the lines of our leader this afternoon, when he said that if this government had real priorities for real people, they might be prepared to deal with the 200,000 kids who are being neglected because of this government's total inability to deal with the Family Responsibility Office chaos which they've created, rather than dealing with the 200 squeegee kids in Toronto that this bill addresses.

This member might even want to take issue with her government's own throne speech, where it says that they want to deal with real people, and they define real people as being only hard-working, tax-paying people. They don't see the squeegee kids or any of the homeless or any of the mentally ill as being real, and that's why they don't deal with them—

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The Acting Speaker: Thank you. In response?

Mrs Munro: I'd like to thank the member from St Catharines, the member from Hamilton West, the member from Durham and the member from Thunder Bay-Atikokan.

In responding to a couple of the comments that were made, I want to make it very clear to the members opposite, who seem to question the validity of the comments I

made in relation to the programs that are here, that in fact these are real programs and they are real supports that are there.

The other thing to understand is that this piece of legislation gives both the police and the courts these options. I want to make that clear. When the member for St Catharines talked particularly about those people who have mental illness, this is clearly the opportunity for both the police and the courts to make appropriate responses. In the Blueprint document, we made a commitment that we wanted to be able to make sure that for those people who present a danger to themselves or to others, the legal framework is there to make sure they aren't in a position to become that danger.

To the member for Hamilton West, I enunciated those programs that are in place, that do provide opportunities for those people to step out of the kinds of situations which may have taken them down that path. I think the opposition needs to look at this piece of legislation within the context, as I did, of all of our programs.

The Acting Speaker: Further debate?

Mr Sergio: I'm delighted to stand in the House and take whatever time I can. It's very difficult to have a few minutes on any particular topic, but I'm delighted to join the members in the House in addressing this particular issue.

The bill as it has been presented by the government proposes to do three very particular, distinct things, all of them, I have to say, already within existing legislation, either provincial, federal or incorporated in the various municipal bylaws. There is absolutely nothing new in this proposed legislation that is strictly brand new, previously non-existent, from the provincial government.

What does the provincial government propose? It proposes a new set of offences. What can they be, those new offences? Jumping in front of cars? Well, no one, Mr Silly—Mr Silly, yes indeed—would be so silly as to jump in front of a moving vehicle. Shall we refer to the Premier as Mr Silly? I don't think that any panhandler or any so-called squeegee kid would jump in front of a moving vehicle.

Illegal solicitation: Where would that take place? In a telephone booth? I don't think so. In a bank? I don't think so. In Toronto, for example, all the bus shelters have one entrance and one exit. I don't think the members have taken that into account. I don't think so.

If you were to approach someone on a sidewalk, would that be impeding somebody else's passageway? I don't think so. So where does the government with this new bill come up and say that in any particular place where it's easy access to another person, it's impeded? If you were a panhandler, would you go in such a place? I don't think so. I can tell the members on the other side where you would find some of them: maybe in front of a church on a Sunday morning where you may just be praying on some very—

Interjection: Don't give them ideas like that.

Mr Sergio: I won't give them any ideas. But this has happened to me. That's where you would find them. You

wouldn't find them in front of a bank teller. That's where you would go and find perhaps one of those particular people.

But I have to tell you this. They think it's very funny. For the first time, I saw a homeless person all the way up on Yonge and Steeles—unheard of. Why? Because we have too many already within the city of Toronto. That is why.

It is typical of this government to pass legislation, to introduce legislation very disruptively, if I may say, without thinking. If they were to say, "All right, we're going to pass the legislation but we are going to have in place something else for these people," some other infrastructure, you may want to call it—there is absolutely nothing in place once this legislation comes into play to take care of those kids. Where would those kids go?

Interjection.

Mr Sergio: Oh, you wouldn't know. Of course, this is the typical reaction we get from Mr Harris and his government. Where would those kids go? Is there anything else to put in place once they displace the so-called squeegee kids? There is nothing about this so-called aggressive legislation. But everything is progressive in this particular piece of legislation. There are no programs for addictions. All the panhandlers out there, they are not strictly panhandling or squeegee kids, whatever. There are people out there who are very, very sick. There is nothing in this proposed piece of legislation on how they will be dealing with those types of people.

Mental health is a serious problem out there. It's not their choice. It's not solely homeless people lying on the streets or passing the night under a bridge, stuff like that. Those people are sick people, and there is nothing in place that this government is putting out there to look after those people. The member from North York says, "We are looking after the homeless people." I haven't seen anything coming out of this government to deal with that particular issue.

What other programs do they have for those people? Have they come out with, say, "Oh, we're going to put in a couple of million dollars and maybe a work program, come up with some jobs, work with industry." Nothing to deal with those particular people. Is there any counselling? Is there an information office? There is absolutely nothing. Oh yes, there are some offices where they are given some counselling. But they just cannot deal with the numbers that are out there. These people think it's a joke, that they're going to be disposing of a couple of hundred squeegee kids. Where are they going to go? "I don't know."

We're just moving them around. But they are doing nothing in the meantime. They think it's funny. But there's nothing funny to those kids out there. I don't think they are making millions of dollars. What other mechanism are they putting in place to deal with the kids, with this particular situation here? Absolutely nothing.

My colleague was saying before that this piece of legislation has a total aura, it belongs as a prime candidate in the red tape legislation. I would make my consideration and suggest indeed to Mr Harris to pass it along to the members of the red tape legislation committee and disband it. Don't even send this further. But if they should choose to, then let's debate it properly. It doesn't belong anywhere else. But if it should, then let's have a proper debate on this particular issue.

Whatever they are doing, especially within the city of Toronto—and I know that they read the newspapers as well. It falls with the city of Toronto. You know what they are saying? That the debts within the city of Toronto will double in the next couple of years. Can you imagine the city of Toronto having \$2.3 billion in debt within four years? Can you imagine? It's your fault. It's your government. It's all the downloading that you've been doing on the city of Toronto.

It's very unfortunate that they are taking the situation so lightly. While we need money for infrastructure, you guys are doing nothing. We need money for new subway lines. They are doing nothing. We need money for maintenance, for roads, for bridges, for new construction. These people are not doing anything. Do you know who has to absorb all of that? The local municipalities. And do you know what happens when the local municipalities have to absorb that? They increase taxes. And do you know what happens when they increase taxes? The poor suckers out there—pardon me—the poor homeowners, the seniors, they are the ones who will feel the brunt of those acts. That's what happens.

Do I have an extra couple of minutes, Mr Speaker, since I want to wrap it up? I would try and get on for another couple of minutes.

My friends on the other side have totally confused principles when it comes to dealing with squeegee kids in the city of Toronto. I'm not a fan, I should say. I don't like it myself when I see squeegee kids approaching an intersection, but I have no fear, I have no problem. I lock my windows, I lock my doors and I say, "No, thank you very much," and I never have a problem.

Interjections.

Mr Sergio: I hope I can continue this tomorrow, Mr Speaker.

I never have a problem, unless they can provide otherwise. I would continue very willingly to say either, "Yes, go ahead and do it," and I'll give them a quarter or whatever, or, "No, thank you very much." I've never had a problem with that.

So if they want to—is my time up?

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

The House adjourned at 2132.

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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.

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