



**Legislative Assembly
of Ontario**

First Session, 37th Parliament

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**Official Report
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(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 24 October 2000

Mardi 24 octobre 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 24 October 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 24 octobre 2000

The House met at 1845.

ORDERS OF THE DAY

VICTIMS' BILL OF RIGHTS
AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA CHARTE
DES DROITS DES VICTIMES
D'ACTES CRIMINELS

Mr Klees moved second reading of the following bill:

Bill 114, An Act to amend the Victims' Bill of Rights, 1995 / Projet de loi 114, Loi modifiant la Charte de 1995 des droits des victimes d'actes criminels.

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

Hon Frank Klees (Minister without Portfolio):

Today, I proceed with the second reading of the Victims' Bill of Rights Amendment Act. I will be sharing my available time with my colleagues the member for Barrie-Simcoe-Bradford, the member for Northumberland, I believe, and, with the agreement of the House, there may be one or two other speakers on this bill. I'm sure the Speaker and members of the Legislature will accommodate us.

Our government stands firmly and solidly on the side of victims of crime. We believe that victims of crime deserve justice. We believe that victims of crime deserve to have their voices heard. We also believe that victims deserve services and programs to help them heal.

When we came to office five years ago, sadly, at that time, victims were often victimized twice, first by the accused, and then, second, by a justice system that did not recognize or respond to their personal needs. I'm glad to say tonight that our government changed that.

Early in our mandate we made a commitment to take a leadership role in protecting victims' rights and to improve the treatment of victims of crime within the context of our justice system. We began with the historic Victims' Bill of Rights, which was entrenched in 1996. The bill was an important step in acknowledging and responding to the needs of victims of crime. It sets out the basic principles that apply to the treatment of victims of crime within our justice system.

The Victim's Bill of Rights includes principles such as the following: first, that victims should be treated with courtesy, compassion and respect for their personal dig-

nity and privacy by the justice system officials; second, that victims should have access to information about services, provisions in legislation to help them, protections available to them, the progress of investigations and criminal justice proceedings, and the right to make a victim impact statement in our court system.

Making sure that these principles are respected is a cornerstone of our commitment to victims in this province.

Bill 114 is our government's latest step to ensure that victims get the services and programs they need and so much deserve. This legislation, if passed, would permanently establish the Office for Victims of Crime. The office would play a pivotal role in advocating on behalf of victims. It would provide advice to the government on a number of key areas. I'll just enumerate some of those:

It would provide government advice in ways to ensure that the principles set out in the Victims' Bill of Rights are in fact respected.

The government would receive advice on legislation, policy and practices relevant to victims of crime.

This agency would have the lead on the development of provincial standards for victims' services.

We would also look to this office for the use of the victims' justice fund.

If the bill is passed, the Attorney General will be assigning the new agency special tasks that would reinforce its bonds with victims and help the office to provide advice that is consistent with the current views and needs of victims of crime.

Now, some may ask, why is this legislation needed? Why is it necessary for us to put this legislation in place at this time? The creation of a permanent Office for Victims of Crime keeps our government's Blueprint promise to create such an agency. It also fulfills our budget commitment of \$1 million to support this office. If passed, it would mean that victims of crime have an even stronger voice in this province.

A permanent Office for Victims of Crime would give victims the necessary and visible representation to government that they need. It would mean that victims would have a permanent organization that is theirs and theirs alone, an organization that exists specifically to listen to their concerns and to take those concerns directly to government.

The Office for Victims of Crime would have a unique role in talking with victims and making proposals to government. The advice provided by the office would contribute to decisions that would improve access to

services for victims. It would help to ensure that programs are distributed appropriately and help to ensure that all victims have access to services in all parts of the province.

1850

Victims need to be assured that their needs and their rights are important. They need to be assured that they have a voice and they need to be assured that their voice will be heard. The proposed permanent Office for Victims of Crime would be the tangible reassurance that the services victims need are provided in this province.

I'm pleased to be able to participate in this important debate. We as a government certainly believe that it is timely, that it is necessary, and we trust that all members of this House will support this important piece of legislation.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):

I'm pleased to join in the debate. I just want to advise that I'll be sharing my time with the members from Brampton Centre and Northumberland.

This government stands firmly on the side of victims of crime. Our government promised that we would support victims of crime and change the way they are treated in the criminal justice system. During the past five years, we have kept our promise to give victims of crime the support and services they need. Once again, we are moving forward on this commitment through Bill 114.

Bill 114, the Victims' Bill of Rights Amendment Act, 2000, would be another important step to protect victims' rights and ensure that they have access to services across the province. It builds on the actions we have already taken to support victims of crime. As part of our promise to help victims, we are doing the following:

We have doubled the number of victim/witness assistance program sites from 13 to 26 across the province. This program prepares victims of crime and gives them the emotional support they need as they move through the various stages of a criminal case. While we have already expanded this program, we know there is more to do. That is why we have made a commitment to further increase the number of program sites by as much as 50%. We have already expanded the victims' crisis assistance and referral program, and we intend to further expand this program by as much as 50% from the current 26 sites. VCARS provides immediate comfort and support to victims of violence.

We created the domestic violence court program. We have already doubled the program, from 8 to 16 sites. We intend to further expand the program so that there will be more sites across the province. Ontario's domestic violence court program is now the most comprehensive of its kind in Canada, and it will continue to grow.

We created the SupportLink initiative to provide emergency wireless phone support to victims of domestic violence, sexual assault and stalking. We provide funding for 33 sexual assault rape crisis centres across the province. These centres provide support, education, information and referral services to victims. We hired 59 additional crown attorneys to prepare and interview

victims of crime and witnesses of crime so the justice system can hear their voices.

We have more than doubled the supervised access program, from 14 to 36 sites throughout the province. We intend to further expand this program, which provides safe settings for visits and exchanges between children and non-custodial parents or other adults involved in custody or access matters.

We have created 15 new child-friendly courts to provide special court and support services for children who are victims of abuse or are witnesses to abuse.

To further fulfill our commitment to support victims, we have also allocated additional funding for new and existing programs. Approximately \$135 million will be spent this year on programs and services to protect women and children from violence: under the violence against women program in the year 2000-01, \$51 million for emergency shelters and related services, \$21 million for counselling, \$5 million for—

Mr David Christopherson (Hamilton West): On a point of order, Mr Speaker: As riveting as this speech is, I do not believe we have a quorum in the House.

The Acting Speaker: Is there a quorum?

Clerk at the Table (Ms Lisa Freedman): A quorum is not present.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: The member for Barrie-Simcoe-Bradford.

Mr Tascona: As I was saying—I'll just bring it back into focus—under the violence against women program in the year 2000-01, \$51 million will be for emergency shelters and related services; \$21 million for counselling, \$5 million for early intervention for child witnesses of domestic violence, \$5 million to establish a transitional support program for abused women and children.

We have also announced the \$50-million victims' justice action plan, which will do the following: (1) expand victims' justice services, (2) improve province-wide access, and (3) improve the coordination of victims' services.

We have provided an additional \$500,000 to cover streamlined applications for emergency legal advice.

We are spending \$10 million to expand the domestic violence court program I mentioned earlier.

We are proud of our accomplishments to date, but we recognize that there is still more work to be done. Victims need access to high-quality services and support, regardless of where they live in this province. They need to be able to obtain information about these services. They need to know that their rights as victims are recognized and protected. Victims need a permanent Office for Victims of Crime.

That office would liaise with victims and advise the government on the following: (1) ways to ensure that the principles set out in the Victims' Bill of Rights are respected by consulting and liaising with victims; (2) provincial standards for the delivery of services to victims by

preparing options and a plan to develop and maintain these standards; (3) the use of the victims' justice fund by identifying community priorities for funding; (4) research and education on victimization and its prevention by establishing a resource centre and on-line library; (5) the delivery of training for victims' service providers and justice officials; and finally, (6) legislative and policy issues relevant to victims and the prevention of victimization.

That's why I urge members to support this bill. I'm proud to say that on Tuesday, November 7, I'll be participating once again in the fundraising basketball game at Eastview Secondary School, raising money for the Barrie Victims Crisis Assistance Referral Service. I'll be out there doing my bit in terms of what I think is vital to bringing public awareness and raising funds for victims of crime, and government victims' initiatives are part of this program.

I'll turn my time over to the member for Brampton Centre, who I know will speak very eloquently on this matter.

1900

Mr Joseph Spina (Brampton Centre): My colleague from Simcoe Centre—

Mr Tascona: Barrie-Simcoe-Bradford.

Mr Spina: Simcoe-Barrie-Bradford.

Mr Tascona: Barrie-Simcoe-Bradford.

Mr Spina: Barrie-Simcoe-Bradford. Thank you. That's almost as bad as Bramalea-Gore-Malton-Springdale.

I'd like to expand a bit on some of the initiatives that my colleague spoke about. Giving victims a voice and taking the leadership role to support victims of crime are of paramount importance to all of us, not just government members but members of all political stripes. I think we all recognize our responsibility as members of government to assist victims of crime. That's why, during the past five years through several ministries, we've taken action to support victims of crime and try to respond to their needs.

In the Ministry of the Attorney General, for example, we've tried to help victims of domestic violence. We've created the most comprehensive domestic violence court program. As my colleague indicated, an additional \$10 million would be spent to expand that program and to provide emotional support and prepare victims as they deal with the criminal justice system. We expanded the victim/witness assistance program, and frankly we plan to do a lot more.

We want to help ensure that the voices of victims are heard as they go through the justice system. Fifty-nine additional crown attorneys were hired to interview and prepare victims and witnesses. Also, to help families in crisis, we expanded the supervised access program. Also, to help victims of crime, wherever they are in our province, get the services and support they need, \$50 million, as my colleague mentioned, will be spent through the victims justice action plan to further expand those services for the victims. An additional half a million was

provided to cover streamlined applications for emergency legal aid advice, and the number of hours of legal aid was doubled particularly to assist abused women seeking restraining orders.

Work is underway and further funds have been allocated in other ministries to help these victims of crime. In the Ministry of Community and Social Services, we've allocated \$51 million in 2000-01 for emergency shelters and related services under VAW, that is, the violence against women program.

We've also allocated \$10 million in annualized funding specifically designed to help children who have witnessed domestic violence and to establish a transitional support program. This is particularly difficult. I know our Liberal colleague from Hamilton Mountain is a psychologist and that this is an area of particular interest to her, because she, in her profession before she got elected, and perhaps still, was involved in counselling children who have been in a domestic violence situation. It's important that funding be available for these kinds of services to be provided for children in this environment. Twenty-one million dollars has been allocated to more than 100 counselling programs for both women and their children over this next fiscal year 2000-01.

In another justice ministry, the Ministry of the Solicitor General, they have allocated \$10 million annually for the expansion of their services, including community-based programs such as the victims' crisis assistance and referral service and SupportLink, and to make services more flexible to try and meet the needs of northern communities.

As someone who was born and raised in northern Ontario, Speaker—I know you're from there as well, representing the area of Algoma-Manitoulin, and our other colleague from Sudbury. It's a critical need that has to be met there. Not only does it have perhaps the same proportion of domestic violence incurred in other parts of the province, but the difficulty is the ability to provide referral services, such as SupportLink and crisis assistance, in a timely manner when you're dealing with such vast distances. If you're in a small rural community in northern Ontario, sometimes the closest link may be as far away as 200, 300 or 400 kilometres.

We're happy that the Solicitor General is allocating \$10 million annually for some of the community-based programs, but also for the interlinks that would allow officials at different levels to access those links on behalf of victims.

The Ministry of Municipal Affairs and Housing has committed \$50 million in rent supplements to help house up to 10,000 families and individuals. We know the difficulty with putting up social housing facilities, the expense they have been. The fundamental difference, I guess the shift in our philosophy of government, is in not investing so much in the bricks and mortar of social housing but rather into assistance to individuals, to help subsidize up to 10,000 families with rent assistance so they can integrate into the society and be in the regular, nice, everyday neighbourhood that we perhaps have

become accustomed to being comfortable in. It's important for an individual who is a victim of domestic violence, for example, to be able to access a place to go, a place to be that doesn't feel as if they've been shuttered off in a ghetto. That's not what we want. We want the opportunity for people to live in a reasonably comfortable and safe environment.

These are a few of the actions that demonstrate our government's commitment to helping victims. There is a lot more that has to be done. That is why we are proposing a permanent Office for Victims of Crime. It is also why we continue to ask the federal government to live up to its responsibilities to victims of crime. Ontario has repeatedly asked the federal Liberal government to make changes to the Criminal Code that would result in victims being better protected and offenders being held accountable for their crimes.

We look at the whole environment of victims and what happens to them after the incidents take place, but we also have to look at, what happens to those offenders? Do they get off scot-free? Are we able, in some way or other, to make them more accountable for the bad actions they have put on their friends or relatives, their parents, their children, their spouse?

1910

We have requested that bail conditions be toughened by reversing the onus of proof in bail proceedings in domestic violence cases. If that were done, accused individuals would have to show that their release would not endanger the victim. This would go a long way toward making these offenders accountable.

We've also asked that a specific offence be created in the Criminal Code—that's the federal Criminal Code—for violating a restraining order that allows for more timely prosecution of breaches. It would send a clear message that domestic violence is a serious crime. It's often been referred to as the silent crime. We ask often, with regard to domestic violence, why the silence? That's an important question I think we all have to talk about. Why the silence on domestic violence?

There is a number of reasons, and we've spoken to it in the past. Probably the paramount reason for the silence in domestic violence is fear, an abused spouse's fear of repercussion, an abused child's fear of repercussion, an abused elder's fear of repercussion. The abuse can take all kinds of forms, not just physical but many others: financial, verbal and so on.

The reality is that we must get beyond that silent treatment. We have to break that out. We have to allow the opportunity for the victims of these crimes to come forward and be able to access sources of assistance.

The federal government's lack of action is a retreat, an actual outright and reprehensible retreat, from their responsibilities to Canadians. I trust that whoever assumes the reins of power in Ottawa after this next election will clearly make positive moves in this direction. Whatever party becomes the government in Ottawa, we must ensure that we continue to take action to give the people of

this country and the people of Ontario a safe place in which we can live and work and raise a family.

We can talk about how the office will serve the victims. As I said earlier, the creation of the permanent office would ensure that the victims receive the assistance they need.

Interjection.

Mr Spina: The member from Kingston may disagree, but he will more than have his opportunity to make his comments.

The office would be staffed by victims and front-line justice system professionals who are sensitive to the plight of victims. It's important because, as I mentioned earlier, one of the biggest problems with regard to domestic violence is silence and the fear of breaking free of the abuse with which they are being treated. If we allow access and if they can feel more comfortable that the front-line justice system professionals, and perhaps other victims who can empathize with the experience they have had in this environment, who will be sensitive to the plight they personally experience, physically and emotionally—their understanding of these issues will allow them to play a crucial role in providing informed advice, informed assistance and counselling to the victims.

But you know what? These professionals and these victims would also allow the opportunity to provide advice to governments of all stripes so we can improve the situation, so we can make it a better piece of legislation and can make a better environment for these victims.

This may not be the be-all, the end-all and the answer to all the issues, but it is an important first step, an extremely important first step, because victims are unwilling participants in the justice system. It is an experience that has been forced on them because of the criminal actions of other people and has put them into this situation they don't deserve. What victims do deserve is all the support and assistance we can possibly provide.

Our government is proud of the ongoing attention and support we have provided the victims to date. We're not done yet. We're proud of our actions to protect their rights. We are proud that we continue to make the welfare of victims a priority.

We made a commitment to victims' rights, and Bill 114 is one more action we are taking to fulfill this commitment. It sends a clear signal that this government stands solidly on the side of the victims of crime. Victims need to know that they are not alone in their search for justice. Victims need to feel they have something as simple as a voice or someone who is listening to them to whom they can go for help. They need to know that their views are represented by all members of this Legislature and that there is help available. A permanent Office for Victims of Crime would meet those needs.

I'm sharing my time with the member for Northumberland, the honourable Dr Galt. To conclude my comments, I think this is one of the best bills this government could have brought forward. It's unfortunate that we weren't in a position to bring it forward sooner.

Mr John Gerretsen (Kingston and the Islands): All three sections of it.

Mr Spina: There are three sections to this bill that we are bringing forward. Is that what the member is saying?

The important thing is that we are moving forward with this. All of us, in all three parties, have had the opportunity to do this in the past, and I'm pleased that those of the opposition who support the bill will help us in putting it through. As I said, it may not be perfect, it will not be the answer to everything; however, it is an important first step that will go a long way from where we have been to date.

Applause.

Mr Doug Galt (Northumberland): I am pleased to follow my colleagues, particularly the member for Brampton Centre, who just had an excellent presentation, as you could tell from the round of applause here in the Legislature, and also the member for Barrie-Simcoe-Bradford, who speaks often in the House and who really zeroed in on the issues. Between those two, I was convinced; there was no question that I'd support this bill. Of course, our whip led off, the member for Oak Ridges. He gave just an excellent presentation as the kickoff. I'm sure that those on the other side of the House this evening and those who will look at Hansard and study the content, what's being put on the record, will be convinced that Bill 114, the Victims' Bill of Rights Amendment Act, indeed is a very worthwhile piece of legislation. There is no question in my mind that we'll end up getting unanimous support in this Legislature.

If passed, this bill will create a permanent Office for Victims of Crime to give victims a stronger voice in our justice system. We talk a lot about promises made, promises kept. In the last election our platform was the Blueprint. As you remember, in 1995 it was the Common Sense Revolution. Both were very well named.

1920

I'd just like to draw your attention to page 29—that's how far through this Blueprint we are. We'll soon have it completed. It's under "Strengthening Victims' Rights": "For too long, the criminal justice system treated victims of crime as an afterthought. Our government has supported victims through all stages of the legal process by creating the Victims' Bill of Rights, expanding victims' programs, making it easier to bring civil suits against offenders, and by launching an Office for Victims of Crime staffed by crime victims and front-line justice professionals."

I'm reading this because I'm sure a lot on the other side of the House never got around to looking at it during the last campaign.

To help build on these accomplishments and provide even better support to all victims of crime, we will put all the various programs and services for victims together under a single, focused agency, our Office for Victims of Crime. The office will be permanently established in legislation and will have a new role in ensuring that the principles of the Victims' Bill of Rights are respected.

We will also develop provincial standards for all victims' services.

All of this will be in addition to the vital network of shelters and sexual assault centres that work tirelessly on behalf of women victimized by crime. Our victims' rights initiatives will complement and strengthen that network in its current independent, community-based form.

I just thought I'd bring that to your attention to remind you that this is a government where promises made are indeed promises kept.

The Office for Victims of Crime will also provide advice to government on victims' issues and it may also be assigned other special duties. The proposed office would consult with victims on many different areas, for example, the standards for the delivery of services to victims. It would also be involved with legislation, policy and practices relevant to victims of crime. It would also be involved with the use of the victims' justice fund. Of course, it would also do research to provide information and education on victimization and particularly its prevention.

This permanent office will ensure that the principles are set out in the Victims' Bill of Rights and that they are respected and that victims will receive quality services wherever they live in the province of Ontario. That is why this bill was introduced. To get some handle on it in understanding and feeling, the concept behind the developing of this office is similar to the Provincial Auditor's office and to the Environmental Commissioner's office. This underlines a commitment we have to support victims, particularly victims of crime.

In keeping our commitment, which this government has a real reputation for—I just read what was promised in the Blueprint, that we promised to introduce legislation to create this permanent Office for Victims of Crime. We're committed to creating a high-profile and permanent home for crime victims.

This bill places a physical emphasis on the importance of victims' rights. It's important that that physical emphasis, that physical presence, be there. It does give a feeling of confidence. I'm sure a lot of confidence has been destroyed in victims when they find themselves as victims.

This is similar to the commitment we've made to crack down on violent inmates; the commitment to bringing in tough new measures to combat domestic violence—and we've spoken often in this Legislature about that; and also taking strong steps to make sure that Ontarians feel safe in their streets and in their neighbourhoods. I'm sure you will recall the Safe Streets Act we brought in. Many members from across the floor have tried to misconstrue that bill to let service clubs and volunteer organizations think they can't have a toll road. It never was legal to stand out on highways and stop vehicles as a toll road, wave them to the side, off on to the shoulder, have signs set up. That hasn't changed. We've gotten rid of the aggressive panhandler with a captive audience, and that is right. I don't think anyone who's at an ATM or is stopping at a traffic light or a stop

sign should be approached by aggressive panhandling, and that's simply what that bill did. It did not change the rights of service clubs, it did not change what volunteer organizations could do legally, although the opposition keeps trying to run out a message to mislead, and that's very unfortunate.

Back to the particular issue, victims' rights, we're keeping our Blueprint commitment that victims of crime will have a permanent organization that listens to their concerns and takes those concerns directly to the government.

This is so different from what we've been seeing out of Ottawa. The federal Liberals, the cousins to the Liberals across the House here, have certainly forgotten their commitments, if they ever did really commit themselves. They sort of voice off and then they have a premature election. I don't think they learned anything from the Peterson experience back in 1990. It'll be interesting to see if history repeats itself. It's now just a little over three years. We had to wait for the NDP to go almost five years before they finally pulled the plug. Why would it take them five years, with a final year of do-nothing? Actually, it was five total years of do-nothing, but that last year the House only sat for something like—was it 21 days or 24 days? Something like that. I think they were just collecting their paycheque and doing very little else.

What I wanted to talk about for a moment is some of the initiatives, the bills, that died on the order paper in Ottawa. Seventeen of them died on the order paper, after all the work and all the money spent getting them on the order paper, pretending they were important. Something like the endangered species act: three times they've brought it forward and twice it's died on the order paper. Mr Anderson was going to be this wonderful environmentalist, the saviour of the environment, but what's he done? The endangered species act died on the order paper.

In connection with this debate, the Young Offenders Act—weak as the changes were; they were almost useless, but at least they were doing something—and lo and behold, it died on the order paper. Stronger sentences were being brought forward, not much stronger, but a little stronger for multiple murders. That died on the order paper.

You must note also their promise to update the Criminal Code. I was particularly enthused. There's a connection between animal abuse and abuse of humans, and I had lobbied, had a resolution through this House just last November, and we lobbied with the federal minister, but lo and behold, nothing's happened.

It's interesting to note in the Toronto Sun a recent editorial that talked about what's going on federally with law and order and the lack thereof. Actually, the heading is "Law and Disorder," and that comes because of the federal government. They talk about "the election frenzy that's broken out this week like an unwanted virus." I can tell you, no one wanted this federal election, other than the greedy politician who is the Prime Minister, called

Chrétien. I don't know of any other reason to have an election. I can understand he had two choices: either call it this fall or step down, because come next spring he was going to get totally wiped out of the water by Stockwell Day. That was the direction it was going. He's just greedy. He wants to have three wins in a row. I can tell you he is not going to have three wins in a row.

This editorial goes on: "The jurors are hearing an early parole request by Colin Thatcher, the former Saskatchewan cabinet minister found guilty of murdering his ... wife JoAnn Wilson in 1983. Initially sentenced to life in prison with no parole for at least 25 years"—now, 25 and 83; we can all add that up, and that doesn't come to the year 2000; it's just about 17 years—"Thatcher has asked to be released after just 15, under section 745 of the Criminal Code, more (in)famously known as the 'faint hope' clause. (Although how 'faint' is a matter for debate—most murderers who've applied under it have won their request, mainly because the hearings focus on the inmates' behaviour in prison, rather than their crimes.)"

This is just an example of Liberals being soft on crime, and that's the problem.

1930

Mr Dominic Agostino (Hamilton East): He was a former Tory cabinet minister.

Mr Galt: I don't care what cabinet he was a member of. He murdered his wife. He was locked up for 25 years, and your federal cousins are going to let him out easy. They're having a look at it. Take a look.

It goes on to say, "So, what have the Liberals done for law and order lately? Better to ask, what have they left undone?..."

"Among the initiatives now dead on the order paper are:

"The controversial replacement for the Young Offenders Act," which I just mentioned.

"Increased penalties for stalking and home invasion." They let that die; it was more important to run out and get re-elected.

"Consecutive sentences for multiple murderers (a private Liberal member's bill that was bitterly opposed by other Liberals)." Well, of course. I'm not surprised it would be opposed, because they're soft on crime and they want to support the perpetrators of these crimes, murders and that kind of thing.

They also let die "a revamped Immigration Act that would have, among other things, helped prevent criminals from pouring into Canada." This is a haven because of federal laws. We've certainly had our share in the past, but invite them in, as your federal Liberal cousins.

"The Liberals also abandoned pledges to introduce new laws against child pornography and to raise the age of sexual consent. How could any election be more important than these things?"

"When your Liberal candidates start boasting about their party's commitment to Canadian 'values,' remember this record. What values are they committed to, exactly?"

What are they? I have to go along with this editorial, because it is certainly an indication of where Liberals stand when it comes to crime: support the murderers, support the perpetrators, but no interest whatsoever in helping victims. We, as a government, as a party, stand firmly, very firmly, on the side of victims.

It's most unfortunate that these various bills and initiatives are dead on the order paper just because we had a greedy politician called Chrétien in Ottawa, a greedy Liberal. Hopefully, he learns the same lesson that Peterson learned back in 1990. They've only been in government slightly over three years. It's standard in this country that you go for four years. Just try and explain that to the people on the street. I think by the middle of November, as we move towards election day on November 27, the message will be loud and clear about what the people of Canada think about a government that would be so greedy to go to the electorate prematurely and spend all this money that taxpayers really didn't want to have spent on an election.

Different from the federal Liberals, here in Ontario we are indeed on the job and we are indeed keeping our commitment and keeping our promises. We're following through on our plan to give crime victims a stronger voice.

In our society it seems as though criminals have the rights. That's what we hear from Ottawa; that's what we hear from the other side of the House. But what about the victims? When I talk about what we hear from Ottawa, there's Karla Homolka, for example, having fancy birthday parties, a fancy gown to dance around in at her birthday party while behind bars. That's the kind of thing we have to deal with when Liberals are in charge. I recently heard that she even managed to get a PhD behind bars. I think that's just fine, to receive education, but certainly they need to pay for that.

That is what's going on in our provincial institutions, as was referred to by our Minister of Correctional Services, who is right on track with what should happen: that they're rehabilitated but they also serve the time for doing that crime.

If we use some common sense—and we don't see very much of that from across the House—I'm sure we can all agree that those people whose lives have been terrorized and changed forever should have their rights and wants respected. That's different from what we hear in the debate across the House.

Victims are unwilling participants in this justice system. They never asked to get involved. Any one of us in this Legislature could walk out and find ourselves a victim on the way back to our homes or whatever. I'm sure the members on the other side of the House would have a very different feeling if they were one of these victims. Victims deserve all the support and assistance that we as legislators can possibly provide. This bill will ensure that the principles set out in the Victims' Bill of Rights are respected. The government will consult and liaise with victims to better serve them and protect their rights.

I had the opportunity earlier today, this afternoon, to question the Minister of Correctional Services here in Ontario about what he was doing, drawing a comparison with our federal counterparts. I would like to share with you some of his responses and what I questioned him on earlier today. I won't go through the preamble.

Mr Rick Bartolucci (Sudbury): On a point of order, Mr Speaker: I think what the member has to say should be shared by his caucus. Is there a quorum present?

The Acting Speaker: Is there a quorum present?

Acting Clerk at the Table (Ms Tonia Grannum): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Acting Clerk at the Table: Mr Speaker, a quorum is now present.

The Acting Speaker: The member for Northumberland.

Mr Galt: What I wanted to relate when I was so rudely interrupted by the quorum call—I had a preamble, but I won't bore the opposition with some of the things in that. I questioned the minister: "One of those bills was the proposed amendments to the Young Offenders Act. Do you think the federal Liberals were ever serious about this legislation?"

His response—I'm having trouble finding it—was, "With respect to the youth justice system, I would suggest to the federal Liberals that they take note of the reforms we've implemented. Instead of taking a soft-on-crime approach to young offenders, our government has decided to implement boot camps across the province where young offenders learn the value of strict discipline and structured regime. Also, our government has taken many initiatives towards creating a justice system that takes the rights of victims seriously."

He went on to say, "We have created an Office of Victims of Crime, as well as introduced measures to give a greater voice for victims at parole hearings." He winds up, "It appears that the federal Liberals may start listening." It is just unfortunate it took an election call for them to take even a baby step towards helping the victims of crime.

That was a supplementary response. The original question went along this line, with his answer, "It seems that the federal Liberals have tried to use their legislation as a cover-up for their refusal to take a tough stand on crime." What a shame.

He goes on to say, "I can only hope that the citizens of this country will remember the many victims who have suffered due to the ineptness of the Young Offenders Act and will remind the federal Liberals that the priority should be the interests of victims and not the interests of criminals."

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Unfortunately, it appears to me that the federal Liberals are taking a page right out of the book of their cousins across the way from us here this afternoon. There's more evidence of the federal government being soft on crime.

There's no question this government supports victims of crime. Victims need to be assured that they have a voice and that their voice will indeed be heard. As I alluded to already, it seems that criminals often have more rights than victims. I don't think there's any question that in years gone by that's certainly been true with our federal legislation. But I'm proud to say that this government has taken action to protect the rights of crime victims.

Victims need to know, and it's so important, especially in the emotional state they're in after they've been victimized, that they are not alone. They need to feel as though they have a voice and that indeed someone is listening. I'm pleased to say that this government is indeed listening.

Just to wind up this debate, the creation of a permanent Office for Victims of Crime fulfills another government commitment. Our government has as its trademark, "Promises made, promises kept." It doesn't matter what the opposition try to mimic across this House. That's what we're known for in the street, and I expect, at the rate we're going, that we always will be known that way as a government.

We're not only committed to bringing in tough new measures to combat criminals; we're also committed to support crime victims. That is what Bill 114 is all about. The Office for Victims of Crime will provide the government with a means of liaising with crime victims so we can provide them with the care and services they need.

I encourage all members to support this very important bill, Bill 114. I can't believe it won't have unanimous support when the vote comes in. I'm sure that when the opposition looks at this bill carefully, they'll recognize its importance and will support it.

Thank you very much for the opportunity to present on Bill 114.

The Acting Speaker: Questions and comments?

Mr Gerretsen: I'd like to comment on the member's speech and the other members' as well.

The people of Ontario should first of all know that this is a one-page bill. This basically sets up an office that has already operated for the last two years. It adds absolutely nothing to the rights the victims of crime already have today. Nothing has been added to that.

It was very interesting to listen to the last member talk about what the federal Liberals haven't done. He keeps forgetting—we know that the Toronto Sun never says anything that isn't correct, and what did the Toronto Sun say on Tuesday, March 19, 1996? This is not a prop, Speaker. This is something that aids me in reading the headline that was there that day. It says, "Tories Stand by Deal with the Devil." That's what the Toronto Sun said on March 19, 1996.

He can talk about other matters that are currently before the courts, such as the Thatcher situation in Saskatchewan etc, but these Tories, this government that was elected in 1995, in March 1996 stood by what the Toronto Sun refers to as the deal with the devil, that is,

the Karla Homolka situation, which still has many Ontarians upset on all sides of the House.

So for the government to once again say it is tough on crime, and it always likes to talk in terms of toughness—you may recall that yesterday we talked about the environmental bill and that they increased all these fines to millions of dollars, but they forgot to mention to the people of Ontario that there are no enforcement officers left. It is exactly the same thing when it comes to fighting crime. If you want to do anything meaningful, you have to have the resources there, whether it's helping the victims of crime, whether it's helping all those innocent victims, such as the women and children who need care in shelters. Let's put some money where it's really meaningful and let's help those victims of crime who need immediate help, which this bill doesn't do at all.

Mr Christopherson: I must say that the remarks of the government members, particularly those of the member for Northumberland, remind me very much of comments made by the former Attorney General for the Harris government on Wednesday, December 13, 1995, when he rose in his place to start second reading debate on Bill 23. That was their infamous Victims' Bill of Rights. The members today keep saying, "Just listen to us, listen to what we're doing; we know how to deal with the issue of victims of crime"—words, words, words. Here are some more words for you.

Your Attorney General said in December 1995, and this is out of Hansard: "This bill meets our commitments to Ontarians to bring forward a victims' bill of rights, something we promised during the last election campaign, and it'll bring, we believe, meaningful change to the way victims are treated in the criminal justice system." Sound somewhat familiar?

A few years later, May 1999, two Ontarians went to court to have the rights enforced that they believed the Attorney General told them they now had. What did the judge say about that same bill that Attorney General Harnick was so—just like all of you today—puffed up and proud about? The judge said, "I conclude that the Legislature did not intend for" section 2(1) of "the Victims' Bill of Rights to provide rights to the victims of crime. The act is a statement of principle and policy, beguilingly clothed in the language of legislation." He also said, "It does not establish any statutory rights for the victims of crime." There's always a huge gap between what you say and the reality Ontarians have to live.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to rise this evening and make a few comments on second reading of Bill 114, the Victims' Bill of Rights Amendment Act. I'd like to thank all the speakers, particularly Dr Doug Galt, the member for Northumberland, who always brings another perspective to his comments here in the House, particularly in the fact that Dr Galt, as a veterinarian, has had so much interest in the abuse of animals. As we've discussed a number of times in earlier debates in this House, the fact is that the abuse of animals is a first step in many cases toward identifying people who will abuse their families at home. Dr Galt, I appre-

ciate your comments. I know you've had a bill that you wanted the federal government to pass for some time on that.

I was interested in the comments of the member for Kingston and the Islands on the Karla Homolka case, when he had that prop he put up and waved in front of the House. The fact of the matter is that once again the federal corrections system was caught. People didn't realize that Karla Homolka was in Joliette, Quebec, enjoying the life of Riley at what across the country we call a Club Fed. She was interviewed or caught in a photograph with her lovely evening gown on, celebrating her birthday. As soon as the public found out about that, like usual federal corrections reacted immediately and shipped her off for some unknown reason to a maximum security facility. The fact of the matter is—

Mr Gerretsen: You made the deal.

Mr Dunlop: I know you don't want to hear that. But based on that, I know very well that we have got comments on it.

Mr Bartolucci: My only comment to the several government members who spoke to the bill, not about the bill, is that we're a little bit disappointed on this side of the House that you chose this as an opportunity to slam the federal Liberals as opposed to spending time talking about what your government has done with regard to the report on victims' services in Ontario entitled *A Voice for Victims*. As you would know, or maybe most of you don't know, this comes from the Office for Victims of Crime. In it there are 71 recommendations that the Office for Victims of Crime has made to you, the government, and they've asked you to act upon these. Sadly, we could go through these 71 recommendations—

Interjection.

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Mr Bartolucci: The Minister of Labour is wondering what the report is. The report comes from the Office for Victims of Crime. It's called *A Voice for Victims*. The transportation minister is still shaking his head. It's a report on victims' services in Ontario. They have made 71 recommendations. This is probably news to the government members, because I'm sure the Premier's staff has shielded this report from you because they wouldn't want you to know what the Office for Victims of Crime wants. They have 71 recommendations. They want you as a government to begin the implementation of these 71 recommendations.

Sadly, to date, many—no, most—of these recommendations have not been acted upon. I would have hoped that the government would have spent time talking about what they are going to do.

I do, though, before I close, want to thank the member from Brampton Centre for mentioning northern Ontario and our needs. I only wish he would have mentioned that the government has cut off most of our needs because of their reduction in services.

The Acting Speaker: Response?

Mr Galt: I certainly compliment the member from Simcoe North on his brilliant observations on the com-

ments that the four members on this side of the House made during the debate. He was very intuitive in recognizing the content, and also he made particular reference to what I had commented on, noting the relationship of animal abuse connected with human abuse, which is certainly an interesting relationship, one that we should monitor.

I found the member from Kingston and the Islands and others talking about this deal that Karla made with the government, but there seems to be a little confusion. I'm not too surprised that you people would be confused, but you've got the wrong government. It was the NDP government that made the deal. It was during their period. It was not our government that made that deal. So I think you should get your facts accurate. Once you want to mix up your facts, you should have them accurate to start with, rather than confused. So go back in history, go back and have a look. You know who made the deal. You know which Attorney General made it. You know how it got arranged. To try to dump it now—no, it's not going to work. A truth is a truth is a truth. Have a look.

I also heard the member from Hamilton West commenting about this huge gap between what we say and what's really out there. The huge gap is between the NDP and what was going on during that lost decade when there was absolutely no connection with what was happening. The member from Hamilton West is looking skyward. I'm not sure what he's expecting to come down, but I'm sure he must be praying or looking for seagulls. I don't think in this place he's going to find too many seagulls. Maybe he's looking for some divine guidance to help him out with his comments when he gets to speak on this bill.

The Acting Speaker: Further debate?

Mr Michael Bryant (St Paul's): I am pleased to stand here and respond to this bill on behalf of the official opposition. Dalton McGuinty and the Ontario Liberals will support any step, however minuscule, to further help the plight of victims of crime in the province of Ontario and the victims' movement. As an aside, I'll be sharing my time with a number of our members.

We've heard in part some discussion about the victims' movement. We've heard some discussion in part about victims of crime in the sense of crackdowns, victims of crime in the sense of prevention and victims of crime as it's understood by the victims' movement. Let's be clear: if you want to get answers as to the state of the nation, as it were, and the province of Ontario when it comes to victims, I would urge all Ontarians, and I would certainly hope that all members have already reviewed this, to read the report on victims' services in Ontario, *A Voice for Victims*, put out by the office in June 2000.

I'm going to return to this in a moment, but let me just say this: it outlines the point of the victims' movement, the shortcomings; it sets forth, with a tremendous amount of research, obviously, the facts; and it sets forth a number of recommendations. It is not, by any stretch of the imagination, a government propaganda piece. That's the point of this office. This office was created in order to be a spokesperson for victims.

I want to say right now with respect to this act, and again I want to return to this important report in a moment, that we on this side of the House have a concern that the original purpose of the Office for Victims of Crime can never be subverted. By that I mean that this cannot be, the office, another layer in the onion that is the Ministry of the Attorney General. I say that with respect to all of the excellent people working in that ministry. We need some independence between the office and the Ministry of the Attorney General so that the office can feel free to say to prosecutors and to say to the chief legal officer, to the executive of the government, "You're not fulfilling your mandate, you're not fulfilling your promises."

To some degree, we have the checklist right here: 71 recommendations. Now, we are fulfilling one of those recommendations here tonight with this bill, but let's be honest, this is a three-section bill. It fulfills a minor recommendation in this report, and that's to take an office that has been existing for two years and make it a permanent office. That can hardly be the fulfillment of the promise made by this government in 1995 and in 1999 to victims. It is not the fulfillment of that promise.

To fulfill that promise, the government of Ontario has to act on all 71 recommendations. I can tell you that to date these recommendations have not been acted upon. The vast majority of them have not been acted upon. These are promises made and, to date, promises unkept by this government.

We're also concerned in the official opposition that this act is quite typical of what this government has been doing with respect to victims of crime. The name of the act is the Victims' Bill of Rights Amendment Act. It's misleading in two respects. Firstly, there are no enforceable victims' rights in the province of Ontario, and we'll talk about that in a moment. But I think every member of this House understands very well that we have no enforceable victims' rights in the province of Ontario, so it's really misleading to suggest that we have an act that provides those rights. To name the act as such would be economically—

The Acting Speaker: Order. You might want to reconsider "misleading."

Mr Bryant: I'm sorry. I'm not saying any member is misleading.

The Acting Speaker: I understand.

Mr Bryant: I withdraw. All I meant to suggest was that the government is at best being economical with the truth when it calls this act the Victims' Bill of Rights Amendment Act.

It's further misleading—economical with the truth?

The Acting Speaker: "Economical with the truth" would be much better. You'll withdraw?

Mr Bryant: You want me to withdraw "economical" or "misleading"? "Misleading" is withdrawn. "Economical with the truth" is back. Thank you, Mr Speaker.

This act floats the Victims' Bill of Rights Act out there into the public domain, and here's what happens. Talk shows pick it up, newspapers pick it up. We know

the brilliant communications team over in the Premier's office knows that they can get away with sending out this superficial message; this is about victims' rights. So then they'll call up members of the opposition and say, "Do you back this bill?" You've got to be in favour of a victims' office, and of course we are. We were in favour of it at the time that it was established, but it has been around for two years.

There's no contribution, seriously or whatsoever, to victims' rights with this act. This act is not making any contribution or furthering the victims' movement or the victims' place within the criminal justice system. It's typical of this government's approach to victims and its approach to crime. It is all talk, it is no action.

It floats out the idea in the hopes that Ontarians aren't paying attention. But I can tell you that victims of crime are paying attention, and they're losing patience. We need an independent office for victims of crime in order to be their advocate.

2000

What are we talking about when we talk about victims? We are talking about a component of the criminal justice system which really, until the 1980s, and arguably until the 1990s, was not given its proper place. That popular television show *Law and Order*, how does it open up? It says, "The criminal justice system is made up of two separate but equal components." I'm paraphrasing. "One is the police, who investigate the crimes, and the other is the district attorneys, who prosecute those crimes. These are their stories." It leaves out and doesn't say anything about the victims of crime. That popular description of crime is the one that became entrenched in our criminal justice system: entrenched in our Constitution, entrenched in the way in which we set up the Ministry of the Attorney General and entrenched in the sense that the criminal justice system was only seen as a contest between prosecutors and defendants. Judges were supposed to arbitrate—objective judges, blind. Justice is blind.

Where do the victims come in in this? There is nowhere for them in all. In the Charter of Rights and Freedoms, as was enacted in 1982—the anchor to our criminal justice rights, if you want to call them that—there is nothing in there about victims. Under the charter there is a right to life, liberty, and security of the person. You couldn't infringe on those rights except in accordance with the principles of fundamental justice. The entire focus of the Constitution and of the charter was ensuring that the rights of the accused were not infringed. Through that revolution of rights talk, competing stakeholders, victims were left out.

Another way of thinking about the victims' rights movement is to say that the state has responsibilities to victims. The state, the prosecutors now—because that's the only way to make it fit within our present system—has to have responsibilities to victims in addition to fulfilling their responsibilities to prosecute.

The problem of course is, as I'll talk about in a moment, that the primary duty of these prosecutors in

fact is not to victims. It says right here in *A Voice for Victims*, at page 67, that the crown is not the victim's lawyer. That's a bit of a problem, because if the crown is not the victim's lawyer, who is representing the victim? Is the victim expected to go out and find their own representation? No. There has to be a balance, and crown counsel are doing their best to achieve that balance, to respect the responsibility they have to victims at the same time as fulfilling their primary duty to prosecute. In the midst of that, the focus of most of the jurisprudence and most of the rights, certainly all the rights, in the charter have been upon helping the accused, and nothing for the victims. Out of that came the victims' movement. Why? Because they were being shut out.

In the rush to prosecute, there's nobody listening to the victims. In the rush to ensure accused civil liberties, there's nobody listening to the victims. What happened, as has been described by a number of members in this House, is that victims were revictimized. They weren't heard by the crown. They were ignored by the crown. They wanted to give a statement to the sentencing judge so the judge understood exactly what the impact was, and no opportunity was provided. They provided information that would be critical to the prosecution and it was ignored. This report is outlined with stories of victims whose promise, really, was unfulfilled. It shows how they were excluded and alienated by the justice system.

It led to some courageous people—and I don't want to mention just one of them, because I want to mention all of them—some very courageous people, many of whom were involved with the Office for Victims of Crime who came forward so that no other family would have to go through what they went through. They tried to construct and energize victims' rights in Ontario and in Canada.

That was the promise of the victims' rights act and it was not a promise fulfilled. We've already heard that victims decided to see if the so-called rights under the victims' rights act had some teeth, so they went to court. They tried to force the judge to tell the crown what the crown basically had to do. They tried to enforce their victims' rights.

As has been said by the member from Hamilton West, the Ontario Superior Court said that the Victims' Bill of Rights, 1995, passed by this government, is a "statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime." Zip. No enforceable rights.

This new act, the Victims' Bill of Rights Amendment Act—again highly economical with the truth; no Victims' Bill of Rights in the province of Ontario—provides no such enforceable rights. There's no sequel to the Victims' Bill of Rights which provides victims with enforceable rights, so they are left to advocate. They are left to advocate through members, through petitions, through the office, but one would hope also through legislation. This legislation does not do that. It does create a permanent office, which is one of the recommendations of the office. I just want to ensure that this

act is not a Trojan Horse and will signal the end of the office's independence.

Ontario Liberals have put forth a number of initiatives in the name of victims to support victims' rights. I'll let the Conservative government explain their ideological underpinnings for doing so. I'd suggest that it was born out of a sense of radical individualism, that quite rightly there was an individual out there who needed to be empowered by these rights because the states weren't fulfilling their responsibility.

The Ontario Liberals' ideological foundation in assisting victims is in fulfilling the role of government. We see government being an agent for good. The government is really the only institution that can assist victims. Of course, the Harris government does not agree with that. They say they're not the government; they're the ones who came to fix it.

Be that as it may, we Ontario Liberals want to have safe communities, safe neighbourhoods and safe streets. Furthermore, we want to fulfill the obligation of our justice ministries to victims to try and basically take the promise in the charter, the principles of fundamental justice, and say that those principles include victims' rights. It's interesting that some victims are trying to make that argument to the courts. I'll be interested to see, and I'm hoping that the courts do find, such recognition in victims' rights through section 7—not the original intention, but that's the point of an evolving constitution.

What are some of these Liberal initiatives? And let's compare the Harris government's efforts in particular in the last year: their approach to victims' rights versus the Ontario Liberals' approach. My conclusion, you won't be surprised to hear, is that the government's approach to date has been all talk, no action. It has been a series of phony crackdowns. Interestingly, many of these phony crackdowns have ended up putting a greater burden on victims. I want to look at each one in turn but, shockingly, the government has ended up increasing the burden of victims, not providing enforceable rights, not fulfilling their promise to victims. I have no doubt that it is to their consternation and regret that a government that pretends to be a champion of victims is increasing their workload.

Let's start with what I consider to be the typical government response to an issue of crime. They want to talk solely about crackdowns on crime after the fact but they don't want to crack down on the causes of crime. Nor are they willing to assist those victims who don't turn to the criminal justice system, of whom there are many.

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Date rape drugs, I take, is an example. Last summer, I brought it to the attention of the government. I'm sure they knew already—I hope they knew already—that the vast majority of victims of date rape drugs could not go and get tested to find out if they had the drug in their system. A woman could not go to a hospital or go to a doctor and say, "I don't know what happened, but I think I may have been drugged." In domestic situations, the situation is even more acute. What was the government's response? "You should go to the police."

Now, it is true that if you go to the police the forensics lab will test for the date rape drug, but that doesn't take into account the 90% of victims of date rape drugs, 90%, who do not go to the police. We may not like that, but that's the reality of it. Why would they not go to the police? In a domestic situation, they're not going to want to go to the police before finding out as many facts as they can as to what happened to them. Perhaps once they got the test done and found out that they had had the drugs slipped in their drink or they had the drug in their system, then they'd go to the police armed with that information.

But regardless of whether or not you're going to fulfill the crackdown on the crime, the government did nothing to prevent these crimes and is doing nothing to prevent date rape drug crimes, because it isn't giving women and men the opportunity to go and get tested. Perhaps that might be a deterrent. But even leaving aside the idea that you'd be assisting a victim of a crime vis-à-vis a crackdown or by preventing the crime, what about the victim in and of the situation itself? In other words, maybe they don't want to go to the criminal justice system, rightly or wrongly, but they want to find out what happened to their bodies. They can't. That's not assisting victims of crime.

Ontario Liberals support the principle that every single person who wants to be tested for date rape drugs should be able to be tested. The government stuck their head in the sand and abandoned 90% of those victims.

Guns: much has been said about guns in this Legislature. Ontario Liberals support a five-point plan to curb gun violence and recoup its cost. We support the regulation of the sale of phony guns and the commencement of litigation against gun manufacturer-distributors to recoup the health care costs and economic costs. Gun shot victims cost this province billions of dollars every year.

We support: passing legislation requiring that trigger locks be installed on all new guns sold in Ontario; repealing the regulation permitting 12-year-olds to use guns; and commencing a guns-for-goods program across the province. We pitched that in February and got no response from the government. They flip-flopped on the phony gun issue, but now that law is being passed. At the same time that they are supporting the regulation of toy guns, however, they are opposed to the regulation of firearms. When it comes to guns, the government is, unfortunately, not with the vast majority of Ontarians, who support gun control, but rather in the holster of the gun lobby. Ontario Liberals, on the other hand, are four-square in favour of curbing gun violence and recouping its costs.

With respect to hate crimes units, these units provide, ideally, a liaison with victims of hate crime. We have, literally, a handful of people in the city of Toronto who are members of that unit, same in Ottawa, and that's it for the province. They've got a bunch of what they call "liaisons" but they're just people who know the phone number to call in Toronto and in Ottawa. We have no regional hate crimes units in the province of the Ontario, so if hate crimes are taking place in Sudbury, Kingston or Hamilton, they're just out of luck. The police officer has

to know that there's a hate crimes unit out there. There's no liaison built in, and there's certainly no unit built in.

Prosecutors were not seeking jail time for perpetrators of drunk driving causing harm or death, so Mothers Against Drunk Driving and I called on the Attorney General to make this a matter of course, a matter of policy, that there be a zero tolerance policy. Two weeks later, the government followed suit. Better late than never.

The Grandview-Galt training school for girls: this is a sad chapter in the history of this province. Most of the horrific crimes took place not on this government's watch, but this government did have to deal with the issue of apologizing and fulfilling the agreement for these victims of crime.

These women were sadly victimized again. The government's position was that a survivor lost any unused portion of her benefit that she received from the government if it was not used up by the government's cut-off date of March 31, 2000. We've called on the government to extend the time necessary, extend the coverage or transfer the unused amounts to counselling benefits, to OHIP.

Domestic violence: we have an act before us right now, the Domestic Violence Protection Act. Again, highly economical with the truth, because it suggests that they're doing something about domestic violence when in fact it's abandoning the vast majority of victims of domestic violence, who do not go to the criminal justice system. These are victims of crime who are not getting any assistance from the government of Ontario. They've, frankly, been abandoned by the government, and we're in the midst of hearings right now on the extent of that abandonment on the housing front and on the services front. The list goes on.

What about the parents who are victims under the Parental Responsibility Act? I'm talking about the victims of crime under the Parental Responsibility Act. These victims are told under the act, "Go and sue the parents of the perpetrator." Is the government offering assistance to these victims? No. Is the government going to pay the costs of counsel for these victims? No. They're creating yet another obligation for the victims. No assistance for parental responsibility, no assistance for the victims and no impact whatsoever on street crime in the province.

Deadbeat dad victims: custodial parents who can't get the payments made. The whole point of the Family Responsibility Office was to enforce those court orders. What a lot of victims of deadbeat dads have to do is engage in a part-time job, sometimes a full-time job, to try to get all the people who are working very hard in the Family Responsibility Office to deal with their case. Why? Because the backlog is bionic. It's unimaginable. Any member who has visited that office knows that the building itself is about to sink into the ground with all the files.

Victims of crime and domestic violence: Judge Baldwin, in an unprecedented move, wrote the Attorney

General of Ontario in July of this year, 11 months after her committee's report on domestic violence had gathered dust in the Ministry of the Attorney General, and said this: "I have observed no noticeable change in the manner in which counsel are approaching these difficult cases in the criminal courts in which I preside." In other words, victims of violence, victims of crime, were not being served by crown counsel in the view of Judge Baldwin. Another failure, another promise broken.

I don't have time to go through the litany of phony crackdowns against street crime in the name of parental responsibility, in the name of firearms. I can say that this government's commitment to victims to date has been all talk, no action. I look forward to the passage of these and other Ontario Liberal initiatives to ensure that the day will soon come when we will actually have enforceable rights for the victims of crime in the province of Ontario.

Mr Gerretsen: I'd certainly like to congratulate the member for St Paul's for giving a very good exposé as to what this bill is all about and what our initiatives would be once we formed a government three years from now.

I would just like to repeat a couple of points that he so eloquently made. People have to understand that the office that this particular act sets up in effect has already been operating for two years. There is absolutely nothing new here. What we're dealing with is a one-page act that I guess gives some permanency to the office. To that extent, I suppose, one could say there's something more now than there has been over the last two years.

There are a couple of points that were made that I think are very important and they bear repeating. First of all, that it's absolutely essential that this office act independently from the Attorney General's department. If it becomes in effect a non-arm's-length body, then I think the fact that it's there will be questioned by the general public.

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I just want to read to the general public the five reasons the office has been set up, which are set out in subsection 5.1(4).

It says it is there to "advise the Attorney General on,

"(a) ways to ensure that the principles set out ... are respected;

"(b) the development, implementation and maintenance of provincial standards for services for victims of crime;

"(c) the use of the victims' justice fund to provide and improve services for victims of crime;

"(d) research and education on the treatment of victims of crime...."

The point I am trying to make is that this office should be totally independent from the Attorney General's department. It should not become an integral part of that department.

There is another point that bears repeating as well. That is the fact that it has now been judicially determined in the case of *Karen Lee Vanscoy, Linda Marie Even and Tracy Lilian Christie v Her Majesty the Queen* in the right of Ontario that this particular act doesn't really give

victims of crime any more rights than they had before. Let's just read the operative part of the judgment in that particular case.

The judge states, "The act articulates a number of principles, whose strength is limited not only by precatory language, but also by a myriad of other factors falling within the broad rubrics of availability of resources, reasonableness in the circumstances, consistency with the law and public interest, and the need to ensure a speedy resolution of the proceedings. Finally, even if there were an indefensible breach of these principles"—and this is the really meaningful part—"the legislation expressly precludes any remedy for the alleged wrong. It is nothing more than a statement of governmental policy wrapped in the language of legislation. While the applicants may be disappointed by the Legislature's efforts, they have no claim before the courts because of it."

What that means is that no one can apply under this act to have their rights as a victim of crime judicially laid before the court. The judgment is very clear on that. All we've got here is a statement of government policy. As far as the judge was concerned—this judgment was rendered in May 1999, and it has not been appealed, as far as I'm aware—it doesn't give the victims of crime any legislative right to become involved in it.

That in itself is disturbing, because it basically means that if government policy should change about how victims of crimes are to be associated in our criminal justice system, then that can be done without really making any changes to the statutes.

I would urge the Attorney General to take a look at this judgment and to bring in meaningful legislation. If we're going to have legislation it should be meaningful and the rights of the victim should be clearly spelled out therein and be judicially enforceable.

As has already been reported, A Voice for Victims came out in June 2000 with a report on victims' services in Ontario. There were some 71 recommendations that this organization came up with, of which this particular bill was one. Yes, the government has implemented this one, albeit in a manner which is not legally sanctioned from the point of view that victims do get real rights before the courts.

But in reading through the other 70 recommendations, I was struck by a number of them. Most of these recommendations have not been implemented in any way, shape or form. I was just wondering what the intent of the government is to implement some of the other recommendations.

For your benefit and for the benefit of those people who may be watching and for the government members who seem to be very interested in this matter tonight, let me repeat some of these recommendations and let's just see what the government response is. Maybe we can have some response in the two-minute responses we'll get after our speeches are finished tonight.

For example: "The Ministry of the Solicitor General should proceed with the establishment of the Ontario sex offender registry and create and fund a province-wide

enforcement unit with additional duties to apprehend high-risk offenders who are unlawfully at large.”

What’s been happening on that? This is a solid recommendation.

It goes on to say, “The Ministry of the Solicitor General should take steps to ensure that all police services in Ontario have common or compatible communication and information (file management) systems including those detailed in the major case management project and that this be precisely mandated and enforced pursuant to the adequacy and effectiveness standards required under the Police Services Act.”

I know that is not the case as yet. They’re working toward it, but we’re not there yet. It may come as a bit of a surprise to the people in Ontario that the communications systems of the various forces across the province do not necessarily jibe with one another, do not necessarily allow for the integration of information to take place, which one would expect in a province like Ontario.

Another recommendation: “The government of Ontario should launch a concerted effort to ensure compliance with orders made by criminal courts. This should include not only probation and bail but also collecting on unpaid fines....”

Speaker, you and I know, from the Auditor General’s report that came out I believe the year before last, that there are millions and millions of dollars of unpaid fines that not only have never been collected but have never been gone after in a concerted effort. I can’t remember exactly what the amount was—I can remember talking about it at the time—but it was literally millions and millions of dollars. This is a recommendation made by this panel.

It talks not only about the collection of unpaid fines but “...bail forfeitures and unpaid restitution orders, the proceeds of which should be directed into a statutorily created law enforcement fund with defined purposes for expenditures restricted to law enforcement/public safety or victim services issues or to victims owed restitution.”

In other words, it should go into a designated fund for victims of crime, which isn’t happening right now. Right now, it goes into the consolidated revenue fund of the province of Ontario and can be used for whatever purpose the treasurer and the cabinet of the day feel it should be used for. So this is another recommendation, and we anxiously await and look forward to some changes in that regard.

Let’s get down to some of the other services that ought to be provided.

For example, recommendation 17, that “An empirical review of comparative recidivism by offenders who have taken the violence awareness programs for women be undertaken by the Ministry of Correctional Services.”

That would be very interesting to find out, whether these programs do actually work. I don’t think anybody’s got any statistics on that.

Also, that “Surviving family members granted standing at a coroner’s inquest be eligible for defined funded counsel either by provision of special funds to the

coroner’s office or through a special legal assistance fund administered by the Office for Victims of Crime.”

That’s not happening right now. As a matter of fact, as the member for St Paul’s has already indicated, it specifically states in this report, just so there’s no mistake about it, that the crown is not the victim’s lawyer. Yes, the victims do play a role in the criminal justice system, but they shouldn’t for a moment think that the crown is their lawyer in a particular court proceeding. This is quite clear.

I am not suggesting that these people should necessarily get legal representation, but there may be some severe cases where it’s definitely something to be recommended. I’m wondering, in how many cases is it actually made clear to the victims of crime?

It goes on to say, “The crown does not represent the exclusive interest of the victims, although, as the crown policy manual correctly notes, the perspective and interest of the victim is one of the matters which the crown must take into account.”

I am quite sure that the general public, just from hearing about this bill and the previous legislation, may get the impression that they now have status and that somehow the crown attorney is there to represent their interests. This report and the court case are specifically saying that that is not the case.

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Let me mention just a couple of more sections before I turn it over to my colleagues here. Recommendation 57 is that “the establishment of a child advocacy centre, as referenced in this report, be examined by the appropriate ministries of the government.” What’s been happening in that regard? We don’t often think about children being the victims of crime. We usually think of adults being the victims of crime, but children are sometimes probably even greater victims, particularly of some of the domestic violence disputes that take place, than perhaps the adults involved. In any event, we tend to forget about the children and we think of it as more of an adult problem. What this recommendation in this report is clearly saying is that there should be the establishment of a child advocacy centre. Who is advocating on behalf of the children right now? That should be formalized in some definitive way.

There are 65 other recommendations here that should not only be acknowledged but should be dealt with by this government in a meaningful way.

I say to the government, yes, this is a step in the right direction. You basically already took this step two years ago. All you’ve done here is make this office permanent, but we also suggest that you give it some greater legal significance so we don’t run into the same problems as we did in this particular case.

With that, I am more than pleased to turn the balance of our debate over to the member for Hastings-Frontenac-Lennox and Addington.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I will be sharing my time—I will not be taking the full time—with the member from Hamilton East.

I would like to make a few points with regard to the bill that is before us this evening. I listened with some interest to the government members who made presentation. I have to say, for the record and for the people viewing—I am sure they might have wondered if they were watching a provincial Legislature or the federal one, because there seemed to be more references to federal business than provincial business. I'm here to talk about provincial issues and issues that impact on people in my riding.

We have before us a bill that will create an Office for Victims of Crime, and a very important office it is. I would never stand in the House and speak against the establishment of such an office. I'm pleased to report, by the way, to the people of Ontario, in case they might be of the idea that this would be new, that it has actually been up and running in this province and providing service for the people of the province for two years now. But for some reason, the government believes it is necessary, to demonstrate that they are advocates for victims of crime, that they would establish this office, a point I will speak to a little bit more a few moments later in my comments.

We did hear, throughout the presentation of the government, that they are great advocates for victims of crime, yet I was very disturbed to understand, from a document where there have been significant recommendations made to the government in terms of how they might assist and support victims of crime, that this government has chosen to be inactive on most of them.

Another point that demonstrates the government's lack of action in terms of supporting victims of crime is that it took a recent media conference held by the Mothers Against Drunk Driving to point out to the Attorney General in this province—I mean, the government's very good at pointing out those federal situations that don't seem just. I'm not going to stand here and argue that they are just, but look at your own record, look at the justice that is being meted out in provincial court. Look at what the Mothers Against Drunk Driving—it took a media conference to bring to the attention of the Attorney General that conditional sentences for drunk driving were being issued by crown attorneys in the province. Drunk drivers were getting conditional sentences for what I consider to be a very serious offence.

Members of my community were very aware of some tragic situations that have resulted from drunk drivers. Now we understand there has been a pattern that drunk drivers in this province are getting conditional sentences. I'm sure it would be offered in that they perhaps didn't cause any harm to anyone other than themselves or their property, and that may be true in a particular instance. My leader, Dalton McGuinty, believes there should be unconditional discharges of justice in this case. We are calling for a zero tolerance policy for drunk driving causing death or injury, or for repeat offenders, something this government could take action on but we have not seen that as yet.

I want to talk a little bit about the victims of crime and the inaction I've experienced or that has come to my

attention from an individual in my riding. This individual was a resident at the Grandview-Galt training school for girls. This individual was the victim of some of the horrible abuses that took place at the Grandview-Galt facility.

She came to my office very disturbed. Recent events have churned up much of the history she had put at the back of her mind. She would explain to me that her horrible experience there made it impossible for her to continue her formal education. She was blessed enough to be married and to have a family of her own. However, right now she stays at home to care for her husband, who is ailing. It came to her attention that there were some resources offered to the victims of the Grandview-Galt training facility so that they might pursue, at this stage in their life, some educational opportunities that for a variety of reasons they were not able to pursue because of, or related to, their experiences at that training facility.

So my constituent came to me and said, "Mrs Domrowsky, I understand these resources are now available for education, but I have to tell you that, as a victim, this is my situation: my husband is ill and he is unable to work. We have very limited resources. I stay home with him to look after him so he doesn't have to be institutionalized and can live with his family. However, because of our financial situation, I would like to take those dollars intended for education to compensate the victim and I would like to spend that money to educate my daughters." I thought that was a very reasonable consideration from a victim.

We set about to pursue this, because we thought it was very worthwhile that a victim would make this kind of request. We dealt with the office of the Attorney General of this province. We thought that the circumstances around this particular case were quite compelling, that there was a victim who, because of her unselfishness to care for her husband and her family, could not pursue and further her own educational opportunity, but she thought she could perhaps take those resources, that compensation, and pass it along to her children, that this government would be open to providing that opportunity for her and her family.

Do you know what the answer was? No. This woman who endured horrible experiences at that provincial facility, who has colleagues who are eligible as well for compensation, was told that because she would not use the resources herself but would spend those resources on her children, she did not qualify. That's how this victim was treated by the government. My heart broke for her. How can the people across the way stand up and profess to be advocates for victims and ignore the plea of my constituent?

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When we come here tonight to talk about providing benefits for victims of crime, I'm very happy to stand and say, yes, I will support any measure this government takes to assist victims of crime. We need to be aware that very often victims of crime pay for that experience for the rest of their lives. By extension, members of their

family pay as well. In my opinion, it's not enough to say, "Because you might have been the one directly involved, you are the only one we are interested in helping and supporting."

So I say this evening that I am somewhat disappointed there is really not much more in the bill than the establishment or the formalizing of an institution that's already in place and up and running and, I'm sure, assisting victims of crime. I think it's unfortunate that we take time in this Legislature, when there are so many pressing issues in the province, to formalize something that's already underway.

I think it's unfortunate that when we do have this opportunity, that when it is made available, it's not more substantive than it could and indeed should be for the victims in this province. My colleagues have presented a number, a myriad of examples of how the government could move to act in a meaningful way that would significantly and positively impact the lives of people who have been victimized by criminals.

I suggest that while I certainly am able to support the bill, it is most unfortunate we've not had the opportunity to support something that would be of more meaningful significance for victims of crime in Ontario.

Mr Agostino: I am pleased to join the debate and the very appropriate comments made by my colleagues regarding this piece of legislation.

First of all, as my colleagues have said, it's a small step in the right direction, something that should have been done years ago. You came in with this bill in 1995 and you pounded your chests about how wonderful this bill was. Then all of a sudden, in time, as with almost every other piece of legislation you bring in, you were exposed. Once again the public saw through what you were trying to do. A justice in this province saw what you were trying to do and made it very clear that the bill you brought in in 1995 was nothing more than a political statement and didn't really have the teeth it needed. What you're doing today is adding a little bit to that.

Unlike my colleague from Northumberland across the floor, who spent most of his time trashing the federal Liberals and being an apologist for Stockwell Day and the Canadian Alliance and their tough-on-crime rhetoric, which matches very much the rhetoric across the floor—the only thing I'll say to him is that I'm sure that Canadians on November 27 will speak very clearly about Stockwell Day and the Canadian Alliance and the kind of vision he has for Canada, compared to the kind of vision the federal Liberals have for Canada. I'm looking forward to November 27 to make that clear to my colleagues across the floor who are supporters of the Canadian Alliance, including the member from Northumberland.

This government likes to talk the talk about being tough on crime. They always do. What they fail to tell you, though, is what they haven't done. Let's remind Ontarians that this is the government that is going to court with millions of taxpayers' dollars to fight the gun registration law; there are only two provinces, the

province of Stockwell Day, Alberta, and the province of Ontario.

This government talks about victims' rights and brings in a Victims' Bill of Rights, but goes to the Supreme Court of Canada and believes that Canadians should not have to register their weapons, believes that police officers should be at risk when they knock on the door, believes that citizens should be in danger because Canadians should not have to register their weapons.

How does that match trying to protect victims when you go to court and you believe weapons should not be registered and controlled? It just makes no sense whatsoever, but that is typical of simply the rhetoric and the feel-good, pound-your-chest approach that reality doesn't match.

These are the poster boys for the NRA. They do commercials for Charlton Heston and the rest of the gun-slugging Americans who believe that it's your God-given right to carry a gun anywhere, any time. These are the same folks who do commercials for these folks. They talk about victims' rights but then they support the action of the NRA, which believes that if you have to wait more than 10 minutes to get a gun in the United States, there's something wrong. These are the same folks who support that.

This is the same government that said it's OK for 12-year-old kids to carry hunting guns and go hunting. Again, protecting rights, protecting kids, but they believe it's OK for a 12-year-old kid to be slinging a gun through the woods, as long as there's an adult supervising them, of course. That's OK. They believe it's OK for 12-year-old kids. On this side of the floor, Dalton McGuinty and the Liberals have made it very clear that we believe that is wrong. We believe the gun registry is a good law and this government should work with the federal government to enforce it, rather than fight it. We don't believe that 12-year-old kids should be carrying hunting guns. We think that's wrong. We don't believe that backbenchers should be poster boys for the NRA, should do ads for them and tell us how wonderful this organization is.

Let's also look at the reality of what has happened since they've taken office. There are fewer police officers on the streets in Ontario today than there were in 1995. Again, the tough law-and-order guys believe that it's OK to have fewer police officers on the street today than in 1995. The Minister of Labour across the floor puts his hand up and obviously agrees with that.

When you look at how tough they are with victims, remember my colleague from Windsor-St Clair. My colleague from Windsor-St Clair, six or seven months ago, raised that one of his constituents was the victim of a crime and ended up in a wheelchair, ended up having to go to a government program in regard to the assistance that is there if he was in an accident or he was a victim of crime. He ran out of the funding that was available, the maximum funding allowed under the previous legislation. He took that forward. He brought it to the Attorney General's attention and he waited six months before this government finally acted.

You talk about the issue of victims. When you talk about women's shelters, look what they have done. This is the government that has cut funding to women's shelters. They talk about domestic violence. They talk the talk, but at the same time, they cut funding to women's shelters.

They've eliminated funding to transitional homes. They've eliminated the stage of housing that a woman who goes to a shelter with her kids to escape an abusive and sometimes deadly situation goes into. There used to be support, where that woman could move into a home after that, could re-establish her life, re-establish her kids' lives and get them into a school. This government thought that was a bad program and cut the funding from it. Again, talk the talk, tough on crime. Their action doesn't match it.

You have to be embarrassed into bringing in a phony gun law that my colleague from St Paul's has advocated for a period of time. The Attorney General, at first, thought it was a bad idea. Then of course, once again, he got overruled by the Premier, which has happened regularly around here, and now they've brought in legislation. You have to be embarrassed to bring in legislation to ban phony replica guns. Again, the tough on crime guys. It was about eight months too late for that to happen.

Let's talk about what they've done when it comes to criminals in jail. What have they done? Because of the fact that their funding has not matched the increase in the inmates and the increase in our correctional services, they've put jail guards' lives at risk every day across this province because they refuse to act.

What is their sense of rehabilitation in jails or helping people to get back and get their life together when they get out of jail? Get a haircut. That's their answer. That's how you rehabilitate criminals—you get them to cut their hair. Just imagine how this is going to work. I presume you're going to have jail guards holding, shackling down, unwilling inmates who don't want to get their hair cut, while you've got Joe the barber trying to shave his head. It absolutely doesn't make sense. Why don't you invest some resources into hiring more jail guards? Why don't you hire more jail guards so that jail guards can be safe, so they're not at risk, so there's less violence in the jails? Why don't you invest some money in that?

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They get tough on squeegee kids. Of course. Let's arrest them; let's put them all away; let's get tough. Those dangerous squeegee kids are causing a real problem every day. Let's get rid of those squeegee kids. Real tough. I'm glad the Minister of Labour is here because I want to compare his approach to squeegee kids to his ministry's approach to collecting fines from deadbeat companies who don't pay the fines levied by the Ministry of Labour.

Let me tell you, they decided it was a great idea to outsource this, because they like to privatize everything. They sent it out to a private collection agency. Speaker, do you know what the record was on this last year?

Somewhere between 1% and 6% is this government's collection rate. They have no problem going after the single mom who may rip off \$50 from the welfare system to feed her kids: "Hey, we're going to go after you. We've got snitch lines. We've got investigators. We've got inspectors. We'll put you in jail. We'll take your home away."

But if you're a deadbeat company who gets fined by the Ministry of Labour and don't pay, "Oh, who cares?" There's some company who collects 1% to 5% of the fine. They don't get tough with their corporate friends. They don't get tough with pollution and criminals in those areas because that's their corporate friends. There's clearly an ongoing double standard on how this government deals when it comes to criminals, when it comes to their friends, when it comes to victims of crime.

Let's understand clearly, this government invested very little in preventing crime. They'd rather let them commit the crime, lock them up in jail, throw the key away and the hell with it. "When they come out, we'll deal with it."

You've taken money away from children's aid societies, from social service agencies, from counselling programs in schools, the types of activities and the types of services that prevent crime. You don't care about that, because that doesn't make the same headlines. It's not as great a headline to say, "We're going to support funding for social workers in schools to help kids," as it is to say, "We're going to lock them all up in boot camp," Camp Run Amok, and whatever else they bring in. It's not as sexy in the media. The headlines are not quite the same.

That is the problem with how this government is dealing with it. Their record is atrocious when it comes to dealing with this. I give credit to their public relations department. There isn't a government anywhere across North America that can spin a story better than this government when it comes to law and order.

Hon Chris Stockwell (Minister of Labour): Clinton.

Mr Agostino: No, you're even better than Bill Clinton, believe me, when it comes to spinning a story.

But as I've mentioned in these few minutes I've had, when it comes to gun control; when it comes to 12-year-old kids with guns; when it comes to helping jail guards, police officers, it doesn't match reality, and Ontarians are starting to understand that. This Victims' Bill of Rights amendment is something they should have done two or three years ago. It's one very small step.

We urge them—Dalton McGuinty and the Liberals have brought in a number of recommendations—to deal with the issues, to get tough on criminals, to get tough on drunk drivers, to support victims of crime, support women who have been abused and flee to shelters and need the help and the protection of government. But we've seen none of that. We've seen you pound your chest, talk tough, pretend like you're tough and then simply allow things to unfold as the Tories believe they should.

Their corporate friends get away with everything. Their corporate friends can do whatever the heck they

want. Squeegee kids get attacked. Welfare recipients get attacked. Victims of crime are left to stand by without help from this government. Then we get a two-page bill here as if this has all the answers. There were 71 recommendations in that report. Very few of those have been implemented. It is a disgraceful record by this government when it comes to helping victims of crime.

The Acting Speaker (Mr Tony Martin): Comments and questions?

Mr Christopherson: Thank you very much, Speaker. I'd like to compliment all the members of the official opposition, who pointed out a lot of problems with this, the least of which of course is the fact that it isn't much. For all the puffing over there on the part of the government members, you'd swear they were bringing in something quite revolutionary that was going to make a huge difference. That's all we have.

I want to point out in the short moment that I have, under "Explanatory note"—this is the note that explains what the bill is for. It says in part, "The office will advise the Attorney General on ways to ensure that the principles set out in subsection 2(1)"—it states it very specifically—"of the Victims' Bill of Rights, 1995, are respected...."

What did Justice Day say in May 1999? "I conclude that the Legislature did not intend for section 2(1)"—the very section referred to in the bill that's before us now—"of the Victims' Bill of Rights to provide rights to the victims of crime."

Premier Harris said in the 1999 campaign that he would bring in a Victims' Bill of Rights that had real rights. Instead we get this mockery, that it creates an office and one of the purposes of the office is to enforce the principles outlined in 2(1), after the courts have already said it doesn't have any rights in it.

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): I think the public who may be viewing this tonight know that the NDP and the Liberals have no credibility on this issue whatsoever. You just have to look at the record during their terms in office. No government, I believe, in the history of this province has done more for victims or to improve public safety in the province of Ontario than the Mike Harris government, and the record stands up to that kind of scrutiny, there's no question about it. You can take a look at issues like the parole board and the way the parole board performed before the Harris government came into office. We've completely revamped the parole board. We release far fewer individuals to endanger the public than the Liberals or the NDP ever did.

When we talk about the boot camp for young offenders, the Liberals and the NDP opposed that very vigorously. We have much lower recidivism rates for the people graduating out of that camp than we have in the general system. They're the people who believe in rock climbing courses for young offenders. They're the people who believe in the Young Offenders Act and support the Liberal government of Canada and the current Young Offenders Act, which most Canadians are terribly

offended by, protecting young criminals, even young criminals who commit murder, who face a maximum of four years in the prison system and their identity is kept secret.

There was a column in the Toronto Sun today saying the victim of a young offender is afraid to attend school because the identity of the perpetrator of that crime is kept secret. The victim is afraid to go to school and the parents are afraid to send him to school because of the protections provided by the Young Offenders Act. The NDP and the Liberals in Ontario support the Young Offenders Act. The only party in this province that wants meaningful change is the Conservative Party of Mike Harris. This party is a strong law-and-order party, a party clearly committed to victims of crime, and we have a record to prove it.

Mrs Lyn McLeod (Thunder Bay-Atikokan): The members opposite, and perhaps in particular the member for Leeds-Grenville, like to become very passionate when they talk about how tough they are on lawbreakers, but as my colleagues have so eloquently pointed out tonight, they really don't walk the walk when it comes to dealing with the concerns of victims. It's very hard to find in the rhetoric opposite just exactly how the needs of victims are being addressed by this government in any real way.

I bring us back to what this bill is all about. This is a bill to amend the current Victims' Bill of Rights of 1995 by establishing the Office for Victims of Crime. The Office for Victims of Crime was established in 1998. It's 2000. What took them so long to bring in this piece of legislation, and why is this the only kind of action this government is prepared to take from 1998 till now? Why is it that this government thinks it needs to bring in a single piece of legislation to finally establish the Office for Victims of Crime, which it actually established in 1998, when in fact that same office has been carrying on working and made a series of recommendations in June of this year in a report titled A Voice for Victims and yet this government totally ignores the recommendations that were made by the very office that it's bringing in legislation to establish tonight?

It takes a long time to get a very little when it comes to victims' rights from this government, and I can't help but reflect that it took a very long time to get very little on the last victims' rights bill that this government brought in just a couple of weeks ago, which was the Domestic Violence Protection Act. I think back to 1995, when there was a big kerfuffle about the fact that some of us wanted to allow verbal abuse to be considered to be the kind of abuse, when found by the courts, that would allow the perpetrator to be removed from the house. Six years later this government finally brings in a bill to do just that, but it wasn't prepared to act until it thought the political climate would cool enough to allow it to do that.

2100

Mr Toby Barrett (Haldimand-Norfolk-Brant): I wish to point out to the member for Hamilton East that this government has allocated \$51 million to emergency

shelters and other services under the violence against women program, and that's just this year. We heard from our minister and the member for Leeds-Grenville that this government has done more to advance the cause of victims of crime than any other government. We have created the historic Victims' Bill of Rights which recognizes the needs of victims in the justice system. We have created the most comprehensive domestic violence court program in the country, and we have committed an additional \$10 million to the expansion of that program. We've announced the victims' justice action plan to further expand victims' services. This is a \$50-million commitment. We've doubled the victims' crisis assistance and referral service and the victim/witness assistance program, and there are plans to further expand these programs.

We have also hired 59 additional crown attorneys to interview and prepare victims and witnesses. We've partnered with the private sector to launch the SupportLink program to provide emergency wireless phone support to victims of domestic violence, victims of sexual assault and stalking.

Bill 114 will establish a permanent office for victims of crime, and it fulfills our budget commitment of \$1 million to establish this facility. I did not hear the members opposite make any mention of this particular program. This is clearly why we introduced Bill 114, the Victims' Bill of Rights Amendment Act. We have taken steps to protect victims' rights and to improve victims' services, and we will continue to do more.

The Acting Speaker: Response, the member for Hamilton East.

Mr Agostino: I thank my colleagues from Hamilton West, Haldimand-Norfolk-Brant, Leeds-Grenville and Thunder Bay-Atikokan for their response.

The former Solicitor General, full of passion, talked about the record. I understand that. I'm just reading a headline from March 19, 1996, "Tories Stand by Deal with the Devil"—Karla Homolka. Talk about the record. Their record talks about fewer police officers.

Hon Mr Stockwell: Where were all you Liberals at that pedophile meeting?

Mr Agostino: I know I hit a hot spot. Speaker, the Minister of Labour is out of control, because I know it's a really sensitive spot with them.

The Acting Speaker: The Minister of Labour will calm down and allow the speaker to make his points.

Mr Agostino: Thank you. When he talks about—

Hon Mr Stockwell: I'm sorry, I missed that.

The Acting Speaker: The Minister of Labour will calm down or he will be named here tonight.

Hon Mr Stockwell: I'm doing my best, Mr Speaker.

Mr Agostino: Talk about a historic bill of rights. This is the same historic bill of rights about which Judge Day said, "The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime."

Interjection.

The Acting Speaker: The Minister of Transportation will calm down as well or he'll be named.

Interjection.

The Acting Speaker: If the Minister of Labour speaks up one more time, he's out of here.

Member for Hamilton East.

Mr Agostino: Thank you, Speaker. I know you have a difficult time keeping the former Speaker in line, but I'm sure we're doing our best.

They want to talk about boot camps. This has to be historic. Do you remember the great announcement, the opening? I can imagine Minister Runciman's reaction at that time, when he got a call at 4 in the morning saying, "Guess what? They've escaped out of Camp Run Amok," and not only did they escape but the keys were in the van and the van was full of gas. Off they go. This is their tough law-and-order guy.

Interjection.

Mr Agostino: Exactly. The ribbon wasn't there when the minister showed up the next day. This is their big opening of Camp Run Amok. I'm sure it was a proud day in the history of this government.

Their reaction is clear. They're sensitive. When you bring out the real record of the Tories when it comes to this area, they get all bent out of shape. The Minister of Labour is red and popping out of his seat; the Minister of Transportation is out of control; the former Solicitor General is out of control. The reality is that they are soft on crime.

The Acting Speaker: Further debate?

Mr Christopherson: I'm not sure what kind of place this turns into when the member for Hamilton East is the only calm one in the whole place and we're all out of control, but I do agree with everything he said.

I want to pick up where I left off earlier in a number of two-minute responses because I don't think this can afford to be left. Oh, I'm sorry, I see the clock ticking away on a lead-off time. Excuse me, I made an error. I should have asked for a stand down of our lead-off debate by our critic, who couldn't be here this evening, to another time.

The Acting Speaker: Is there consent? Agreed.

Mr Christopherson: I should have thought of that before I insulted you so much.

Hon Mr Runciman: That's right.

Mr Christopherson: Thank you. I want to come back to the whole notion, though, that this bill is actually an amendment to an existing bill. The existing bill is the Victims' Bill of Rights that this government—you heard them tonight. You have heard the former Solicitor General and you have heard other ministers and backbenchers stand up and beat their chest and say, "We care about victims of crime more than anybody. You don't care about them, only us. You don't care about law and order at all, only us. You don't care about any of that stuff. You're soft on crime."

The only people in the world who care about innocent victims of crime are you. Give me a break.

That's not much ground to go on. Having said that, I give you the fact, and I agree with my colleague from Hamilton East, that you do very well at spinning that out in a way where people believe it. It's a shame, because I can't imagine a single member of this Legislature, a single member since I've been here, for over a decade now, who didn't care about the victims of crime, who didn't care and want to make sure that we had safe streets, that our police officers were supported in the job they do and that our laws reflect the kind of society we want.

You keep wanting to talk about reality, that the opposition is not in touch with the real world and let's get to reality. Well, reality is that a judge told you your Victims' Bill of Rights means nothing, and not one of you has stood up and responded to that this evening.

I've raised it a number of times, colleagues in the official opposition have raised it and not one of you has tackled it. Not one of you has said, "Oh no, that's not reality. Here's reality." It borders on obscene that you bring this bill in here tonight, Bill 114, An Act to amend the Victims' Bill of Rights, 1995, after the courts have said your Victims' Bill of Rights isn't worth the paper it's printed on.

Then to further say that this office you're creating—that's all this bill does; it creates an office. Whoop-de-do. Yet each one of you got up and talked about how important this was to ensuring the Victims' Bill of Rights is fulfilled and all that.

When you say in the explanatory note that "The Office will advise the Attorney General on ways to ensure that the principles set out in subsection 2(1) of the Victims' Bill of Rights ... are respected," you brought this in after the judge's ruling.

I want to read it again because it's amazing that you have the gall to do what you're doing here tonight. Two innocent victims of crime that you purportedly care so much about went to court to have the rights enforced that you said they had. Just so we know we're not talking about faceless individuals, because their names have been in the media, one was Linda Even who was stabbed repeatedly by her former common-law spouse and left for dead, and the other was Karen Vanscoy whose daughter was murdered in 1996.

Not opposition comments, not theoretical constructs—real people, real innocent victims of crime who went to court believing you, believing your Attorney General.

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And remember—I want to repeat it again, because I find it hard to believe that you had the audacity to bring this in here—this is what your Attorney General said—and I was a former justice minister. I know what it would take to give a Victims' Bill of Rights some meaning in terms of the depth of that bill, the money that you would have to commit to it, and so I am presuming that your Attorney General knew full well. You didn't do it, you didn't do it with your bill. What's worse is that you said you did and you didn't. That's what's really morally

corrupt here—absolutely morally corrupt. Your Attorney General—

The Acting Speaker: I don't think you can accuse the government of being morally corrupt. You'll have to withdraw that.

Mr Christopherson: I withdraw the unparliamentary remark, Speaker.

Your Attorney General stood in his place, December 13, 1995, and said, "This bill meets our commitment to Ontarians to bring forward a Victims' Bill of Rights, something we promised during the last election campaign and it'll bring, we believe, meaningful change to the way victims are treated in the criminal justice system." That's what you said; those are your words. It was called the Victims' Bill of Rights. Of course, you call a number of bills improvements—what was it, improvements to the protection of the environment, the Tenant Protection Act? Every one of these is an area where people who have expertise and know what's going on didn't know whether to cry or laugh when you brought in your legislation and gave it those labels. This is a prime example: Victims' Bill of Rights—bull.

You talked about how it's going to change things. Well, let me tell you, two innocent victims of crime, two Ontarians who went to court believed your Attorney General. She took him at his word, and when they went in to have their rights enforced, what did they witness? They witnessed your government send in your lawyers to argue in front of Justice Day that they didn't have the rights that they were there to have enforced, that those rights didn't exist. Your government lawyers, at your direction, went in and took on those innocent victims of crime, those two Ontarians, in court to say, "No, you don't have the rights you think you have," and you won the argument.

You stand up in the Legislature, the people's House, and you say, "It'll bring"—meaning the legislation—"we believe, meaningful change to the way victims are treated in the criminal justice system." And then you rolled in your lawyers to argue that they didn't have the very rights you stood up here in this place and said that Ontarians had.

The judge didn't end there. After having said, "I conclude that the Legislature did not intend"—not a misinterpretation or different interpretation, but "did not intend," meaning the language was that clear. How clear was the language? You keep saying often in debates that we're just blowing hot air over here. Let me tell you something: on December 13, 1995, Marion Boyd, our justice critic and a former Attorney General of the province of Ontario, stood in her place and said, "It is very important for people to understand that again, like in Bill 26, the government has made sure that all of this is meaningless by saying, 'No new cause of action, right of appeal, claim or other remedy exists in law because of this section or anything done or omitted to be done under this section.' What that means is that if a victim of crime finds himself or herself treated in a way that is inconsistent with these principles, there is absolutely no

recourse. There is no way, there is no appeal; there is no way in which you can do a complaint that is new under this bill." You knew that those rights weren't in there.

Ms Boyd went on to say, "I think we need to be sure that victims of crime do not think that this act gives them something that is going to automatically mean that the pain of their victimization is going to disappear; it won't." What did those two innocent victims of crime say after Judge Day's ruling? Unfortunately for Ontario, Ms Boyd was dead accurate in what she said would happen and what wouldn't happen.

Ms Vanscoy was the woman whose daughter was murdered in 1996. After the ruling, she said, "The reality is that we are no better off than had this legislation never been passed. In fact, we are worse off because this legislation sets up an expectation that we are protected from being revictimized by the criminal justice system when the reality is that we are not." You knew that legislation did not give victims of crime the rights that you said and yet you stood in your place and you said it anyway. Shame on you.

Then in 1999, during the last election, the Premier was called on this issue. He said, "I'm going to bring in new legislation that'll fix that." And what do we have? We have this insult, Bill 114, to create an office to enforce the rights as they exist in subsection 2(1) of the Victims' Bill of Rights, which the courts have said do not exist. Then the former Solicitor General has the audacity to stand and give us all of that rhetoric in his speech.

Judge Day didn't end there. This was about as clear-cut and as condemning a finding as you're ever going to see in terms of government action. Once again, "I conclude that the Legislature did not intend for" subsection 2(1) of the "the Victims' Bill of Rights to provide rights to the victims of crime. The act is a statement of principle and social policy, beguilingly"—not "innocently" or "ambiguously" or "unclearly" but "beguilingly"—"clothed in the language of legislation." Shame on you.

There's more. I have to tell you that I'm just so bothered, so sickened, so upset, probably more so than on many other issues, because it touches personal experience. I was a justice minister. I was involved in these kinds of issues. I understand the stresses and difficulties in trying to correct some of the weaknesses of our criminal justice system. What I have no respect for and what I have no time for is for you to stand in your place as a minister of the crown and deliberately mislead the people of Ontario into believing they have rights they don't.

The Acting Speaker: The member will have to withdraw the accusation in the House that the minister misled the people.

Mr Christopherson: I withdraw the language, Speaker.

To stand in your place and say there are rights in this law when there aren't—you tell me what that is. It's certainly not honesty. It's certainly not leadership.

And then I guess what really rubs it in is to have all the backbenchers stand up with their set-piece little speeches talking with their chests all puffed up. You

should see them all here, all so proud of themselves. "We did this and we did that, and we are wonderful," on a bill that amends a bill that has no rights, to set up an office to ensure that the principles set out in subsection 2(1) of the Victims' Bill of Rights are respected. Where's the respect in any of this? Where's the respect of the people of Ontario and, more than anything, where's the respect you owe the innocent victims of crime? Where's the apology? **2120**

When will the Attorney General of this government stand up and say, "I apologize on behalf of the government. What we did was wrong. We shouldn't have done it, and here's what we're going to do to put the matter correct"? Is that happening? No. We're witnessing the opposite. Not only do you not show respect to the people of Ontario and real victims of crime by standing up and apologizing and fixing what you've done; instead, you stand up and amend it by creating an office to enforce principles that don't exist, and you know it. You know it. We have said over and over and over—I've lost track of how many times we have stood up and said, "You say one thing here, words, names on a bill, titles of a bill, but out there in the real world, in the streets of our communities, it's a whole different reality." This is probably the most disgusting example, because it hurts people. You hurt people. You hurt innocent victims.

Again, Ms Vanscoy—and if I'm dredging up bad memories, I apologize. This is what she said after the ruling: "The reality is that we are no better off than had this legislation never been passed. In fact, we are worse off because this legislation sets up an expectation that we are protected from being revictimized by the criminal justice system, when the reality is that we are not."

This is a shameful, despicable act given the context and given the statements of Attorneys General from your government and given the action of your government sending in lawyers to argue against Ontarians having the very rights that your minister said they had. Shame. Shame on all of you.

The Acting Speaker: Comments and questions?

Mrs Julia Munro (York North): I think it's really important to remind not only the members here but those watching that those who have suggested that this piece of legislation is unnecessary because the office currently exists need to know that this is a piece of legislation to enshrine that office, to make sure that it continues and that it receives the kind of recognition that it deserves.

From the very beginning this government has been on record as recognizing the injustices that have been perpetrated, frankly, in many, many jurisdictions besides our province. The fact is that victims of crime were not treated with any sensitivity, any understanding, and frankly had to be victims twice: once at the hand of the perpetrator and secondly at the hand of the judicial system.

There are many steps that we as a government have taken. I recall very clearly the opportunity that was presented early in the last mandate when we set up the victim/witness assistance program and the number of

people in my community who spoke to the need to provide this kind of assistance. Today we have 26 of those sites across the province and I know they are manned by volunteers working with the police departments in their communities. There are 13 new sites planned. This is part of that recognition that victims do need support and they do need to be recognized. They need to be there right through the whole process to understand.

Mr Michael Gravelle (Thunder Bay-Superior North): The member for Hamilton West obviously is very frustrated, like so many of us are in the Legislature, and certainly our previous Liberal speakers as well.

What is so extraordinarily frustrating is to see a government that stands up and tries to talk about the kind of support they have for victims when we know what happened with the 1995 piece of legislation, a piece of legislation that, as has been pointed out more than once, was a sham itself. The government stood up at that time and acted like it was a significant piece of legislation, and five long years later they are finally amending that particular piece of legislation to make a permanent Office for Victims of Crime, which has actually been in place for two years.

The frustration is extraordinary, because they stand up there pompously talking about their care for victims of crime when indeed they absolutely had the gall five years ago to put forward a piece of legislation—and I will read this as well. Many members on our side of the House have felt compelled to do so because the government members will not speak to this at all. The Tory Victims'

Bill of Rights in 1995 was so flawed that Mr Justice Day actually had this to say about it: "The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime." It was absolutely a farce in that sense.

While we are pleased to see, finally, a piece of legislation come forward that we indeed can support on the basis of the fact that we need to make this office a permanent office, it's extraordinary that they would stand there and brag about their stand and support for victims of crime when they've taken so long to get to this place, let alone the fact that you have this document, *A Voice for Victims*, produced by the Office for Victims of Crime, with 71 recommendations, and almost all of them have not been implemented. It's an actual insult to the victims of crime.

The frustration is evident on this side of the House, certainly well expressed by the member for Hamilton West and expressed as well by us, because we believe very much in support for victims of crime, and to have a government stand here and brag about their position when it's taken them so long to get here is reprehensible.

The Acting Speaker: It being 9:30 of the clock, we will continue this process the next time this bill is called forward, if the member for Hamilton West is in the House to respond.

The House stands adjourned until tomorrow, Wednesday, October 25, at 1:30 of the clock.

The House adjourned at 2128.

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

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