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of Ontario**

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de l'Ontario**

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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 1 November 2000**

**Mercredi 1<sup>er</sup> novembre 2000**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Wednesday 1 November 2000

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mercredi 1<sup>er</sup> novembre 2000

ORDERS OF THE DAY

MINISTRY OF TRAINING,  
COLLEGES AND UNIVERSITIES  
STATUTE LAW AMENDMENT ACT, 2000  
LOI DE 2000 MODIFIANT DES LOIS  
EN CE QUI A TRAIT  
AU MINISTÈRE DE LA FORMATION  
ET DES COLLÈGES ET UNIVERSITÉS

Resuming the debate adjourned on October 30, 2000, on the motion for second reading of Bill 132, An Act to enact the Post-secondary Education Choice and Excellence Act, 2000, repeal the Degree Granting Act and change the title of and make amendments to the Ministry of Colleges and Universities Act / Projet de loi 132, Loi édictant la Loi de 2000 favorisant le choix et l'excellence au niveau postsecondaire, abrogeant la Loi sur l'attribution de grades universitaires et modifiant le titre et le texte de la Loi sur le ministère des Collèges et Universités.

**The Speaker (Hon Gary Carr):** Pursuant to the order of the House dated October 31, 2000, I am now required to put the questions.

Mrs Cunningham has moved second reading of Bill 132, An Act to enact the Post-secondary Education Choice and Excellence Act, 2000, repeal the Degree Granting Act and change the title of and make amendments to the Ministry of Colleges and Universities Act.

Is it the pleasure of the House that the motion carry?

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

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 5-minute bell.

*The division bells rang from 1548 to 1553.*

**The Speaker:** Mrs Cunningham has moved second reading of Bill 132.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Gill, Raminder	O'Toole, John
Baird, John R.	Guzzo, Garry J.	Ouellette, Jerry J.
Barrett, Toby	Hardeman, Ernie	Palladini, Al
Beaubien, Marcel	Hodgson, Chris	Runciman, Robert W.
Chudleigh, Ted	Hudak, Tim	Spina, Joseph

Clark, Brad	Jackson, Cameron	Sterling, Norman W.
Clement, Tony	Johns, Helen	Stewart, R. Gary
Coburn, Brian	Kells, Morley	Stockwell, Chris
Cunningham, Dianne	Klees, Frank	Tascona, Joseph N.
DeFaria, Carl	Marland, Margaret	Tilson, David
Dunlop, Garfield	Martiniuk, Gerry	Tsubouchi, David H.
Ecker, Janet	Maves, Bart	Turnbull, David
Elliott, Brenda	Mazzilli, Frank	Wettlaufer, Wayne
Eves, Ernie L.	Molinari, Tina R.	Wilson, Jim
Flaherty, Jim	Munro, Julia	Witmer, Elizabeth
Galt, Doug	Mushinski, Marilyn	Wood, Bob
Gilchrist, Steve	Newman, Dan	Young, David

**The Speaker:** All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Curling, Alvin	Martel, Shelley
Bartolucci, Rick	Dombrowsky, Leona	Martin, Tony
Bountrogiani, Marie	Duncan, Dwight	McLeod, Lyn
Boyer, Claudette	Gerretsen, John	McMeekin, Ted
Bradley, James J.	Gravelle, Michael	Peters, Steve
Caplan, David	Kennedy, Gerard	Phillips, Gerry
Christopherson, David	Kormos, Peter	Ramsay, David
Churley, Marilyn	Lalonde, Jean-Marc	Ruprecht, Tony
Cleary, John C.	Lankin, Frances	Smitherman, George
Colle, Mike	Levac, David	
Crozier, Bruce	Marchese, Rosario	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 51; the nays are 31.

**The Speaker:** I declare the motion carried.

Pursuant to the order of the House dated October 31, 2000, the bill is referred to the standing committee on general government.

TIME ALLOCATION

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: I rise with respect to standing order 46(a). The government has just tabled and has provided the opposition with a time allocation notice of motion. Mr Speaker, I'm asking you to review this motion for a variety of reasons. I'd like the opportunity, sir, to read you parts of this motion. I ask you to bear with me, as it was just handed to me.

It's in reference to Bill 69, the labour bill, which we have been given to understand is no longer alive. As I interpret this motion, the government is going to move the bill into committee immediately for one day of clause-by-clause, discharge a previous motion, and if the comments we have been given by various members of the government are correct, they're going to change the substance of the bill.

The Minister of Labour may well shrug, but our understanding is that he's going to do away with subsection 1(4). As I read this motion, and I ask you to review it, sir, they're going to do this and in effect introduce a new bill, a completely different bill, with no opportunity to debate. It closes committee; it causes committee reports to be deemed forthwith, to be approved immediately. To me, it undermines the entire principles of our standing orders. If this type of motion is allowed to stand, we may as well do away with the Legislature and just have executive orders.

I ask you, sir, to look at this. As I read this, it's an attempt by the government obviously to get this bill through. They know what's going to happen when they do away with subsection 1(4) of the Labour Relations Act. I ask you to review this motion under standing order 46 as to whether or not it's in order; second, as to whether or not the provisions contained herein, that is, no provision for debate in committee, only clause-by-clause, shutting down clause-by-clause after what appears to be approximately three hours—I apologize, sir; this was just handed to me—and it shuts down debate in this House. There's no provision for debate even on the time allocation motion.

I'd ask you, sir, to make a ruling with respect to whether or not this is in order. I would say to the government in all seriousness, if it is your intent, as we have been told, to make substantive changes to this bill, give us the changes so that we can determine whether or not we would agree that this sort of jamming it through—and that's all I can see in this—is worth it. It appears to me, sir, and I ask you to rule, that this should not be considered in order. If the government in fact is doing an about-face yet again, for the third time, on Bill 69, it should introduce a new bill and at least allow for the minimum debate provided for in the standing orders. Anything else is just another attempt to shut this House down and to shut down any democracy in Ontario.

1600

**Mr David Christopherson (Hamilton West):** On the same point, Mr Speaker: I rise to express the concern of our caucus also. I would ask you to take it a step further than the previous speaker and envision what could happen if a government deliberately decided this was a new route for passing laws wherein they had no intention of the first bill ever seeing the light of day. Let's keep in mind that this has gone all the way through, ready to be called for third reading. And now the government, because they're in a political jam, has tried to pull a fast one by backing up one step, quite possibly changing the bill very substantively, to the point where it's unrecognizable, and then they only have to take it one more step, to third reading, and we have no opportunity for debate, no opportunity for submissions.

We won't know exactly what the amendments are until we get to the committee. I ask you to think about it in terms of its precedent. I stand to be corrected, Speaker, because like the previous speaker, I just received this. However, I'm not aware, off the top of my head, where

this has happened before. If it hasn't, if it's precedent-setting, then I urge you not just to look at this issue as it pertains to the details of the existing Bill 69, but what are the implications down the road were a government to decide that this is a new tactic, one that lets them eliminate basically first reading, second reading, committee hearings after second reading—whenever we get them—with no real intention of passing that bill but then to bring in one of these motions at the last second and, as I said, take one step backward in the parliamentary process, make fast amendments at the committee, change the whole nature of the bill. It's time-allocated, it comes out of committee whether we're done talking or not, the discussion is deemed to be completed, and then all they have to do, based on this, is call for a couple of hours of debate. One vote and it's over.

Speaker, we—myself and my counterpart in the official opposition—have raised these kinds of issues with you time and time again, where substantive bills are moving faster and faster, with less opportunity for opposition members to have a say, less opportunity for the public to have a say. Sometimes you've sided with us and other times you've sided the other way because of the way the rules are written. If you have any discretion in this area, I implore you, take a look at what is being done here but look at it in the light of what it could mean in the future were a government to get a green light to do this in terms of a whole new parliamentary system that would, de facto, be created that is entirely outside the spirit and the detail of the standing orders, which are meant to give us at least a fighting chance to stay on top of what's happening, have something to say about it that's been researched and allow the public an opportunity.

I urge you, I implore you, Speaker, on behalf of the NDP caucus, to please look at the point of order raised, but also in the context of future abuse at the hands of a government that clearly does not put the democracy of this place as its priority.

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** On the same point, Mr Speaker: First of all, let's get away from the whole notion that the government has any power to introduce a new bill. We cannot change the substance of the existing bill. Our standing orders are quite clear that during the legislative process, in committee, any member of this Legislature can put forward an amendment provided it is within the general intent of the bill. In fact, it may be even more restrictive than that.

Mr Speaker, this bill has had three days of second reading, about five days of public hearings. We have an agreement in the House that if the bill is called for third reading, we would complete the bill in one day. The motion before you adds time to this process. It adds time to the committee process we've already had. This has been done before in this Legislature, where a bill has been ordered for third reading and has been recommitted back to the committee stage process. We have added committee time to bills before, in terms of what we're doing here. The bill remained on the order paper, having

received second reading, was reported here by a committee and is still alive today on the order paper, under our standing orders, as we now sit here.

The motion we have put forward I believe to be quite in order. Members of this Legislature will have the opportunity at committee to debate any amendments which are put forward under the motion, and that motion to amend any section of the bill must be within the substance of the bill as it now stands. If it's not, members opposite or any member of this Legislature can ask the Chair of the committee whether or not the amendment put forward is in order. If it's in order, in other words it's already been dealt with within the structure of Bill 96, then the ruling will be that the amendment can be put forward and there will be a vote on that amendment. Then the bill will come back here and we'll have one day of third reading, as was agreed before by members of this Legislature.

In summary, there's nothing irregular about this particular process. We haven't done it very often because it hasn't been necessary very often, but we believe that this is well within the standing orders. It's not a new bill. It's Bill 96 but—

**Mr Dominic Agostino (Hamilton East):** It's Bill 69.

**Hon Mr Sterling:** Bill 69, I'm sorry, I've got it reversed.

We will be putting forward an amendment or amendments to sections that we believe should be amended before this bill becomes the law of Ontario. We are well within our rights. The standing orders are clear.

In summary, there's no new substance to the bill in terms of its general intent. There will be amendments to some of the sections put forward. Number two, we are adding time to the legislative process, not taking it away.

**The Speaker (Hon Gary Carr):** The member for Windsor-St Clair.

**Mr Duncan:** The government House leader referenced the fact that there was agreement to one day of third reading debate. There was, but it was based on the bill that was reported back from committee as it exists now on the order paper. That's number one.

Number two, sir, I have never seen a motion that deems, and let me read this to you: "in the event that the committee fails to report the bill on the date provided, the bill shall be deemed to have been passed by the committee and shall be deemed to be reported and received by the House."

The other point we should put on notice to you, sir, is that we have not seen the amendments. This debate, as we understand it, is going to revolve around the question of the so-called double breasting, and it would be our position that if there are any changes with respect to that, you'll be changing the substance of the bill and you, in addition to being asked to rule on this, will be called upon to rule on whether or not the amendments the government puts forward are in order.

The government has now had, by my count, three different positions on this bill. They have had press releases that withdrew the previous bill. They are estab-

lishing a structure which has not been negotiated with either the official opposition or my colleague in the third party. They are attempting, in our view, to manipulate the standing orders in a way none of us has ever seen before to effectively preclude debate on an issue that's going to be of extreme importance.

I know that you don't want this to drag on. To conclude, sir, you will also be called on at some point, I'm sure, because the government has failed to share the amendments with us that they're proposing to bring forward. If they were serious about democracy and debating it, perhaps they might have done that as they've done in the past. In any event, you'll also, sir, at the appropriate time, be called upon to rule with regard to whether or not the amendments are in order or whether or not they in fact changed the substance of the bill. It's our anticipation, and it will be our position based on the public statements of the minister, that those amendments will in fact change the substance of the bill.

**The Speaker:** I thank all members for their input. As you know, this is just a notice of motion, and I haven't had a chance to read through it. We will read through it and rule accordingly.

1610

#### IMITATION FIREARMS REGULATION ACT, 2000

#### LOI DE 2000 SUR LA RÉGLEMENTATION DES FAUSSES ARMES À FEU

Mr Mazzilli, on behalf of Mr Tsubouchi, moved second reading of the following bill:

Bill 133, An Act to regulate the sale of imitation firearms / Projet de loi 133, Loi visant à réglementer la vente des fausses armes à feu.

**Mr Frank Mazzilli (London-Fanshawe):** I'll be sharing my time with the member for Thornhill, the member for Barrie-Simcoe-Bradford and the member for Durham.

Our government is introducing this bill, which will regulate the sale and purchase of imitation handguns and convertible starter pistols. It's another step in keeping our promise to make our communities safer. We have listened to the concerns expressed by police and our fellow citizens about the dangers of these imitation guns circulating unchecked on our streets. We are responding to those concerns. Too many innocent citizens are being endangered and intimidated by look-alike weapons. This legislation is part of our ongoing efforts to rid Ontario streets of imitation handguns.

Imitation guns are a public safety issue that continues to grow. Earlier this year, the Peel police department seized more than 3,000 imitation or replica guns from an Oakville retailer. Those guns could have been used in robberies or public intimidation. Think about it: 3,000 imitation or replica handguns taken off the street.

When somebody has what appears to be an authentic weapon, police respond the way they're trained to

respond. They must assume that it is a real gun and respond accordingly. In many cases these phony weapons look identical to and bear the same brand names of real weapons. They pose a threat to police and to innocent people.

The numbers are clear: more than 40% of guns seized by police are imitations. The provincial weapons enforcement unit estimates that approximately 700 such devices will be seized in the city of Toronto alone this year. That's up from the 600 seized just two years ago. Furthermore, another investigation by the unit revealed many examples of people buying starter pistols and converting them to fire live ammunition.

The provincial weapons enforcement unit was formed in response to the growing problem of violent incidents involving firearms in our province. This unit is the only one of its kind in Canada and works with the Ontario Provincial Police, the RCMP, Canada Customs, the Department of Defence and police services across the province to investigate and confiscate illegal weaponry in Ontario. This legislation will give the unit additional strength in removing illegal weaponry and imitation firearms from our streets.

We have support for this initiative from police services across our province. We have the support of the general public, who have asked us for a solution to this problem. We all recognize the need for this legislation.

We had a dramatic demonstration of the problem with starter pistols that can be converted to fire real, live ammunition earlier this year. A person committed suicide while in the back of a police cruiser. It certainly was a modified starter pistol that he committed suicide with.

Our government studied the current federal legislation regulating some types of imitation and replica guns. We found that the definition is certainly vague and excludes many devices that are currently causing dangerous situations for police and for our citizens. We drafted this legislation to assist our front-line police officers and because the federal definition of "replica guns" is, at the least, confusing.

Current replica gun definitions under the Criminal Code and Firearms Act do not go far enough, failing to safeguard adequately our police and our communities. The private member's bill introduced in the House earlier this year referred to replica guns, which would have been regulated under the confusing federal statutes. We could not support that bill but we are determined to act in the interest of public safety. That is why we are introducing this legislation with three important objectives.

The first objective is to ban the sale, purchase, transfer or receipt of starter pistols that could be converted to fire live ammunition. These starter pistols are not ones that normally would be used by coaches at track meets. These are starter pistols that were manufactured with the intent that they could easily be converted to get around federal legislation. In some cases a certain drill bit is all you need to convert these starter pistols to fire live ammunition. So those will be totally banned in the province of Ontario.

The second objective of the legislation is to make it an offence for commercial vendors to sell, lease or otherwise transfer a deactivated imitation firearm to anyone under the age of 18, and to make it an offence for anyone younger than 18 years old to buy or receive a deactivated firearm or imitation firearm.

This legislation also requires vendors to check photo identification for proof of age of purchasers and provides fines of up to \$50,000 and forfeiture for non-compliance.

This legislation has been drafted carefully with consideration and consultation with police services across the province, community leaders and other people who are interested in this issue. The Solicitor General will monitor the effectiveness of this legislation. As an example, unless you are a collector there is no legitimate reason to have a deactivated firearm. Otherwise its only purpose is to terrify or intimidate law-abiding citizens. Your family needs this legislation, as does mine. This legislation is necessary to protect all Ontarians. Imitation guns are a threat to law-abiding citizens. That is why this legislation is certainly so important.

We need it to reduce the number of such devices on our streets and to make them harder to buy and transfer. You all can be part of history by granting speedy approval to this bill and making Ontario the first Canadian province to introduce and approve this type of tough legislation to improve community safety. I ask all members to support this legislation that will protect our police and our communities. If this Legislature approves this bill, as I hope it will, we will take one more step in making Ontario a safer place, a place where we all want to live, work and raise our families.

As the debate continues, I'm sure we'll hear from the Liberals that somehow they feel this was their issue. Let me assure you that this issue has been an ongoing issue for many years. In 1988 a private member's bill was put forward by Mike Farnan, an NDP member. It was Bill 154 and it dealt with replica guns. Guess what happened to that bill? The Liberal government of the day allowed it to die on the order paper. That's what they did. On many issues, we certainly do not agree with the NDP, but this is one issue where Howard Hampton and Peter Kormos have stood by their communities, have believed in public safety and have shown leadership, and Dalton McGuinty has done nothing.

#### 1620

This bill can be implemented and worked through very easily. Section 1 deals with convertible starter pistols. Let me just read that: "convertible starter pistol" means a device designed for signalling that:

"(a) discharges a blank cartridge,

"(b) can be adapted for use as a fire arm, and

"(c) when so adapted can discharge a live cartridge."

If anyone from your constituency office calls and asks, "Will this ban starter pistols for coaches at track meets or for referees of some sort?" no, it will not. These are ones that can be converted to fire live ammunition.

Then if we move over to section 2 of the act: "No person shall buy, receive by transfer, sell or transfer a convertible starter pistol."

Section 3 deals with the imitation guns, and no commercial vendor should be selling these things to minors under the age of 18. That goes in line with our views of parental responsibility. Parents have a right to know if their children under the age of 18 are buying imitation guns, and that's simply what this does. If a parent chooses to purchase a toy gun for a child, they certainly can. We believe, on this side of the House, in parental responsibility.

Inevitably, we are going to hear much debate on this bill. I look forward to engaging in the debate further and I will now pass it on to the member for Thornhill.

**The Acting Speaker (Ted Arnott):** I recognize the honourable member for Thornhill.

**Mrs Tina R. Molinari (Thornhill):** Thank you, Mr Speaker, and welcome in the Speaker's chair. It looks good on you.

It is with great pleasure today that I rise to speak in favour of this legislation, Bill 133, an Act to regulate the sale of imitation firearms.

In our fall action plan, Mike Harris said we would be introducing legislation that will protect the public and police from the use of imitation fire arms. Another promise made, another promise kept.

*Interjections.*

**Mrs Molinari:** I see the opposition also agrees that we keep our promises. It's good to see that.

Public safety is one of this government's top priorities, and I can say this with pride to my constituents in Thornhill and to all of the people all across Ontario. Our government will continue to move forward with steps such as this legislation, helping to keep our communities safe.

Once again, Ontario is leading the way. If passed, Bill 133 would be the first really tough legislation on the regulation of imitation firearms in Canada. That's something to be proud of.

This is a good bill. Police services throughout the province support this bill. In fact, they asked for it. They know that it will significantly reduce the chances of dangerous incidents and misunderstandings.

For years, we've seen police responding to false alarms involving imitation guns. This has been a drain on police resources and we've seen instances where police mistake fake guns for real ones with lethal consequences. In 1998-99, police say that there were more than 1,200 incidents involving starter pistols and other imitation guns in Toronto alone, so we know that this is a much-needed bill.

At this point, I want to refer to some of the very important parts of the bill that I feel speak to the essence of what this bill is about.

Under subsection 2(1), "No person shall buy, receive by transfer, sell or transfer a convertible starter pistol."

Under subsection (3), "A person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$50,000."

Under subsection 3(1), No individual shall purchase or receive by transfer a deactivated firearm unless he or she is at least 18 years of age and at the time of purchase or receipt presents valid identification in accordance with section 5."

Under subsection 3(2), "No person shall sell or transfer a deactivated firearm to an individual unless the individual is at least 18 years of age and presents valid identification...."

Subsection (5) talks to the offences: "A person who contravenes" these subsections "is guilty of an offence and on conviction is liable to a fine of not more than \$25,000."

Under subsection 4(1), "No person shall, in the course of running a business, sell or transfer an imitation firearm to an individual unless the individual is at least 18 years of age and presents valid identification...."

Under subsection (5), the offences to this, is, "A person who contravenes" this "is guilty of an offence and on conviction is liable to a fine of not more than \$15,000."

In subsection (6), "If a person is convicted of an offence under subsection (5), the court may also order any imitation firearms seized from that person under subsection (4) or at common law forfeited to the crown."

It should be made clear and it should be stressed that this bill does not affect toy guns. What it does do is stop people from accessing imitation guns which they shouldn't have in the first place. It won't take away a starter pistol from the coach of a track team, but it will make sure that not just anyone will be able to get one. It also helps to regulate BB guns, which are often treated as toys but are potentially dangerous weapons.

Bill 133 on imitation firearms picks up where the federal Firearms Act and the Criminal Code fall short. The federal definition of replica firearms does not include many of the imitation firearms which Bill 133 would cover and which are used in crimes across the province every day. This legislation therefore is necessary, and I want to thank the Solicitor General for introducing it into this House.

The Liberal members across the House would have us believe that it was they who took the lead on this issue with Michael Bryant's private member's bill. When they argue this, they leave out two crucial points:

(1) It was the NDP that first proposed legislation to deal with the criminal use of replica guns, and that was way back in 1988. The Liberals also conveniently forget to mention that it was they who let the NDP proposal die on the order paper. In addition, the number of cases of replica gun misuse in the past year alone has catapulted this issue into the public consciousness. It is obvious that action is needed, the sort of decisive action which Bill 133 provides.

(2) This is yet other case of the McGuinty Liberals relying on rhetoric, not research. Their proposed bill on replica guns, although I'm sure it was well intended, covers ground which duplicates provisions in the federal Criminal Code. If they had actually done a little research for once, they would have seen that their proposals were

redundant in the face of existing federal legislation. We did a comprehensive legal review of the Liberal Bill 67 because we recognized the seriousness of this issue and have always favoured measures to combat the growing problem of imitation firearms. But—surprise, surprise—the Liberal bill didn't stand up to close scrutiny.

For example, it should be obvious to everyone that a criminal record check on those who wish to purchase an imitation gun would generate far more administrative headaches than it would solutions.

**1630**

The same is true for a statement of intended use, which would be useless for investigative purposes without a warrant to back it up. The Liberal Bill 67 would create more paperwork for police and vendors rather than take imitation guns off the street.

In addition, and most importantly, it overlaps with the federal Criminal Code definition of replica guns and the Criminal Code would take precedence over the provincial bill. Thus, the Liberal bill provides absolutely no solution.

Bill 133, on the other hand, is exactly what the province needs. It strikes the delicate balance between the protection of public safety and restrictions on buyers, sellers and users. It protects legitimate imitation firearm owners from unnecessary bureaucratic red tape, targeting those with criminal intent.

Instead of side-stepping the issue, Bill 133 goes straight to the heart of the most serious part of the imitation firearm problem. It places a complete ban on the sale or transfer of the type of imitation firearms that present the most danger to the safety of the police and the public—convertible starter pistols.

Previously introduced legislation, such as the 1988 NDP bill, or Mr Bryant's bill from earlier this year, fail to provide the tough penalties and restrictions which Bill 133 would ensure. The Imitation Firearms Regulation Act, 2000, provides penalties which will make potential contravenors of the act stand up and take notice: a \$50,000 fine on convertible starter pistols; a \$25,000 fine on deactivated firearms; and a \$15,000 fine on other imitation firearms.

Our government has established the provincial weapons enforcement unit to reduce the flow of illegal weapons in Ontario. In conjunction with the OPP, the PWEU will rid Ontario streets of thousands of replica handguns if this bill is passed.

Bill 133 helps to protect our youth. There are restrictions on deactivated firearms and other imitation firearms to those over 18, thus helping to limit the contact our young people can have with these dangerous weapons.

The strength of Bill 133 is seen in the strength of the support it has received. Key stakeholders, including police services, gun owners and retail groups have come forward to say that Bill 133 is a much-needed step. Chief Noel Catney of the Peel Regional Police said, "This will significantly improve the safety of the general public and all serving police officers in the province of Ontario." Firearms organizations support the provisions in Bill 133.

The Retail Council of Canada supports the intent of this government's proposals. People and organizations all across this province understand the need for legislation regulating imitation firearms. Solicitor General Tsubouchi has provided us with legislation which is clearly the answer they were looking for.

I think it is safe to say that there is all-party agreement in this provincial Legislature that we must restrict the use of imitation firearms in this province. There is consensus here in the House and out on the streets of Ontario that something needs to be done. Bill 133 is the answer. We've done our homework. People who will be affected by this bill, like this bill. They support it. They realize that it is an important step in the fight to keep our streets and our children safe.

I therefore urge everyone in this House to vote in favour of Bill 133, and to recognize that it is only through tough measures like these that we can all achieve our goal in keeping Ontario safe.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to join the debate. I understand the member for Durham is anxious to join the debate, but that will happen later.

Imitation firearms include anything that can reasonably be mistaken for a handgun, including realistic-looking BB guns and similar devices. Currently the control of most firearms, including importation, possession and sale, is regulated by the federal government under the Firearms Act and the Criminal Code.

This is new Ontario provincial legislation, which includes new requirements for imitation firearms and BB-gun-type firearms that are currently not covered under the Criminal Code.

In 1998-99, police say there were more than 1,200 incidents involving starter pistols and other imitation guns in Toronto. Police services throughout the province support this legislation, which will improve community safety. The provincial weapons enforcement unit estimates that approximately 700 such devices will be seized in the city of Toronto this year, up from just a few more than 600 two years ago. Police have responded to numerous calls that involve imitation guns, causing a drain on police resources and escalating harmless predicaments into potentially dangerous situations. Paintball and laser gun operations, however, will be exempted from the legislation.

This legislation is part of the government's commitment to improve safety in Ontario's communities and deal with violent crime. This legislation will reduce potential confrontations with police and provide better protection for the public and police. This is very important, because Ontario is the first province in Canada to introduce this type of tough legislation to improve safety in our communities.

This legislation bans the purchase and sale of starter pistols that could be converted to fire ammunition; makes it an offence to buy or sell a deactivated firearm to anyone under the age of 18; makes it an offence for commercial vendors to sell or transfer imitation firearms

to anyone under the age of 18; and imposes heavy fines and forfeiture for non-compliance.

This legislation will require vendors to check photo identification for proof of age of purchasers. There will be fines of up to \$50,000 and forfeiture for non-compliance. Imitation gun purchasers must be at least 18 years old. This is expected to significantly reduce the incidence of misuse of imitation firearms and to alleviate the concerns about public and police safety arising from such misuse.

Police services, as indicated before, support this legislation, but I want to delve somewhat into the Criminal Code aspect and the federal government's responsibility in this area.

Firearms are regulated under the federal Firearms Act, known as Bill C-68, and the Criminal Code of Canada. These regulate such things as the importation, possession, sale, storage, transportation and the use of firearms.

In the Criminal Code, a firearm is defined as a "barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm."

In the Criminal Code, a replica firearm is defined as a "device that is designed or intended to exactly resemble, or to resemble with near precision, a firearm, and that itself is not a firearm." A replica firearm is a prohibited device. Although possession of prohibited devices is a criminal offence, possession of a replica firearm is specifically exempted as an offence. Possession is not a criminal offence unless it is possessed for a purpose dangerous to the public peace. Replica firearms can only be imported by, manufactured for or sold to businesses that have been licensed to possess them for specific approved purposes. Unauthorized sale to an individual is an offence punishable by up to 10 years in prison.

#### 1640

The federal definition of "replica firearms" does not include a number of firearm-like devices or imitation firearms such as antique firearms, starter pistols, air guns, air rifles, air pistols, air shot guns, pellet guns, BB guns, deactivated firearms, certain toy firearms and decorative items that resemble firearms, such as lighters.

Public safety, as you know, is one of the government's top priorities. In our fall action plan the Premier said we would be introducing legislation that will protect the public and police from the use of imitation firearms. We have talked with stakeholders, and together we have developed this legislation.

I'd like to remind the House that it was the NDP that first proposed legislation to deal with the criminal use of replica guns, in 1988, and I believe with my heart that the Conservatives, who were in opposition at that time, supported this bill of the NDP back in 1988. They weren't the government, but at that time the provincial Liberal government argued that it was a federal jurisdictional issue and let it die on the order paper. In other words, the opposition Liberals of today, taken from the position

back in 1988 when they were the government, would say that it's the federal government's responsibility. We don't say that.

Under the Criminal Code it is an offence to sell a replica firearm as defined in the code to any individual, punishable by up to 10 years in prison. The members opposite forget to mention that the federal legislation is what deals with replica guns, the federal government. Unlike the members opposite, our government will continue to move forward with real public safety initiatives to help keep our communities safe.

There are a number of questions that people may have about this legislation, and there was a private member's bill that was introduced earlier in the session that was an attempt—I would say a weak and half-hearted attempt—to deal with this issue, because a comprehensive legal review of the private member's bill indicated it would be ineffective and could conflict with regulations under the federal legislation.

For example, we believe that requiring purchasers to prove they don't have a criminal record would cause administrative headaches at local police services and take police off the streets to perform these background checks. That's a very typical opposition manoeuvre, to get the police off the streets. We also felt that the unverified letter stating intended use would have little practical value as an investigative tool, because the police would still require a warrant to access the statements for investigative purposes. The proposed private member's bill also included devices that are already covered under federal legislation.

This government has always favoured measures to combat the growing problem of imitation firearms. The proliferation of imitation guns has concerned this government for some time, and we had taken preliminary steps toward regulating these devices. It was the police services that initially asked for this type of regulation, and consultations with police services indicate they support this legislation.

This legislation will not affect toy guns or guns that are obviously toy guns, and from what I understand, the Ontario Track and Field Association says that it supports controls on starter pistols that replicate guns or that can be converted to fire live ammunition.

We have taken a number of steps to deal with the gun issue in this province. We have established the provincial weapons enforcement unit to reduce the flow of illegal weapons in Ontario. This unit works with the OPP, the RCMP, Canada Customs, the Department of National Defence and police services across the province to investigate and confiscate illegal weaponry in the province. The PWEU, as it is known, is the only unit of its kind in Canada and has assumed a leadership role in the pioneering field of illegal firearms investigation in North America.

That's another leading step with respect to the establishment of a provincial weapons enforcement unit to reduce the flow of illegal weapons in Ontario, which this government is taking to protect the public.

I may add, as I said earlier, Ontario is the first province in Canada to introduce this type of tough legislation to improve safety in our communities. One has to remember when you're dealing with this type of legislation, which is a provincial initiative, that it's the federal government that currently controls most firearms including importation, possession and sales. It's regulated under the Firearms Act and the Criminal Code. What we're dealing with here is a very specific and unique problem which the police in this province feel needs to be addressed.

I'm very pleased to have spoken on this piece of legislation and at this time, not reluctantly but with great anticipation, the member from Durham will join me in the debate.

**Mr John O'Toole (Durham):** I'd certainly like to thank the member from London-Fanshawe, to start off with.

As the parliamentary assistant to the Solicitor General, I know he's on message. He takes crime and its consequences very seriously, along with our Attorney General who's here today, the Honourable Jim Flaherty, and the Minister of Correctional Services. There's a team at work here to build on safe communities throughout Ontario, challenging our weak, vacillating federal Liberal government with respect to—they're soft on crime, not just in the execution of the criminal justice system—Anne McLellan hopes she will get re-elected; maybe not—but also with respect to their approach to the Young Offenders Act.

This is a nice piece of entry into the whole debate on the replica handgun. This really targets the young offender debate, if I could say.

Why is this so important? Children find out the effect of a fake gun on potential victims. It may be meant in kind of a humorous fashion or as light-hearted kids' play, but they find all of a sudden that the gun—the imitation gun in this case—has power and actually has a consequence for victims.

So you can wrap this around a kind of a young offender assault, as part of our general government message of being tough on crime, and you can wrap it around the protection of victims—victims in the sense that the perpetration or intrusion of people's space by use of an imitation gun arguably has proven to be a threat to security or people's lives.

It's been discussed and most of the salient points on Bill 133 have been read by the member from London-Fanshawe, the member from Thornhill, Ms Molinari, and the member from Barrie-Simcoe-Bradford, who, I might say, as a practising lawyer is quite familiar with how difficult it is to execute some of the federal statutes in the courts.

I think that's one of the problems. We're going to hear later on this afternoon from the member from St Paul's, Mr Bryant. He, I believe, has the right intent. If he would just vote for this bill, he'd be doing the right thing, but his party whip may call him to the task of mouthing the

platitudes of his proposed bill. I think his was 67; he will bring it up. This bill, first, recognizes that it's a problem.

**1650**

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: The member opposite referred to the comments of the member for St Paul's. I can assure the member opposite that the member for St Paul's is supportive of this bill.

**The Acting Speaker (Mr Tony Martin):** That's not a point of order.

**Mr O'Toole:** That's good to hear, House leader for the Liberal Party. I think it's very important. But the point I was trying to make was that our legal advisors gave us some information that Bill 67 is in conflict with some of the federal legislation and would be inoperative if passed. So doing the right thing, I think—and I've heard reassurance from the member from the Windsor area, the House leader for the opposition party, who said that they'd be supporting it. So I won't be angry or conflict-based in my points, but I think if there are changes in his remarks today that could be made to strengthen the enforcement abilities of this particular bill, I certainly would encourage our Solicitor General to listen.

There have been significant stakeholder consultations. Firearms organizations support the proposal to ban the purchase, sale, receipt and transfer of starter pistols that could be converted to fire ammunition, and to restrict the purchase, sale, receipt and transfer of deactivated firearms to persons 18 years of age and older, and to restrict the sale of other imitation firearms to persons 18 years of age and older. But it upholds the proposal to require vendors to keep records of the purchase itself. This is like a Bill C-68 argument: the whole record-keeping business becomes somewhat problematic. But I think it's incumbent on those ethical businesses to keep records for the very purposes of these things getting into the wrong hands for the wrong purposes.

I also can only speak with respect to how it's my intention not to categorize all youth as problematic and all youth as the ones who use these guns. That's not the issue; it's the specific guns. But in my area I know youth are honestly, by and large, exemplary citizens. I think of Curtis Wagar and Alex McLaughlan, two young people who this summer were recognized by this government as being exemplary, fine young people. They kind of represent a tradition. We had the summer games in Durham this past summer. I know the member from Guelph-Wellington was there and she can only say that it was a celebration of youth and youth excellence.

So I've clarified that. If I've said anything, that it's only young people—it's the use of these replica, imitation, artificial things that constitute a threat in society. That's what we're trying to resolve. When dealing in our own area, I've spoken with Chief Kevin McAlpine on a number of items. I speak to him regularly, and to Inspector Ross Smith, who's the district inspector in my particular part of Durham, and Chuck Mercer, who's now superintendent. He was actually in the north part of my

riding. They want the tools to have safe communities. This is just one more tool of enforcement under the Provincial Offences Act that will allow them to deal with these nuisance situations.

I can only say, with all sincerity, that this is not a new issue. What's new about it is that we're the first government, the first province, to actually deal with it. I want to compliment—previous governments have looked at this. In 1988 there was a bill, I think it was Bill 154, I'm not exactly sure, by member Farnan. It proposed that the sellers of replica guns, including all types of toy guns, be required to obtain a certificate of approval from the government for a fee before they were allocated such devices. Under this proposal, the government refused to give a certificate for a device they closely resembled, so they tried. This has been tried before, and what we're trying to do is listen today to members in the opposition and third party to see if there are ways to improve, clarify, strengthen, so that we can do the right thing to make our communities safer.

When it comes down to the definition of replica firearm, it does not include a number of gunlike devices or imitation firearms, ie, air guns, air rifles, air pistols, pellet guns and BB guns, starter pistols with a solid barrel, deactivated firearms and certain toy guns or decorative guns; for example, lighters. You've seen those old—quite honestly, a lighter is something you don't see in a house today, but years ago you used to see them, a little toy gun as a lighter. Most people have quit smoking so far. But for the purpose of the possession offences, several weapons or devices, including starter pistols, are deemed not to be firearms.

So we've actually had a number of situations. I'm looking back in the briefing notes that I have had supplied to me. It's been difficult for the opposition. As I say, I believe Mr Bryant from St Paul's is going to try to do the right thing, but then I looked at some of the background on this issue and, you know, he'll have time here on the clock to make his points, certainly, but back in a CTV interview on April 17—I'm just going to quote for the record here. I think it's an appropriate thing to credit it to the right person, for whom, by the way, I have a great deal of respect. I might say that. I want that to be part of this.

Here's what he said: "You can buy phony guns like this like candy from a corner store." Well, that's not right. "But make no mistake about it: these phony guns kill. They terrorize victims and they compromise the safety of our police."

We've had the SIU just recently investigate a situation where police officers, in their line of duty, may be charged, so I can't talk about it in any detail. The person they were moving out of a difficult situation was, they thought, holding an active, real gun, and it turned out it wasn't. This is the kind of thing where they have to err on the side of safety for the protection of the general public. We've got to give them the tools. We have to support them. In my case, I know that I want the police to always do the right thing and to be accountable. They

have a privilege in our society. They actually carry real weapons, and that's what we have to maintain the public order. Someone who is threatening that public order somehow, whether it's with a replica gun or with other kinds of devices, does constitute a hazard and puts the police in a no-win situation. It's difficult. How do they know, standing 20 feet away, whether a gun is loaded or not, whether it's a knife or just a plastic knife? So the argument goes on that things happen.

How do those errors happen? They happen because judgments are made in a very hasty, tense situation and you end up, in some cases, with a very bad outcome for the police, in the case that they have to go through this whole investigation, the complaints, and for the victim, who gets treated roughly when they think they are removing a firearm.

I won't go on. There are other quotes on the record that I have been given, but I have every assurance that there's great harmony in the House today and I have it, actually, from the member for—who is it here? I want to make sure I have it right—Windsor-St Clair. The House leader has said that they will be supporting the bill, so I'm not going to take all the time, but I should use up most of the time that's been assigned unless there is anyone else who wants to participate.

The bill itself is a bit technical, I'd say, in respect that it actually goes through and in very difficult language tries to define things. So here is the bill. It was introduced on October 24 by the Honourable David Tsubouchi. It is a total of about two pages, so in the remaining time I'm going to outline some of the things it does here—

**Mr Mazzilli:** In detail.

**Mr O'Toole:** In some detail, I might say. The member for London-Fanshawe has probably read it, and in fact may have been involved in the actual writing of it.

These three terms are defined in the bill, and this is important for the viewer today. The three terms are "sale," "transfer" or "receipt" of a converted starter pistol is made an offence. A converted starter pistol, of course, is a starter pistol that has been tampered with, amended, to become capable of firing a projectile. A person authorized to seize a converted starter pistol under section 158 of the Ontario Provincial Offences Act is also authorized to seize any other such pistol in possession of the seller or transferred from the purchaser for sale or transfer. On conviction, the maximum fine is \$50,000. This should be a fairly decent deterrent. In addition, the court is required to order the forfeit of any converted starter pistols seized in connection with the offence.

The sale or transfer of a deactivated firearm—this is a firearm which has had the pistol trigger and the firing mechanism removed, I gather—to an individual and the purchase or receipt of a deactivated firearm by an individual is made an offence unless the individual is at least 18 years of age and presents valid identification.

**1700**

A person authorized to seize a deactivated firearm, under section 158 again—talking about deactivated, so

these are real firearms that have had the mechanisms removed, modified, as my friend says.

The sale or transfer of an imitation firearm in the course of business to an individual is made an offence unless the individual is at least 18 years of age and presents valid identification. A person is authorized to seize an imitation firearm under section 158 of the Ontario Provincial Offences Act.

So there we have it. Then it starts to talk in some detail under the section 1 definitions. A “convertible starter pistol” means a device designed for signalling” the start of a race or some other event. It goes on to some extent and explains that “firearm” means a firearm as defined” under the Criminal Code. You can see the detail here in trying to make the language clear enough to be able to, first, write a summons, I guess it would be, and charge and to make that charge stick in court so that somebody under some fuzzy definition can’t get off. I’d be interested in hearing those arguments. The member from St Paul’s is also a lawyer of some note, and I’m sure he’ll address those issues.

I think the offences and the penalties are quite clear. The forfeiture provisions are quite clear. In my view, it really goes back to the overarching theme of this government: safe communities, meaning we have the correct laws in place that allow our front-line police officers to enforce the laws to keep our communities safe, and one of those things is weapons or, in these cases, imitation weapons. I think there has been some media coverage on this, and certainly other stakeholders have commented. I think in general the support is there for this legislation.

There are a couple more points I wanted to make. When it comes down to it, we still have to make a call. I think I’ll probably end a few minutes early here. The police officer in a situation is the one who really has to make a call. If we don’t prevent the sale and transfer of these replica handguns, artificial, whatever we call them, we’re leaving it to the front-line officers in the line of duty to make a determination at night perhaps, in the threatening situation of a real or a fake gun and/or other weapon. I think we have to clearly give them those tools. It isn’t any more complicated than that. We also have to have the right kind of statute by which they can make the charge and have that charge stick.

If the federal government wants to co-operate and incorporate this under a broader definition of “firearms” in the federal statutes, I’d be interested in making sure that is the route for the future. But Ontario is the first provincial jurisdiction to address the issue. We’ve heard about it in the press. We’ve actually got documented situations where there have been transgressions using these artificial guns. This government is doing something about it, and it’s my understanding that the opposition and the third party will be supporting it. With that said, I’m here, I’m listening and I’m certain the parliamentary assistant and the minister will be listening very closely as well.

The only thing left that I could do in the remaining six minutes is perhaps talk about my riding. I think the front-line people in my riding need to be respected. Out of respect, I’m going to mention them today. Paul Hawerchuk is the community officer in my riding. I see him at various events. He’s approachable, he’s professional and he’s one of those people who participates in lots of public events. Kevin McAlpine, as I’ve mentioned, is the chief in a growing, much more sophisticated police force than perhaps 10 or 15 years ago, and under his stewardship it has crossed some very difficult bridges. Ross Smith is inspector, as I said, in the Clarington area, a very well-respected gentleman who I think has community safety first and foremost in his mind. Phil Edgar—now there’s a case there. Phil Edgar is a young constable, with one or two years on the force. I read a recognition here in the House a couple of weeks ago, as he was recognized for having actually solved many thefts of automobiles in our area. He has been one or two years on the job and he’s already turning the corner on setting records of enforcement. This makes our community safer. So I publicly thank Phil Edgar. I can say that our communities are safer places because of him.

Community centres and the people who work around them: the Firehouse Youth Centre in my riding is another place where youth are learning and having good models in the peers and adults around them, to say that good behaviour starts with imitating good adult behaviour, technically.

I thank our communities for being strong places. We as a government think that safe communities are strong communities, and policing is part of that. They have a difficult role and I thank them for that. Thank you, Mr Speaker, for the time to speak a little generally about the topic today.

**The Acting Speaker:** Comments or questions?

**Mr Michael Bryant (St Paul’s):** I obviously am going to have something to say on behalf of the official opposition in a moment.

*Interjection.*

**Mr Bryant:** The official opposition for Ontario, I say to the member for London-Fanshawe. There’s only one.

I wonder whether some of the members who have spoken, and everybody who has spoken so far has also participated in private members’ business up until now, enjoy Thursday mornings when they bring forth private members’ bills and know that maybe if it’s an OK idea, a government bill will follow. It’s kind of a bittersweet moment for any member who brings forth a private member’s bill that gets turned into a government bill.

I know the Minister of Colleges and Universities brought forth a private member’s bill on bicycle helmet safety when she was in the opposition, and it passed and became law under the NDP government. Members got together and said, “This is a good idea.” I don’t know if amendments were made or not, I say to the Honourable Mrs Cunningham. Maybe they weren’t necessary; they probably weren’t.

In any event, we could have made changes to Bill 67, and we could have had hearings, as took place with the Honourable Mrs Cunningham's bill, but we didn't with this bill. It's unfortunate. Times have changed, I guess. No longer can an MPP bring forth a private member's bill and actually expect it to become law. Instead, you have to hope it gets the support of the Premier's office, at which point they pick it up and run with it and go through the excruciating exercise of trying to distance themselves with it. I don't think it's very good legislating. We all play the game.

That said, I have to say in response to the debate that it's disappointing to hear an honourable member say that the bill introduced by any member was a weak and half-hearted attempt. It's unfortunate, but here we are. You'll be hearing more from me on the substance of the bill itself.

**Mr Peter Kormos (Niagara Centre):** I have a lot to say about this bill, because I think the Tories had a wonderful opportunity to do something, but they blew it again, so I'm going to be speaking to the bill.

Do I sympathize with the motivation? Of course. Do I understand the history? You bet your boots I do. I just find it regrettable that these guys, when it comes to protection of the public, when it comes to safe communities, pay more lip service than they do to putting in effect real, meaningful legislation. The problem is I'm not going to get to speak to that this afternoon. I will be addressing this over the days to come. But I will be here at 6:45 this evening, on Wednesday, and I invite people to watch the Legislative Assembly channel at 6:45, when we will be exposing this government's dismal record on victims' rights, their pathetic Victims' Bill of Rights, which was dismissed in no uncertain terms by Judge Day, who made it clear that this government doesn't believe in victims' rights. We're going to talk about that at 6:45.

As a matter of fact, at 10 o'clock tonight, folks who are interested in hearing about some of these and other issues should watch the Michael Coren show on the CTS network. I'm going to be on there with a Liberal and Conservative counterpart. Down in Niagara, the CTS Coren show is on cable channel 18, so I invite people to tune in at 6:45 to the Legislative Assembly channel and at 10 o'clock, or at least 10:30 when the political panel starts on the Coren show, CTS network channel 18.

1710

**Mr Bruce Crozier (Essex):** I'll take this opportunity to make a couple of comments. One is to emphasize that we do support this bill and support the intent of the bill. I don't think there are many bills that are presented before this Legislature that can't use some improvement, but generally speaking we support this bill.

Isn't it interesting that, on a bill like this, perhaps the public won't notice that we're supporting the government, because so often we get criticized because we're merely always opposing. In this case, that won't be.

I was kind of struck earlier today when we were voting on a bill—and that's another thing that the public often observes, that we all seem to vote the same way. As

I explained last night, we were discussing a bill that had a hostage in it. In other words, there was a part of the Ministry of Training, Colleges and Universities bill that we did support, but there were other parts of it that we couldn't. In this case, we can generally do that.

It's also interesting to observe that not only in most cases, if not all, do the official opposition and the third party vote as a bloc, but I've noticed certainly in the last five years that I've been here that I've never seen a government member vote any differently than the whole pack. So the kettle can't call the pot black in those circumstances. In this one, I'm sure we'll get unanimous support on all sides of the House.

**The Acting Speaker:** Further comments or questions? The member for Malton-Gore-Bramalea-Springdale.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Thank you, Mr Speaker. You almost got it right. It's Bramalea-Gore-Malton-Springdale, a very famous and well-to-do riding.

Our police chief, Mr Noel Catney, is a very hard-working police chief, as you may have heard. The whole force, in fact, is out there making sure they are addressing some of these issues of crime. We have heard in newspapers and in the media that a lot of times the criminals use these toy guns when they're out there robbing banks and whatever. It makes the life of a police officer very difficult. It's very dangerous and it's very hard for them to decide when there is real danger and when there is not real danger.

Sometimes people may not be serious about using the guns in a crime, but they get hurt; they die. We want to make sure that these replica toy guns are not sold to minors. If somebody really wants to have it, seniors or adults could certainly buy it for their children, so we're not trying to take it away. That from now on the sportspeople, the coaches, cannot have toy guns is fear-mongering.

I'm certainly happy that many of the members on the opposite side are agreeing with this bill. As we've said before, the Liberals are soft on crime. The federal Liberals, certainly, have let a very important bill die on the order paper. That was the victims of crime bill. They called this unneeded election which we are into. Those people are spending \$200 million. It's shameful.

**The Acting Speaker:** Response?

**Mr Mazzilli:** Certainly this is an overdue bill. It's a bill that was presented before the House, as you've heard, by the NDP in 1988—it was allowed to die on the order paper—and the member for St Paul's essentially took that NDP idea and brought it forward again. But private members' bills often have good intent and that intent is honourable. However, when you get to looking at the bill itself, which was drafted by a private member, it's certainly unworkable. Often definitions run in conflict with the federal Criminal Code, and over a government that has jurisdiction over criminal law.

So in looking at the two bills in relation to replica or imitation guns that were presented by the NDP in 1988 and by the Liberals in 2000, what we had to do was ask,

“How can this work and be effective in the province without going into federal jurisdiction?” That’s what we have done or are attempting to do with this bill, is support it.

The first intent is to ban the sale or purchase, transfer or receipt of starter pistols that can be converted to fire live ammunition. Certainly that is overdue, because these manufacturers are trying to get around criminal law by selling such an item that can easily be converted. That’s why I am proud that we’re banning these altogether. The second is to make it an offence for commercial vendors to sell or lease deactivated or imitation firearms to anyone who is under 18 years of age. I believe this bill will suit those needs.

**The Acting Speaker:** Further debate?

**Mr Bryant:** I’m happy to rise on behalf of the official opposition. We obviously support this bill. We brought the identical bill forward in the spring of this year. It received unanimous support from the House. So you won’t be surprised to hear that Dalton McGuinty and the Ontario Liberals want to regulate phony guns, which can kill and, worse, up until now, could be bought like candy from a corner store, as the member for Durham said, which is true. Some hardware stores have in-store policies such that you have to be 18 to buy them. I know Canadian Tire does that; I think Wal-Mart does that as well. But not all hardware stores do.

This issue came in front of me for the first time when I was at a hardware store. I was waiting to buy some fishing tackle. In front of me was a young couple. They were about 18. They wanted to buy a gun. I was watching them and they were choosing the gun depending on which one looked most like a gun. They are guns that are \$50, \$100, up to \$300—BB guns, air guns, pellet guns and also starter pistols. I’ll talk about those in moment. But they are, without a doubt in my mind, manufactured in a way as to look like guns.

I displayed a couple of these phony guns in the House, with unanimous consent to do so, unlike the late, great member, Mr Shulman, who decided to bring a gun into his House without unanimous consent. I did get unanimous consent and I showed members of this House who hadn’t seen how much these guns look like real guns just what a danger they are.

Also, from a distance, they look like guns. Up close, these phony guns look like guns. The barrel is made in a way that it’s the size of a firearm barrel, when in fact the pellet that’s coming out of it is much, much smaller. So these guns are manufactured to deceive people who actually know what the end of a barrel looks like; they look like a real gun.

After this couple had left the hardware store, I asked, “What do you have to do to buy one of these guns?” I was told, “Nothing. Anybody can buy these guns.” I said, “Can 12-year-olds buy these guns?” He said, “Yes, anybody can buy these guns.”

**1720**

So we did some research, contrary to the assertions of the honourable members, who don’t mean it. They don’t

really think for a moment that research wasn’t done into this. That’s an insult to legislative counsel and an insult to the great research staff at the Legislative Assembly of Ontario who work on private members’ bills and assist members. They are totally invaluable. I wish we had twice as many of them there. That’s a pitch for their budget without any shame. We found out that, yes, the federal government does regulate replica guns. The government would have you believe that the federal government has a monopoly, a trademark if you like, over the words “replica guns” and that you can’t use the words “replica guns” in legislation without it necessarily being ultra vires. It’s an absurd argument. They know it’s an absurd argument. It’s a stretch. The government took great pains to ensure that they get all the credit for this bill.

**1720**

Let me speak to that issue of a monopoly over terminology. I’m going to go through the bills and compare the two and show everybody in the House willing to listen, and for the Hansard, that in fact there is nothing about Bill 67 which is ultra vires; there is nothing about Bill 67 which duplicates the Criminal Code. In fact, the NDP bill spoken of—and of course we were aware of that bill when we went through the drafting stage—was different from the government bill and different from Bill 67 that I introduced.

That bill did attempt, actually, to regulate weapons which are already regulated by the Criminal Code. In fact, that bill attempted to ban weapons that were already regulated by the Criminal Code. It would be the equivalent of, absurd as this would be because the Harris government would never support such a thing, the Harris government attempting to ban handguns. Well, they can’t do that. Why? Because handguns are already regulated under the Firearms Act and under the Criminal Code.

The NDP bill in fact did have constitutional problems. Every bill may have constitutional problems; we understand that. But it is so farcical for the government to suggest that because Bill 67, introduced by myself, has the words “replica handgun” in it, and those same words show up in another federal statute, there is an unconstitutionality. It’s particularly farcical—they’re sort of hoist on their own petard because they end up using language that’s a description. Instead of “replica firearm,” they use “imitation firearm.” That also shows up in the Criminal Code. By their own argument, their legislation should also be unconstitutional. But I’ll tell you it’s not, in my view, nor was Bill 67. Instead, we have this painful exercise of the government reinventing the wheel.

Let me say something about that. Besides the fact that the reinvention of this wheel was an extraordinary flip-flop, one which I had certainly not witnessed since being a member, whereby the justice ministers were saying one thing one day and the Premier was saying the opposite the next day and then the justice minister flipped another flop and ended up supporting the position that he had previously rejected, besides there being a frankly embarrassing flip-flop and a total unwillingness to at least be

open-minded to an issue that is brought by the official opposition, or for that matter from the third party, and besides the fact that this government's record when it comes to curbing gun violence and recouping its costs is an embarrassment, it being in the holster of the gun lobby and Ontario Liberals being four-square in favour, as unpopular as that may be in some quarters, we're ready to fight gun violence, curb it and recoup its costs. We're in favour of gun control and not afraid to say so. This government of course challenges it at every step in the courts. I'll get to that in a moment.

There's some discussion here about who should get credit for it. Should it be the NDP member? Should it be the member for St Paul's? I was really disappointed to hear the member from Barrie-Simcoe-Bradford refer to Bill 67 as a weak and half-hearted attempt. It wasn't a weak and half-hearted attempt. In fact, it went much farther than the bill that has been introduced by the government. It would have required, if you want to put it in these words, stronger controls over the use of phony guns. I don't think ex-cons should be able to purchase phony guns. This government disagrees. They left it out of the bill.

But besides all that, in all seriousness, it is unfortunate at best that we had a bill that for all intents and purposes this government supported and was unanimously supported by the House and, leaving aside who gets credit for the bill, as a result of this charade by the government, a bill that could have and should have been made law in June, or at least gone to hearings over the summer, or at least gone to third reading when the House reconvened, that instead is not going to pass for some time at least, because we're back at second reading. This is déjà vu all over again on the issue of phony guns.

Leaving aside the issue of political credit—and I know that perhaps members think it's appropriate to play this game and I say to you, I don't care who gets credit for this law. It was a gaping vacuum in our criminal justice system that these things could be bought by kids and ex-cons. It was a gaping vacuum in our provincial and federal legislation, for that matter, although only the province can regulate these items, that they would end up being the weapon of choice for cheap criminals, because they're obviously a lot cheaper than buying real firearms and you don't even need to go to the black market. It was a problem that was at least the focus of my attention. I'm glad this bill is going to become law. I'm glad that we are going to regulate phony guns. I'm glad. I support that. The official opposition supports it. Dalton McGuinty has been saying from day one that we need to curb gun violence and recoup its costs.

Again we're going to talk about the government's record on that, which is the opposite of the position taken by the official opposition. We had an idea and a law that we all agreed was right and should pass. As a result of political gamesmanship it has been delayed for months. I don't know, by the time it comes into effect, whether or not it will have been delayed by a year. That can't be a proud moment for this House. It can't be a proud moment

for MPPs on both sides of this House. It must be particularly disconcerting to government MPPs who are not in the cabinet and who have to go back to their ridings and say, "Oh no, don't worry. Just because I'm not in cabinet doesn't mean I can't get laws passed."

In fact, it turns out that if you introduce a private member's bill that the Premier's office likes, then it becomes a law under the authorship of the Premier's office, no matter the fact that prejudice may befall victims who would benefit from such a bill. That is a disgrace. It's a sad commentary on our Legislature today. It leads young people who watch what we do here to wonder why we spend time in these seats debating what we are debating when in fact no real dialogue is taking place. A school—and I don't want to say which school, because all the schools in St Paul's are my favourite—my favourite school from the riding came in today and they asked me, "I was watching on a Thursday morning. Why is it that everybody is signing Christmas cards?" I said it's because private member's business is not given the appropriate respect and accord by this government and you end up getting swallowed into the black hole of the Premier's office if the government is against it, and if they like it they're going to delay the good that might come from it in order to take political credit. I think it's horrible. I think it's horrible if it was done in the past under any other government, and I think it's horrible now.

Let's get back to what this government really stands for when it comes to guns. There's no doubt that when it comes to the regulation of phony guns, this government is all over the map. This has been a huge embarrassment for the government, notwithstanding all the efforts to try and paint this as a good-news ending for the government.

I happen to think it is good news because we've got the law in place. But let's just go through the facts. On April 17—it was a Monday—at around 1 o'clock, an announcement was made by the official opposition on the issue of phony guns. I said that I'd be introducing a bill that would crack down on phony guns. Minister Tsubouchi and Minister Flaherty are scrummed on the issue. What did they say? I'll tell you what they said. It was a subject of coverage from three newspapers. The Globe said, "Tories Will Not Back Phony Gun Law." This was dated Tuesday, April 18. Solicitor General Dave Tsubouchi said he sees no need for Ontario to act. Instead, he argued that it's up to the federal government to deal with the problems by stiffening the penalties for possessing phony guns during the commission of a crime. He rejected it. He said no to phony guns.

**1730**

I want to give all three newspapers that provided coverage credit where credit is due. The Toronto Star also reported on this saying, "Solicitor General David Tsubouchi and Attorney General Jim Flaherty dismissed Bryant's proposal yesterday, saying the province should not impede the sale of guns or starter pistols." Here is what the Attorney General said: "Attorney General Jim Flaherty complained that the federal Young Offenders

Act is not hard enough on young offenders who commit crimes with real guns or with phony guns.”

Here is his quote. You won't believe this. Here's what the chief legal officer to the executive council to the cabinet said. Here's what Mr law-and-order, the Honourable Jim Flaherty, said about this very bill: “The Young Offenders Act has to address this issue of the use of facsimile weapons.” He has either changed his mind or he is permitting a bill to pass through this Legislature with the support of the government that he says is ultra vires and unconstitutional.

This is an embarrassment for the government that it flip-flopped. But I'll tell you what: at least we've got the law passing and at least we are going to get some legislation in place that I hope will help victims and help police.

So what happened, exactly? I'll tell you what happened. The Premier of Ontario got on a radio show the next day. This time the Toronto Sun reported on April 19: “Premier Mike Harris says he favours looking at restrictions on the sale of replica guns—just a day after his justice minister shot down the idea.” Thereafter, of course, the government fell on side, with the exception of the member from Haldimand-Norfolk-Brant, who spoke against the bill, and I'll get to that in a moment.

The reason that the justice ministers took the position they did, frankly, is because when it comes to the issue of gun control, this government is opposed at every turn. If this government is given the opportunity to curb gun violence and recoup its costs, it runs. It runs as quickly and as far away as it possibly can. That's what Minister Tsubouchi and Minister Flaherty did. They knew. The computer chip told them, “We are against gun control. We are in favour of whatever the gun lobby tells us to do.” It turns out that the Premier of Ontario figured out that the people of Ontario disagree with that position, and he jumped on to the parade that Dalton McGuinty and the Ontario Liberals have been leading for some time.

Bill 67 was introduced on April 19. The first reading of course passed, as it often does, on a voice vote. Second reading took place on June 22. There was some hedging, just incredible, fluffy, waffling language from the member for London-Fanshawe, like the concept. But what the people of London-Fanshawe and what the people of Ontario want when it comes to issues that affect victims of violence is leadership. They're not interested in concepts, they're not interested in blaming other governments; they're interested in leadership. Here was an opportunity for the members to say, “Yes, we support this.”

Interestingly, nobody got the e-mail—or I guess in this case nobody got the cinder block—over to the member for Haldimand-Norfolk-Brant, who said this, and remember, this is the exact opposite of what the government bill ends up advocating: “Will requiring someone to fill out forms at the point of purchase for an air gun or a starter's pistol stop them from using it in a crime if they choose to commit one?” This is his rhetorical argument against this bill. He then said, “The problem is not that people out

there have air guns and starter pistols. The problem is criminal use, that during a crime, police and shopkeepers can't tell the difference.”

Well, he's wrong. We recognized that and brought forth Bill 67. The Legislative Assembly of Ontario recognized that and provided unanimous support to Bill 67 on June 22. It was referred to justice committee. I'll tell you, at that point I communicated to the government in every way imaginable that if they wanted to provide amendments, if they wanted to change the word “replica” to “imitation” to save face, I would have done that. We wanted the law passed.

When I go through the law to compare the two, you're going to see that they are identical. They do exactly the same thing. My bill in fact would have had tougher restrictions—ex-cons couldn't have got that. But if the government had said, “Look, in order to get this thing passed, you're going to need to take that off the table,” that would have been considered at committee and we could have heard from police groups. But no, we were not going to go to committee, unlike the minister of universities and colleges' private member's bill. The Honourable Mrs Cunningham introduced a bicycle helmet bill as a private member when the third party was in government. She got full hearings and the bill became law. But not any more in the province of Ontario. We have, with the greatest of respect, an honourable tyranny, whereby all things are controlled by the strings in the Premier's office, and Bill 67 was not going to become law. As a result, we're going to have to wait before victims of crime get the benefits of regulation of phony guns.

So why did I bring Bill 67 forward, why do we support the bill currently before the House and why is the member for Haldimand-Norfolk-Brant dead wrong? I'll tell you why. Forty per cent of the guns picked up by police in Toronto, in Windsor and in Ottawa are these guns. I call them phony guns: BB guns, starter pistols, air guns. They look like guns but they're not covered under the Criminal Code. They're not replica guns. Why? It's strange, I know, but they actually shoot something. Here's what's odd: if you want to buy the ammunition for these BB guns, air guns, pellet guns, under the ammunitions act you've got to show ID. The ammunition for these guns is regulated but the guns themselves are not. It's preposterous.

**Mr Mazzilli:** That would be a federal problem.

**Mr Bryant:** Again the member for London-Fanshawe hasn't done his homework, hasn't done the research that he's accused the official opposition of not doing. The ammunitions act in fact is a provincial bill.

**Mr Mazzilli:** There is a federal ammunitions act, too.

**Mr Bryant:** There's a federal ammunitions act too, he said, but it's not the act that applies. In fact, it's the province of Ontario that regulates ammunition. Why? Because it's a consumer product. It's not something that's already regulated by the Criminal Code. So the government of Ontario is already regulating under the Ammunition Regulation Act, 1994, prohibiting the sale

of ammunition, defined as a cartridge, shot or pellet, to anyone under the age of 18, I would tell the member for London-Fanshawe.

I'll tell him something else, since he obviously doesn't know the bill exists. The province is required to maintain a ledger indicating to whom the ammunition has been sold and in what quantity. That is the idea behind Bill 67, and I think it's fair to say that that's really the crux behind the bill we're debating here as well.

So the member for Haldimand-Norfolk-Brant is wrong. If in fact we prevent at point of purchase and at least regulate at point of purchase the sale of these guns, then we'll at least ensure that kids aren't buying them. We're at least sure that kids aren't buying them. That makes sense to me. We're also making sure—and here's a concept that is new to this government—that we're going to track who has these guns where they were sold. That helps police. That's why the police support the federal gun control legislation. The member London-Fanshawe suggests that the police don't support the federal gun control legislation. That's not true at all. The Ontario Provincial Police Association does; the Police Association of Ontario does; the chief of police, Julian Fantino, does. Again, I urge the member to do some homework. Join the parade on gun control, I tell the member.

In fact, the case here is that if you do regulate and track them, you're doing something about the high proliferation of these guns on the streets and in the cities and all the urban areas that I'm talking about. Forty per cent of the weapons picked up fall into this category. In some cities that's higher than the handguns picked up. That's a serious problem, so we're going to address that. I hope that it's not 40% next year and I bet it's not. I bet that number goes down.

**1740**

I heard the absurd argument from a representative of the National Rifle Association—we'll get to them in a sec—that if we regulate these phony guns we're going to have more firearms. But of course that's only because the National Rifle Association doesn't want any gun control at all. They believe in the right to bear arms. That may be the American position, taken by a large plurality of Americans, but I can tell you it's not the way the people of Ontario think. They do want gun control because they want some control over these dangerous weapons. In the same way we went through the painful exercise of getting used to seat belts in our cars but we're now used to them, so too are we going through the sometimes painful exercise of regulating a previously unregulated activity.

If you control it at point of sale, you're going to make a difference. How are we going to make a difference? Well, maybe we're going to prevent some tragedies. I'll give you examples of some tragedies.

On January 1, 2000, Henry Musaka was fatally shot by police. Musaka had a gun, the police saw. Using the gun, he was holding a hostage. He was shot dead. That was a phony gun; it was a BB gun. That gun should not have been in the hands of that man, in my view; he

certainly shouldn't have been wandering the streets with it. Perhaps, if Bill 67 or the government bill had been in place in time, we might have averted this tragedy.

On January 2, police responded to a complaint that a man pointed a gun at a complainant and his wife; it turned out to be a pellet gun. This is just the first week of January.

On January 8—we're now into the second week—police seized a pellet pistol and BB gun from three young men who were firing at targets at the Glen Stewart ravine. I would suggest that in an urban area, target practice is at best reckless and at worst incredibly dangerous and maybe criminal.

On January 7, police responded to a call from concerned residents of a rooming house in Toronto concerning a man with a gun. They said he had a .357 magnum handgun. That's what they told the police. The police went in there. It looked like a .357 magnum, but guess what? It turned out to be a pellet gun. It was confiscated by the police.

On March 31, 2000, police seized more than \$1 million in starter pistols and pen guns from a Montreal individual who supplies merchandise to dozens of Ontario stores. There were so many of these starter pistols floating around, you would have thought we were having seven Olympics in the Ontario, with so many track meets taking place, but that wasn't the case. In fact, starter pistols are the guns of choice for cheap criminals, because starter pistols can be converted into firearms with a simple tool. Bill 67 would have regulated that; this bill will do the same. That's why we support this initiative.

But let's be clear: this government has been in power since 1995. Since 1995, we've had nothing less than an epidemic of these phony guns floating around on the streets, and this government did nothing until the Premier was embarrassed into reversing the decision of his justice ministers and supporting Bill 67. If there is any lesson from a legislation point of view, I only humbly suggest that the government at least be open to ideas to avoid such embarrassment in the future.

On May 30, 2000, two Hamilton-Wentworth police officers drew a weapon on a man who was waving a real handgun—they think. It turns out, nope, that the gun was a plastic imitation. They described the incident as a deadly game of chicken. The imitation turned out to be one of these phony guns.

I could go on with more incidents of phony guns causing terror for police and victims.

We've had the problem for some time. The government did nothing about it until such time as it was embarrassed into doing it. I say to the government, particularly in light of the debate that has taken place up until now—because I can assure you that reciprocity is going to govern when comments are made such as that by the member for Barrie-Simcoe-Bradford that the efforts by the official opposition on this were weak and half-hearted. It's in that context that I say better late than never.

So then what happens? Bill 67, introduced in the spring of this year, gets endorsed. People start writing in, providing their support for the bill. I would have thought these endorsements would have been enough for the government to make this bill a law. The Police Association of Ontario wrote on May 15, expressing their appreciation for my initiative “of trying to develop effective law to promote and enhance community safety. We all share in that responsibility,” said the Police Association of Ontario in a letter from Paul Bailey on May 15, 2000.

Brian Adkin, president of the Ontario Provincial Police Association, wrote on June 22, 2000, that they reviewed my private member’s bill for replica guns. I’m going to finish the letter and then make the point that everybody was aware of the potential concerns with the language. The OPPA, the PAO and everybody who endorsed this bill looked at it, looked at the Criminal Code, and came to the same conclusion as legislative counsel for the Legislative Assembly of Ontario, and that is that our legislation was *intra vires*. Here’s what Mr Adkin said: “Our board of directors supports the passage of your bill. We feel that the safety of the public is paramount and your bill makes the public safer.”

Chief Bill Closs, chief of police at Kingston, wrote on April 28 that he fully supports and endorses the bill.

The Canada Safety Council wrote on April 20, 2000, that air guns and pellets guns are as easy to buy as comic books and can present serious risks. “These products ... are often mistaken for real firearms and are inherently dangerous consumer products.” That’s signed by president Emile Therien, who explicitly endorses the bill.

A letter from Brian Ford, chief of police, Ottawa-Carleton Regional Police Service, April 26, 2000: “I would like you to know that I strongly support this private member’s bill as an excellent initiative which will go a long way in making our communities a safer place to live.”

In a letter dated May 2, 2000, chief of police Julian Fantino, Toronto Police Service: “I am pleased to advise that I support and endorse this bill,” in reference to my private member’s bill. He believes the bill “will assist in reducing offences committed using replica guns”—which brings me to this illusion of confusion that this government is trying to create with respect to Bill 67.

They say that because Bill 67 makes reference to replica firearms and the term “replica firearm” is in the Canadian Criminal Code, therefore it must be unconstitutional and *ultra vires*. They know very well that that’s not true. In fact, the term “imitation firearm” is also in the Criminal Code. “Imitation firearm” is defined as “anything that imitates a firearm and includes a replica firearm,” “replica firearm” being defined in the Criminal Code as “any device that is designed or intended to exactly resemble or to resemble with near precision a firearm that itself is not a firearm, but does not include any such device that is designed or intended to exactly resemble or to resemble with near precision an antique firearm.”

OK. So what about the imitation replica firearms that shoot something? Well, that’s not covered under section 84. Whether you call it an imitation firearm or a replica firearm or a phony gun or a BB gun, air gun, pistol, pellet gun, starter pistol—no matter what you call it, it’s not regulated by the Criminal Code. That’s why Bill 67 was endorsed by the aforementioned persons, who would not have endorsed something that they knew very well to be unconstitutional.

Go through Bill 67 and through the current bill before this House and you will see this bill is basically identical, with cosmetic changes. A replica firearm is called an imitation firearm. Missing from their bill, under subsection 2(3) of Bill 67, is this: I would have required that a purchaser must not have been convicted of a criminal offence and that there must not be any pending criminal charges against the purchaser. Doesn’t that make sense to you? Should somebody with a criminal record be able to buy a gun that looks like a gun and shoots, that makes up 40% of the weapons that are picked up by the police in urban areas, that in fact cause death, that victimize police? That section was endorsed by police and victims’ groups and safety council. Why the safety council? Because the number one cause of blinding amongst kids is BB guns, air guns, pellet guns, these guns that are regulated. But no, no, this government wanted to bring its own bill forward and not pass Bill 67. It wanted to dilute the tougher protections under Bill 67 and put in the word “imitation” and pretend that they had created a new bill. They have not.

**1750**

I just want to make it very clear to the House that if the government had said, “Look, your tough measure is too tough for us, Bryant. Take it out,” I would have happily done it.

I don’t know what a replica is, and the Attorney General in his press comments made reference to a facsimile weapon. So why don’t we call it imitation? I’d say, “Fine. Why not? Let’s just get this thing passed.” Instead, we have to go through this exercise whereby a bill that already had unanimous support from this House is being debated, this excruciating exercise where government members are trying to make distinctions and water down their own votes and efforts and words of support for an idea that should already be a law.

I shouldn’t be surprised, because I don’t think I’m going to find any support from this government for the other four points in the Ontario Liberals’ five-point plan to reverse the epidemic of gun violence. On February 15 I announced, “It’s time to curb gun violence and recoup its costs, so let’s bring forth this phony gun bill.” They dismissed it—oops, until the Premier reversed himself.

At that time the government was told, and I’ll tell them again, that fact gun violence costs Ontario billions in health care and economic costs. One out of five suicides, one out of five robberies, and one out of three homicides involve a gun.

**Mr Mazzilli:** Real guns.

**Mr Bryant:** We are the largest province in a nation ranking fifth in the world in terms of firearm-related deaths among children.

The member for London-Fanshawe, I believe, said, "Real guns." You're right. Hence the incredible mendacity—of course, Mr Speaker, I would never say hypocrisy, because that would be unparliamentary—but the mendacity, the incredible economic use of the truth by this government, when they're ready to crack down on phony guns on the one hand, yet they want to fight in the courts, at taxpayers' expense, efforts to regulate real guns on the other hand. Mr Speaker, I cannot say the word "hypocrisy" and I'd never violate the decorum of this House, but I'm sure that everybody in this province understands that when it comes to gun control this government is something that starts with an H.

The second point of our gun plan was to commence litigation against gun manufacturers and distributors to recoup Ontario health care costs of gunshot victims. Twenty-seven states have done that. The President of the United States has done that. Will this government do that? No, because this government is in the holster of the gun lobby, caught out, for once, on a particular issue: tough on toy guns, soft on real guns.

I think we should pass legislation that would require, as I announced on February 15, trigger locks, that they be mandated on every single gun sold in Ontario. I say you should not be able to buy a gun in the province of Ontario that doesn't come with a trigger lock. There are American gun manufacturers voluntarily doing this, but not the Harris government. They'd never support that measure. Tough on toy guns, soft on real guns.

This is the government that passed a regulation that permits 12-year-olds to use guns. I would say that just as we don't have 12-year-olds driving cars—there is a time, of course, when a young man or woman may want to learn how to use a firearm with their family. Twelve years old is too young. So says the OPP and so do we agree. Dalton McGuinty and the Ontario Liberals, when we form the government, will repeal that regulation.

How about a guns-for-goods program across the province? I proposed that. Dalton McGuinty and the Ontario Liberals would like to see it happen across the entire

province. A councillor in the city of Toronto commenced such a program and it was wildly successful.

Did this government pay attention to this five-point plan? Did they move on it at all? They ran from it because they have to run from it, because they are in the holster of the gun lobby.

This government may not know that in a 1997 study conducted by the Centers for Disease Control we rank fifth-highest, behind the United States, Finland, northern Ontario and Israel respectively, in terms of firearm-related deaths among children. Department of Justice statistics reveal the extent to which we have a gun epidemic in this province. Yet when we put forth legislation that controls guns—I mean, we in the city of Toronto and in most cities across this province regulate whether you cut a tree down. You can't cut a tree down without getting a permit.

But this government went to the Supreme Court of Canada, on the side of the gun lobby, to argue that we should regulate these phony guns, these toy guns, but no, no, no, we shouldn't regulate real guns. Their argument was truly made in bad faith, because the province of Ontario argued, to quote from the Ministry of the Attorney General factum, court file 26933, that "the registration of ordinary firearms is a significant intrusion on provincial jurisdiction, and ultra vires the Parliament of Canada." So it said regulating firearms is provincial. Number one, that's the opposite of what you've just heard in the House today. Number two, the Supreme Court in fact found in favour of those who want and need gun control laws and rejected the Ontario Attorney General's argument. But here's what was truly, really—and I can't say the H word again. Here was the mendacity of what this government is all about. They wanted to strike down something on the basis that it was provincial jurisdiction, yet they refused to take the responsibility for that jurisdiction.

Mr Speaker, I'm sure I'll have a lot more to say on this.

**The Acting Speaker:** It being 6 of the clock, this House stands adjourned until 6:45 of the clock this evening.

*The House adjourned at 1758.*

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Wednesday 1 November 2000

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mercredi 1<sup>er</sup> novembre 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

Resuming the debate adjourned on October 25, 2000, on the motion for second reading of 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.

**Mr David Caplan (Don Valley East):** I'm very pleased to be joining the debate today on behalf of all the residents of Don Valley East. I will be sharing my time with the member for Glengarry-Prescott-Russell.

Bill 114 is an amendment to the Victims' Bill of Rights, but I think, Speaker, you would know and all members of this Legislature would know that when some victims in this province tried to claim those rights—or supposed rights—the government of Mike Harris went to court and opposed them.

I'd like to read to the members of the Legislative Assembly here today and to the people of Ontario as well from court file 97 c.v. 134533-SR, Ontario Court (General Division), between Karen Lee Vanscoy, Linda Marie Even, and Tracy Lilian Christie vs Her Majesty the Queen in right, represented by Thomas H. Marshall, QC, and Robert E. Charney for the respondent, for the people of Ontario. In this particular case, these three victims claimed that their rights under the Victims' Bill of Rights had been violated and they were seeking remedy from the court for redress. The provincial government under Mr Harris, under the Premier, sent these very able and very expensive lawyers to court to argue that there were no rights accorded to victims.

I'd like to read from the judgment of Justice Gerald Day, what he has to say about the arguments that were presented. The first victim was Karen Vanscoy. On September 24, 1996, her daughter Jasmine was shot in the forehead with a 45-mm semi-automatic weapon. In Linda Even's case, she had asked her ex-common-law husband to leave her home. He refused, told her he was

going to kill her. He attacked her with a pair of scissors. In the third case—sorry; I don't have the third case here.

What happened was that the government went and argued that there were no rights afforded to any of these victims of crime. In fact, what Mr Justice Day, agreeing with the government lawyers, said—and I'll quote directly from chapters 21, 22 and 23.

Chapter 21: "Finally, if there is any doubt remaining, the exculpatory language of s.2(5) specifically provides that no new cause of action or appeal would arise from any breach of the principles enunciated... This clearly and unequivocally makes the point that the Legislature did not intend for s.2(1) to provide any substantive statutory rights to victims of crime."

It goes on in chapter 22: "In light of the above, I conclude that the Legislature did not intend for s.2(1) of the Victims Bill of Rights to provide rights to the victims of crime. The act is a statement of principle and social policy, beguilingly clothed"—that's a great word, "beguilingly"; it's the connotation of attempting to make people believe that there are rights when the intention was never to do that, of attempting to deceive them—"in the language of legislation. It does not establish any statutory rights for the victims of crime."

Justice Day goes on in chapter 23: "As such, the applicants' submission that their statutory rights have been violated fails simply on the basis that there are no rights provided in the Victims' Bill of Rights.... Therefore, in respect of question (i), does s.2(1) of the Victims' Bill of Rights provide statutory rights to the applicants, the answer is no"—and a very emphatic no.

That's the heart of the matter here before us today. Bill 114 is an amendment to this so-called Victims' Bill of Rights, an amendment that, I must admit, upon hearing at first reading that the Attorney General was introducing a piece of legislation to amend the so-called Victims' Bill of Rights, I thought he was going to make a change that would give all Ontarians the real, incontrovertible ability to seek redress, real rights, firmly in law.

**1850**

But that's not what he did. In fact, the Attorney General stood in his place and said, "We think the only change that needs to be made to the Victims' Bill of Rights is that we're going to continue to do what we're already doing." What he said was that in fact he was going to make the Office for Victims of Crime a permanent one. What a farce. What a complete and absolute joke. When the previous Attorney General, Mr Harnick, and the Premier had referred to this legislation, they had

said quite clearly that they wanted to provide rights to victims. And the only amendment the government could come up with is a two-page joke to do what is already happening in the province of Ontario.

This is, unfortunately, a fraud being perpetrated on the people of Ontario, again, to make them believe that the Harris government treats victims with any kind of respect at all. It is very clear from the actions and from the inaction of this government, the actions being sending the high-priced help to court to claim that there are no rights for victims, and the inaction being failing to amend that law to give it some real teeth and some ability to protect victims. Those things show quite clearly that the Mike Harris government is all talk and no action when it comes to law and order.

It's not surprising. We've seen this on many other fronts. I'll give you some examples. We have an initiative by one of my colleagues, supported by Dalton McGuinty and the Ontario Liberal Party, to join the fight against date rape drugs. We've called on the Harris government to extend testing to all victims who suspect they've been drugged and raped. Currently, only victims who decide to get the police involved are able to determine whether they've been drugged or not, and this happens less than 10% of the time. So what does the Conservative government do? Well, they failed to seek intervener status in the BC Court of Appeal when the law was struck down.

It was only after Ontario Liberals called for action that they got involved in the case of child pornography.

Let me tell you about another initiative of the Ontario Liberal Party of Dalton McGuinty and his team. We announced a five-point plan to curb gun violence in Ontario, to recoup the costs. The five-point plan calls for:

- Regulating the sale of phony guns. My colleague from St Paul's in fact introduced a bill.

- The commencement of litigation against gun manufacturers and distributors in order to recoup Ontario health care costs for gunshot victims.

- Passing legislation about trigger locks, something, by the way, that even the Republicans in the United States are in favour of.

- Repealing the regulation permitting 12-year-olds to use guns, something that was brought in by the Harris government, a silly notion.

- And certainly commencing a guns-for-goods program in Ontario, a trade-in program.

What is the record of Mike Harris? Well, they insulted victims of gun violence by supporting a court challenge to the Firearms Act, an action and a piece of legislation that was brought in in the federal Parliament by another Liberal government. They went to the Supreme Court of Canada, squandering taxpayer dollars, to fight this particular piece of legislation.

We have other initiatives in the Ontario Liberal Party. You see, we are for taking strong action. We're not for paying lip service to victims of crime and to crime itself. We've called on the Attorney General to beef up Ontario's hate crime unit by doubling the number of

employees. Speaker, you would be aware that when Mike Harris and that party were on this side, we used to hear a great deal from them on hate crimes. Charles Harnick, then Attorney General critic and later Attorney General, used to be very vocal about the need to prosecute and the need to address this area. Of course now, into their sixth year, the Harris government has done absolutely nothing.

We've also noted that the Harris government cut off benefits for victims of sexual abuse at the Grandview-Galt training school for girls. They've abandoned victims of crime once again.

It's very interesting to see a repeated pattern of press releases, of talking the talk but certainly not of walking the walk. The Harris government, quite frankly, can't be trusted when it comes to standing up for the needs of victims and standing up against crime in this province.

I know that my colleague has a great deal more to say, so I just want to say that it's very clear that the people of Ontario have seen nothing—all talk, no action—from the Harris government. But the Ontario Liberal Party and Dalton McGuinty have offered significant and substantive changes that would make a real difference and a real impact on crime.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I am pleased to rise and speak on Bill 114, An Act to amend the Victims' Bill of Rights, 1995. It is a coincidence that we debate this bill on the very first day of the month of November, called Wife Assault Prevention Month in Ontario.

The Office for Victims of Crime has already been open and reporting to the government for two years. The request for a permanent office comes directly from the recommendation made by the Office for Victims of Crime to the government in its report entitled *A Voice for Victims*.

The chair, the vice-chair and the members will be appointed by the Lieutenant Governor and will have no power. When I look at the bill, there is no power to this board at all. When I go through the bill, it seems to me that this body will be there as an adviser only. I don't see any place that they will be entitled to do an audit, that they will have the responsibility to do the assessment.

The Office for Victims of Crime was established in 1998. In June 2000 this government decided that it was time to come down with a permanent office. We support a permanent office, but with the limited power this body will have, it is a big question.

Given that this is all that the Tories believe needs to be changed in its Victims' Bill of Rights, 1995, to me this is a dark day for victims' rights in Ontario.

I have to look further. The Harris government was missing in action and failed to seek intervener status at the BC Court of Appeal when the law banning the possession of child pornography was struck down. It was only after Ontario Liberals called on the Tories to intervene that Ontario's Attorney General announced that he would be attending the further appeal to the Supreme Court.

The Harris government insults victims of gun violence by supporting court challenges to the Firearms Act. This legislation was put in place following the tragic events at Montreal's École Polytechnique on December 6, 1989, where 14 women were killed.

I don't see any place in the bill where we have additional protection, especially for women, since November has been declared Wife Assault Prevention Month. When I look at the Domestic Violence Protection Act, these could be married together. We had a long discussion, after which we passed second reading on October 5.

We know that only about 25,000 calls are answered by the help line, but there is an additional estimate of between 50,000 and 75,000 calls that are not being responded to, that are being missed. Why am I saying that? Any time there is violence within the family, who has to leave first? The woman has to leave home, not the man. The woman is left on the street. They have to look for shelter, and there is a shortage of shelters all over Ontario. More and more, the time those women have to wait—sometimes they do have financial problems and it is creating a major problem especially in rural areas.

**1900**

I tend to support this bill, and I believe the McGuinty team is also intending to support the bill, depending on what is going to come out of this debate today. When I look at this bill, it will allow the Lieutenant Governor to appoint a chair and a vice-chair of the office from among the members of the office.

“Advisory function.

“The office shall advise the Attorney General on,

“(a) ways to ensure that the principles set out in subsection 2(1) are respected”—when I say that this body is appointed as advisory, I think this doesn't go far enough.

“(b) the development, implementation and maintenance of provincial standards for services for victims of crime.” This is going to be the responsibility of this body.

“(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 and ways to prevent further victimization; and

“(e) matters of legislation and policy on the treatment of victims of crime and on the prevention of further victimization.”

When I look at this, it's very liberal. I just wonder at this time who will be appointed as chair and vice-chair. We don't know what the remuneration is going to be. I just hope we will follow the recommendations of this group that has been working together, that the recommendations they made to this government to create this permanent office will be listened to by this government and, again, that we will appoint someone as a chair or vice-chair who is fully aware of the needs of victims of crime.

The backgrounder I have here—even though it was discussed during the debate of the Domestic Violence Protection Act, I still say that those two bill could very

well be together, because this shows the need and the importance of having a permanent Office for Victims of Crime.

This is what I have to say on this bill, which is very important, and I'm sure this bill will go through as soon as possible for the protection of those victims.

Most of the time we refer to women victims of crime, but we must not forget the children who are victims when crime occurs in the house to women. Lately we just have to look at Patrick Roy, a well-known hockey player, and what happened in Colorado. Lots of women are in a position like this woman. All she did was grab the phone, dialled 911 and hung up. We were able to do the research and find out why that person had called. Those incidents do occur anywhere in Ontario, anywhere in Canada. Again, this government has a responsibility to make sure those people are protected from any further violence that could occur in a family.

Thank you very much. We will continue listening to this government to see what they have to say. If there are any amendments to be brought to Bill 114, we will listen to the government and then we will decide at the end if we are going to support it.

**The Speaker (Hon Gary Carr):** Questions and comments?

**Mr Peter Kormos (Niagara Centre):** There is but two minutes allowed for questions and comments. Ms Martel from Nickel Belt will be joining in on those. I'm going to be speaking to the bill at some length in around 10 minutes' time. As I indicated earlier today, before the supper break, this government's record on victims' rights is atrocious, it's abominable, and this bill is an insult. It's an insult to Karen Vanscoy and to Linda Even, and it's an insult to countless other victims who have consistently been betrayed by this government, rather than in any way given comfort or protection or support. What should have been a meaningful response to the judgment of Judge Day, which exposed Mr Harnick's Victims' Bill of Rights as not being worth the paper it's written on, ends up being a fluffy and embarrassing effort on the part of this government to cover its somewhat pathetic tracks when it comes to the rights of victims.

**1910**

Over the course of the years since 1995, when the Harnick Victims' Bill of Rights was introduced, members of the opposition parties—yes, both opposition parties—were rising in this House. Jim Bradley I recall on numerous occasions was dealing with the same victims I spoke about an equal number of times—Ms Vanscoy and Ms Even—and the Victims' Bill of Rights was more noteworthy in the violation of it than in the application of it. When the litigation took place, where the so-called bill of rights had to stand the test of judicial scrutiny, it was exposed for what the opposition had been saying it was over the course of some four years: nothing, zero, zip, a sham.

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** As usual, the member for Niagara Centre is quite clear as to where he stands on this bill. The Liberals, on the other

hand, from Glengarry-Prescott-Russell and Don Valley East, have indicated that maybe they'll support it and maybe they won't. We'll wait and see what they're going to do.

With both members of the Liberal caucus who have spoken, if I could respond specifically to their remarks, it's as if this office has done absolutely nothing since its inception in 1998; I think it was November 1998. The office has handled over 250 cases to date, many of them very intricate and very difficult in the problems that have occurred. The members, if they don't know about it, should look into it a little bit more before they provide their criticism of this office.

Some of the areas where the office has been able to help victims, which the two members, specifically from Glengarry-Prescott-Russell and Don Valley East, have not referred to, have been dealings with the criminal injuries compensation process, and they have assisted victims in that process; they have assisted victims in ensuring that victims meet with crown prosecutors on a whole variety of issues; they have assisted victims in the enforcement of orders of a court; they have assisted victims with police and probation authorities; they have helped articulate to the appropriate officials victims' concerns when things haven't worked out as they should; they have helped with victim impact statements; they have assisted victims with upcoming parole hearings; they have helped victims deal with the mental health system; they have assisted victims to get information about their case or the system itself. There are a whole slew of other things that I hope the members will look into before they decide whether they're going to vote for this bill.

**Mr Dave Levac (Brant):** It's interesting that the member for Dufferin-Peel-Wellington-Grey wants to change the words that the two honourable members on this side were using to try to describe what the bill is not about, and what the bill did and did not do.

I want to compliment the members for Don Valley East and Glengarry-Prescott-Russell for the poignant way in which they're trying to offer the opposition on that side to seriously take a look at the bill. The member tried to put words into the mouths of the members on this side, that they were speaking against the Victims' Bill of Rights or the Office of Victims of Crime. Quite the contrary. What they were trying to say—I'll repeat it, because it's worth saying again—was that Justice Day basically said it does nothing to establish the statutory rights of the victims of crime. They said nothing at all about the office not going to be of great value to the people of Ontario. It's the typical spin that gets put on those types of comments that get offered to the other side about how to best improve legislation for the people of Ontario.

Time after time, members on this side from both the NDP and the Liberals have offered solutions and suggestions to legislation and it gets twisted around as if we're trying to say something against the people of Ontario. Contrary to the member opposite, the two mem-

bers spoke very glowingly about the office itself and the value it would have if they did what they were supposed to do in the first place, and that's passed good legislation with meaningful teeth.

**Ms Shelley Martel (Nickel Belt):** We debated this bill last Wednesday night and here we are again dealing with this same bill, which in effect is a bill that does virtually nothing for victims in Ontario. The shame of it is that we really should be dealing with a bill that actually does provide some rights and some justice and some equity and some fairness to victims in this province.

I can't understand why the government couldn't find the wherewithal to bring forward a bill that would do just that. You see, Bill 114 is called An Act to amend the Victims' Bill of Rights, 1995. It would leave you with the impression that somehow the 1995 bill was good and this bill was improving on it. We know that is absolutely not the case.

I want to go back to what Charles Harnick said on December 13, 1995, when he talked about Bill 23. He said, "We introduced this bill for first reading but a couple of weeks ago and the basis upon which this was introduced was the fact that this government will not accept a system that allows victims of crime to suffer twice, first at the hands of the criminal and second under a justice system that does not respond to and respect victims' needs."

He went on further to say, "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."

The first time Bill 23 was tested, it was exposed for the fraud it is. It provides no meaningful rights to victims in this province. It provides them with no justice and no day in court. That's what Bill 23 did, and the shame of it is that the bill that follows it, Bill 114, doesn't give any more rights to victims either. We should have a new government bill that actually does something for victims and then we'd have a meaningful debate about that.

**The Speaker:** Response, the member for Don Valley East.

**Mr Caplan:** I thank the member for Niagara Centre, the member for Dufferin-Peel-Wellington-Grey, the member for Brant and the member for Nickel Belt for their comments.

The members for Niagara Centre, Nickel Belt and Brant all focused on the fact that the amendment to the so-called Victims' Bill of Rights, an act which contains no rights—the government sent their lawyers to court to claim that there were no rights, that it was only a statement of policy, that it was just noblesse oblige, if you will, the fraud that is attempting to be perpetrated to make the people of Ontario believe that in fact there are rights for victims, that the Harris government cares about victims. They're quite right.

I know the member for Dufferin-Peel-Wellington-Grey is an honourable member. I know he does care

about victims of crime; I know he does care about these matters. I would have liked to have heard him stand up and say that he would press for or would like to see an amendment to the Victims' Bill of Rights that would put some teeth in the law, that would prevent the Attorney General from sending the high-priced help to court against victims of crimes, against people trying to claim their rights. I would have preferred to hear that.

The Office for Victims of Crime is a wonderful thing. We're already doing it. I ask, what's next? Are we going to have a bill that says the sun will follow the moon or the moon will follow the sun, that we're going to keep doing what we're already doing, or is this Legislature an important place where we say to victims of crime, "We extend to you the rights to which you are entitled, and we will fight and defend and protect your rights and not fight against you when you come to try and claim them"?"

**The Speaker:** Further debate?

**Mr Kormos:** Here we are on Wednesday night, 7:15. Folks watching or listening sometimes confuse these evening sessions with reruns of the daytime. I want to assure them that this is live, not particularly lively in here but it is live. I'm going to talk about this government and its history when it comes to the rights of victims.

I want to tell the parliamentary assistant that I like him and hold him in regard. I was pleased to see his appointment as parliamentary assistant to the Attorney General because, Lord knows, Attorneys General in this province for a good six years now have needed the best possible parliamentary assistants they can find. We know that the present parliamentary assistant is probably the finest of any PA, superior to his predecessors—no two ways about it—in the role of parliamentary assistant, and I know that he knows that feckless enthusiasm for this bill is probably, to date in his brief career as parliamentary assistant to the Attorney General, the most trying of the challenges he's encountered. But it's not going to be the last challenge and, trust me, by the end of the day it won't be the most trying either.

Here we've got Bill 114, a one-page bill. Much has been said and much more is going to be said over the course of the next 57 minutes and 52 seconds about the ruling by Judge Day. What concerns me is that I know that the parliamentary assistant has read it. I know that other members of the Conservative caucus have at least been told about the Day judgment in the Vanscoy and Even case. I know that. Don't expect them to read it—I understand—but I know that the parliamentary assistant has read it and I know that other members of that caucus have been told of it. I have yet to hear one of them speak about it. If one of them wants to stand up and suggest that Judge Day was wrong, incredibly wrong, well, they should. They've had plenty of opportunity and will have more as we progress on the debate on Bill 114. But as has already been pointed out, let's remember the position the government took in the litigation initiated by Ms Vanscoy and Ms Even, where Alan Young, law professor and lawyer, acted for them. In its submissions, the government lawyers were the ones who raised as a

defence that there are no rights contained in the Victims' Bill of Rights.

You see, it wasn't as if they were even prepared to go to court at the behest of the Attorney General to say, "Oh no, Judge, you don't understand the legislation. There really are rights contained here. Judge, let me show you where and how." You see, the lawyers didn't go there and say that. They said, "Judge, there are no rights in the Victims' Bill of Rights." My goodness, what had been going on? As far back as December 13, 1995, the former Attorney General, my friend—he had been my friend—was in this Legislature talking about how this Victims' Bill of Rights was a codification. It's right there. It's in the transcript. The transcripts don't lie. The Victims' Bill of Rights was a codification of the rights of victims. It's right here. Read it, Speaker, read it. The Attorney General in 1995 was bursting with pride at this brave new step on behalf of victims—a Victims' Bill of Rights—and he dismissed the concerns raised by opposition members. He dismissed them. He waved them away with some sort of regal flip of the wrist, and week after week opposition members, New Democrats and others, were in this Legislature questioning the Attorney General during question period about case after case that was being brought to our attention in our constituency offices by victims who weren't being advised of the progress of prosecutions; who weren't being advised of some very notorious plea bargains that were taking place; who weren't being permitted to participate in the process; who weren't being involved in the process of making victim impact statements in court. We raised those concerns—not speculative, not conjecture, but real people, real cases, real scenarios, real communities, real victims. We raised them with the Attorney General week after week. That's why I say to you that this so-called Victims' Bill of Rights is more noteworthy in the failure to abide by it than in any compliance with it. We talked to the Attorney General about some of the very real problems that are out there in the system that he had control over. They were making it impossible for victims to access the things that in particular section 2 purports to guarantee them.

**1920**

I understand when the parliamentary assistant reads from the list of what we've done in the last 12 months by virtue of the office of victims' rights advocates, I suppose. But obviously the parliamentary assistant didn't talk to the crown attorney down in my bailiwick who says, "Please, Kormos, will you get them to staff us with the victim advocate in the crown attorney's office. Please." Crown attorneys understand how important that is.

Clearly, this parliamentary assistant either hasn't talked to or refuses to believe the crown attorneys or the research that was done some couple of years ago that talked about the incredible caseloads being carried by crown attorneys in this province. Crown attorneys on a daily basis in any number of jurisdictions are loaded up at 8 am with a pile of files, being those cases that they have to prosecute that day. They simply don't have the

time, the resources, the opportunity to interview witnesses, never mind victims, to prepare adequately for trial and to ensure that the prosecutions are the fullest prosecutions possible.

In fact, there is as much as a quota system in this Ministry of Attorney General for guilty pleas, which means a quota system for plea bargaining, because crown attorneys' offices across this province have to demonstrate to the Ministry of the Attorney General a particular clearance rate; in other words, how many cases got resolved. Do you understand what I'm saying? What that means is that they've got to plea bargain away enough of their files to meet that particular clearance rate that's set by the Ministry of the Attorney General. What has that got to do with victims' rights, with the safety of the community or with the fair administration of the criminal justice system? Nothing. These same crown attorneys acknowledged, reported in a survey, again, some time ago, approximately two years ago—we talked about it in the Legislature—that there's virtually no prep time for bail hearings. The proof is in the pudding.

Gillian Hadley was slaughtered by a spouse who was at large on not just one but on two judicial release orders, the first one issued by the officer in charge at the police station; the second one, we read, by a justice of the peace. I am more than prepared to imply and ask you to infer that an overburdened criminal justice system with inadequate resources, too few crown attorneys, too few justices of the peace—and, quite frankly, judges—may well have been in no small way as responsible for the death of Gillian Hadley as her murderer himself. We saw it. We saw it this past summer: week after week of dockets—charges in provincial offences court in Hamilton and in Toronto simply tossed out, dismissed, bingo, "Home you go, offender," because there were inadequate justices of the peace to sit in those courts.

It was the New Democratic Party that released the memos that exposed this from the senior justice of the peace, that indicated clearly that huge numbers of charges were going to be tossed out of court, literally abandoned, because of the dramatic shortage of justices of the peace. We raised it publicly because of our concern about the public interest that was being violated, and we gave the Attorney General a chance to rectify the situation, to move resources in. We gave the Attorney General that opportunity, and with disdain he waved us away. Here's an Attorney General, here's a government, here's a Premier who talk a big game when it comes to law and order, when it comes to safe communities, but when it comes down to delivering, these guys have got short arms and deep pockets, let me tell you. The resources become scarcer and scarcer. Oh, there's enough to dish out the \$200 mailbox cheque, one of the phoniest and most cynical pieces of attempted blackmail one has ever witnessed.

The reality of Ontario has changed in the course of the last five years. We understand there's no longer a deep recession in this province; there are huge new revenues. There are financial resources there to allocate to, among

other things, policing and the criminal justice system, but the reality is that there are fewer cops per capita in Ontario today than there were in 1994. We call upon our police to do the impossible, yet we don't give them the tools, or if they do get tools, they get broken tools. We don't give them the resources to do what they very much want to be able to do, to keep our communities safe, to ensure that offenders are apprehended promptly and dealt with appropriately within the criminal justice system. This government is putting handcuffs on our cops instead of on criminals.

Some time ago I tabled for first reading in this House a bill which would permit public access to parole hearings, something the current law does not provide for in the province of Ontario. It not only would permit public access, but it would give interested parties, to wit victims, the right to participate, the right to hire counsel and to participate in the parole process. Yet this government once again dismisses the proposition and would keep its parole hearings, the early release of criminals, a process to be determined in secrecy, in darkness and behind closed doors.

### 1930

One of the interesting things about the bill, Speaker—take a look at it. It's only one page and, as has been noted, the office has as its task the mere advising of the Attorney General, among other things, on the application of the principles enunciated in section 2 of the Victims' Bill of Rights. The Premier of Ontario, Mike Harris, promised—promise made, promise broken—to rectify the dramatic deficiencies in the 1995 Victims' Bill of Rights with a bill of rights that in fact was a bill of rights, with the teeth and the enforceability that a bill of rights has got to have if it's going to be a bill of rights. Otherwise, it isn't a bill of rights; it's a bill of nothing. The Premier promised. He promised more than once. He promised in front of huge audiences. Promise made, promise broken.

What do we get? We get Bill 114, in itself totally unnecessary, because the parliamentary assistant—and in fact, we saw the annual report. Didn't we see that? Of course we saw the annual report of this so-called office. There already is an office of victims' rights. What's going on here? What's going on? There already is an office of victims' rights. I saw the report just a little while ago. So what do you need a bill to create an office of victims' rights for if you already have an office of victims' rights? It's not just weird, it's wacko.

More important, this bill confirms that that office will never have the power of a watchdog, will never have the authority of an auditor, will never even really have a true and independent role as an advocate, because if any of those powers might have been, as they could have been, entertained by that office now, they'll be prohibited from entertaining them or utilizing them come the passage of Bill 114, because Bill 114 makes it very, very clear that their role is merely advisory; their job is merely to advise.

We won't have the benefit of an office of victims' rights that is prepared to assess this government's performance when it comes to victims' rights, that has the power to present a report that could be tabled with this Legislature that permits members of this assembly and members of the public to be made aware of and to be exposed to the failure of this government to protect victims or, quite frankly in the vast majority of cases, if not all of them, to display less than a tinker's damn about those same rights.

Understand what Judge Day said about the Victims' Bill of Rights, the bill that Bill 114 amends, not to correct any of the serious deficiencies referred to by Judge Day. The judge said very specifically that there are no rights in the Victims' Bill of Rights. There are no rights. None. He goes on and concludes that there was never any intention. We're not talking about a typographical error here; we're not talking about some clerical mishap on the part of some poor, underpaid staffer, you know, the political staffers who work late into the night for the government members and ministers, the political staffers who advise them and counsel them and who end up—I suppose it wasn't in this government; it was Stockwell Day.

Remember Stockwell Day when he redirected the Niagara River? That's down where I come from. We know in which direction it flows. There's always been a joke in Niagara about the dumbest of tourists, how you can convince them that if they stay until 9 o'clock, they can see the falls being reversed. Stockwell Day fell for that one, obviously, because he had the falls travelling south. Tell that to the people at Sir Adam Beck—yikes. Would they ever love to realize, heck, they've got the generator on the wrong side—turbines going in the wrong direction.

But what does Day do? I'm talking about the poor minions, the people who work in the backrooms and who gather in the back hallways of the chamber, who are allowed to look but not to speak. Stockwell Day immediately launched into an attack on one of his minions. Remember that? He wasn't prepared to say, "Oh, Stockwell Day isn't the brightest guy in the world." He wasn't prepared to say, "I was disoriented," because he was right there, he was in the falls when he said it. For Pete's sake, it's a big falls. It's not a little falls; it's a big falls. It's not hard to tell which way the water's going. You spit into the water, see which way the spittle travels and that's which way the water's going. It's going north. But he wanted to blame a minion, and he did.

When Judge Day ruled on the absolute ineffectiveness of the Victims' Bill of Rights, he didn't say that as a result of what clearly was some clerical error, or the failure of some political aide to dot an "i" or cross a "t," the bill fails. He said there never was any intention for the Victims' Bill of Rights to contain any rights. That's a pretty damning statement, because you could be somewhat excused, had it been a mere error—we'd understand—but it wasn't. It was a fraud. It was a fraud and you exploited victims in the course of perpetrating that fraud. You paraded them for the most cynical and

crassest of political purposes, and then you whacked them, and whacked them again.

Judge Day goes on. He refers to the bill as being nothing more than tepid. Tepid. Pretty lacklustre legislation, isn't it, Parliamentary Assistant. It's a pretty sad day when the Victims' Bill of Rights has no rights, when the emperor is exposed as having no clothes, when the Premier promises, promises, promises to rewrite the legislation, and that those rights in fact are codified and when the promise, promise, promise is broken, broken, broken.

Down where I come from, if you make a promise and then you break it, they call you something. You get a label. It would be prefaced with something like, "You're nothing but a...." That's what happens when you break a promise. If you promise to do something and you don't do it, what are you? Well, you're a promise breaker, but you're more than that. Sounds like "higher." Sounds like "fire." That's what they call them, down where I come from.

#### 1940

The problem is that once you break a promise—I understand that sometimes you can make a commitment but, before you know it, you've got to do House duty till 8:30. My goodness, you made a promise to be somewhere. Oh my goodness, you've got to do House duty. You've got to call up and say, "Look, I've got to do House duty." Mr Levac, you've got to do House duty. That's why he's here. If he had promised somebody earlier that he'd meet them at 7:30, people would understand if he wasn't able to keep his promise, but acknowledged that he had a problem.

Mr Harris never said that about his promises to restore a victims' bill of rights to the Victims' Bill of Rights. You can't believe him any more, because if you break a promise that way once and you break a promise that way twice and you get the name that they give down where I come from, people don't believe you any more. People are suspicious about everything you say. You get a reputation as a person who doesn't keep promises. The reputation is well-earned in this instance.

The next speaker in this rotation is going to be a member of the Conservative caucus. Isn't there one of them who will stand in this Legislature and say that he or she understands what Judge Day wrote and he or she understands that Bill 114 does not even come close, that it does nothing to remedy the dramatic defects exposed by Judge Day?

Can't one Conservative member stand up and say: "By God, I'm going to stand up and be counted on behalf of victims and the rights of victims, and I'm going to join other members of this Legislature in calling upon the Premier to table for first reading a real Victims' Bill of Rights, one that will stand judicial scrutiny. We are going to call for amendments to Bill 114, because if there's going to be an Office for Victims of Crime, we are going to make sure it is an office that has real meaning and impact. It is going to be an office with teeth. It is going to be an office that has the power to advocate and has the

power to audit and has the power to supervise and, yes, expose, that it is going to be a watchdog for victims”?

Why else would you have an office of victims' rights? To create employment? Are we talking about some appointments to positions spoken of in this bill by people who have been faithful or at the very least generous financially to the Conservative Party? Is that all this is, another repository for failed Tory candidates? Is this a Red Tape Commission II? Is that what it is going to end up being? Are taxpayers going to be footing the bill for non-jobs for tired defeated Tory candidates to whom the government feels indebted and beholden? Is that what this office of victims' rights is all about?

There's nothing in this legislation to give it any of the powers and rights that an office that was really concerned about victims' rights would have if it is going to be able to do anything—with this government—about victims' rights. There is no bill of rights. What are we doing with an office of victims' rights until there's a bill of victims' rights? This is window dressing. Is this the best the government can do when it comes to some sort of apology for its royal screw-up when it comes down to victims' rights?

Why is this government so afraid of the NDP bill that would open up parole hearings and permit access to the public, including victims, and ensure that the victim has a meaningful role to play in that parole hearing? Why is this government so frightened of that proposition? When, on the one hand, they hold themselves out to be the supporters and the fighters for victims, why was this government so frightened of NDP amendments to its sex offender registry, amendments that would have broadened the range of people who would be listed on that registry, amendments that would've made sure that youthful sex offenders are on that registry as well? Why was this government so frightened of those amendments if it says it is really interested in victims' rights?

Why is this government so frightened of the strategic use of photo radar to protect people from the carnage on very specific sections of very specific highways here in Ontario? Why is this government prepared to sacrifice victims of motor vehicle accidents when it wants to hold itself out to be the great fighter for victims' rights?

Why was this government prepared to scuttle its own Victims' Bill of Rights, the legislation itself, when Ms Even and Ms Vanscoy had to litigate to seek redress? This government was so anxious to ensure that Ms Even and Ms Vanscoy—do you recall who these women are Speaker?—I regret to have to recite some of the facts around their tragedies, but I will.

Ms Linda Even—you'll recall it because I raised it many times with the Attorney General—was stabbed again and again by a murderous partner. The blood flowed freely. The knife wounds were deep and ragged. Ms Even's attacker was allowed to plead down to a lesser charge rather than being required to face trial on the attempted murder that he had been charged with. Ms Even wasn't consulted. Ms Even wasn't advised. Ms

Even didn't have an opportunity to participate in the decision to let this butcher plead down.

Ms Vanscoy's daughter, her pretty teenage daughter, was shot dead through the head by a punk with a gun. That murderer was allowed to plead down rather than face and be tried on the charge of murder that he had been charged with. Ms Vanscoy was not consulted. Ms Vanscoy was not a participant in the decision. Ms Vanscoy was kept out in the dark.

Could one not expect either of these women to have thought that the provisions of section 2 of Mike Harris's Victims' Bill of Rights entitled them to some of those things that they were denied? So they litigated. They sued the government. They said, “We were denied our rights and we want a court to rule that.” This government, instead of even acknowledging that they had rights, said, “No, you don't have any rights.” The government's own lawyer says, “No, the Victims' Bill of Rights doesn't contain any rights.” They folded their tents and scurried. And the Premier promised—he promised—that the Victims' Bill of Rights would be restored by virtue of new legislation that would address the dramatic absences, the dramatic vacuum, inherent in the 1995 bill.

**1950**

What do we get? We get promise, promise, promise, broken, broken, broken. You know what they call people who do that down where I come from? He knows exactly what they call them, because they call them the same thing in Ottawa where you come from, sir.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** I believe so.

**Mr Kormos:** I think you do. I think you do believe so.

And what do we get? Bill 114, a bill to establish an office that already exists. What gives? Will the parliamentary assistant please explain? This is remarkably Stalinist in a very peculiar way. It's that sort of revisionism, you know, the airbrushing of photographs.

The government created an Office for Victims of Crime. It let that office publish an annual report, which was a pretty fluffy one, you've got to confess. Come on now, PA, it was pretty fluffy stuff. It looked more like an election pamphlet than it did a report from any sort of arm's-length office, didn't it? It was, oh, so full of praise where no praise was warranted. Remember that report?

So the government creates an Office for Victims of Crime, has it publish a report, and now introduces a bill to create an Office for Victims of Crime. Huh? Will a government member please stand in short order and explain any sense or any logic to that?

You see, the office as it was created didn't have its powers fettered, controlled, chained, handcuffed, but it sure does once Bill 114 is passed. Take note. Be very, very careful about what you're voting on here, friends, because Bill 114 makes it very clear that the Office for Victims of Crime will never be anything more and will never have a function other than that of a mere advisory role. That means that it's good for diddly-squat.

It doesn't have the power to investigate. It doesn't have the power to inquire. It doesn't have the power to

advocate. It doesn't have the power to audit. It doesn't have the power to expose this government's hypocrisy around victims' rights. It doesn't have the power to expose this government's betrayal of victims. It doesn't have the power to investigate and talk about the inadequate resources in our criminal justice system that are resulting in plea bargains by quota, where crown attorneys' offices have to plea bargain and let people plead down so they can get their quota of cases resolved. That's what's happening.

This bill guarantees that this Office for Victims of Crime will not have the opportunity to speak up and point out to the people of this province that there are fewer cops per capita on the street today than there were in 1994, that response times in communities like Niagara have been driven to dangerously high levels. I want you to understand what I mean by response time. It's the time that elapses from when a victim makes a phone call to the police, a 911 call, and when the police arrive. You see, down in Niagara—and I tell you, police officers are as concerned about it as anybody else. As a matter of fact, police officers have been on the leading edge of generating concern about the understaffing, the under-resourcing of police. This government cares about victims, yet it's got our cops doing fundraising by virtue of option four exercises?

This government says it cares about victims and the safety of communities, when next it'll have our cops running raffles and bake sales to buy guns and cars? This government cares far, far more about its rich friends, its corporate buddies that it ever has, ever will about victims of crime or about safer communities.

We know how to build safer communities. We're prepared to engage in some of the dialogue. Every time this government has presented a bill, we here in the New Democratic Party have tried, and quite frankly across to the opposition, to try to make sure that bill better reflects the concern or the problem it purports to address.

We wanted to get really tough on suspended drunk drivers in terms of seizing their vehicles. The New Democratic Party pushed for amendments to get really tough on suspended drunk drivers. This government said, "No, you're being too tough on suspended drunk drivers." I say you can't be tough enough. We wanted to get tough on criminals applying for parole to the point where we wanted the public to have access to those parole hearings and we wanted victims to have a right to participate as parties to those hearings. Oh, but this government will have none of that.

We want to get tough on imitation guns. You've already heard what I've said in some brief responses to this government about their imitation gun bill/Bill 64/Bill 11—

*Interjection.*

**Mr Kormos:** Mike Farnan, to be fair. We want them to get tough. If imitation guns are a problem out there, if they're putting police at risk and the community at risk, then deal with it. We say ban the things. This government says, "No, we'll only sell them to people over 18." Think

about it for a minute. A person over 18 goes and buys an imitation gun. That person is either going to play with it, use it in the commission of an offence or give it to a kid. How does restricting the purchase to people over 18 keep these dangerous imitation guns out of the hands of kids?

There were two incidents in Canada this past weekend, hot on the heels of that well-reported tragedy down in California, where a celebrity in the movie industry is at a Halloween party brandishing an imitation gun as part of his costume. The police do what the cops are trained to do, what we expect them to do, and respond with force, having every reason to believe it's a real gun. Citizen dead.

Victoria, BC: you might have seen the report by Canadian Press. It's another Halloween scenario. A 24-year-old Chapters employee is dressed, for reasons of his own, in a Star Wars character costume. As he's walking down the street with an imitation gun in a holster, it doesn't take long for citizenry to do what good citizens do and call 911. In New York minute the SWAT team is there, guns drawn, and you almost have another tragedy. In Kitchener, Waterloo, it ended up being a toy gun, but Constable Don Scott didn't know that when he was confronted by an armed man in the dark of night. Reported Wednesday, November 1. That's today. Another imitation gun.

What the heck are the Tories doing, saying, "We'll only sell them to people over 18"? Once again, people over 18 are either going to play with them, use them to commit crimes or they're going to give them to kids, and in none of those scenarios is the concern that police talk about, that fair-minded people and citizens talk about, being addressed. So we say to this government: get tough. But oh, no, they don't want to. They want to talk tough, but they don't want to deliver the goods.

**2000**

I know most of those people over there. A couple of them, I like. A few of them are very bright, fair-minded people. We need them to speak up. We need them to stop playing games with people's lives and community safety. Quite frankly, I am not interested in seeing Tories campaign for Stockwell Day here in the Legislature of Ontario with phony bits of law-and-order legislation that have no impact. That's what it's all about, isn't it?

Listen to what's been going on in the House over the last couple of weeks. Tough talk. Restrict the sale of imitation guns to people over 18. That's a real tough one, guys. You're really going to deal with the problem there. Oh man, we're impressed. Please. Come on. Any kid can see through that. What an embarrassment.

We're going to debate that bill on its own in a little while. We started debating it this afternoon. Because as much as that's an embarrassment—the Attorney General in 1995, when speaking to second reading of his Victims' Bill of Rights, the one that has been exposed as being zero, the one Mike Harris promised to fix—a promise made, a promise broken—that Attorney General of 1995, one Mr Harnick—I recall him—said this bill will bring

“meaningful change to the way victims are treated in the criminal justice system.”

Well, it didn't and opposition critics explained—at times patiently, at other times, impatiently—that it wouldn't. Victims like Karen Vanscoy and Linda Even, God bless them both, made great sacrifices in their personal lives to make it very clear how little that bill changed their status as victims in the province of Ontario.

We need a Victims' Bill of Rights. It's as simple as that. We need a bill of rights for victims. If we're going to have an Office for Victims of Crime, let's give them a piece of legislation that'll give them something to do. Let's make them earn their keep. Let's make an Office for Victims of Crime one that can help hold this government accountable—and subsequent governments. These people are not going to be in power forever. They're not. That I know. Whoever is the next government will be in as much need of a meaningful Office for Victims of Crime that has a Victims' Bill of Rights to enforce and apply as this government, although the case with this government is one of some great urgency.

Time is fleeting. We were talking about the fact that this government's betrayal of the criminal justice system has not only left victims dangling; it has probably resulted in far more victims than we should have had over the last five years of economic growth. Case after case tossed out of provincial offences courts. No preparation for bail hearings. Justices of the peace—have you been to some of those early morning bail courts? Have you seen what our justices of the peace are dealing with? Court dockets that are three, four and five pages long. They know they've got to get through them by the end of the day, and they have but five, 10, 15 minutes per case to make a very critical decision about whether or not a person should be released from custody, a person who may well, if inappropriately released, be back in that same court on a murder charge. Gillian Hadley's murderer was released not just once, but twice. He was released enough times to butcher her, wasn't he?

But that's what's happening, you see, because these court dockets are three, four and five pages long. Crown attorneys are under-resourced. There are too few justices of the peace. This government won't invest in more. Provincial judges in the vast majority of courts are similarly suffering incredibly high caseloads and are forced to do what I call sausage factory justice where you're just got to churn them out. Court staff, and I've talked to these court staff, are stressed and fatigued. And Nero is fiddling; Nero is playing the violin. And Nero still has the nerve, the chutzpah, to try to talk to us and to talk to the public in this province about—I mean, they've got more nerve than a toothache. It's just beyond belief, incredible, in that they purport to talk about their concern for the victim.

We've got a bill right now, Bill 117, in justice committee. The parliamentary assistant is there doing yeoman service. Again, New Democrats are on that committee, trying to make that bill better, trying to suggest amendments to the bill to make it work the way it's

supposed to work, to protect victims of domestic violence from a recurrence of that violence. But, oh, the government doesn't want to make the bill too tough. The government doesn't want to appear to be too harsh with wife beaters and wife murderers. It's incredibly frustrating to be working in that context.

Earlier today when I had one of the two-minute responses on the imitation gun promotion bill, I expressed my frustration, because we sympathize with the motive. I'm far less sympathetic to Bill 114 because, quite frankly, it's despicable, but we sympathize with the motive of the imitation gun bill. But we know how to make it work, and this government isn't interested in making it work. This government doesn't really care—it can't—about imitation guns out there on the street. This government wants to restrict their sale to people over 18. Give me a break, please. How stupid do you think we are? Come on, now. We weren't born yesterday.

Victims' rights: the new office, as compared to the old Office for Victims of Crime, will have the power to advise the use of the victims' justice fund to provide and improve services for victims of crime. So even with effectively its own money, it can't decide how to spend it; it can merely advise. And what is this government, with its revenues, doing relying upon the victims' justice fund to provide victims' services anyway? Why aren't they using general revenues and investing them where victims are going to be assisted and supported and helped and we are going to truly make communities safer?

Invest some of those resources in cops, like cops down in Niagara region, who remain understaffed and under-resourced, as they have been for over five years now, and are finding it increasingly difficult to do their difficult jobs because this government won't assist in the adequate levels of funding for policing to assure that there are enough cops with enough tools and resources, be it in Niagara or any other region of this province. This government isn't concerned enough about the new and dramatic increases in response times. Police officers can't get to where they should be when they're called via 911 in sufficient time to protect victims, to prevent the performance of crime and to apprehend offenders rapidly and ensure that they are placed in the criminal justice system in such a way that they are dealt with justly and not simply booted out by an overstressed, overworked JP the next morning doing a bail court that's piled high to the rafters.

#### **2010**

This government likes to talk about its specialized courts. They are there; I understand that. This government has the resources, and the people of this province are prepared to see their resources invested in similar courts across the province.

When it comes to corrections—well, I've only got three minutes left. This government wants to abandon its constitutional responsibility for corrections and rehabilitation by handing over Ontario's correctional facilities to American corporate, for-profit, Wackenhut Corrections Corp of America types of operators, where making the

dollar is the biggest motive and rehabilitation is somewhere down at the end of the line, if it's anywhere at all. I was up at the Rideau correctional centre. I spoke with the staff there. I spoke with the specialized staff who have developed five-week, 10-week and 15-week programs which have resulted in some of the most effective reductions in recidivism across North America and which are the envy of and are being emulated by institutions across North America. That's one of the correctional facilities this government wants to shut down: close the doors, move in the private operators.

The Minister of Correctional Services talks a big game about telling correctional officers they should be working harder. Oh, give me a break. We've got a Minister of Correctional Services whose background was in corporate banking, as if he knew anything about work. In the old days, crooks used to rob banks. Now they own them.

The only professionals in a private, corporate, for-profit jail are the cons themselves. This government is abdicating its responsibility in rehabilitation and corrections both at the adult and young offender levels. I've got a meeting with the parliamentary assistant here tomorrow at 10. We're going to talk about the Young Offenders Act tomorrow. I'll remind this government that it has the responsibility for youth corrections. It has perhaps the most important role to play in the whole process of the criminal justice system as it applies to young people, the correctional end of it, and it washes its hands of its responsibility to provide meaningful, appropriate, effective corrections and rehabilitation for young people, because it's prepared to sell off those facilities to the private, for-profit corporate American sector just as readily as the adult facilities.

One government member to stand up and cite Judge Day and his condemnation of the Victims' Bill of Rights and assure this Legislature that they will press their Premier to bring in a bill that establishes real rights for victims in the province of Ontario, that does what the Attorney General said the non-existent bill of rights was going to do when it was introduced and passed in 1995—one member. Parliamentary assistant, stand up and tell us that this government is prepared to back up its commitment to victims' rights by introducing a real Victims' Bill of Rights. We'll pass it if you've got the guts to introduce it.

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

**Mr Guzzo:** I have to tell you that it never ceases to amaze me to listen to the comments of the member from Thorold, or now Niagara Centre.

**Mr Kormos:** Welland, St Catharines.

**Mr Guzzo:** Welland, St Catharines, Niagara Centre.

I had the pleasure of listening to this man in another life. When I was on the bench he appeared in my court on numerous occasions, and he exemplifies today the same traits he exemplified back in those days. He was a very competent lawyer, I must tell you, and one who was always interested in the welfare of his clients. But I have to tell you that he had a tendency to rewrite history,

especially when submitting comments with regard to sentencing on his clients. Here we are today as we listen to him rewrite the history books in an attempt to justify what went on in the five years leading up to the Common Sense Revolution, which has done so much to rectify the ills and the problems that were created by his predecessor, our predecessor of happy memory, one Bob Rae, now practising on Bay Street.

**Mr James J. Bradley (St Catharines):** Bay Street? Surely not.

**Mr Guzzo:** That's what I hear; that's what he tells me.

*Interjection.*

**Mr Guzzo:** No, he's certainly not working for a clinic on a corner someplace in Ottawa or Toronto with regard to poverty law, I must admit.

When I listened to the member go on about the creation of an agency which is already in place, I take supreme confidence and credit for that. That was a very wise move on the part of this government and I thank you for the compliment.

**M<sup>me</sup> Claudette Boyer (Ottawa-Vanier):** C'est avec plaisir que j'endorsse les commentaires de mon collègue de Niagara-Centre.

Really, the sole purpose of this amendment, why we are here tonight, is to create a legal basis for the Office for Victims of Crime, an office that has been up and running for the last two years. Let me tell you that I believe the effect of this bill on actual victims of crime is exactly zero. There are absolutely no new benefits coming out of the passing of this bill.

Laissez-moi vous dire qu'en ce qui concerne le crime, ce gouvernement est bien fort en paroles mais faible en gestes concrets.

This short legislation is only to amend the current Victims' Bill of Rights, 1995, by statutorily establishing the Office for Victims of Crime. Le gouvernement Harris est tout simplement en train d'introduire cet amendement afin de faire de la publicité pour sa plus récente idée que je trouve quand même inutile.

**Mr Tilson:** I would like to comment with respect to the remarks made by the member for Niagara Centre. I must say I do admire him when he stands up. He makes a good critic. He's a critic of this government.

*Interjection.*

**Mr Tilson:** I know; I'm getting to that part eventually. He does a good job. In the same way, of course, he did an excellent job when he criticized his own government, when they were in office.

**Mr Caplan:** He's consistent.

**Mr Tilson:** He is consistent. He was very critical of the Bob Rae government. In fact, I'll quote a page from Bob Rae's book. Mr Speaker, it is unparliamentary, but it's a quote out of the book. It referred to the member for Niagara Centre. He said—and this is unparliamentary and it's rather graphic, but that's what the former Premier said—they called him “a pain in the ass.”

*Interjection.*

2020

**Mr Tilson:** It's true; he acknowledges that.

**The Acting Speaker:** You can't say that.

**Mr Tilson:** Mr Speaker, I will withdraw, but that was a quote out of the book.

**Mr Kormos:** On a point of order, Speaker: I'm sure those were Bob Rae's feelings exactly and I want this member to be able to relate them accurately to the Legislature.

**Mr Tilson:** I now have 30 seconds to say what I wanted to say. Obviously this side of the House has a completely different view of the state of the universe, as opposed to the member for Niagara Centre's view. This bill is a prime example of that. This bill serves the victims in a whole slew of ways that I don't think he ever contemplates. I've listed off some of them. Clearly, I'm not going to have time to refer to them again. Eventually, in my two-minute responses, I will. It refers victims to the appropriate enforcement or community service agency, it articulates suggestions from victims for legislative reform policies, and on and on. It does a whole group of things this member has never contemplated.

**Mr Bradley:** I enjoyed the member's remarks because what he tends to do in this debate—because he's familiar with this; he's a person from the legal profession—is he tends to expose what appears on the surface to be some very meaningful and tough legislation as less meaningful and tough than the government would like us and the people of Ontario to believe it is. He has quoted this on many occasions. I'm looking now at A Voice for Victims, from the Office for Victims of Crime, June 2000. I'm looking on page 8 of section 22. It says the following:

“In light of the above, 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 social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime.”

That is a statement which I think carries an awful lot of weight. I think the member has mentioned it in his speeches on numerous occasions. I guess I'm asking the member to reiterate his opinion of the actual effectiveness of this legislation, whether the legislation before us really significantly advances the cause of victims in the province or whether it's out there to simply make the government look as though it's doing something meaningful for victims in this province. The member would recognize, as I think most of us do, that it requires a significant investment of funds and clout if you're to have this office have any real influence in Ontario.

**The Acting Speaker:** Response?

**Mr Kormos:** I congratulate the people who had the patience to listen to my comments during the course of an hour. The bottom line is, vote for the bill if you're inclined, but it's neither here nor there. It maintains the pathetic, miserable status quo that this government has created for victims in the province of Ontario. It doesn't address any of the concerns raised by Judge Day in the

Vanscoy-Even litigation, and it doesn't come close, it doesn't even attempt, it's billions of light years away from the Premier keeping his promise to introduce a real Victims' Bill of Rights.

The sad reality is that this government has been big on talk and, as M<sup>me</sup> Boyer said, feeble in action when it comes to the rights of victims and when it comes to building safer communities here in Ontario. Make no mistake about it: there are fewer cops today per capita than there were in 1994; courts that are more stressed than they've been in over a decade; charge after charge after charge being tossed out because of inadequate resources in courts; victims being denied any meaningful participation in the criminal justice system. And Bill 114, an act to establish the Office for Victims of Crime, doesn't address it.

I did, as I indicated earlier, want to remind folks that the Legislature is sitting till 9:30, but at 10 o'clock this evening I'll be on Michael Coren's show, which is cable 18 down in Niagara. It's going to be live. There'll be a Liberal and a Conservative. I'm sure there will be heated debate around a number of issues. Coren's show, CTS network, cable 18 down in Niagara, 10 to 11:30.

**The Acting Speaker:** Further debate?

**Mr Bart Maves (Niagara Falls):** It's a pleasure for me to rise in the Legislature tonight to discuss for a period of time this amendment act. I want to note at the outset that I'll be sharing my time with the good member from Cambridge beside me, Mr Martiniuk. I might add at the outset that when we created the Office for Victims of Crime—we announced that back in the 1998 throne speech and that, like so many other things in the area of law and order, was a recommendation made by the Ontario Crime Control Commission after hearing from the public and victims' organizations. The member from Cambridge was one of the original members of the Ontario Crime Control Commission, and quite a few of the law and order pieces of legislation and a lot of the actions we've taken as a government in the field of law and order have stemmed from the member from Cambridge's commission. So he once again I think deserves recognition, not only from his constituents but from all the people of Ontario, for his service to the province on the Ontario Crime Control Commission.

Before I get too much further into debate, I want to mention Mike Van Soelen, who is the very competent issues manager for John Baird, Minister of Community and Social Services. He has his parents with him tonight, Ike and Irene Van Soelen from Guelph. I'd like to welcome them to the Legislature.

I do want to go back, because a lot of people have talked about the Victims' Bill of Rights, 1995, tonight in the Legislature and said quite a few nasty things about it. I think the important thing about the Victims' Bill of Rights, 1995—and I'm not a lawyer. There are many more lawyers, and Judge Guzzo is here tonight, and a lot of other people who can talk to some of these bills about the legal system and the history therein better than I. I'm not a lawyer but what I do know is that victims in

Ontario for many years had absolutely no status before the courts. They did not receive the respect or the recognition they deserved in the justice system. One of the fundamental things that the Victims Bill of Rights, 1995, did was to elevate the status of these victims before the courts. That was absolutely vital. And Judge Guzzo stood up and said that he was proud that this government, the first in Canada, had established an Office for Victims of Crime. He said he was proud we did that. And that's why—because no across this country had an Office for Victims of Crime, and no one in Canada had elevated the status of victims in the courts and given them the respect and recognition they deserved, which is what the Victims' Bill of Rights did.

If I look back and read from the Victims' Bill of Rights, 1995, the preamble says, "The people of Ontario believe that victims of crime, who have suffered harm and whose rights and security have been violated by crime, should be treated with compassion and fairness. The people of Ontario further believe that the justice system should operate in a manner that does not increase the suffering of victims of crime and that does not discourage victims of crime from participating in the justice process." It's a wonderful preamble, and the intent of the legislation is, after having so many experiences, year after year after year, of victims of crime being revictimized through the court process—this preamble in this Victims' Bill of Rights, 1995, was essential—that we finally give them the respect and recognition they deserve.

#### 2030

This act goes on to say, "Victims should be treated with courtesy, compassion and respect for their personal dignity and privacy by justice system officials." Never before had the government given any type of indication that that was the expectation in Ontario or any other province in this country. That was an important thing to have in legislation. Section 2 goes on to say, "Victims should have access to information about, the services and remedies available to victims of crime, ... the protection available to victims to prevent unlawful intimidation, the progress of investigations that relate to the crime, their right under the Criminal Code (Canada) to make representations to the court by way of a victim impact statement," and a variety of other measures. These were the things that this bill, in 1995, said that victims should have access to. Again, that had not been within our criminal justice system at all before—until 1995. That's why it was vital that we passed that act.

Members opposite have said, "You already have an Office for Victims of Crime. Why this legislation?" This legislation is enshrining that office and giving it some roles and responsibilities. The Victims' Bill of Rights is new territory. This office is set up to advise the government in a variety of areas, so that as we move forward with our Victims' Bill of Rights and as we move forward with looking after our victims in the justice system we do it intelligently. We don't want to make changes to legislation, we don't want to make changes to adjust the

system that actually set us backwards. We want to make sure that all the changes we make are sensitive, intelligent and don't move us backwards.

While I'm on that, I do want to say, as I read earlier, that it talked about treating victims of crime with compassion. The member for St Catharines, in one of his two-minute hits, said, "This bill sounds tough." This bill isn't about being tough; this bill is about being compassionate. Having an Office for Victims of Crime is indeed compassionate, and that's what this is all about.

The proposed role for the permanent Office for Victims of Crime will have responsibility to advise the government on a variety of things: ways to ensure that the principles set out in the Victims' Bill of Rights are respected by consulting and liaising with victims. So there will be a permanent office with a budget, I believe, of over a million dollars, and their responsibility is to liaise with victims who have been in the justice system and then, in turn, to continue to work with the government and advise the government on victims' rights within the justice system and things we can do in the future to improve the way victims are treated in the justice system. That's an important function that we have to notice.

Furthermore, the Office for Victims of Crime has responsibility to advise the government on developing provincial standards of service delivery to victims by preparing options and a plan to develop and maintain these standards; the use of the victims' justice fund by identifying community priorities for funding; research and education on victimization and its prevention by establishing a resource centre and on-line library; providing advice on the delivery of training for victims, service providers and justice officials, and legislative and policy issues relevant to victims and the prevention of victimization.

This office will continue to liaise with victims of crime, to talk with victims of crime and find out about their experiences with the justice system and then to advise the government on future legislative and policy areas so that we, as I said, can continue to look after victims of crime as they move through our justice system. These are important functions and they are vital if we are going to move forward intelligently and, for every step forward, not take two back. Members opposite can make light of this, but I think it's a responsible approach to looking at future legislation and policy changes in our justice system for victims of crime.

I also want to talk about section 4 in the 1995 act, which goes on to talk about things that should happen for victims of crime.

"If the person accused of a prescribed crime is found unfit to stand trial or is found not criminally responsible on account of mental disorder, the victim should, if he or she so requests, be notified of,

"i. any hearing held with respect to the accused by the review board ...

"ii. any order of the review board directing absolute or conditional discharge of the accused, and

"iii. any escape of the accused from custody."

Section 5 says “Victims of sexual assault should, if the victim so requests, be interviewed during the investigation of the crime only by police officers and officials of the same gender as the victim.” Section 6 says “A victim’s property that is in the custody of justice system officials should be returned promptly to the victim, where the property is no longer needed for the purposes of the justice system.”

Those are all important principles, and a lot of people in Ontario would listen to those things and say, “Those are common sense. Why doesn’t the justice system just do that? Why hasn’t the justice system done these things for years?” Well, it just plain and simple hasn’t. Nowhere have these principles and this common sense and these issues really of compassion for victims been articulated before in a piece of legislation as they have been in the Victims’ Bill of Rights. As we move forward with the Victims’ Bill of Rights and legislation policy surrounding it, the Office for Victims of Crime is going to guide the government as we move forward so that, as I said, we don’t take one step forward and two back.

The Victims’ Bill of Rights, 1995, was an important piece of legislation, still is an important guiding piece of legislation, and tonight Bill 114, the bill we debate, is going to help us and help victims of crime in the province of Ontario as we move forward on this issue.

I want to thank you, Speaker, and everyone for allowing me the time to speak to this. I’d like to turn the floor over and, not leaving as much time as I promised him, to the aforementioned Ontario crime commissioner, who deserves so much applause and thanks from the people of Ontario and the people of his riding of Cambridge for all he has done for them in the field of law and order.

**Mr Gerry Martiniuk (Cambridge):** I have a Liberal tie on. I had to leave my raincoat at home tonight as it wasn’t raining. It was, in fact, a beautiful day.

It’s my pleasure to address Bill 114 today and compliment my friend from—I guess it’s Niagara Centre.

**Mr Maves:** Niagara Falls.

**Mr Martiniuk:** Niagara Falls. Sorry.

**Mr Maves:** Niagara Centre is Peter.

**Mr Martiniuk:** Yes, that’s Peter.

My friend from Niagara and I had the pleasure on the crime commission—we visited over 70 locations around the province, and Mr Maves was kind enough to invite us down, along with—I should say on another occasion we also attended in the Niagara region, at the invitation of Mr Hudak, now the Minister of Northern Affairs. They both showed their concern and voiced the concerns of their constituents that, one, they did not feel safe and they were not safe. I recall attending both those forums and that was the message we had. I again compliment my colleague and friend from Niagara Falls for recognizing the concerns of his constituents.

When we discuss this bill, we really have to go back a long way. Perhaps I’m not totally accurate in history, but 1066 always stands out in my mind as a point where English history began in many ways. Our friend William the Conqueror decided he needed more land, so he

brought a few Normans over and conquered what we now know as the United Kingdom. Up to that time the resolution of a dispute or differences between neighbours in that locality of the world was, on many occasions, settled between the parties. Trial by battle comes to mind. That proved a diminishing return for many individuals, who would end up being killed after a dispute rather than getting the dispute resolved.

After 1066, the common law courts, the king’s courts: rather than parties resolving their disputes and differences between themselves, the king in fact sent an individual, a judge, a magistrate, to the locality to finally resolve the difference between the parties, not necessarily to their satisfaction but by peaceful means.

**2040**

That’s OK except when you get to certain serious matters which are not merely a difference of opinion between two parties but in fact are something that the society states is not to be tolerated within the society. From the king’s courts arose the concept that where an act is done that harms other people and society deems that act to be grievous and against the public interest, we no longer have a dispute between two individuals or two groups. We now have a dispute between a state, a king, and an individual, the accused. That accused has performed an act which society says should not be performed, and it isn’t the victim who comes before the court, it is the king who comes before the court in front of a magistrate to ask for justice to be done to the state, not to the victim.

That’s important, because a victim might have another way of resolving the problem and, certainly in many cases, through their emotional distress and depending on the crime, it would be an emotional rather than a reasoned sentence or punishment. That’s a very important, fundamental rule of the English common law which we have adopted in Canada. It is in fact a contest—you could put it that way—between the king, or the queen in our case at the present time, and the accused. Victims played little or no part other than that in many cases they were victims.

When I was a young practising lawyer, I noted in the few times I attended in criminal court that the victim in many cases was treated shabbily. It was not an intentional scheme to treat the victim shabbily; it was simply that they were just another witness and it was a busy court and everyone would seem to be preoccupied with the aggrieved crown and the accused’s rights. The victim somehow got lost in the shuffle and that was unfortunate and I noted that, but as a lawyer I sort of accepted it because I understood the historical reasons for its being.

What happened? In 1985 a new government was elected. It was a minority government, I believe, and I would assume that Mr Peterson sat down on one side of the table and Mr Rae sat on the other, and maybe Mr Peterson was accompanied by Mr Bradley or some other member of his government and Mr Rae could have been accompanied by Mr Kormos, the member for Niagara Centre, and they came up with a deal that would permit a

minority government to govern in 1985. You know, they might have discussed victims' rights and said, "Maybe victims in our society are being treated shabbily. We have to bring them to the forefront. We have to take victims and treat them as persons and not just as witnesses in the case." They may have discussed it, but they governed for two years and absolutely nothing was done, not one thing. Their intent? I really don't know what was said. All I can do is point at their actions. It's really important, when we deal with matters, to look at the actions, not at what people say.

Then in 1987 to 1990 the opposition had full authority. They could have done anything. I don't know what conversations took place, but again nothing, absolutely nothing was done for the victims. Then we had the Kormos-Rae government come to power in 1990. They may have discussed, "Let's do something for the victims. Let's bring them to the forefront." But you know, they had five years of talks and they did absolutely nothing. I'm so honoured to be with a government that has finally recognized victims' rights.

**The Acting Speaker:** Comments or questions?

**Mr Steve Peters (Elgin-Middlesex-London):** I'm pleased to respond to the comments of the member for Niagara Falls and the member for Cambridge. The member talks about looking at actions and how proud he is to be part of a government that is doing things for victims' rights. Let's look at some examples of where you're not doing anything for victims of crime in this province.

Tell me what you've done to the funding for second-stage housing. You've continued to fund the initial shelters, but the second-stage housing, where's the funding gone? It's gone.

Let's look at some other areas where there's inaction by this government.

*Interjections.*

**Mr Peters:** It's obvious they don't like to hear the truth.

The victims' services unit funding from 1997-98 to 1999-2000—down; the victim support line funding from 1997-98 to 2000—down; the funding for sexual assault, rape crisis centres—down. You look at a variety of other areas where they haven't increased funding, where the funding has stayed in place, but these are for areas of victims of crime.

I would just love for a member on the opposite side to take up a case I've raised on two occasions within this Legislature, and that's the family of Brian Crocker, who's a victim of crime in this province, whose assailant has been ordered by the criminal review board to be moved from the St Thomas Psychiatric Hospital to another facility. Has this government acted on what the criminal review board has said? No, they haven't. The gentleman responsible for this crime lives less than two kilometres away from where the crime took place. Has this government acted to do anything to help this victim of crime? You talk about not allowing victims to be

victimized twice. Well, the Crocker family has been victimized twice by the actions of the Harris government.

**Mr Tilson:** I'd like to comment on the remarks made by the members from Niagara Falls and Cambridge, in particular the member from Cambridge, whom I have followed as parliamentary assistant to the Attorney General, and he's certainly completed an outstanding role in that office. It is interesting that years ago we actually went to the same high school together. He's much older than I am, of course.

I will say that both members have expressed the intent of this bill, the philosophy of where we're going in this bill, and have clarified some of the issues that have been raised by the opposition. They have also pointed out clearly what the opposition has done when they got into office, which was nothing.

This office has done a number of things since its original inception. One of the things it did was to go outside the normal practice and specifically seek victims' crimes and justice professionals with victims' experience, which really breathed life into the office. They had people working in the office such as Sharon Rosenfeldt, Debbie Mahaffy, Scott Newark, Franco Fragomeni, Downa Spears, Stu Auty, Nazlin Daya, Detective Sergeant John Muise, Rick Cunningham, Inspector Terry Nicholls, Therese McQuaig, and there are many others who helped this office since its inception. It's this unique nature, as well as the other items that have been referred to by the two government members, of this office that we have now recognized and that will now be enshrined by Bill 114.

**2050**

**Mr Caplan:** It was a couple of days ago that my colleague from Scarborough-Agincourt proposed to the government, to the ministers, to the backbenchers, that when they want to try to play the blame game and it's anybody else's problem, they refer to the numbers. I would ask the member for Dufferin-Peel-Wellington-Grey, when he's going through that, to just say "number 2(a)," which is "the previous Liberal government," or "number 3," which is "the dreaded NDP socialist government," or "number 4," which is "the awful special interest groups," because then we would know what he's talking about.

You hear this sorry refrain from members opposite, "In an evolving justice system, you did nothing about this." All members of this Legislature supported the Victims' Bill of Rights, but it was only the Harris government that went ahead and sent the high-priced legal help to court when victims tried to claim their rights under their so-called bill of rights, high-priced help arguing on behalf of the Harris government, on behalf of the Attorney General, on behalf of the cabinet and each and every member of that government, that there are no rights contained in the Victims' Bill of Rights and it is merely a policy statement.

So give us a break when you say you've done something. All you've done is try to lead people to believe that they have rights when in fact you know, and have argued

in court, that there are none. Say, on the one hand, one thing and do something else: that is the Conservative way; that is the Tory way; that is the way of Mike Harris. You say something but you certainly don't mean it. You try to lead people to believe something that is certainly not the truth, when you're going to stand up in court and say, "You have no rights. We don't care about you. We're going to send our high-priced legal help if you ever try to claim that rights." It is a shameful record of this government and Mr Harris and the Attorney General.

**Mr Bradley:** I found the remarks to be very interesting. I think we would be more comfortable if we felt there were the resources there to deal with what the piece of legislation intends. I too read the Justice Day remarks, and I was quite surprised, because I was somewhat enthusiastic about it when the bill was first introduced in 1995. I remember that the then Attorney General came to St Catharines and there was a nice little victims' rights ceremony. I was quite impressed and wanted to be supportive of it on that occasion.

Then I got to reading the report on victims' services in Ontario, *A Voice for Victims*, and Justice Day's remarks, and I was quite surprised. I'm quite sincere when I say this. I was under the impression that there were some teeth in the legislation you passed. The member for Scarborough Southwest told me that himself, I'm sure, and then I read that section which said:

"Finally, if there is any doubt remaining, the exculpatory language of s.2(5) specifically provides that no new cause of action or appeal would arise from any breach of the principles enunciated in s.2(1). This clearly and unequivocally makes the point that the Legislature did not intend for s.2(1) to provide any substantive statutory rights to victims of crime."

I was surprised by that. I thought there were rights contained within that legislation.

I hope we can build on that. I understand this legislation doesn't, but perhaps a future bill will build upon it, because I don't think there's a person in this Legislature who doesn't have a great deal of compassion and concern for victims in our province.

**The Acting Speaker:** Response?

**Mr Maves:** I want to thank the member from Dufferin-Peel-Wellington-Grey for his comments, the member from Cambridge for sharing his time with me, and the member from St Catharines for his comments, the first member I've seen so far on the opposite side recognizing that one of the roles of this office is to provide advice on future legislation and policy changes. With his comments he just stated that, and that's the first time I've heard that recognition from any of the members opposite. They finally have got that. I'm saddened by some of the comments made by the member from Elgin-Middlesex-London and the member from Don Valley East, but I thank them for taking the time to make some comments.

In wrapping up, I could talk about the 59 additional crown attorneys who have been hired by this government to interview and prepare victims and witnesses, the 1,000

new police officers we've put on the streets, and the passage of the Victims' Bill of Rights. We've created the most comprehensive domestic violence court program in the country and have committed an additional \$10 million to its expansion. I could talk about all those things and all the other resources that this government has put into this system that help victims of crime, but rather than my going into that litany of things, I would rather let the final words I use be the words from Steve Sullivan, who happens to be the president and CEO of the Canadian Resource Centre for Victims of Crime. Mr Sullivan said:

"Creating a permanent Office for Victims of Crime is an important step in ensuring that the needs of victims will be articulated to government and that the right steps are taken to ensure that those needs are being met. I commend the government for its ongoing support for victims of crime in Ontario."

The member from Dufferin-Peel-Wellington-Grey talked about a variety of other people who are victims of crime who have supported the actions of this government and continue to support them, and I'll let their words be my final words for this evening.

**The Acting Speaker:** Further debate?

**Mr Levac:** Mr Speaker, I'll be sharing my time with the member from Ottawa-Vanier.

I guess there are two different emotions I feel on entering the debate. One is the sadness I feel that we have to actually sit down and debate this type of issue. I know that over the years different governments that have taken their places on that side have been dealing with this issue all along, just as we have been dealing with poverty and all the other social issues that require us as legislators to dedicate some very important time and effort and legislation to try to improve the situation we're faced with in terms of victims.

In this case, Bill 114, *An Act to amend the Victims' Bill of Rights, 1995*, by Mr Flaherty, the Attorney General, brings us to an important point we have to start to talk about, and that is the value of this legislation. Members on the opposite side have been using words such as, "We're going to enshrine things, advise. We're going to try to take a single step forward and make sure we don't get too radical and make sure we don't take steps backward."

I would think that a valid point to make if it weren't such a serious issue. It would have a devastating effect on our society if we were to allow any of the victims not to have a voice and not to be able to count on the government to bring to the table the important issues of the day. For any member on the other side—or even this side for that matter—to indicate that any peripheral issue is not important to discuss and talk about, such as second-stage housing or the decline in the amount of money that's being invested in various services across our province, is turning a blind eye, because we have to talk about some of the peripheral issues involved in this issue because they have a very large impact on how this organization is going to be seen and is going to see the rest of the province.

In the report *A Voice for Victims*, they didn't sit back and say, "There's only one area we're going to look at." They made it very clear that they were looking at all the different provisions that are offered in our province to make this a better way to look at how we treat our victims.

One of the things I want to bring to the attention of the House is on page 33 in reference to the *Victims' Bill of Rights*: "This statute does not create legally enforceable rights for victims of crime nor legally enforceable obligations on justice officials. This view was recently confirmed by Mr Justice Day" in his findings. I don't want to repeat them, but it bears hearing that we have to understand that when we are making these effects, all of the different issues that are surrounding us when we talk specifically about victims' rights are all of the issues that were mentioned by this side and rebuked by the members on that side.

They were trying to say, "Don't let us talk about housing, don't let us talk about the decline in the amount of money that's being put into these other services—sexual assault. All of these people in the different areas that are peripheral to this particular bill are victims. We have to understand that and make sure that collectively, when we make these judgments in these other areas, we're affecting the victims of our province.

**2100**

I want to make some general points about this. The Office for Victims of Crime was established in 1998. We already had it up and running. In June 2000, the Office for Victims of Crime published the report, as I said, but it touched on areas that the member on the other side wants to take credit for: thousands of new cops. That number hasn't been met yet.

The other issue I want to bring to the attention of the other side is that the victim report has indicated very clearly that any activity that takes place has to include the police. If we have fewer police on the street per capita, that means their jobs are packed. Since 1995, we have 500 fewer police in Toronto alone, and their needs are going to be doubled and tripled in a very short time; I think it's about three years. So we're not looking at thousands of cops that we need; we're looking at a problem that is right across this province. We're going to need thousands and thousands of police officers on the street. This government has continually brought up, since 1995 and since I've been here, "We've put 1,000 cops on the street." They haven't made that yet. It hasn't even been met yet.

Given that information, I want to challenge the government on that side to start looking at some of the options that were provided to them by this side of the House, by both parties. We continually offer you this.

The one thing they want to avoid talking about is Justice Day's comment about putting teeth to this. Let's take a look at what this government is now taking credit for. We like the fuzzy, nice words out there. We're going to make people feel good, but the reality is that you can't put Poli-grip on this and say that's teeth. The concept that

you can glue this together with nice intentions and nice thoughts is not good enough. It really is not good enough to say, "Wait for the legislation somewhere down the line. We'll introduce something that will eventually put some teeth in this legislation and make things better."

You want to make it better right away by hiring more cops and stop saying that you've hired thousands of new cops. You haven't done it. There are not very many cops you've hired compared to the number who are leaving the profession. There are 500 fewer in the great city of Toronto than in 1995, and they need cops more than anybody else. We've got to have them here.

What is the plan? I haven't heard a plan from the Solicitor General. I've challenged the Solicitor General to give us the plan for the 1,000 new cops, to show us that it's met. It's not met; that's the problem. Given all the things that have been pointed out by this side of the House that need to be done for the victims in Ontario, they come with this bill, Bill 114, An Act to amend the *Victims' Bill of Rights*. What they're trying to say to us on this side is, "We're simply enshrining that to make sure that the Office for Victims of Crime is officially there," that what we're talking about is there. I'm puzzled by this because it's already there and it's been operating since 1998, but it still hasn't got the teeth that Mr Harris said he was going to give. There are no teeth to this. Nothing. I dare to say that the Poli-grip I mentioned earlier is missing from this particular piece of legislation. The Poli-grip comes in the nice words that are being used about what was in the bill in the first place. Does it help the victims? It's yet to be seen.

The Tory government has refused to join the fight that the Liberals, under Dalton McGuinty, have offered, and that was to extend testing to all victims who suspect they have been drugged or raped. I think they are called the date rape drugs. Currently only victims who decide to get the police involved are able to determine whether they have been drugged or not. This happens less than 10% of the time.

We've got another initiative that I'd like to refer to, and that is an offer to the government to help us move on with victims. The member from St Paul's offered us this legislation: a five-point plan to curb gun violence in Ontario and to recoup its costs. The five-point plan calls for:

- Regulating the sale of phony guns. To the credit of the member from St Paul's, the Solicitor General picked up on the idea, and we congratulate him for that.

- Commencement of litigation against gun manufacturers and distributors in order to recoup the health costs that are lost to gunshot victims.

- Pass legislation requiring trigger locks to be installed on all new guns sold in Ontario.

- Repeal the regulation permitting 12-year-olds to use guns. The members on the other side are very fond of disagreeing with the federal government. In this case, they say, "Because the federal government did this, we're just catching up to them." They can't have it both ways. That's called "flip" and the other side's called "flop."

—Commencement of a guns-for-goods program in Ontario.

The Ontario Liberal Party has called on the Attorney General to beef up Ontario's hate crime units by doubling the number of employees for Toronto's hate crime unit. A Liberal government has already called for extending the time in which all the benefits must be used, such as each victim may use their benefit on their own timeline and when it's most needed. Extend coverage for the benefit to include families of the Grandview survivors. Alternatively, transfer all outstanding unused amounts of the counselling benefit to coverage under OHIP.

There are many areas I could probably move into in terms of the suggestions. They are going to be offered to the government in the spirit in which they are intended, and that is to enter into the dialogue that simply says to the members on the other side, "You don't have a monopoly on the ideas that are necessary for victims; there are members on this side who have offered concrete solutions, concrete areas that could improve this legislation." Take away the Poli-grip and add actual teeth to this to make sure that all members of Ontario, when there is a crime going on and you are victimized, have compassion and understand that and will work to their fullest in this House, all of us in this House, to ensure that the people of Ontario are taken care of in the short term and in the long term.

**Mrs Boyer:** Tonight, I wish to share some concerns I have about the Victims' Bill of Rights Amendment Act. I can't help but be saddened by the fact that this government is playing politics with the lives of Ontario's women victims of violence. My leader, Dalton McGuinty, has said numerous times in the past that this government is more concerned with its image than it is with its policies. I am saddened because I fear this bill will provide false hope to the many women around this province who suffer from domestic violence. I am also saddened because there are many things that this government can do to help these women. Instead, it chooses to work on public relations rather than on sound public policy.

Le gouvernement Harris est tout simplement en train d'introduire cet amendement au projet de loi afin de faire de la publicité pour sa plus récente idée. Vraiment, si la cause n'était pas si sérieuse, les actions de ce gouvernement approcheraient la comédie, mais ce n'est pas drôle et ce n'est pas une comédie. Cette idée de réannoncer la création de l'Office des affaires des victimes d'actes criminels est complètement insultante pour ceux et celles qui souffrent de violence domestique. Cet office existe depuis deux ans et cet amendement au projet de loi n'est plus qu'une annonce recyclée pour essayer de démontrer aux Ontariens et aux Ontariennes que ce gouvernement fait vraiment quelque chose : pose des gestes pour aider aux victimes de la violence. Bien, laissez-moi vous expliquer ce que le mot "aider" semble signifier pour ce gouvernement.

Let me explain to everyone what the word "help" seems to mean to this government. Dalton McGuinty and

the Liberal caucus urge the government to intervene in the case before the BC Court of Appeal which sought to ban child pornography, but this government decided to help only after much prodding by the Liberal caucus. Is this what the Harris government calls "help?"

#### 2110

Dalton McGuinty and the Liberal caucus have urged the government to join the fight against date rape drugs. We, on this side of the Legislature, believe that young women who suspect they've been drugged and raped should be allowed to be tested. The Harris government, however, believes that only those who contact the police should be allowed these tests, yet less than 10% of these women contact the police. This means that only one out of every 10 young women who fear they may have been drugged and raped is being tested. This government talks endlessly about eliminating red tape and getting government out of our faces, yet in this case only women who fill out police reports and papers are tested. I guess this is one area where I would not mind seeing red tape eliminated. Is this what the Harris government calls "help?"

Dalton McGuinty et le caucus libéral sont en faveur du contrôle des armes à feu. Nous cherchons à limiter le danger causé par l'utilisation négligeante des fusils. Nous cherchons à enlever les fusils des mains de nos jeunes de 12 ans et à aller légiférer la nécessité d'inclure des cadenas de détente sur tous les fusils vendus en Ontario. Ce gouvernement n'a pas seulement refusé d'écouter ces recommandations très modestes mais ils sont allés au point de se joindre à la fédération nationale des armes à feu pour essayer de défaire la Loi sur le contrôle des armes à feu. Est-ce que c'est ce que le gouvernement Harris reconnaît comme définition du verbe « aider »?

Almost every initiative this government undertakes in the name of public safety is offset by an irresponsible analysis of facts. It is a fact, for example, that privatized jails are more likely to allow for prisoners to escape, yet this government is taking us down that road. It is a fact that at the very same time this government has passed the Victims' Bill of Rights, it has cut funding for women's shelters across Ontario, and they have done this at a time when already there are not enough shelters or beds to deal with the demand. This government has also eliminated funding for the second-stage housing program. How are women and their children supposed to move on and establish a new life? Women don't want to and they can't stay in shelters forever. They need help. They need the funding to go on with their lives in a respected way.

This situation is deplorable. Now the Harris government is trying to make us happy by legislating an amendment which is nothing more than the re-announcement of an earlier policy. We, on this side of the Legislature, will not let you get away with it. We will continue to fight to ensure that the women of this province receive real help for real problems. Dalton McGuinty and the Liberal caucus will always put public policy ahead of public relations, and we will do that because it is the right thing to do.

Nous avons ici un gouvernement qui parle sans rien dire quand on parle de crimes. Nous avons un gouvernement qui tente de se montrer compatissant envers les victimes de crimes, mais qui en réalité ne prend vraiment pas les mesures nécessaires pour que nos victimes de violence soient protégées adéquatement.

This government cannot continue to offer talk without substance when it comes to victims of crime.

Les gens de l'Ontario demandent de l'action. Ils sont fatigués d'entendre ce gouvernement parler sans rien offrir de substantiel. Ils nous disent que c'est assez. Nous en avons assez de voir ce gouvernement jouer à la petite politique avec les vies de nos victimes de violence. Assez, c'est assez. Enough is enough.

The sole purpose of this amendment, and we know it, why we are here tonight debating this bill, is to create a legal basis for the Office for Victims of Crime, an office that has been up and running for the last two years.

The effect of this bill on actual victims is actually zero. This government has an opportunity to do something real, to do something right, but instead of looking for ways to really help victims of violence, this government has looked at ways to help itself. Let me say one thing clearly: the people of this province do not like to be manipulated by the Harris government, nor will they forget it.

En ce qui concerne le crime, ce gouvernement est bien capable de parler en paroles des forts mais il est faible en gestes concrets.

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

**Mr Tilson:** I'd like to make a few remarks on the comments made by the members from Ottawa-Vanier and Brant.

I believe these two members generally are concerned about victims of crime. I think they are concerned about the assistance that's needed. I almost got the impression, when I listened to their speeches, that the same guy prepared them but I'm sure that's not the case. I listened very carefully to their comments and I believe that they believe parts of it, and that parts of it is the party rhetoric.

You have to look at some of things this office has done since 1998 to the present. It's done quite a few things and it's those types of things that we're trying to enshrine in legislation. The first thing this Office for Victims of Crime did was to complete a very comprehensive review of victims' services in Ontario. They did that over a period of two years in 1998-99, and they conducted over 300 site visits in every part of the province. They interviewed scores of crime victims to get what was needed to build on the progress we have committed for victims of crime in Ontario to date.

The office's report, which was released in June of this year, and I recommend that you read it, recommended a number of things, many of which we have already acted upon, including recommendation 67 which is this bill, Bill 114. I hope you're familiar with the report when you're making your comments in the future.

**Mr Peters:** I want to compliment my colleagues from Brant and Ottawa-Vanier for the points they put forward this evening. It's important to recognize that albeit we are supporting this legislation this evening, there are a lot of concerns that we have. One of the things the Liberal party has and my colleagues within the Liberal caucus have, under the leadership of Dalton McGuinty, is a genuine concern for people. It's a genuine concern that unfortunately the Harris government has not always shown toward individuals in this province.

**2120**

It's important that when you read A Voice for Victims, this report that has been presented to every one of us in this Legislature, that you, as a government, and that we, as an opposition look at what's contained in these recommendations. As my colleague from Ottawa-Vanier pointed out, talk is one thing, but actions speak so much louder than words.

There are 71 recommendations contained in this report, 71 recommendations that I challenge, I encourage, I demand as a resident of Ontario, that this government implement. If there is a genuine concern for victims of crime in this province, we need to listen to the individuals who have put this report together, we need to listen to the victims of crime in this province about the issues that they face and that they've had to deal with.

If we're going to do anything, we need to listen to them and put forth and initiate these recommendations. The other thing is to ensure that the resources are available, and that's one thing the government has not consistently done in this area, to ensure that the resources are available to ensure not only that the programs are in place, but that we have trained staff in place who can ensure that these programs are going to be delivered in the best interests of the citizens of Ontario.

**Mr Brian Coburn (Ottawa-Orléans):** I've been sitting here tonight listening to my colleagues on both this side and the other side of the House. I've been in here now for two-and-a-half sessions and it seems to me our government has addressed many of the issues that previous governments didn't have the courage or the fortitude to try and address and solve. I guess criticism is something that comes very easily, but trying to address problems and resolve them is the challenge we've tried to meet head on.

As was pointed out tonight by my colleagues, previous governments, for whatever reason, did absolutely nothing. They stand up here tonight and talk about all the things that should be done and everything else, and when they were in power they absolutely didn't do anything. They generally try not to let the facts get in the way of their argument, but let me point out that our government first created this office and now seeks to enshrine it in legislation to provide practical and effective assistance to crime victims.

A quote from Steve Sullivan, president and CEO of the Canadian Resource Centre for Victims of Crime: "Creating a permanent Office for Victims of Crime is an important step in ensuring that the needs of victims will

be articulated to government and that the right steps are taken to ensure that those needs are being met. I commend the government for its ongoing support for victims of crime in Ontario.”

The important part of this is that through our extensive consultation with people who have experienced and been victims of crime, they are best able to advise us on appropriate steps and measures to help address that issue.

**Mr Bradley:** I’m going to give the government a way in which it can help victims of crime right now. The family of Kristen French and the family of Leslie Mahaffy have had to put up with, in the court cases, the tapes being shown, the very infamous tapes that show their daughters being attacked sexually, tortured and terrorized by two killers, by two people who were involved in killing. Each time a case comes up they have to have those shown to everybody in the court. In other words, the news media has access to those, even the sounds that they wish people would not hear. It’s awful for the parents to have to sit in the court and have to go through that.

I have asked why it would not be proper to have, administratively or legislatively or in a regulatory sense, a rule put in—because the parents understand that if there’s another case this has to happen—that only the jury or the judge or the court officers would have access to those tapes. The girls were humiliated. They were not killed on tape, but of course they were, as I say, terrorized on tape. I think it would be appropriate to help victims of crime by not having the parents have to go through other people watching that in court.

They’re not saying, “Burn the tapes.” They’d love to see the tapes burned. They’re not saying, “Get rid of those,” because they understand that there may be more court cases. All they would ask is that the people who hang around courtrooms just because they enjoy court cases don’t get to hear or see the tapes, and that the news media don’t get to see the tapes. I know that will annoy them out there; it always does. That would be an excellent way of showing compassion for victims and I hope the government will in some way be able to meet that obligation.

#### **The Acting Speaker:** Response?

**Mr Levac:** I want to start by saying how pleased and honoured I am, and saddened, to be participating in the debate. I appreciate the comments made by all members in this House regarding this very serious debate—the members for Ottawa-Vanier, Elgin-Middlesex-London, Don Valley East, St Catharines—particularly the ideas that are coming from this side that are being offered to the other side to try to blend in some very good and important changes that are being offered.

The member for Ottawa-Orléans proves again the point I’ve been trying to make all along, that since 1995 the world started to spin, because before that nothing was done. Unfortunately for the member, if he can maybe turn back the clock, we could be better off as well in one area, and that would be 500 more police officers in Toronto, and a little less rhetoric about how many cops you plan on putting in the province of Ontario. Since 1995 I guess the world stopped for police officers in Ontario, because you’ve had fewer cops in Ontario per capita than you had before you got in power. So let’s not start playing games with he said, she said, and before 1995 the earth didn’t exist and after 1995 the world is perfect.

What we’re trying to do is offer you solutions and opportunities to dialogue in this Legislature to do the things we’re supposed to be here to do, and that is to make the lives of Ontarians better. The ideas that have been offered, especially from the member for St Catharines, under the circumstances in which he’s speaking, are brilliant. It’s something we should consider and adopt immediately if possible. Those kinds of ideas should be accepted willingly. But the earth doesn’t move around anywhere except for the members on that side. Unfortunately, that rhetoric seems to be perpetrated time and time again. So let’s get off the rhetoric and move on to some good legislation.

**The Acting Speaker:** It being 9:30 of the clock, this House stands adjourned until 10 of the clock tomorrow morning, Thursday, November 2.

*The House adjourned at 2127.*

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*M. Flaherty*

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