



Legislative Assembly
of Ontario
Second Session, 37th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 14 May 2001

Lundi 14 mai 2001

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

Monday 14 May 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 14 mai 2001

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

NORTHERN ECONOMY

Mr David Ramsay (Timiskaming-Cochrane):

Returning to northern Ontario on the weekend, northerners were asking me what was in the Harris budget for them. "Absolutely nothing," I had to say; in fact, that the Harris government totally ignored northern Ontario.

Alarming in its absence was any mention at all of any improvements in the northern Ontario health travel grant that my colleagues Rick Bartolucci, Mike Brown, Mike Gravelle, Lyn McLeod and myself have been working on for the last two years to try to get some equality between how you benefit southern Ontario cancer patients who have to travel versus northern Ontario cancer patients. It's a shame that wasn't addressed last week in that budget.

Another slap in the face to northern Ontarians is the 10% cut in highway construction. Not only do we have the most roads in Ontario up north, and it's vital for us to get to our jobs because we have to travel far, but they are in bad condition because of the severe weather we have in northern Ontario. In a slowing economy we also depend on the boost it gives the economy when we get good road construction contracts throughout the north. But what do we see? Cuts, in a climate of ever-escalating gas tax revenues. The money is there, folks.

The other thing is the heritage fund, with \$157 million sitting there unspent. We're not asking for new money. We're just saying, "Invest the money that you allocated last year into the north so it can be invested in northern Ontario so we can prosper." That money is there for a very definite purpose—to compensate for the resources that leave the north—and you're just sitting on it. So get that money invested into northern Ontario.

GERRY O'CONNOR
WATER TREATMENT PLANT

Mr Doug Galt (Northumberland): I rise in the House today to announce the wonderful work that has been done in Belleville at the Gerry O'Connor Water Treatment Plant. Hardworking groups across Ontario,

such as the Belleville Utilities Commission, are working to ensure that the quality of drinking water meets the highest standards.

There has been a tremendous amount of work done to preserve the original style of the plant and also to upgrade the facility. The plant is the first in Canada to use dissolved air flotation technology in the pre-treatment process. Using innovative technology shows the commitment that Ontario has toward the environment.

Launching Operation Clean Water last August was done to ensure that there was safe drinking water across Ontario by creating high standards, frequent testing, prompt reporting and tough penalties. Our commitment to drinking water has allowed my government to contribute more than \$8 million toward this project and increase its size by more than 50%.

I would like to commend everyone involved in this project: the utilities commission, the municipality, the consulting engineer and the contractors.

I invite all those who can attend to join me in celebrating the official opening of the Gerry O'Connor Water Treatment Plant in Belleville, on Tuesday, May 15, at 3 pm. It's located at 2 Sidney Street.

CONTROL OF SMOKING

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I want to lend my voice today to the urgent need for this government to act to develop a province-wide no-smoking policy in public spaces, one that levels the playing field while being fair to everyone.

Surely the time has come for the province to get their heads out of the sand and show some real leadership on this important health issue. The province has the authority under the Smoking in the Workplace Act and the Tobacco Control Act to champion this cause, but so far all we've heard from this government is that it's a municipal responsibility. Frankly, that's not good enough.

By comparison, our neighbours to the south of us have in 48 of 52 states now acted to place restrictions on smoking through statewide legislation. These laws range from simple limited restrictions such as designated areas to laws that limit or ban altogether smoking in public places. Whenever a particular state has decided upon a single standard, that standard is then applied to all municipalities.

In my riding, virtually every health professional and health association and business leader is telling me it's

time to take strong action on the impact of second-hand smoke. Recently, the mayors of Hamilton and Burlington have reiterated their desire to see province-wide standards. So too has the Hamilton and District Chamber of Commerce, and even the Ontario Chamber of Commerce, representing 159,000 small businesses. They want this government to establish a province-wide standard, and they want this to happen now.

HOLOCAUST MEMORIAL DAY

Mrs Tina R. Molinari (Thornhill): This morning, Premier Harris, along with Ministers Young and Jackson, honoured 13 Holocaust survivors for their contributions to Ontario. These individuals overcame unbelievable adversity and sorrow to achieve great things for their families and communities. We honour and celebrate the lives and successes of Ontarians who built our communities and gave hope to others. The experiences that they have endured can only inspire heartfelt admiration and respect for the Jewish community and its strength.

But today is not only a day to recognize the dark side of the human spirit; we must also celebrate the strength of those who left the Holocaust with nothing: no home, no hope, and in many cases no family. Despite this, they persevered. They started their lives anew. And what lives! Ontario's history is filled with that of people who contributed to family, to friends and to their communities, people who found inner strength to combat adversity and to make Ontario the great, inclusive, tolerant province we have today.

The Holocaust was truly one of the darkest periods in human history. Millions of people were persecuted for no reason other than their religious or political beliefs. It is vital that we recognize and remember the victims and the survivors of this terrible event. We must never forget.

DATE RAPE DRUGS

Mr Michael Bryant (St Paul's): It was with some sadness that I saw that the victims' rights pioneer organization CAVEAT is ceasing its operations effective May 31. The Ontario Liberal caucus, and I know this whole House, salutes CAVEAT and all their efforts, and in particular their president, Priscilla de Villiers. CAVEAT, as I said, has done so much for victims' rights in the province of Ontario, including recently their final report, Vision: Action Today for a Safer Tomorrow.

They made two recommendations on date rape drugs. They recommended that every man and woman have the right to be tested for date rape drugs if that's a test that they seek, and that the government do everything it can to try and prevent and crack down on the high incidence of date rape drugs, particularly since it would appear that about one in four sexual assaults involves date rape drugs, but at the same time less than 10% of these victims are turning to the police. That means that 90% of them have no access to these tests.

That's why I've introduced into the Legislature, Mr Speaker, a resolution which I'll not read in its entirety right now, but be it resolved that every person in the province of Ontario ought to have the right to be tested for date rape drugs. That's not the way it is right now in the province of Ontario. I think that's wrong, and I'm calling upon the Attorney General today to reverse the government's policy and to provide every Ontarian the ability to be tested for date rape drugs.

Why? We can be tested for our cholesterol count. We can be tested for just about anything. This government wants to drug-test welfare recipients. Surely a man or woman can find out what's been done to their body the night after a sexual assault by being tested for date rape drugs.

1340

HABITAT FOR HUMANITY

Ms Frances Lankin (Beaches-East York): I'm pleased to have an opportunity to reflect on a couple of events I attended last week. This is a little bit like a day in the life of an MPP.

It was a bit of a spiritual day. Many of the colleagues here in the House attended at the Ontario prayer breakfast last week, and I was there. We were, I think, all delighted to have the opportunity to hear Millard Fullard, the founder of Habitat for Humanity, who was the guest speaker at the Ontario prayer breakfast. Inspirational, no doubt. An amazing life story. A man who became a millionaire before the age of 30, he and his wife made life choices to give that all away and to dedicate themselves to a larger purpose. They founded Habitat for Humanity and believe that the issue of housing for all of God's children is critically important. It's now an amazing organization in countries around the world.

But later that day, the spiritual moment actually had a chance to grow bigger in my heart. That's when I attended the groundbreaking for the latest Habitat for Humanity project, which is taking place in the riding of Beaches-East York in the city of Toronto. It is the most aggressive and largest Habitat for Humanity project in North America. Normally they build single homes. In this case, they are building a five-unit townhouse plus a wheelchair-accessible detached bungalow.

The families were there. The corporate sponsors were there. The mentoring family partners were there. It was amazing. Millard Fullard was there. It was a day when the community came together, when our hearts were open and filled with joy. I look forward to welcoming those new residents into the riding of Beaches-East York.

TOMB OF THE UNKNOWN SOLDIER

Mr R. Gary Stewart (Peterborough): I rise today to commemorate the first anniversary of the unknown soldier being brought home to Canada in May 2000. The remains of an unidentified Canadian soldier who died in the First World War were repatriated from France and

with great ceremony were buried in a special tomb in front of the National War Memorial in Ottawa.

The Royal Canadian Legion developed the idea as a millennium project, and it was taken up by the Canadian government under the lead of Veterans Affairs Canada.

The tomb of the unknown soldier has been created to honour the more than 116,000 Canadians who have sacrificed their lives in the cause of peace and freedom. Furthermore, the unknown soldier represents all Canadians, whether they be navy, army, air force or merchant marine, who died or may die for their country in all conflicts past, present and future.

The tomb of the unknown soldier is now the focal point of commemoration for all memorial events at the National War Memorial. It is a memorial in Canada for Canadians. The tomb is a fitting way to honour the sacrifices on which our freedoms were built.

Let all members of this House remember the contribution made to Canada by our veterans.

CONTROL OF SMOKING

Mrs Lyn McLeod (Thunder Bay-Atikokan): More than 70 volunteers from not-for-profit associations are at Queen's Park today to demand action on anti-smoking initiatives. These are people who have been working tirelessly to build awareness of the health effects of both smoking and second-hand smoke, and they are getting frustrated at the lack of response from government.

The Harris government has all but ignored the two-year-old recommendations of its own expert panel on tobacco. The Premier said in March that he was committed to a strong tobacco control strategy, but his commitment clearly didn't include any funding in last week's budget. The budget did show that the increased federal taxes on tobacco were bringing another \$175 million into Ontario, but not a cent of that is being directed to new anti-smoking initiatives.

Mike Harris wants to talk about the soaring costs of health care, but he's apparently not interested in preventing illness. Smoking results in a cost to the health care system of \$1.1 billion annually while the treatment of smoking-related illnesses consumes a million hospital days a year. Smoking is implicated in 12,000 deaths annually, many times greater than the number of deaths from traffic accidents, suicides, homicides and AIDS combined. No wonder the Heart and Stroke Foundation, the Lung Association, the Ontario Cancer Society and the Ontario Medical Association are distressed that the government's talk is so much louder than its actions. It's not surprising that the Ontario Campaign for Action on Tobacco has given the Harris government failing grades on its tobacco control report card.

We know the Ministry of Health wants action. We know proposals for action were sent to the cabinet late last year. We know they've gone nowhere, buried somewhere under the \$2.2 billion in corporate tax cuts that show this government's real priority. The Harris government has \$175 million in increased tobacco

taxation. Let them use it to reduce deaths from smoking rather than siphon it off to the benefit of their big business friends.

IN CELEBRATION OF WOMEN AWARDS

Mrs Julia Munro (York North): On May 5, York region held a banquet called In Celebration of Women in support of the Ontario breast cancer screening program at the Southlake Regional Health Centre.

The celebration, the creation of Diane Humeniuk, York regional councillor for Newmarket, recognized the achievements of women in York region, including my riding of York North, by giving out 36 awards to women who have done outstanding work in their communities. Those awards were based on their impact, longevity, quality and other acknowledgements for their contributions. Categories included education, environment, native women leadership and humanitarian awards.

The festive evening ended with the highest honour, the Woman of the Year Award. I would like to congratulate the winner, Anne Pegg, for her remarkable 40 years of volunteering in Georgina. Her credits include 38 years in the Sutton Agricultural Society, the Red Barn Theatre and the Georgina Citizen of the Year Award for 2000. Congratulations to Anne and to all award recipients.

I would like to conclude with a quote by Peggy Anderson which captures the spirit of great women and the In Celebration of Women banquet: "Great women are not considered so because of personal achievements but for the effect their efforts have had on the lives of countless others. From daring feats of bravery to the understated ways of a compassionate heart, great women possess a common strength of character. Through their passion and persistence, they have advanced womanhood and the world."

INTRODUCTION OF BILLS

HIGHWAY TRAFFIC AMENDMENT ACT (DRIVING WHILE SUSPENDED), 2001

LOI DE 2001 MODIFIANT LE CODE DE LA ROUTE (CONDUITE PENDANT UNE SUSPENSION)

Mr Bartolucci moved first reading of the following bill:

Bill 47, An Act to amend the Highway Traffic Act to increase the penalties for driving with a suspended licence / Projet de loi 47, Loi modifiant le Code de la route pour accroître les peines pour conduite pendant une suspension de permis.

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

The member for a short statement.

Mr Rick Bartolucci (Sudbury): The bill increases the penalty and the period of licence suspension to be imposed when a person is convicted more than once of certain offences under the Criminal Code set out in section 41 of the Highway Traffic Act.

It also increases the period of licence suspension to be imposed under section 42 when a person is convicted more than once of operating a motor vehicle, vessel or aircraft or any railway equipment in Canada while disqualified from doing so, contrary to subsection 259(4) of the Criminal Code; or is convicted more than once of prescribed offences under a law of a state of the United States.

A vehicle used in the commission of an offence must be seized and sold if the owner's licence is suspended more than once under section 41 or 42. The judge or court may also be satisfied that the person convicted owned the vehicle at the time of the offence and still owns the vehicle. If not, the person convicted is subject to a fine equal to the value of the vehicle used in the commission of the offence. In either case, the proceeds may be used to finance programs that, in the opinion of the Attorney General, promote safe driving, such as MADD.

1350

INQUIRY INTO POLICE
INVESTIGATIONS
OF SEXUAL ABUSE AGAINST MINORS
IN THE CORNWALL AREA ACT, 2001
LOI DE 2001 PRÉVOYANT UNE ENQUÊTE
SUR LES ENQUÊTES POLICIÈRES
RELATIVES AUX PLAINTES DE MAUVAIS
TRAITEMENTS D'ORDRE SEXUEL
INFLIGÉS À DES MINEURS
DANS LA RÉGION DE CORNWALL

Mr Guzzo moved first reading of the following bill:

Bill 48, An Act to establish a commission of inquiry to inquire into the investigations by police forces into sexual abuse against minors in the Cornwall area / Projet de loi 48, Loi visant à créer une commission chargée d'enquêter sur les enquêtes menées par des corps de police sur les plaintes de mauvais traitements d'ordre sexuel infligés à des mineurs dans la région de Cornwall.

The Speaker (Hon Gary Carr): The member for a short statement?

Mr Garry J. Guzzo (Ottawa West-Nepean): The best medical evidence available indicates that pedophilia cannot be cured. This bill does not concern itself with punishment or retribution. This bill speaks to the issue of protection of young people in eastern Ontario, particularly in the Cornwall area, and particularly those who, as I speak, remain under the influence and direction of known pedophiles.

Ms Marilyn Churley (Toronto-Danforth): On a point of order, Mr Speaker: In view of the seriousness of

this issue, I would ask for unanimous consent that we pass second and third readings of Mr Guzzo's bill.

The Speaker: Is there unanimous consent? I'm afraid I heard some noes.

HIGHWAY TRAFFIC AMENDMENT ACT
(CELLULAR PHONES), 2001
LOI DE 2001 MODIFIANT
LE CODE DE LA ROUTE
(TÉLÉPHONES CELLULAIRES)

Mr O'Toole moved first reading of the following bill:

Bill 49, An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway / Projet de loi 49, Loi modifiant le Code de la route pour interdire l'utilisation de téléphones et d'autres équipements pendant la conduite sur une voie publique.

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

The member for a short statement?

Mr John O'Toole (Durham): All police associations have written that the number one rule in safe driving is to limit distractions and keep both hands on the wheel.

Just recently, a police report in Durham reported that "At approximately 4:05 pm on Monday, May 7, 2001, a fatal motor vehicle collision involving a pickup truck and CP freight train occurred on Brock Road North in the city of Pickering."

To quote police, "Driver inattention is believed to have caused this collision. Police have learned that Mr Schewe was talking on a cellular telephone at the moment of impact."

In light of recent incidents on Ontario roadways and the success of the Ontario Provincial Police Operation Distraction, it is clear that the use of hand-held cellphones and communication devices interferes with the safe operation of motor vehicles.

This bill would amend the Highway Traffic Act to prohibit the use of hand-held cellphones and other electronic devices while operating a motor vehicle. Specific exemptions are provided for emergencies.

The bill further legislates the reporting of motor vehicle accidents caused by the use of hand-held communication devices.

This bill promotes safe transportation on our Ontario highways.

MOTIONS

HOUSE SITTINGS

Hon Janet Ecker (Minister of Education, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet tonight, Monday, May

14, 2001, from 6:45 pm to 9:30 pm for the purpose of considering government business.

The Speaker (Hon Gary Carr): 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 five-minute bell.

The division bells rang from 1354 to 1359.

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

Ayes

Clark, Brad	Johnson, Bert	Snobelen, John
Clement, Tony	Klees, Frank	Spina, Joseph
Coburn, Brian	Maves, Bart	Stewart, R. Gary
Cunningham, Dianne	Mazzilli, Frank	Stockwell, Chris
Dunlop, Garfield	Miller, Norm	Tascona, Joseph N.
Ecker, Janet	Molinari, Tina R.	Tilson, David
Elliott, Brenda	Munro, Julia	Tsubouchi, David H.
Galt, Doug	Mushinski, Marilyn	Turnbull, David
Gill, Raminder	Newman, Dan	Wettlaufer, Wayne
Guzzo, Garry J.	O'Toole, John	Witmer, Elizabeth
Hardeman, Ernie	Runciman, Robert W.	Wood, Bob
Jackson, Cameron	Sampson, Rob	Young, David
Johns, Helen		

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

Nays

Agostino, Dominic	Crozier, Bruce	Marchese, Rosario
Bartolucci, Rick	Curling, Alvin	Martel, Shelley
Bisson, Gilles	Di Cocco, Caroline	McLeod, Lyn
Boyer, Claudette	Dombrowsky, Leona	McMeekin, Ted
Bradley, James J.	Duncan, Dwight	Peters, Steve
Brown, Michael A.	Gravelle, Michael	Phillips, Gerry
Bryant, Michael	Hoy, Pat	Pupatello, Sandra
Caplan, David	Kormos, Peter	Ramsay, David
Churley, Marilyn	Kwinter, Monte	Sergio, Mario
Colle, Mike	Lankin, Frances	Smitherman, George
Conway, Sean G.	Levac, David	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 37; the nays are 32.

The Speaker: I declare the motion carried.

Mr Rick Bartolucci (Sudbury): On a point of order, Mr Speaker: Because it is Police Week, I am asking for unanimous consent to have second and third reading of Bill 22, An Act to protect Children involved in Prostitution, as we all know it would help the police in carrying out their duties.

The Speaker: Is there unanimous consent? I heard some noes.

Mr Mike Colle (Eglinton-Lawrence): On a point of order, Mr Speaker: Given that it is Police Week, I ask for unanimous consent for second and third reading of Bill 23, An Act to amend the Highway Traffic Act to require a driver's licence to be suspended if a motor vehicle is used when purchasing sexual services from a child.

The Speaker: Is there unanimous consent? I heard some noes.

Mr Bartolucci: On a point of order, Speaker: Because it is Police Week, I would ask for unanimous consent for second and third reading of Bill 24, An Act to amend the Municipal Act with respect to adult entertainment parlours, which would help the police immeasurably in the execution of their duties.

The Speaker: Is there unanimous consent? I heard some noes.

STATEMENTS BY THE MINISTRY AND RESPONSES

POLICE WEEK

Hon David Turnbull (Solicitor General): Earlier this afternoon I joined with police and municipal representatives at the Toronto Police Service headquarters to launch Police Week in Ontario.

This year, the policing community in Ontario is celebrating Police Week from May 13 to May 19. This week provides the residents of Ontario with an opportunity to express their gratitude to the men and women who work to make our streets and communities safe.

I invite all members of the Legislature to join with me in recognizing the contributions and sacrifices made by municipal and provincial police officers across Ontario.

On May 6, I had the honour to participate in the province's second annual remembrance ceremony at the Ontario Police Memorial here at Queen's Park. It was a moving ceremony, attended by the Lieutenant Governor, Premier Harris and the families and colleagues of fallen officers. The remembrance ceremony provides an opportunity to remember those brave officers who have given their lives while serving the people of Ontario. The memorial and indeed the Police Week itself give us an opportunity to express our gratitude for the contributions made by the province's police services, both past and present. We know that sometimes in fulfilling their duties, police can face great danger. As community members, it's important that we have the opportunity to show our respect and gratitude to those officers and their families who have made the supreme sacrifice in the line of duty.

A year ago, the memorial was unveiled and the first annual service for fallen officers was held. At that time 200 names were inscribed on the wall. This special observance will continue each year on the first Sunday of May. This year we proudly, yet sadly, add the names of 11 officers to the memorial, including Sergeant Margaret Eve who made the ultimate sacrifice last June. The other 10 officers who were identified for the memorial service served as recently as 1986 and as long ago as 1893. Let us pray we won't have to add any more names to the memorial when we gather together next spring.

Families in Ontario have a right to feel safe in their communities. This sense of safety is dependent on the work of our police services. Every day, police officers

are on our streets and our highways preventing crime, apprehending criminals and assisting victims. At the memorial, we remember those who have given their lives for us.

It's also important this week and throughout the year to pause and pay special tribute to the more than 20,000 police officers currently serving across the province. They have made a personal commitment to make our communities safe, and they put their lives on the line every time they report for duty.

While police officers are hard at work on the front lines, our government has made a commitment to provide them with the tools that they need to fight crime. We have enacted Christopher's Law, establishing Canada's first sex offender registry; the Safe Streets Act, stopping aggressive panhandling; the Sergeant Rick McDonald Memorial Act, introducing stiff new penalties for drivers fleeing police; and the Imitation Fire Arms Regulations Act, restricting the sale and purchase of imitation firearms in the province. In addition, last week's budget allocated \$6 million to specialized and legal resources to fight organized crime.

Under the community policing partnership program, we have allocated funding to add 1,000 net new front-line police officers in the province. Through the Partners Against Crime program, we have invested \$967,000 from the proceeds of crime to fund aircraft projects in four police services, and the government has invested \$5 million to upgrade DNA lab facilities to reduce turnaround time of results.

With the support of thousands of police officers across the province and in partnership with other stakeholders, we are winning the battle against crime. I know that all members in this House join me in sending a message of appreciation to police officers across the province. I call on all members of the House to join me in saluting Ontario's police services.

CREUTZFELDT-JAKOB DISEASE

Hon Tony Clement (Minister of Health and Long-Term Care): Last week I addressed the Legislature in relation to a potential Creutzfeldt-Jakob disease matter at Hotel-Dieu Grace Hospital in Windsor. I can report to the House that a risk assessment was conducted and shared with ministry staff, local medical officers of health, Health Canada, hospitals in Windsor and London, other scientific experts and the public. I know that all members of the House are pleased with the outcome of this assessment.

The neurosurgical instruments used at Hotel-Dieu Grace Hospital in Windsor are no longer being used. I am advised that other surgical instruments that were routinely sterilized and used in the hospital between March 13 and May 11 are considered to be at extremely low risk for contamination.

I wish to advise the Legislature that Hotel-Dieu Grace Hospital in Windsor may experience some financial pressures related to replacing surgical equipment. I

would like to assure the Legislature at this time that my ministry is working to assess the needs of the hospital and will provide the required financial assistance to maintain quality patient services.

1410

POLICE WEEK

Mr Dave Levac (Brant): Today we mark the beginning of Police Week. I am honoured to speak on behalf of Dalton McGuinty and the Liberal caucus.

From yesterday, May 13, until Sunday, May 19, the citizens and the communities across the province are being invited to make themselves more aware of the services provided by Ontario police, services that are sometimes unfortunately taken for granted until an emergency arises and we call upon these brave men and women to assist.

Our police officers also act in a proactive way.

We also need to take this time to reflect on the tremendous job that men and women in uniform do, day in and day out, protecting our communities and keeping our hard-working families safe.

I was also honoured to be present and to represent the Liberal caucus at the remembrance ceremony. This ceremony is out of respect for the families as well as the fallen officers. To them we offer our heartfelt thanks, our gratitude and our prayers.

In the provincial Legislature, Police Week is a time to reflect to make sure that we, as elected officials, are providing support to those on the front lines when it comes to giving them the tools that are needed to do their job.

Today, the Solicitor General handed over a cheque to the Toronto police chief in order to hire more front-line officers. This is a start to regain losses. However, this is not keeping up with the number of police officers retiring, and therefore the number of police on the front line is actually decreasing. In fact, there are 400 fewer officers on the streets of Toronto today than there were in 1992.

Recent Statistics Canada figures show that actual police officers on the street between 1995 and 2000 are down 2.3% per capita in the province of Ontario.

Both Project P and our anti-organized-crime units are woefully underresourced and need the provincial government to support them in this very important work. Fourteen members of Project P to wipe out pornography in the entire province of Ontario is not good enough.

In addition, the families of police officers need this government's support by protecting them from organized crime. That is why I have introduced the Protecting the Privacy of Criminal Justice Personnel Act. Police officers must be free to do their job without fear of reprisal or intimidation directed at their families as well as themselves.

In conclusion, I congratulate the police of Ontario for the job that they do during this week and every week of the year. Dalton McGuinty and the Liberal caucus

appreciate it. We all appreciate it. Municipalities appreciate it. We deserve to have the best possible protection for the citizens and the hard-working people of Ontario.

Let's make sure they have the tools to do the job that they need to do.

CREUTZFELDT-JAKOB DISEASE

Mr Bruce Crozier (Essex): On behalf of my colleagues from Windsor West, Windsor-St Clair, Dalton McGuinty and the Liberal caucus, I am pleased to respond to the comments of the Minister of Health with regard to the potential Creutzfeldt-Jakob disease matter at Hotel-Dieu Grace Hospital in Windsor.

I am particularly pleased today that the minister has assured us that his staff is working to assess the needs of the hospital and will provide the required financial assistance to maintain quality patient services, as suggested by my colleague from Windsor-St Clair last week.

I would also like to reiterate how we appreciate the minister having kept us advised of this situation—those being the residents of Windsor-Essex county, and the province, for that matter—and the assistance and professional way that everyone involved in this has worked: the Windsor-Essex County Health Unit; Mr Frank Bagatto, the CEO of the Hotel-Dieu Grace Hospital; the surgical and nursing staff. All of the professional people involved in this have worked together to assure the residents of Windsor-Essex county, and indeed those of the province, of the seriousness of the situation and yet how there was really, because of procedures taken, a minimal cause for concern in the end.

Last but not least, our prayers and our thoughts are with the patient who initially was affected by this issue and anyone who in the meantime may have suffered any stress. To all those involved, I think everybody worked in a professional, sincere and compassionate manner, and we appreciate that very much.

Ms Frances Lankin (Beaches-East York): I have two brief comments in response to the Minister of Health. First, today he made a commitment to provide the required financial assistance to maintain quality patient services at Hotel-Dieu Grace Hospital in Windsor. We hope that translates into the actual cost of purchasing the new equipment and that there won't be a system of haggling here. Those are not the words he used, and we'd like some assurances on that.

Second, last week I raised the general policy question with respect to the increasing trend of hospitals using shared services, in this case equipment. We're glad the risk assessment shows that the risk is less than it might have been. I've asked him to clarify for this House what the ministry's policy is with respect to that. I would hope the next time he rises on this that he will respond to that point.

POLICE WEEK

Mr Peter Kormos (Niagara Centre): New Democrats are pleased to join in this message of pride for our police here in Ontario as we commence Police Week in this province.

We want police officers in communities across this province to understand the high regard in which we hold police officers, and I'm pleased to join with the Solicitor General in speaking to those police officers, their families and the communities they serve in indicating very clearly that the people, the residents, the citizenry of our communities value their police highly.

But I regret the Solicitor General's rather partisan ending to his comments, because I would ask the Solicitor General and, quite frankly, police officers in this province to take note of the fact that while we supported with enthusiasm Christopher's Law, the New Democratic Party moved amendments that would have toughened Christopher's Law to ensure that all sex offenders in the province would be included in that registry, not just the selected range of sex offenders that the government proposed. You see, the government voted down the NDP amendments that would have improved the effectiveness of Christopher's Law.

New Democrats tried to strengthen the Sergeant Rick McDonald Memorial Act, again with tougher penalties, the same sort of penalties that police officers have been asking for, but the government voted down those amendments moved by the New Democrats that would have toughened the Sergeant Rick McDonald Memorial Act.

New Democrats tried to toughen up the Imitation Firearms Regulation Act, but the government wouldn't support us in our efforts to make that law tougher; in fact, the government did no more than adopt the Liberal bill, which has loopholes so big you can drive a truck through them and has imitation toy firearms still in proliferation across this province, in the hands not only of criminals but of children as well. Again, that was contrary to what police officers wanted and asked for.

New Democrats are proud to stand with the cops of this province, the women and men who in every community, big and small, not only, as the Solicitor General would say, are sometimes exposed to grave danger, but I suggest to you are oftentimes exposed to great danger. If we're going to pay tribute to our cops, let's make sure that as a Parliament—and I tell this government to ensure that it fulfills its responsibility to ensure that police forces are properly staffed, because we've seen a reduction in the number of police per capita in this province since the election of the Mike Harris government.

I put it to this government, the Mike Harris Tories, that it's incumbent upon them to ensure that police forces have adequate resources, that they have the technology and the tools to enable them to do their job, because police are under great pressure from the community. In any democratic society, as in ours, police are held to high

standards, and the police understand that, but when the police officers of our communities aren't given the tools and the resources to do their jobs effectively, one has to understand the frustration, the incredible lack of morale that permeates many police forces, and the frustration that those police officers feel.

I suggest to this Solicitor General that he may never have visited communities like Fort Albany or Attawapiskat, Ogaki or Peawanuck. I joined my colleague the member from Timmins-James Bay there last year, and I saw native policing services, NAPS, not only with broken tools but with no tools, one-person police forces, boats without motors, snowmobiles without motors. We're talking about one-person police forces that are called upon to protect their communities, to investigate and assist in the prosecution of crime. This government won't even give them justices of the peace to enable them to access arrest warrants and detention orders.

This government, I put to you, has not been a friend of police officers or of safer communities in this province. It certainly has been an outright foe of the north and those native communities that rely upon this government to resource and staff their native policing services.

1420

HOLOCAUST MEMORIAL DAY

Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors): On a point of order, Mr Speaker: I believe I have unanimous consent to do an all-party statement on Yom HaShoah.

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

Hon Mr Jackson: Thank you very much, Mr Speaker. I'm pleased to join all members of the House in recognizing Yom HaShoah, Holocaust Memorial Day. It is a day when the Jewish community all over the world lights candles to honour the people who survived the Holocaust, those monstrous events of the Second World War that have scarred humankind for all time.

This government proclaimed Bill 66 in 1998, an act that provides a day in each year to honour Holocaust survivors. I'd like to thank the member for Halton. Ontario is the first government outside of Israel to have recognized this important day in history. The date is determined annually by the Jewish lunar calendar, which occurred this year on April 19.

This morning, I had the privilege of hosting, along with our Premier and my colleague the Honourable David Young, the government's commemoration of Yom HaShoah by honouring 13 Holocaust survivors. This event was also made possible by the ongoing efforts of the Canadian Society for Yad Vashem. The Israeli Knesset established Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority, in 1953, and it functions as a living memorial museum. It stands as a repository of the documented history of one of the 20th century's most tragic events. Not only our Premier but former Premier Bob Rae and I believe Monte Kwinter in

the House have all had occasion to visit this hallowed ground.

Earlier today, in a ceremony that was touching and inspirational and enriched by the pride of families and friends, we presented from the people of Ontario scrolls to these 13 remarkable survivors to mark this important day. Many of the honourees and their families stayed for lunch, and some are still here in the gallery with us today. We are all enriched by your contribution to this province. Most of you arrived here with little more than your indomitable spirit. You worked, established businesses and raised your families in a new world, a world free from fear and free from tyranny.

At this morning's ceremony, I outlined a summary of each individual, their astonishing lives, their heroic stories and their accomplishments. Their stories touched our hearts profoundly. Your stories represent courage, dignity and faith and an overwhelming determination to conquer the evil you faced day by day, moment by moment, in those dark times.

Some of you were small children when your lives were snatched up by oppressors, some of you were young adults, but all of you were victims of unspeakable crimes and all of you miraculously triumphed.

These special honourees are in the House with us, and I'd like to read into the record of this Legislature for our history the names of each of these courageous people: Leo and Sarah Beliak, Jenny Eisenstein, Cantor Morris Goldlust, Saul Ihilchik, Elias Kleimer, Theodore Libfeld, who is honoured posthumously by his wife, Lorraine, Andy Lichtenberg, George Metz, Faye Schulman, Fela Shapiro, Irving Stal and Sam Weisberg.

I'd like to point out that the word "shoah" is the Hebrew word for "whirlwind." It is used to describe the horrific deeds that swept across Europe against the Jews. The tragic toll was six million souls—and one million children—a population more than half the size of our province. In addition to this devastating number were many others who were targeted for their race, for their religion, their physical and their mental disabilities and for their sexual orientation. It is the fervent belief of the people of the world, however, that such a whirlwind will never touch down again on any soil at any time.

In Ontario we take our freedom for granted because we have inherited this. But these 13 brave people we honour today lost their freedom and, horrifically, lost most of their family members and many of their friends and neighbours for reasons that no rational mind can ever contemplate.

During those dreadful years, the courageous people who survived did so with superhuman inner strength. Valiantly, they summoned upon their own spirituality and their innermost resources to survive. Though they had lost so much in a material sense—their homes, their businesses and family treasures—they lost something far more valuable: their fundamental freedom to practise their religion, the freedom to live without fear of persecution.

We must never forget. We must be vigilant. We cannot lose sight of the fact for a moment that freedom is everyone's right, not a privilege for the selected few.

The loss of freedom reminds us that we live in a community of many communities, in a diversely harmonious province, in a land where each and every one of us enjoys the ultimate freedom: the freedom from tyranny and oppression.

This is ours to cherish: to be who we are, to practise our many religions, to live in harmony with our neighbours. These freedoms are such an integral part of our lives we seldom think of them.

To our 13 honourees today, I want to say to them once more in the House that this government recognizes your profound sacrifice and is proud to honour you for making a life in our province, for endowing your children and grandchildren with the legacy of your courage, and through you we all learn about tolerance and understanding and are reminded that we must not overlook the wealth of Ontario's many cultures in our neighbourhoods, in our towns and in our cities. You represent to us in the strongest and most heartfelt manner that we cannot and will not ever again forget.

The province of Ontario honours you 13 valued, special citizens. But in truth, you honour all Ontarians with your courage and your dignity.

Mr Monte Kwinter (York Centre): Today we commemorate Yom HaShoah, Vehagvurah, Holocaust Memorial Day. Ontario has the distinction of being the first jurisdiction outside of Israel to pass an act proclaiming Holocaust Memorial Day. This act also calls for the enhancement of Holocaust and anti-discrimination education which will enrich our Ontario heritage and mosaic.

As we already heard at the ceremony this morning, in conjunction with Yad Vashem, we honoured and recognized 13 survivors of the Holocaust for the eighth time in this Legislature. I want to use this opportunity to make it an educational experience for all of us and recount the story of Chiune Sugihara, one of the most important rescuers of Jews during the Holocaust. An estimated 40,000 descendants of the Jewish refugees he saved are alive today because of his courageous actions.

The story of Chiune Sugihara is among the most remarkable to come out of the Second World War. In the fall of 1939, Chiune Sugihara was sent by the Japanese government to Kaunas, now known as Kovno, in Lithuania. He was sent there to open a consulate.

1430

By 1940, much of Europe had been conquered by the Nazis, who imposed increasingly harsh anti-Jewish measures. Many Polish Jews fled from Poland to Lithuania, where Consul Sugihara was approached to help in a complicated plan to enable the Jews to flee the Nazi Holocaust. They told the Japanese diplomat that two Dutch colonies, Curaçao in the Caribbean and Surinam in South America, did not require formal entrance visas for foreign travellers. To get to these Dutch colonies, however, one needed to travel through the Soviet Union

and Japan. Not only did Sugihara agree to help; he convinced the Soviet consul to issue transit visas as well. Three times, Sugihara wired Tokyo for permission to issue the visas. Three times he was turned down.

He then had to make the most difficult decision of his professional and political life. That was to either obey his superiors or issue the visas. He chose on his own to issue thousands of visas, and for a month he spent endless hours handwriting these visas.

After receiving their visas, thousands of Jews sailed to Kobe, Japan. Then most of the Jews went on to Shanghai, China, where they survived the war. I've had the opportunity of visiting where they were in Shanghai. They established a total community there, and from there left to travel to the west years after the war.

After the war, when Mr Sugihara returned to Japan, he was unceremoniously dismissed from the diplomatic service. Once a rising star in the Japanese diplomatic service, Sugihara's career as a diplomat was shattered. After the war, Mr Sugihara and his wife never spoke about their wartime deeds. Amazingly, it wasn't until 30 years later that many survivors came forward to testify to Yad Vashem in Israel about Mr Sugihara's humanitarian initiative.

In 1985, Chiune Sugihara was recognized as "righteous among the nations" by the Yad Vashem Martyrs' and Heroes' Remembrance Authority in Jerusalem.

Notwithstanding that he knew it would destroy his career, Sugihara was asked why he did it. He replied that they were human beings and they needed help. "I'm glad I found the strength to make the decision to give it to them."

Mr Sugihara joins many, like Oskar Schindler and Raoul Wallenberg, who went out of their way, at great risk to themselves, to show that they can set the standard for man's humanity to man. It is that drive and that commitment that we must always remember so the world will never forget.

Mr Howard Hampton (Kenora-Rainy River): Isaiah, chapter 56, verse 5, says, "To them will I give in my House and within my walls a memorial ... an everlasting name"—a yad vashem—"that shall not be cut off."

Isaiah's words call the world to remembrance of her fallen children, and we are honoured to have among us today a group of amazing men and women whose life experiences have touched us all. By sharing their stories of suffering and survival with us, they honour those who died. We join with them in remembering. We must not let the horror of the Holocaust be forgotten. Their testimony serves to remind all of us of our responsibility to ensure that death and suffering in our world comes to an end.

For over 40 years, beginning in 1955, the museum of Yad Vashem in Jerusalem has been collecting the names and biographical information of the over six million Jews who were murdered during the Holocaust. Surviving family members and Jewish communities around the world have carried forward the work of remembering the

names of those whose lives were so brutally cut short. They understood that the victims of Hitler's orchestrated slaughter must not be relegated to mere statistics. Today, the lives of many Jews who died have been preserved in permanent memory. Their identities echo through the Hall of Names, testifying to the horror and reminding us of our responsibility to never let it happen again.

Canadians have a close association with Yad Vashem in Jerusalem because Canadian architect Moshe Safdie contributed to its design. I'm told that he built the entrance into the museum as a bridge to carry visitors from the everyday world into the sanctity of the memorial site, allowing people to mentally prepare themselves for the experience of remembering.

Yad Vashem is relevant to all of us because its goal is to make people think. But thinking, indeed remembering, is not enough. It is our duty to all Holocaust victims, living or dead, to bring about whatever justice can be served in the aftermath of this great human tragedy. As public figures, we must condemn those who would deny the suffering and murder of millions. As legislators, we must relentlessly pursue war criminals living in our midst.

The western world learned a lesson from the terrible events of the Holocaust. We learned that freedom is tenuous. We learned that what happens in our neighbour's backyard is our concern. We learned that we cannot turn our backs on our fellow human beings. In the wake of Naziism, countries across the globe joined forces against the scourge of racism and tyranny.

In 1945, the United Nations declared the protection of human rights and freedoms an international responsibility. This translation of the fundamental principles of life and liberty into international law was one of the greatest victories in the western world. This is a lesson we must continue to teach. We must be forever vigilant.

We know that our world remains a violent and oppressive place for too many people. Countries continue to sentence their citizens to death; military violence is too often used against a country's own citizens; people still live in incredible poverty, without access to food and shelter; aboriginal people are refused title to their land; children are denied access to education. One need not look far beyond our borders to find injustice. We know all too well that abuses of basic human rights happen here in Canada, one of the greatest countries on earth.

Today we remember the sacrifices of those men and women who suffered and died during the blackest period of modern history, but this day serves to remind us all of what they have accomplished. Today we remember our responsibilities to each other. Today is about recommitting ourselves to the task of making the world a safe place for everyone, no matter their race, their religion, their gender or their age.

To those in the gallery with us, I want to tell you that I am both humbled and inspired by your courage. I think it is nearly impossible for any of us to fully contemplate what you experienced in your young lives. Your will to survive, your strength and your commitment to your

fellow human beings are truly remarkable. I thank you for turning your tragedies and hardships into something positive. We all benefit from your contribution to making sure it never happens again.

Hon Mr Jackson: On a point of order, Mr Speaker: I was hoping we would do a moment's silence.

The Speaker: Would all our friends and members please kindly rise for a moment of silence.

The House observed a moment's silence.

The Speaker: I thank all the members and our honoured guests as well.

VISITORS

The Speaker (Hon Gary Carr): Just before we begin question period, we have as guests some volunteers and staff from the Ontario Lung Association, the Canadian Cancer Society and the Heart and Stroke Foundation of Ontario who are joining us here today for question period as well.

1440

ORAL QUESTIONS

EDUCATION FUNDING

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of Education. I want to return to your vouchers-for-private-schools program. Last week when I asked you to defend your proposal to take \$500 million out of public education and invest that in private schools, I gave you six separate opportunities to defend your policy, and you refused every opportunity. I want to try again.

Madam Minister, you have, through your government's policies, brought public education in Ontario to its knees. It is at risk. We have overcrowded classrooms. We have parents raising money out there for fundamental school supplies like textbooks. You have slashed special education programs, English-as-a-second-language programs, even adult education programs.

Once again on behalf of Ontario's working families, why is it in their interests and in the interests of their children and in the interests of their children's public education that you take \$500 million and invest it in elite private schools like Upper Canada College?

Hon Janet Ecker (Minister of Education, Government House Leader): First of all, I would disagree with the honourable member. What we have done with public education in this province is to bring it more accountability and more quality through a better, tougher, more rigorous curriculum, through standardized testing, through a whole range of initiatives. Student testing, teacher testing, increased resources, all of those things have been done to increase and strengthen the public education system.

The budget is very clear that commitment to public education continues. We have made new investments. We will continue to make new investments. We will also continue to move forward on the other promises and commitments we made to the parents, to hard-working families in Ontario, to make sure we have a results-based, excellent system that will give our young people what they need to succeed.

Mr McGuinty: Madam Minister, I'm keeping count, and so are working families. I've put seven questions to you; I've asked you seven times over to defend your policy about taking public money and putting it into private, elite schools like Upper Canada College, and you refuse, presumably because you cannot defend the indefensible.

Even the people who run the private schools think your private school vouchers will cause damage to our public schools. Listen to what Natalie Little, the head of Bishop Strachan, had to say: "The Harris government has done the exact opposite of what we know works. Schools improve when you put resources into them. This could undermine the strength of our future citizens. I don't think anyone has thought that through."

Madam Minister, our working families don't want you to abandon their children's public education. They want you to champion their children's public education. They want you to commit yourself to improving public education for their children.

I ask you now for the eighth time, on behalf of Ontario's working families: why is it in the interests of our working families and their children and in the interests of public education that you take \$500 million and invest that in private, elite schools like Upper Canada College?

Hon Mrs Ecker: I would like to remind the honourable member that he might want to check his facts. Here we go; Liberal research again. No one is advocating spending \$500 million in elite private schools. Contrary to the Liberal Party, we have this very strange belief here that parental choice is very important, that the voice of parents in education is very important.

I know you don't agree with that. I know you fought our education reforms in the public system to give our parents a stronger voice on school councils, to let them have a say in safe schools policies, in turnaround plans for schools. We respect that parental choice. We also respect that parental choice of those parents who wish to have their children educated in their culture or in their religion. I know the honourable member has said to the Jewish families and the Muslim families and the Christian families and the Hindu families and the Sikh families that their choices don't matter to him. They do matter to this caucus.

Mr McGuinty: That was eight, and nine is on the way. The question again is very simple: why is it that you believe it's a good thing to take \$500 million in public dollars and invest that in private schools? That's the question.

This is what the Premier said during the last provincial election campaign. "We want a public education system that Ontario parents and families have so much confidence in that they'll never want to send their children to any other private school or any other system." He went on to say, "When I was asked in one of the communities would I support their call for a voucher system, I said no."

That was a very important campaign commitment. That was a very important campaign promise, and voters, working parents in particular, relied on that specific campaign promise. Clearly, you've broken the promise; that is not an issue. So for the ninth time, on behalf of working families, tell us, why is it a good thing to take \$500 million that could be spent in public education for working families and their children and put it into elite private schools like Upper Canada College?

Hon Mrs Ecker: The honourable member can keep repeating this as long as he wants, but repeating it doesn't make it true. No one is investing \$500 million in this province in elite private schools—period, end of story.

Do you know what? Also, to the honourable member, those commitments stand. We are working to make the public education system the best not only in this country but around the world, so parents do not have to take their children anywhere else. They can have them in the public education system where they can benefit from the new curriculum, the standardized tests, the teacher testing, the safe schools—all those initiatives that this government promised, that this government is delivering on, and that that party over there fought every step of the way.

You don't support any of the public education reforms we've brought in. You don't support parental choice. You don't put the facts on the table for the parents so they can judge for themselves.

We stand by our commitments, as we said we would.

The Speaker (Hon Gary Carr): New question.

Mr McGuinty: Minister, I've given you nine separate opportunities and you've turned all nine down.

You have now been visited by the aftermath of your policy. You have now come to understand, hopefully, that you have shown terrible judgment. You have made a horrible miscalculation. Your plan to help parents and kids to elite private schools like Upper Canada College has been universally condemned.

Can you give us any glimmer of hope? Can you tell us that you are now prepared to reconsider this particular aspect of your policy where you're going to send money to elite private schools? Can you tell us now? Because working parents are very upset by this policy. They want their tax dollars to go into their children's public schools. Can you tell us that, at a minimum, their tax dollars won't go to elite private schools like Upper Canada College?

Hon Mrs Ecker: For the 10th time, I am not going to confirm something that the honourable member knows is not accurate.

First of all, of course this is a controversial move. I haven't met a change in education in my lifetime, put

forward by any government, that hasn't met with controversy. The difference between this government and the party across the way is that not only are we doing what we said we'd do, not only are we delivering on our quality reforms to public education, but we have the courage to make changes, we have the courage to put those out, where the honourable member and his party members have been on both sides of every educational reform that we have brought in.

Ontario's hard-working families want an education system that will give their children what their children need: the school up the street, the school in their town. They want to know how well their school is doing. They want a good curriculum. They want good teachers. All of those are things that our government remains committed to doing. Putting more money in the classroom: over \$360 million, as the honourable—

The Speaker: Order. The minister's time is up. Supplementary?

1450

Mr McGuinty: Madam Minister, bluster just isn't going to work this time. Ontario is very upset. This is a profound change in education policy. You're talking upwards of \$500 million. There is no separate bill here. There was no public consultation. There was no debate of any kind. In fact, during the course of the election, the Premier specifically said he would never, ever do this. And now, apparently, Madam Minister, it is being done.

Maybe there are groups out there and individuals that we're not aware of, and I'm going to ask you now to put their names on the record. Could you please tell us the names of groups or individuals who support a policy—and listen to my question, please, Madam Minister, very carefully—that would send public dollars to elite private schools like Upper Canada College? Could I have the names, please, of organizations or groups or individuals?

Hon Mrs Ecker: First of all, I'd be very surprised if we would find anyone who would support taking money for elite private schools. What we have lots of support for is supporting parental choice. The hard-working families out there that the honourable member likes to be so proud he defends, those hard-working families in ridings that even some of your members try to represent, the Muslim families, the Christian families, the Sikh families, the Hindu families—I like the way the honourable member tries to say that somehow or other the Muslim school that's in my riding, that Jewish school that is in the riding of some of your own members, is some elite institution.

All he has to do is to turn around, look behind him at some of his own caucus members, at some of their own people in the ridings that they represent to find many, many parents and groups who believe that parental choice is very important, whether they are in the public education system or whether they choose to—

The Speaker: Order. The minister's time is up. Final supplementary.

Mr McGuinty: I've given the minister 11 separate opportunities to defend her policy which would send public dollars to elite private schools like Upper Canada

College. She refuses to address that issue. I then asked her if she might give us a list of names of either individuals or organizations who support that specific policy, and she's not able to produce a single one.

Let me tell you about that aspect of this policy. She can't produce any names of any individuals or organizations, because this has nothing to do with fairness. It has everything to do with this government trying to reward its friends at the expense of Ontario's working families. That's what this policy is all about.

Madam Minister, rather than dance over, around, under and through this policy, why not admit what Ontarians have now come to understand—

Interjection.

The Speaker: Sorry to interrupt the leader of the official opposition. Stop the clock. The member for London-Fanshawe, please come to order. It's like your microphone's on, you have such a loud voice. It's like you're two feet away. I would ask him to come to order, please.

Sorry for the interruption. The leader of the official opposition.

Mr McGuinty: Madam Minister, your motivation has become painfully transparent, and rather than dance around, over, under and through this issue, why not be honest here today? Come clean and admit that your policy to send public dollars to elite private schools like Upper Canada College has nothing to do with fairness and everything with looking after your friends.

Hon Mrs Ecker: Well, the honourable member really does pass belief here. First of all, if he wants to look for people who support tax credits for independent schools for those hard-working Ontario families, he need go no further than the editorial pages of his favourite newspaper, the Toronto Star. He needs to go no further than the editorial pages and the radio open-line shows across this province, where families are calling in and saying, yes, they do support this.

The other thing that is always interesting is, you know, when you have a caucus, as we do, of individuals who have children and grandchildren and brothers and sisters and husbands and wives who are in the public school system, our commitment to the public system continues. The budget is very clear. Our policies are very clear. We will continue to do what we told Ontario's hard-working families we would do: implement a more rigorous curriculum, bring in standardized testing to make sure our students are learning that curriculum, bring in a comprehensive teacher-testing program to make sure that our teachers are as good as they can be. Those commitments stand, that education—

The Speaker: The minister's time is up. New question. The leader of the third party.

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier.

Premier, two years ago, during the election, I was in a leaders' debate with you where you berated Mr McGuinty for suggesting that he would consider public funds, taxpayers' funds, for private schools. In fact I

remember you saying over and over that you would never, never use taxpayers' money, public money, to fund private schools. Now you're intending to use \$3,500 a year to fund students attending private schools.

Premier, will you keep the promise you made during the election campaign? Will you ensure that public funds are not used to provide support to private schools?

Hon Michael D. Harris (Premier): I appreciate the question. I think the issue in the leaders' debate dealt with vouchers, which I spoke against and said we were not in favour of vouchers.

You referenced the now leader of the official opposition. What I chastised him for at the same time was saying one thing to Jewish groups—"Yes, I'm not ideologically opposed to that"—whatever the audience, he'd tell them what they wanted to hear. He was for it or against it, depending on whom he was talking to. That is typical, quite frankly, of the Liberal leader.

Let me say to the member: you've been very clear that you are opposed. You are opposed to vouchers, you are opposed to tax credits, you are opposed to choice, you are opposed to families getting any kind of tax break. You are opposed to all these things. I think you're wrong, and I think the voters have proven you are wrong, that they don't share your view. On the other hand, you have at least been consistent and you say the same thing to the same audience. What I pointed out was that the leader of the official opposition says one thing to one audience—

The Speaker: Order. The Premier's time is up.

Mr Hampton: Speaker, you're going to have to help us out here a bit, because between the Premier's flips and the Liberals' flops, I think a lot of people in Ontario are getting confused. I heard the Premier say very clearly that as long as he was Premier, he would never use taxpayers' money, public money, to provide financial support to private schools. Premier, you've broken your promise. Please give us an explanation for your incredible flip-flop on this, when you were so very clear during that election debate that it would never happen as long as you were Premier of Ontario.

Hon Mr Harris: I said I was opposed to vouchers and I'm still opposed to vouchers and I remain opposed to vouchers. What I am in favour of, though, is excellence in education. I'm in favour of choice, and I am in favour of particularly low- and modest-income Ontarians getting a very modest tax credit to encourage and support their choice. These are parents who can't afford the luxury private schools you're talking about. These are parents, many of whom have scrimped and saved to send their children to the school of their choice, in many cases religion-based schools. They do not have the same opportunities the Catholic religion-based schools have in our province. That's why many other provinces have supported, with some varying degree, tax credits, not to schools, not to individual schools—not vouchers—but to parents to help them, particularly low- and middle-income Ontarians, be able to afford that choice. We believe it's fair, we believe it's right—

The Speaker: Order. The Premier's time is up.

Mr Hampton: The Liberals can call it a voucher; you can call it a tax credit. It amounts to the same thing: you're going to take taxpayers' money, public money, out of a public school system that isn't adequately funded now, and you're going to use it to provide funds for private schools. That much is clear.

Premier, what hurts so badly about this is, there are thousands of children out there in the public system who can't get special-education testing, never mind special-education services. There is classroom after classroom that doesn't have a full set of textbooks. There are schools that are laying off teachers, laying off librarians, laying off music teachers, that can't have a vice-principal or a principal, and you're going to take money and use it for private education. Between your flipping and the Liberal flopping, we have a hard time telling the difference. But what we do know is that kids who need public education are going to suffer. Don't you think you could do more good using that money in the public system and let the well-off do whatever they want? Don't you think that would be a better solution?

1500

Hon Mr Harris: The first thing you have to understand is this: not one cent is coming from the public education system to support tax credits for parents who choose to send their children to alternative schools. Secondly, this tax credit is a very modest amount of the additional costs these parents bear.

Many editorials, including the Welland paper, where your member was elected, and the Ottawa Citizen, have pointed out the unfairness. Many have pointed out the inequity, many have pointed out that in a multicultural Ontario the opportunities for many new immigrants to this province and the affordability, particularly for low- and middle-income parents, is not there.

So we made it very clear. This is a very modest step to provide tax credits to those parents, not to schools—

The Speaker: Order. The Premier's time is up.

HYDRO RATES

Mr Howard Hampton (Kenora-Rainy River): To the Premier also: last Friday you announced a new \$120-million-a-year charge on municipal hydroelectric utilities that will take effect on October 1. You announced this new \$120-million-a-year charge, and you said it will be used to pay down Hydro's debt. But last year your Minister of Energy said that charges to pay down the debt were already included in people's hydro bills.

Premier, will you guarantee that this new \$120-million-a-year charge will not result in people's electricity bills going up? Will you give that guarantee?

Hon Michael D. Harris (Premier): I think the Minister of Energy can respond.

Hon Jim Wilson (Minister of Energy, Science and Technology): As I have explained to the honourable member on several occasions in the House, yes, for years now a portion of people's electricity bills has been used to pay off Hydro debt. However, we've spent \$2 billion

on environmental improvements at Ontario Hydro over the last seven years to help improve the air quality. It's a top priority with this government and a top priority with Ontario Power Generation. That was \$2 billion less that could go toward the debt.

The auditor pointed out in a special report this January that we were off on our debt payments by \$647 million. Therefore, yes, the money we've announced will go toward paying off the debt.

Unlike any actions you took or that the Liberals took in office, we're responsible and we believe we should start paying down the \$38 billion worth of debt that's been left to us.

Mr Hampton: And would the minister guarantee that this new charge would not drive up people's hydro-electricity bills even more, and I take it from the answer that it will.

Minister, earlier this spring you announced an 8% increase. So this \$120-million charge is on top of the 8% you already announced. A year ago you were here and said your sell-off of hydroelectricity in Ontario would result in lower prices, but now the bills keep going up and up and up.

Will you guarantee this will be the last increase that people will see in their hydro bills as a result of your dirty deal to sell off our hydroelectricity system?

Hon Mr Wilson: There are a couple of important facts I'd like to point out. First of all, there is no automatic increase, and even if the entire tax was passed on to customers it would be about \$2 a month.

It's up to Floyd Laughren and the Ontario Energy Board and every municipality. Every municipal utility will have to apply to the Ontario Energy Board. Mr Laughren may very well say to them, "You can surely find \$2 a month in savings." He may very well say that, and the energy board has the authority to do that.

This government is looking for efficiencies. When I came into the office of energy minister, there were 303 municipal electrical utilities. Today there are 91 municipal electrical utilities. We know from those utilities that there are tremendous savings to be found.

Finally, unlike the NDP, who stole Hydro money away from the company—

The Speaker (Hon Gary Carr): Minister, you can't use that language. You'll have to withdraw it. Please withdraw it.

Hon Mr Wilson: I withdraw, Mr Speaker.

Unlike the NDP who failed to pay off any of Ontario Hydro's debt, unlike the Liberals who used Hydro money to spend on all kinds of other programs and didn't pay off any debt—

The Speaker: The minister's time is up. New question.

EDUCATION FUNDING

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. There was a time in this province when the Minister of Education was

the minister for public education. Minister, you will be remembered, however, as the minister of private education because you've ushered in a new tier of privileged learning, paid for with public funds for the first time ever.

First you and your predecessors attacked public education. Some reasonable people thought it was just incompetence that you couldn't get schools to work properly, but now it is very clear. Your new arrangement will give families, not only the ones who have kids in elite private schools now but those who send them there in the future, \$3,500. Today, you pay \$6,800 for each child in the system. Will you agree that you will save \$3,300 for every child you scare out of public education into your new publicly funded private schools?

Hon Janet Ecker (Minister of Education, Government House Leader): We are spending \$13.8 billion on the public education system because we think it is very important to make that investment in the public education system. We increased money to public education last year. We increased it again this year, over \$360 million above and beyond enrolment, because we know that is an important investment to make into our public education system.

The honourable member obviously hasn't talked to some of his caucus colleagues who actually support the move to respect parental choice. Michael Bryant said, "I have to support this." Monte Kwinter said he supported this. There are other members in your party who support respecting parental choice. We've strengthened parental choice in the public system. We've given them more say. We're giving them more choice. We respect parental choice in independent schools as well.

Mr Kennedy: Minister of Private Education, you should stop hiding behind it. You should admit it. You should be there saying you're proud of a track record that has attacked people in public education, that has caused teacher shortages, that you would impose teacher tests, all manner of impositions on public schools, but you stand there prepared to give public money to elite private schools that have to meet no conditions whatsoever.

You've had six years to create customers for private schools. That's what you've been doing. You've reduced public school funding by \$918 per student out there and you've given none of that money back. You didn't even give enough money this year for inflation and enrolment. It's been your plan, the plan of your government, to create the conditions where kids in public education will be sent into private education, and now you've decided to pay for it. Will you agree today to withdraw your plan, to stop doing this ill-advised promotion of private schools over our ability to provide public education excellence for all?

Hon Mrs Ecker: Again, the honourable member is wrong. There was \$12.9 billion for public education in 1995; today there's going to be \$13.8 billion. That is an increase above and beyond enrolment, investments that we think are important.

I know the Liberal Party is opposed to standardized tests. I know the Liberal Party is opposed to teacher testing. I know the Liberal Party is opposed to every improvement in the public system we have put forward. But you know what? You might want to go to your union friends, the ones who caused the turmoil, the people who've taken away extracurricular activities, the people who have done things to our students, to our hard-working teachers.

Interjections.

The Speaker (Hon Gary Carr): Order.

Hon Mrs Ecker: You might want to go to them and say that is the biggest threat to public education—

The Speaker: Minister, take her seat.

Interjections.

The Speaker: Member for Windsor West, come to order, please. Sorry, Minister.

Hon Mrs Ecker: One of the biggest threats to public education today is those individuals who think that politics is acceptable—

The Speaker: Answer?

Hon Mrs Ecker: —in the classroom. We do not agree. We have put forward more money and improvements in the public education system, and that commitment does not—

The Speaker: Order. The minister's time is up.

SEAT BELTS AND CHILDREN'S CAR SEATS

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Minister of Transportation. On Saturday, April 28, a tragedy occurred that shook the residents of my community. We were very saddened to learn that a 12-year-old Scarborough boy lost his life when his father's car spun out of control. He was not wearing his seat belt, but his parents, brother and sister were and they sustained only minor injuries.

Minister, we know the fact is irrefutable: seat belts save lives. Could you please tell us in this House today what your ministry is doing to encourage drivers and passengers to wear their seat belts?

1510

Hon Brad Clark (Minister of Transportation): I thank my colleague from Scarborough Centre for the question. Any loss of life or injury through the non-use of seat belts is indeed a tragedy, a tragedy that can be avoided.

This government recognizes the importance of promoting seat belt use, and that's why on April 14 I launched Ontario's spring seat belt campaign in conjunction with police services and insurance industry representatives right across the province. The campaign was a two-week educational and enforcement campaign that focused on increasing public awareness regarding seat belt usage. It included targeted police activities that complemented year-round enforcement efforts. This is a part of our government's commitment to build on our excellent safety record.

It cannot be said enough that seat belts save lives. That's why initiatives such as our spring seat belt campaign go a long way to raise public awareness, improve the protection of drivers and passengers, and ultimately save lives.

Ms Mushinski: Thank you for that response, Minister. Community safety is very important to both myself and of course the residents of my riding of Scarborough Centre. Could you please inform this House about other ways that we can ensure that a tragedy like the one I expressed does not occur again?

Hon Mr Clark: I'd like to tell the House that another key component in this year's campaign was the Love Me—Buckle Me Right Day. That took part on April 21 at a child car safety inspection clinic in Stoney Creek. The inspection clinic was organized by the dedicated people of the Trauma Prevention Council as well as the Hamilton Police Services and the OPP. More than 85 child seat inspection clinics across Ontario were held on Love Me—Buckle Me Right Day to educate parents, caregivers about the proper use of child safety seats. Ontario's seat belt wearing rate is 91%, making it the second highest in the country; however, there is still more for us to do, and the Ministry of Transportation will continue to strive to make our seat belt wearing 100%.

EDUCATION FUNDING

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Education, and it concerns her government's new educational tax credit for private schools.

Minister, I want to know in the clearest language that you can offer what specific standards, what specific criteria you and the Ontario Ministry of Education will demand from these private elementary and secondary schools before students attending those private schools can qualify for the Ontario government's new educational tax credit.

Hon Janet Ecker (Minister of Education, Government House Leader): As the honourable member knows, there are currently rules around if they want to offer the Ontario diploma, they must meet our curriculum standards. Many of them already do use some of our testing and some of our procedures. If there are policy changes that need to be made around this particular implementation of the tax credit, in the consultations that we are doing we will certainly take a look at whether or not those steps are needed.

I think what is also important to note here is that we do respect parental choice; we do respect giving taxpayers back their money to do with it as they see fit for their families. We do support giving parents more say and a voice in their children's education in the public system, and we do respect parents who might wish to make another choice, for example, a religious school. We respect that parental choice as well.

Mr Conway: Let me be very clear in putting this question. Minister, we demand of our public schools that

those public schools, for the public grants they receive, must accept and implement the provincial curriculum. They must hire provincially certified teachers. They must accept provincial inspection of their schools. They must accept rigorous and routine testing of their students.

Will you stand in your place today and tell the people of Ontario that you will accept nothing less than those standards of those private elementary and secondary schools before they receive one cent of tax money under this new educational tax credit program of yours?

Hon Mrs Ecker: The honourable member, who I know knows his history, who I know knows a lot about education in this country, makes it sound like no other government has ever provided money for independent schools, which is just simply not the case. Not only Quebec, not only Manitoba, not only Saskatchewan, not only British Columbia, not only Alberta—many provinces have already gone down the road, years ago in many cases, to provide funding for independent schools in their province. This is no different. We are doing it by way of a tax credit, we're respecting parental choice, and we are continuing to fund the public education system far beyond enrolment because we believe it is a very important support for our economic prosperity.

I agree with the honourable member that we do demand accountability. Even one of the heads of the teachers' union this week was acknowledging the accountability we have in the public education system, because we want it to be as good as it can be, because we want it to do the job that our students need to have done for them in order to succeed.

NORTHERN ONTARIO HERITAGE FUND

Mr Norm Miller (Parry Sound-Muskoka): My question today is for my honourable colleague the Minister of Northern Development and Mines.

During the course of the past week, I have heard back from some of my constituents in Parry Sound-Muskoka who have been listening to the media reports of the recently announced budget. On Thursday, May 10, CBC Radio in Sudbury reported that the members of Nickel Belt and Sudbury, Shelley Martel and Rick Bartolucci, were shocked by the Mike Harris government's alleged lack of commitment to the north.

Minister, could you tell my constituents and all members of this House today some of the major initiatives you are undertaking for northerners?

Hon Dan Newman (Minister of Northern Development and Mines): I would like to thank the member for Parry Sound-Muskoka for the question.

Let me assure you that the Mike Harris team recognizes that northern Ontario is a key part of the province's economy and we are strongly committed to the north. That's why in the budget we doubled the northern Ontario heritage fund to \$300 million over five years. In February, we relaunched the northern Ontario heritage fund. We revamped the program to focus on five key priority areas for economic growth in the north:

infrastructure, telecommunications, tourism, community foundations and strategic partnerships. As well as that, we've already announced our first four flagship programs in support of northern health care, expanded cellular phone service, agriculture and trails.

The rejuvenated and expanded investment in the heritage fund is one of the major northern-focused initiatives taken by this government.

Mr Miller: Minister, thanks for your response. I'm sure my constituents in Parry Sound-Muskoka will be appreciate it. However, my constituents have also brought to my attention that in the same media report from CBC Sudbury, the members for Sudbury and Nickel Belt claimed that the Mike Harris government took millions of dollars in Northern Ontario Heritage Fund Corp funding from northerners. I find these allegations startling, given that I recall when the NDP took \$60 million from the Northern Ontario Heritage Fund Corp just before the 1995 election to make their books look better, and also that the Liberals allocated only \$30 million a year toward the Northern Ontario Heritage Fund Corp.

Minister, could you clarify for all the members of the House today what will happen to the money not spent last year by the Northern Ontario Heritage Fund Corp?

Hon Mr Newman: I would like to thank the member for Parry Sound-Muskoka for the opportunity to clarify for members of the House the question of NOHFC funds that were underspent.

As I indicated in my previous response, the heritage fund was revamped to reflect the needs of northerners. There was a time when applications were not being processed because we were revamping the fund to reflect the new priority areas. We are encouraging all eligible applicants to apply to the NOHFC.

Let me assure you that the money that was not spent last year will remain in the fund and will be allocated for projects in northern Ontario. Let me be clear that not one dime of the money allocated in the budget for the NOHFC will go toward anything other than projects in northern Ontario.

1520

HÔPITAL MONTFORT MONTFORT HOSPITAL

M. Howard Hampton (Kenora-Rainy River) : Ma question s'adresse au premier ministre. L'hôpital Montfort d'Ottawa, le seul hôpital universitaire de langue française dans la province, est en cour d'appel de l'Ontario toute cette semaine à cause de votre gouvernement. Un tribunal ontarien avait reconnu que l'hôpital Montfort jouissait d'une protection constitutionnelle comme celle que la Charte des droits accorde dans le domaine scolaire aux minorités linguistiques partout au pays.

Monsieur le premier ministre, l'hôpital Montfort est une institution vitale pour la francophonie ontarienne.

Allez-vous vous désister de cette cause et allez-vous permettre aux francophones de cette province de conserver le seul hôpital à offrir des services complets en français ?

Hon Michael D. Harris (Premier): The Attorney General will answer this one.

Hon David Young (Attorney General, minister responsible for native affairs): The member opposite prefaced his question this afternoon by acknowledging that in fact there is a case that is currently being argued in front of the Court of Appeal. It is a case of some importance, but as is the situation with any case that is in front of the courts, we are not in a position to comment on it.

I will say this to you, though, Mr Speaker: the decision of the Divisional Court was a decision that raised a number of important constitutional issues. It imposed what might be seen as a number of new and extended constitutional obligations. It is for that reason that it was the decision of this government to go forward and ask for the assistance of the Court of Appeal, which we will have shortly, after the case has been argued.

The Speaker (Hon Gary Carr): Supplementary?

M. Gilles Bisson (Timmins-Baie James) : Monsieur le procureur, écoutez, c'est bien simple. Vous autres, vous ne voulez pas faire des commentaires faisant affaire avec la cour, mais vous êtes très préparés à faire des commentaires quand ça vient à délaissier les francophones de l'Ontario.

On vous demande la question encore. Vous avez une chance de dire aux francophones de la province, « Oui, on croit que les francophones doivent avoir des services en français, tels que l'hôpital Montfort. »

Je vous demande, êtes-vous préparé à vous désister de la cour d'appel que vous êtes allé en avant avec ?

Hon Mr Young: As I indicated a moment ago, we are not at this juncture permitted to discuss what is going on in front of the Court of Appeal. It couldn't be any clearer. I think even in the supplementary question the member opposite acknowledged that there are restrictions as to what can be said in this assembly on this day dealing with that issue.

But we have said as a government on numerous occasions that we remain committed to the provision of French-language services across this province, and we will continue to provide those services as required, wherever and whenever they are required.

EDUCATION FUNDING

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): In the absence of the Minister of Education, I want to ask a follow-up question to the Premier about this educational tax credit for private schools.

Mr Premier, my question is essentially the one I asked moment ago. Let me make it very clear. Are you prepared to stand in your place today as the leader of the government of Ontario and tell me, this Legislature and the province beyond that any private kindergarten, elementary or secondary school, in order to be approved

for the educational tax credit, must hire certified teachers?

Hon Michael D. Harris (Premier): Those will be details to be worked out by the Minister of Education. Before any tax credit is made available, those will be detailed. We'll be wanting to consult with you and get your opinion. We'll be wanting to consult with those parents whom the program is aimed at, and of course with those schools.

What of course we are most concerned about is that we have excellence in our education system. That excellence comes from qualified, good teachers. That excellence comes from a curriculum that challenges our students. That excellence comes from choice. Those are the areas we're trying to address.

I am sure the member, who has long been a champion of separate school funding, for that choice for Catholic parents, will want to assist both me and the minister and the government in implementing this fair policy.

Mr Conway: Your government talks a great deal about accountability for public funds. This is not a detail, Premier; this is a core issue for the taxpayers and the students of Ontario.

Let me put the core question to you again. We insist that public schools, for the public monies they receive, accept public governance, certified teachers. They must implement the provincial curriculum and they must be inspected.

Are you prepared to say today that before any private kindergarten, elementary or secondary school receives any of this tax credit money, they must accept the same standards and the same criteria that the Ontario government imposes and demands of the public school system?

Hon Mr Harris: I appreciate that some in the Liberal caucus seem to be now for this policy and wish to provide assistance in making sure it's applied fairly and appropriately.

I know the international standards are used in some of the public schools; for example, Harrison Public School, which works within the parameters of the international curriculum, yet also meets the criteria of our curriculum and our standards and of course is funded. I'm assuming you are in favour of that as well.

So I welcome the member's input and advice, as I'm sure the minister does, as we work to implement a policy not only of fairness but a policy of choice contributing to excellence in education, and most importantly a policy of benefit to the low- and middle-income hard-working families in this province.

PUBLIC SAFETY OFFICERS' SURVIVOR SCHOLARSHIP FUND

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question is for the Solicitor General. We have heard a lot today about Police Week and the wonderful work of police officers. Public safety officers of all types go to work every day to protect us and to keep our communities safe. Sadly, sometimes they don't come back.

Interjections.

The Speaker (Hon Gary Carr): Order. Minister of Labour, your own member is asking a question and I can't hear him. You're shouting across.

Sorry for the interruption.

Mr Gill: Minister, can you tell us what our government is doing to help the families of fallen public safety officers?

Hon David Turnbull (Solicitor General): It's a very important question.

On July 24, 1997, our government launched the public safety officers' survivor scholarship fund. The fund provides grants for tuition and books for any course of study leading to an undergraduate degree or diploma at any accredited Canadian university or college. To be eligible, the applicant must be the child or surviving spouse of a public safety officer who was killed in the line of duty. Public safety officers, for the purpose of the scholarship fund, include all municipal, provincial or First Nations police officers as defined in the Police Services Act; all firefighters, including both professionals and volunteers; all correctional officers, probation and parole officers; and youth workers, whether employed by the government of Ontario or by an organization contracted to deliver such services.

Mr Gill: Minister, this program is just one way of paying tribute to those individuals who die keeping the rest of us safe. How many family members have received grants through the public safety officers' survivor scholarship?

Hon Mr Turnbull: To date, 16 scholarship applicants have been received, with approximately \$113,000 in scholarship funding. Of the 16 recipients, three were children of fallen firefighters, 12 were children of fallen police officers, and one was the spouse of a fallen police officer.

The scholarship recipients have attended a variety of educational programs, including engineering, business administration, psychology, kinesiology, registered massage therapy, early childhood education and the correctional worker program. The government is exceedingly proud to offer this financial assistance to further the education of the family members of fallen public safety officers. We want these family members to know how much we value and appreciate the ultimate sacrifice they made.

1530

IPPERWASH PROVINCIAL PARK

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Premier and it has to do with the motion that we will vote on today at about 6 o'clock calling for a public inquiry into the shooting death of Dudley George.

There's an overwhelming amount of evidence, Premier, that suggests that what you said went on is contradicted by evidence elsewhere.

The latest contradiction was on December 20 here in the Legislature. You told the House you met with the OPP commissioner on September 6, the day of the shooting. In fact, you said, "... I indicated quite freely five years ago..." In other words, around the shooting death you said publicly that you met with the OPP commissioner. I sent you two letters asking you to show the proof of that. No response.

Amazingly, on May 2, you completely changed your story. You said you didn't meet with the commissioner that day, which was astonishing. You said you met with other senior OPP officers. You said you met with Commissioner O'Grady about Ipperwash on a day after September 6. Commissioner O'Grady says he never met with you to discuss Ipperwash.

Will you finally do the right thing and approve the calling of a public inquiry in the shooting death at Ipperwash?

Hon Michael D. Harris (Premier): The Attorney General can respond.

Hon David Young (Attorney General, minister responsible for native affairs): As the member opposite knows, there are still outstanding civil matters before the courts. He is well aware of the fact that the issues that are being dealt with and that are being considered in that civil action are the very same issues that would be addressed in any public inquiry.

We as a government have said repeatedly, the Premier said last week and I have said on numerous occasions that we will only consider other options once the issues that are in front of the court at this time are dealt with.

Mr Phillips: That is unacceptable to the people of Ontario. That would be like saying that the only way to get at the truth at Walkerton would be to ask the family of a victim, someone who died there, to fund the public inquiry.

The Premier has already spent almost \$500,000 of taxpayers' money and there's another \$500,000 spent by other cabinet ministers, \$1 million in this civil case fighting the George family. I will say to everyone in the province of Ontario that the George family is a family of extremely modest means, fighting this case against the government.

There is only one answer and that is a public inquiry where we will get at the truth, not a civil case funded by the George family. Furthermore, the civil case will not get at some of the essential issues, the policy issues, what can be done to stop this from happening again. That will not be discussed in the civil case.

I say to you again, Premier, will you finally do the right thing, the decent thing for the people of Ontario, and agree to a public inquiry and stop putting the George family through this terrible tragedy?

Hon Mr Young: As the member opposite is undoubtedly aware, it was the George family who initiated the civil action that is currently in front of the courts. It was the George family who laid out the issues—

Interjections.

Mr Phillips: Because you wouldn't call a public inquiry. That's the only reason.

The Speaker (Hon Gary Carr): Order. Stop the clock. The member for Scarborough-Agincourt, please come to order.

The Attorney General.

Hon Mr Young: As I indicated a moment ago, it was in fact the George family who made a decision to initiate a civil action and did so. They laid out the issues they wished to have the court examine, and those are the very issues that are being examined at this time.

In an effort to ensure that the examination is comprehensive, in an effort to ensure it is done in an expeditious fashion, we, the province, asked the court to appoint a case manager. A judge has been appointed to ensure there is complete disclosure on all sides. I have confidence in the judiciary, and as this matter is presently before the courts, it is indeed inappropriate to engage in a lengthy discussion in this assembly.

GOVERNMENT USE OF INFORMATION TECHNOLOGY

Mr Garry J. Guzzo (Ottawa West-Nepean): My question is for the Chair of Management Board of Cabinet. Our government has spoken a great deal about the measures it is taking to bring the government into the 21st century and to meet the changing needs and expectations of the people of this province. In the Ottawa area, we believe this should involve government embracing technology and the benefits it brings to the workplace. Technology allows government employees to do their work in a more efficient manner and ultimately helps provide the taxpayers with greater value for their money.

Minister, could you bring this House up to date on what this government doing to ensure that technological resources are used in a prudent and effective manner to meet the needs of Ontarians in the 21st?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet): It's clear that the member from Ottawa West-Nepean has the interests of his area at heart, especially when he talks about high-tech. But this government is committed to achieving the best possible value for the tax dollar for the people of Ontario.

Interjection: That's old news.

Hon Mr Tsubouchi: I guess that's not new news here, but I think it's well worth repeating from time to time that this government is in favour of giving the best value for the tax dollar to the people of Ontario.

Making use of technology involves much more than computers, fax machines and e-mail in our offices. It involves projects such as those in the Ministry of Natural Resources, where they have an on-line campsites reservation system, or the government of Ontario service kiosks, where you can renew driver's licence, among other services. Of course, each ministry has its own Web site where people can access a wealth of information 24 hours a day, seven days a week, 365 days a year.

But this is not all there is. We want to have several more internal initiatives where we can allocate resources properly—we'll continue this discussion, I see, Speaker.

The Speaker (Hon Gary Carr): Supplementary.

Mr Guzzo: Mr Minister, I'm sure you're aware that the increased reliance on technology brings with it challenges to ensure that information is secure and protected. All of us are interested in seeing that we use these tools to facilitate a flexible and dynamic civil service that delivers efficient services. But we also want these tools used where we can be assured that the integrity and security of the system is maintained.

Minister, I'd like you to tell the House what our government is doing to ensure that integrity and security concerns are being met.

Hon Mr Tsubouchi: Certainly the security and integrity of our infrastructure is very important to us. It's a question I asked our government officials. It's important for us, as we deliver more and more services to the public, to assure them it's being done in a very secure way.

Ontario is a world leader in this field. We have arrived there because of our coordinated approach to ensuring we address these issues. The measures we've taken include implementing iSERV, a central unit responsible for both policy and operations to ensure the security of the government's information technology infrastructure; implementing an information protection centre to proactively ensure the technical infrastructure is safe from corruption.

These types of improvements and these types of investments in security will continue. It's very important, as we move to the forefront of e-government, to ensure the people of Ontario that measures to protect the security and integrity of our infrastructure in I and IT areas are certainly there.

WALKERTON TRAGEDY

Ms Marilyn Churley (Toronto-Danforth): A question for the Premier. May 20 is the first anniversary of the Walkerton tainted water tragedy. This morning, I was astounded to hear the environment minister say that neither she nor you are planning to attend the commemorative events planned in Walkerton this Sunday to mark the first anniversary of that tragic event. She also indicated you have no specific plans to mark that day. Can you tell me if this is true?

Hon Michael D. Harris (Premier): I think the minister can respond.

Hon Elizabeth Witmer (Minister of the Environment): In response to the question, it's important to remember that Walkerton was a very sad and unfortunate event, and particularly this week the thoughts of all those in this Legislature will be with the families and friends of those who have lost family members and who have suffered as a result of that tragedy. I understand various community groups have organized events to mark the anniversary. Again, we certainly support those groups

that have planned events in order to ensure it is a time of remembrance for people in that particular community.

What our government has done is taken a leadership role. We are moving forward and we have introduced Operation Clean Water—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Supplementary.

Ms Churley: The Premier is gone, and the supplementary was to him.

When it comes to Walkerton, water and the environment, neglect seems to be your trademark, Minister. I am shocked that you're not going to be there on Sunday. But let me make a suggestion to you.

Over five months ago, your Premier promised here in this House to our leader to provide funding for a comprehensive health study of the Walkerton community, and that you would involve the community, the citizens, in the design of that study. You have done neither to date, five months later. May I suggest, Minister, that you go to Walkerton on Sunday with the cheque in hand for that health study and the plan in hand for consultation with the community. That would be one positive way to help that community heal and commemorate that day.

1540

Hon Mrs Witmer: I would refer the health study question to the Minister of Health and Long-Term Care.

Hon Tony Clement (Minister of Health and Long-Term Care): I can assure this House that the government places the highest priority on ensuring that Ontarians have access to safe drinking water. As the honourable member may know, on December 12 last year the Premier committed to undertake a health study in Walkerton. We are living up to that promise. I can tell the honourable member that we have been working with the Bruce-Grey-Owen Sound board of health in developing the terms of reference for the health study. I can assure this House that our commitment remains absolutely clear. We've heard the concerns raised by members of the Walkerton community about possible long-term health indications for those who are affected by the E coli outbreak. We are taking action through this very comprehensive study that will be completed in a timely manner. Once we finalize the terms of reference with public input from the local area, we will move ahead.

PETITIONS

ONTARIO DISABILITY SUPPORT PROGRAM

Mr Michael Gravelle (Thunder Bay-Superior North): We're launching a very important petition campaign related to cost-of-living adjustment needs for those who are living on Ontario disability support. The petition reads:

“To the Legislative Assembly of Ontario:

“Whereas the recipients of benefits under the Ontario Disability Act have not received a cost-of-living increase since a \$2.50 increase in 1987; and

“Whereas the cost of living in Ontario has increased in every one of the years since, especially for basic needs such as housing, food, utilities, transportation, clothing and household goods; and

“Whereas disabled Ontarians are recognized under the Ontario Disability Support Program Act, 1997, and as such have the right to have their basic needs met, including adequate housing, a proper and healthy diet, a bed that does not make them sicker and clothing that fits and is free of stains and holes; and

“Whereas their basic needs are no longer being met because the Ministry of Social Services has not increased the shelter and basic needs allowance of disabled Ontarians eligible to receive benefits under the Ontario disability support program to reflect the increased costs of shelter and basic needs (and in fact have reduced these benefits for those recipients who receive a disability benefit under the Canada pension plan); and

“Whereas a new Ontarians with Disabilities Act has yet to be introduced to help protect the thousands of vulnerable people in Ontario who are dependent on others for their basic needs and care and who are eligible for benefits under the Ontario Disability Support Program Act, 1997;

“Therefore we, the undersigned citizens of Ontario, request the Ontario Legislature to urge the government to respect their own definition of basic needs and provide a cost-of-living increase to recipients of benefits through the Ontario Disability Support Program Act that is sufficient to cover the increased costs of their basic needs as of 2001 prices, and that this benefit not be reduced as a result of increases in the Canada pension plan benefit.”

This was sent to me by Roslyn Bergman, with the Canadian Mental Health Association in Thunder Bay, who is helping lead this campaign. I have hundreds of signatures here. There will be many, many more to come. I'm proud to sign it.

OCCUPATIONAL HEALTH AND SAFETY

Mr David Christopherson (Hamilton West): Workers, their families and their unions continue to be concerned about exposure to carcinogens in the workplace. To that end, I continue to receive petitions from the CAW, forwarded to me by Cathy Walker, their national director of health and safety. The petition reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances known as carcinogens; and

“Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one

million workers globally have cancer because of exposure at work to carcinogens; and

“Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances; and

“Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer; and

“That the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation.”

On behalf of my NDP colleagues, I add my name to this petition.

ELECTRICITY GENERATING STATION

Mrs Margaret Marland (Mississauga South): I have not had the privilege of presenting a petition in this House for three and a half years, and I'm very proud, now that I'm no longer a cabinet minister, I'm allowed to do this, and I'm also allowed to do it on behalf of the Speaker who, my honourable friend knows, is not able to present petitions. So it is with pride that I present this petition on behalf of the Speaker and myself; it's from both of our residents on probably the most important issue that I've had to deal with in my riding.

It's a petition to the Parliament of Ontario.

“Whereas Sithe Energies Canadian Development Ltd is actively pursuing the development of an 800 MW electricity generating facility;

“Whereas the 14-hectare parcel of land on which the station is proposed is located on the east side of Winston Churchill Boulevard in the Southdown industrial district of Mississauga;

“Whereas Sithe has stated its commitment to an open dialogue with communities where it has a presence and to being responsive to the concerns of the same; and

“Whereas the government of Ontario has a responsibility to ensure the safety of Ontario citizens and to determine how this facility will impact those who live in its immediate, surrounding area,

“We, the undersigned, petition the Parliament of Ontario as follows:

“That the government of Ontario direct the Ministry of the Environment”—and I'm happy to note that the Minister of the Environment is in the House at this time—“to undertake a formal environmental assessment of the Sithe project.”

I'm very happy to add my name to this petition.

HEALTH CARE

Mr James J. Bradley (St Catharines): My petition reads as follows; this is to the Legislative Assembly of Ontario:

“Whereas we believe that universally accessible, publicly funded health care is sacred and must be protected;

“Whereas Mike Harris intends on turning his back on working families and transforming our system into an American-style, two-tier system, where only the rich will get quality health care;

“Whereas we believe that Mike Harris had a secret agenda to promote two-tier health care in Ontario and now the secret is out,

“We, the undersigned, petition the Legislative Assembly as follows:

“Do not turn your back on Ontario's working families. Fight Mike Harris's agenda to destroy medicare and fight his plan to create a two-tier health care system.”

I affix my signature, as I'm in complete agreement with this petition.

SAFE DRINKING WATER LEGISLATION

Ms Marilyn Churley (Toronto-Danforth): I have a petition which reads:

“To the Legislative Assembly of Ontario:

“Whereas the people of Ontario have the right to receive clean and safe drinking water; and

“Whereas clean, safe drinking water is a basic human entitlement and essential for the protection of public health; and

“Whereas the people of Ontario have the right to receive accurate and immediate information about the quality of water; and

“Whereas Mike Harris and the government of Ontario have failed to protect the quality of drinking water in Ontario; and

“Whereas Mike Harris and the government of Ontario have failed to provide the necessary financial resources to the Ministry of the Environment; and

“Whereas the policies of Mike Harris and the government of Ontario have endangered the environment and the health of the citizens of Ontario,

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“(1) Immediately restore adequate funding and staffing to the Ministry of the Environment;

“(2) Immediately pass into law ... the Safe Drinking Water Act, 2000.”

I affix my signature to this petition, as I support it.

DIABETES TREATMENT

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

“Whereas over 500,000 people in Ontario have diabetes; and

“Whereas to the expense of treating diabetes, many people cannot afford the ongoing expense of treating diabetes and if left untreated or improperly managed, diabetes can lead to blindness, vascular disease, kidney disease, neuropathy and other problems; and

“Whereas today, more than ever before, people with diabetes can expect to live active, independent, and vital lives if they make a lifelong commitment to careful management of the disease; and

“Whereas by providing the resources to successfully manage this disease, the government can ensure more efficient health care for people with diabetes at a reduced cost to the health care system,

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That all diabetic supplies as prescribed by an endocrinologist be covered under the Ontario health insurance plan.”

I am pleased to affix my signature to this petition.

1550

WATER EXTRACTION

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): To the Legislative Assembly of Ontario:

“Whereas we, the residents and cottagers of Bob’s Lake, strenuously object to the permit issued by the Ministry of the Environment to OMYA Inc to remove 1.5 million litres of water per day from the Tay River without adequate assessment of the consequences and without adequate consultation with the public and those people and groups who have expertise and interest; and

“Whereas it is our belief that this water-taking will drastically impact the environment and seriously affect the water levels in Bob’s Lake and Christie Lake;

“Whereas Bob’s Lake and the Tay River watersheds are already highly stressed by the historic responsibility of Parks Canada to use Bob’s Lake as a reservoir for the Rideau Canal; and

“Whereas the movement of water from the lake through the watershed for navigation purposes in the canal provides sufficient stress and problems for the lake, and this water-taking permit will only compound the stresses on the waterway;

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

“We request that this permit be rescinded until a comprehensive evaluation of the impact of water-taking by OMYA Inc on the environment, the water levels and the water needs of these communities is complete. An independent non-partisan body should undertake this evaluation.”

PROTECTION OF MINORS

Mr Bob Wood (London West): I have a petition signed by 336 people.

“Whereas children are being exposed to sexually explicit materials in many commercial establishments;

“Whereas many municipalities do not have bylaws in place to protect minors and those that do vary from place to place and have failed to protect minors from unwanted exposure to sexually explicit materials;

“Whereas uniform standards are needed in Ontario that would make it illegal to sell, rent, loan or display sexually explicit materials to minors,

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

“To pass Bill 95, Protection of Minors from Sexually Explicit Goods and Services Act, 2000, as soon as possible.”

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr Pat Hoy (Chatham-Kent Essex): To the Legislative Assembly of Ontario:

“Whereas this government is planning a complete overhaul of the developmental services system, which could result in the closure of the three remaining developmentally handicapped regional centres;

“Whereas suitable quality medical, behavioural, social, emotional and spiritual services are readily available in the three remaining centres; and

“Whereas there is a distinct deficiency of services available in the private sector, including dentists, kinesiologists, psychiatrists, physicians, and emergency services;

“We, the undersigned, petition the Legislative Assembly of Ontario to ask that you recognize that the three remaining centres for developmentally handicapped individuals are providing a community for the residents that live there, and acknowledge that these centres deliver quality care and services by keeping them open and by directing private/public agencies with limited resources and services to access the resources at the centres and to work in partnership with them.”

It’s signed by a number of residents from Cedar Springs, Blenheim and Chatham. I have signed this petition.

PROTECTION OF MINORS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I have a petition to the Legislative Assembly of Ontario:

“Whereas children are being exposed to sexually explicit materials in many commercial establishments;

“Whereas many municipalities do not have bylaws in place to protect minors and those that do vary from place to place and have failed to protect minors from unwanted exposure to sexually explicit materials;

“Whereas uniform standards are needed in Ontario that would make it illegal to sell, rent, loan or display sexually explicit materials to minors,

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

“To pass Bill 95, Protection of Minors from Sexually Explicit Goods and Services Act, 2000, as soon as possible.”

In agreement, I affix my signature. Thank you.

HEALTH CARE

Mr Mario Sergio (York West): I have a further petition addressed to the Legislative Assembly of Ontario and signed by a number of good residents from my riding of York West.

“Whereas we believe that universally accessible, publicly funded health care is sacred and must be protected;

“Whereas Mike Harris intends on turning his back on working families and transforming our system into an American-style, two-tier system where only the rich will get quality health care;

“Whereas we believe that Mike Harris had a secret agenda to promote two-tier health care in Ontario and now the secret is out;

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

“Do not turn your back on Ontario’s working families. Fight Mike Harris’s agenda to destroy medicare and fight his plan to create a two-tier health care system.”

I will add my signature to it.

PROTECTION DES MINEURS

Mr Bob Wood (London West): I have a petition signed by 134 people.

« Étant donné que des enfants sont exposés à des biens et services sexuellement explicites dans un grand nombre d'établissements commerciaux ;

« Étant donné qu'un grand nombre de municipalités n'ont aucun arrêté municipal visant à protéger les mineurs contre les biens et services sexuellement explicites, et que, pour les municipalités ayant de tels arrêtés municipaux, on n'y trouve aucune uniformité, et que ces municipalités n'ont pas réussi à protéger les mineurs contre les biens et services sexuellement explicites ;

« Étant donné que l'Ontario devrait avoir une seule loi au niveau provincial visant à protéger les mineurs contre les biens et services sexuellement explicites,

« Nous, les soussignés, demandons à l'Assemblée législative de l'Ontario d'adopter le projet de loi 95 visant à protéger les mineurs contre les biens et services sexuellement explicites dans le plus bref délai. »

The Acting Speaker (Mr Bert Johnson): The time for petitions has ended and it's time to wish Tom Morphy a happy birthday. He and his wife are celebrating their 52nd wedding anniversary later this summer.

OPPOSITION DAY

IPPERWASH PROVINCIAL PARK

Mr Gerry Phillips (Scarborough-Agincourt): I move that this House recognizes that there are serious concerns about the events surrounding the shooting death of a First Nations man, Dudley George, at Ipperwash Provincial Park in September 1995.

That the House requires that the government take the following action to ensure the public knows the truth of these events:

The Premier is to recommend to the Lieutenant Governor in Council that a commission be appointed to inquire into and report on the death of Dudley George, and to make recommendations directed to the avoidance of violence in similar circumstances;

The commission is to be given powers under the Public Inquiries Act, Premier of Ontario.

I believe each of the parties has roughly 36 minutes in which to provide their remarks.

I want to say to the public that there's an overwhelming amount of evidence of the need for a public inquiry. This isn't just rumours and innuendo; there is documentation on the need for an inquiry.

Just a little bit of background on the situation here. This was a piece of land that was First Nations land purchased by the province of Ontario in roughly 1937 for the purposes of making a park called Ipperwash Provincial Park. During the construction of that park, the government's own engineer, the one who was doing the construction, found a First Nations burial ground and said to the First Nations there, “You should, through the federal government, request the province to properly preserve this. Fence it off.”

It was the government that recommended that to the First Nations, which they did. The local council passed a resolution, it went through the normal channels of the federal government and back to provincial government. That's in the records here at Queen's Park.

1600

Nothing was done about that. For many years, the First Nations in the area expressed concern about it and let it be known they planned to occupy the park. This was not a surprise. As a matter of fact, the OPP were aware that this was going to happen and actually had undercover people camping there through August. They knew the occupation was going to occur and they had a plan laid out for how to deal with it. As a matter of fact, the police met on the Friday before the occupation. They went over the situation with the staff there and said, “Here's what's going to happen on Labour Day.” Sure enough, on Labour Day, 30 to 40 First Nations took over the park at the close of the day when people had left.

Everything was going as the police anticipated and as the First Nations anticipated. And then something terribly wrong happened. Two days later, on the Wednesday, there was a confrontation between the OPP and the First

Nations. For the first time in at least a century, a First Nations person was killed in a dispute with the police around a land claim. Unfortunately, an OPP officer was convicted of criminal negligence causing death and the park is still closed.

We have a tragic situation that happened here. The need for a public inquiry is clear. I would say that many people have been calling for it. The local council of the township of Bosanquet, the township this occurred in, passed a public resolution saying, "Have a public inquiry." Lambton county council, the county council that this occurred in, also passed a resolution saying, "We need a public inquiry."

As I say, the park is still closed. This situation will not heal until there is one. Why do we need a public inquiry? There are so many contradictions in what the government said and what subsequently happened.

I'll start with the burial ground. I can remember asking a question and saying, "The reason the First Nations went in there was because there was a burial ground." The then Attorney General said, "That isn't why they went in there." Well, the government finally had to admit that in its own files it had records of the burial ground. I think there were 43 charges of trespass laid against the First Nations. Every one of those was dropped because the crown said, "Because we have evidence of a burial ground, we are dropping all charges against the First Nations. We've been told by judges that we could not get a conviction because they had something called a colour of right defence."

That's the first thing. The First Nations said "burial ground," and the government ignored that and said there's no evidence of it. They said that before they went in there. They said that in the days before the shooting, and then the government was forced to admit it had in its own files right here at Queen's Park evidence of it.

The Premier has said he left this entirely up to the OPP, hands off. But then we know that on December 20 here in the Legislature the Premier said to us, "Yes, I met with the OPP commissioner that day. As a matter of fact, I admitted that freely. I told the public that I met with the OPP commissioner the day of the shooting." I sent two letters to the Premier saying, "This comes as quite a revelation to us, that you admitted freely around the shooting time that you'd been meeting with the OPP commissioner. Please send me evidence of that."

Well, I never got a response to those letters and now I'm told the story is, "We did not receive the letters." That is too incredible to believe. A trusted member of my staff typed them, I signed them and a trusted member of the staff put them in the mail here at Queen's Park. And now the Premier's office is saying, "We didn't get those letters."

Does that not seem strange? He said he met with the OPP commissioner, and then just a few days ago in the Legislature he said, "I was mistaken. I didn't meet with the OPP commissioner that day." Can anyone imagine being mistaken about that? The shooting death was an enormous issue around the province. It had to be the

number one issue facing the Premier day after day after day. There was a huge concern across the province after the shooting death, concerns about the implications of it. It was an international event, and the Premier says, "I said I met with the commissioner." Then he said he didn't meet with the commissioner. Then he said he'd met with the commissioner a few days after, and Commissioner O'Grady said, "I never met with the Premier on it." That's the second thing.

The third thing is, the Premier has said, "We left all this to the OPP. The handling of this whole event was left to the OPP." Well, there is strong evidence that what the Ontario Provincial Police wanted to do was something quite different than what happened. I quote from some logs of discussion between senior OPP officers when they heard of the type of injunction the government was going for: "Well, that injunction surprises me ... they went from that ... regular type of injunction to the emergency type which you know isn't really in our favour ... we want a little bit more time."

So the government says the OPP simply were doing it on their own—"We simply let them handle it"—and then strong evidence that the way they wanted to handle it, the type of injunction they were seeking, the approach they wanted to take changed very dramatically.

I mentioned the fact that they're now denying they got the two letters I sent to the Premier. There was a senior OPP officer working in the Solicitor General's office, a well-regarded individual who was the liaison on this issue, and then he was transferred to another post. The day he was transferred his files disappeared. They were erased. His electronic files were erased and the backup was erased. This is what the privacy commissioner said: "As a result of the various activities described by the deputy minister, the ministry has been unable to retrieve any electronic records left behind by the named employee at the time he left the position of special advisor First Nations." Concern about the loss of files.

Here's what then Solicitor General Runciman said, "There was a deputy minister prior to my current deputy who was in office during this ... time. Indeed we are concerned about the loss of these files in terms of our ability to retain very important and critical files. I share your concern with respect to that." Surely, knowing this matter ultimately, I hope, would be the subject of an inquiry, how could it be possible that key files were erased and the then Solicitor General, Mr Runciman, acknowledged the concerns?

We need to find out what really happened at Ipperwash. The press release the day after the shooting: "Occupants of two vehicles fired upon police officers and subsequently police returned fire." The judge of the case said, "I find that George did not have any firearms on his person when he was shot.... [T]he story of the rifle and muzzle flash was concocted ex post facto in an ill-fated attempt to disguise the fact that an unarmed man had been shot." That's the judge in reaching the decision.

Was political direction given? The Premier said, "At no time did the police receive any instructions from

anybody that I know in my caucus or my office or me or the cabinet.

“There was no direction given to the OPP before, after or during any other situation; no direction given by the government, no direction given by any of our staff, no direction given by any of the ministers.” Contradictory evidence.

Notes from what’s called an interministerial meeting on September 6: “D. Hutton—Premier last night—OPP only ... ‘out of park only—nothing else.’” “Police have been asked to remove the occupiers from the park.”

1610

Why did the government—or did the government—persuade the OPP to abandon its long-standing policy? The OPP are expert at this. As I say, they met on the Friday before the incident and said, “Here’s what’s going to happen.” They laid it all out. They had a well-documented, thick plan of how they were going to handle it. They knew exactly, and it was unfolding exactly as they had predicted until that dreadful night. So I go back to, was political direction given? I present the evidence, and I believe the place to have this aired is a public inquiry. But it’s part of that: “Police have been asked to remove the occupiers from the park.”

Was the conduct of the local MPP appropriate? In my opinion, it wasn’t. The Premier has said it was, by the way, but the local member was at the command post—this was the police command post, trying their best to manage the situation—on many occasions, including being there a mere two or three hours before the shooting death. Here is some of the evidence of what I regard as inappropriate behaviour. As I say, the Premier thought it was quite fine, but he was there at least three times, maybe four times.

This was on September 6, just a few hours before the shooting, 18:42: “Marcel Beaubien states ... that he doesn’t mind taking controversy, if situation can’t be handled by police services, something has to be done to handle the situation.” He’s right in there, right at the command post, essentially saying, “Listen, you’ve got to do something. Get on with it.”

“Marcel Beaubien advised that he had sent a fax to the Premier advising of his intentions and that he wanted a return call regarding his intentions.”

Again from September 6, the day of the shooting, “Marcel Beaubien was in tonight.” Again, the day of the shooting, somewhat later, at 21:41, he “was in tonight, he had talked to the Solicitor General, and the Attorney General, they were comfortable....”

This was the police log on September 5, the day before the shooting: “Inspector Carson advised that Marcel Beaubien has been in contact with Staff Sergeant Wade Lacroix and he advised he was calling the Premier.” Staff Sergeant Wade Lacroix was the individual who headed up the tactical response unit.

So I say to all of us that this is not a series of rumours; this is documented evidence available for a public inquiry. It isn’t as if there’s one story that has emerged. There is the government’s version of what happened and

then all of this contradictory evidence that I’ve laid before you and the public. It is, as I say, the first death of a First Nations individual in a land claim dispute in at least 100 years. There was, tragically, an OPP officer convicted of criminal negligence involved in it. But we cannot get the Premier yet to commit to a public inquiry.

I’ve had occasion to talk often with the George family. The George family is a family of modest means. The government has said to date that they’re not going to call a public inquiry; they’re going to leave it to a civil case to find the truth in this matter. I find that objectionable in the extreme, and I will be interested in our Attorney General’s defence of that as a way that we will get at the full truth in this matter.

The Premier alone has spent close to \$500,000 on legal bills defending himself. There is another group of cabinet ministers that I would speculate has spent at least that. That \$1 million of legal support for them is fighting the George family, a family of extremely modest means. This is not a fair battle.

The focus in a civil case is extremely narrow. We will not get at many of the issues that are crucial to me and in fact are fundamental in my motion, which is to say, how do we avoid similar circumstances in the future?

I said earlier that we’ve often talked here about Walkerton and the importance there of a fair public inquiry. No one in Ontario would sit still and expect that some family member of a victim in Walkerton would have to launch the case against the government to find out what happened in Walkerton and to find out if there were policy things that led to that, if there are ways we can avoid that in the future. Nobody would expect that. That’s what the government is saying to us. It’s saying, “Listen, we’re not going to allow a public inquiry. We’re going to force the George family to fight us tooth and nail.”

This will drag on. I know the tactic. It will drag on for years. I understand why the government would want that approach. Firstly, it’s an unfair battle because the George family has to fund it all. Secondly, they can drag it out. Thirdly, it does not get at many of the key aspects that need to be looked at here.

So I go back to page after page of evidence, of contradiction, where the government says one thing and then evidence presents itself, completely different. As I say, the United Nations has commented on this issue; Amnesty International has commented on it. It’s a black mark on Ontario.

In my opinion, a public inquiry will be extremely dangerous for the Premier, because I think it will show that what happened there was badly handled. But the only way we’ll get at the truth is with a public inquiry. To do anything less, as I say, to expect the George family to somehow or other fight the state is, frankly, obscene. So I look forward to the vote later today.

The Acting Speaker (Mr Bert Johnson): Further debate?

Hon David Young (Attorney General, minister responsible for native affairs): I rise on behalf of the

government today to address the motion that is before this assembly.

Let me state at the outset, if I may, what has been discussed at various times, in fact earlier at this date as well, in this Legislature, and that is that there is a pending civil action, an action that is before the courts at this time. I say that at the outset because it is important—no, it is essential—that members of this House realize that statements made in this Legislative Assembly are public statements. They are public statements. When these statements refer to matters that are before the courts, the court case could be affected.

It is for this reason that I encourage members on both sides of this Legislature to use caution as they address the issues that are in front of us. It is the best policy for any government or any member of the Legislature. It is indeed a matter of fairness, a fundamental principle of our justice system, to refrain from commenting on matters that are pending in front of the courts of this province.

1620

I would refer the members of this assembly to 23(g)(i) of the standing orders. I quote from that standing order section: "In debate, a member shall be called to order by the Speaker if he ... refers to any matter that is the subject of a proceeding that is pending in a court or before a judge for judicial determination."

The government's position on this matter has been very clear. It has been clear and it has been consistent from the outset. It is based on respect for due process under the law. It is for this reason that the government has kept its remarks within this assembly rather brief. It is for this reason that the government will continue to refrain from being drawn into an improper and inappropriate debate in an inappropriate forum. It is because matters are before the court that we have risen on numerous occasions and have repeatedly stated that other options will not be considered until all court proceedings are completed.

It would be premature to make a decision or to comment further while these matters are in front of the court. Relying on the courts and due process was and is the action taken by this government.

Mr Speaker, I say to you, I say to the members of this assembly, it is and would be inappropriate to argue this case in the halls of this building. What is far more appropriate is for that discussion to go on within a courtroom of this province, a courtroom that will be presided over by an independent jurist and a courtroom in which that individual will be able to ultimately decide the issues in dispute. But what I will do over the next few minutes, for the benefit of those members opposite, is attempt to compare the civil litigation process, which is now underway in the courts dealing with this matter, with the public inquiry process, which is being proposed by the member opposite.

It is, of course, significant and must be recalled throughout this discussion that the issues that are being examined in the court action are the very same issues that

would be examined in any public inquiry, the very same issues that would be reviewed in any public inquiry. By closely examining what happens and what could happen in the two respective processes, we can perhaps put the motion before us into some reasonable context or perspective.

I think the first point that needs to be made is that a public inquiry is indeed a process that is rarely used in this province. While I'm aware that the members opposite over the last short while have asked for no fewer than 150 public inquiries on various issues, I say to you, Mr Speaker, regardless of what political stripe, regardless of who is in charge of the government of this province, it is a mechanism that has been very rarely utilized in the history of this great province.

Under the terms of the Public Inquiries Act, a public inquiry is normally launched only, and I emphasize this, when there are broad systemic issues that are involved, issues that transcend the conduct of individuals. For situations where the conduct of individuals is questioned, the civil and criminal courts of this province are well equipped to find the truth. In fact, thousands upon thousands of individual litigants have turned to the courts as a reasonable recourse, and they do so each and every day of every year.

The head of an inquiry, as I'm sure most members are aware, is normally a judge or a retired judge. While a civil proceeding is, of course, also conducted by a judge, a public inquiry is based on terms of reference that are usually handed down by the government, whereas a civil proceeding has its parameters set, its boundaries set, by the plaintiffs, who issue a statement of claims, who set out whatever issues they believe need to be resolved in the court. Of course, in this instance that is the George family, who came forward and issued a statement of claim and set out the issues that they thought needed to be addressed in a civil court. That's exactly what's happening.

The parties, the individuals involved in a civil case, are the plaintiffs and the defendants and any third parties that might be appropriately brought in. It is open to any plaintiff to name whomever they believe is appropriate, at first instance, in a civil action. They set the parameters of the lawsuit and they name the parties that are to be involved in the lawsuit. The party suing for damages establishes the issues that they believe need to be examined. That's what is going on right now in relation to the issues that my friend has referenced earlier this day.

An inquiry normally holds public hearings, and of course is not, in every instance, a proceeding that covers every issue that people involved would like to be covered. An inquiry is, by and large, open to the public. The recommendations of a public inquiry are generally broad in nature and, as I indicated earlier, generally address systemic problems, not just individual actions.

However, an important difference between public inquiries and civil actions is one that relates to the outcomes of the respective proceedings. An important

difference in outcomes between an inquiry and a court action is that an inquiry cannot make a finding of civil or criminal liability. They cannot do so.

It is true that an inquiry can, after giving due notice, include in its report what is analogous to a finding of misconduct against one or more individuals, but it cannot find them liable in a civil or in a criminal sense. In fact, under the Public Inquiries Act, evidence given to an inquiry cannot be used in a civil or a criminal court of law. It cannot be used against the people who provided that evidence to the public inquiry. Even if an inquiry finds that misconduct occurred, the aggrieved party cannot collect damages on the basis of that finding.

A civil proceeding, on the other hand—the kind that the George family choose to involve themselves in and to initiate—can clearly assign blame and impose binding consequences upon those involved.

Let's talk about the comprehensive stages of a civil action. I indicated earlier that it starts with plaintiffs coming forward, with the assistance of their counsel in most instances, and drafting a statement of claim that sets out the issues that are in dispute, issues that they are asking the court to help them address, issues that they are asking the court to help them resolve.

What happens thereafter is a very extensive discovery process, a process that involves the exchange of documents and the exchange of evidence between parties, normally known as a discovery process. In the case of the action instituted by the Georges, literally thousands of documents have been exchanged as part of this proceeding.

In due course, the parties in any civil action are given an opportunity to meet with a judge at what is known as a pretrial conference. It's important to note that the examinations for discovery—the part of a civil action that is conducted under oath, where one side gets to ask the other side questions, questions about any matter in issue, questions that are asked after the exchange of documents—are scheduled to take place in the very near future in the action in question.

Although the oral examinations for discovery are conducted behind closed doors, so to speak—in closed sessions—the transcripts from that proceeding from the court file can be and normally are accessible to the public, except in most extraordinary circumstances. Discoveries will often go on for days. This government has come forward and said that they want that process to be started soon; they want that process to be a comprehensive process.

As a result, what we have done as a government is we have gone to the court and asked the court to appoint a case manager. A case manager, in this instance, is a judge, an independent jurist, someone who is there at the request of the government to oversee the proceedings and to ensure that all appropriate documents are exchanged by the parties. That is what is underway right now.

That independent case manager is also tasked with and is performing the task of ensuring that the oral examinations for discovery take place in a timely

manner. That will occur and that will involve every party in the lawsuit being examined under oath.

1630

Requirements for document production, as I suspect some members of the Legislature are aware, are quite broad. Any document that relates to the matter as an issue must be produced. There is a judge in place at the request of the government who will ensure that is done completely, comprehensively and in a timely fashion.

When one proceeds forward to the trial, it is a complete and comprehensive, open process, where witnesses are examined and cross-examined. Indeed, this is the essence of our judicial system, and I believe in it. I know it works each and every day within this province to resolve disputes.

Of course, both sides make closing statements dealing with the evidence and dealing with recommendations as to how they believe the judge should rule. All court documents—transcripts, evidence, exhibits and the decision, ultimately—are ordinarily available to the public. That's the civil litigation process.

In considering the matters raised by members opposite, I am not aware of any potential finding about the causes of the events at Ipperwash that could be made by a commissioner that could not be made by a trial judge. Indeed, I am perplexed by the apparent lack of faith that the members opposite seem to have in members of our judiciary.

For hundreds of years, our court has relied on the justice system. Every year, thousands and thousands of litigants come forward to ask the courts to assist with resolving matters that are in dispute, and every year thousands and thousands of litigants achieve justice through this process. As a mechanism for the peaceful resolution of disputes, the civil courts have been a foundation stone for literally decades, centuries, and in fact since the start of this society. Yet the members opposite act as though the judicial system is some sort of inferior process.

The similarities between public inquiries and the civil action that I've talked about over the last short while are actually quite striking. The similarities are numerous. Typically, they are both presided over by judges. Both have the power to call and examine relevant witnesses and evidence. Both make their records and findings public.

The most important difference, and I emphasize this once again, is that a commission can't make findings of legal liability, whereas a judge can. There is a strong case to be made that a civil trial is indeed the better way of achieving justice for anyone who is aggrieved.

The government did not launch this civil proceeding. Let's be very clear about that. The government did not launch this civil proceeding. Other people took the government to court, which they have every right to do.

The proceeding is well underway. It has progressed significantly indeed since late 1998. A schedule has been put in place. As I indicated earlier, a case manager is in place to ensure that there is complete disclosure and that

the matter proceeds in a timely fashion. Thousands of documents have been exchanged. There will be complete disclosure in this proceeding. The case is being managed by a judge, as are all pretrial matters. I am confident that this process will ensure a swift and sure progression of the case. Numerous court appearances have already taken place. Over the next six months, all the parties will likely be examined for discovery.

There would be no point—it would be counter-productive—to start from scratch at this juncture. As the Premier has said, if at the end of the day, when the court proceedings are exhausted, there are any questions that need to be answered, that are still unanswered, the government will look at the best ways to answer those questions. The appropriate steps will be taken at that time to ensure that all of the necessary matters have been reviewed.

In the meantime, let me say again, by way of conclusion, that I have confidence in our justice system. I have confidence that the courts will answer the questions that the plaintiffs have raised and continue to raise, and that justice will be done.

Mr Michael Bryant (St Paul's): The message that we're getting here from the Attorney General is that when faced with an issue with dramatic allegations of a serious miscarriage of justice, what the Attorney General of Ontario is saying to victims, or to those out there who want to get to the bottom of a matter, is that you're not going to get to the bottom of the matter in the Legislature; you're not going to get to the bottom of the matter through a public inquiry. The only way that you can get justice, I hear from the Attorney General of Ontario, is to sue the Premier, is to sue the Attorney General of Ontario. What is left for the Legislature to do, with the courts being the last refuge?

The Attorney General knows very well—I know he can't possibly be saying that there's no difference between a public inquiry on the one hand and a civil trial on the other hand. As he knows very well, the purpose of civil litigation is to determine the rights as between the parties, to allocate liability and to provide the remedies. On the other hand, the purpose of a public inquiry is to get to the bottom of the matter without being hindered by the same rules of evidences that accrue to the civil system, without being hindered by issues of relevance, without being hindered by the statement of claim. You've got a statement of claim which sets out precisely what the judge can and cannot consider. In a public inquiry, you have flexibility to get to the bottom of matters.

That's why we have public inquiries, says the Law Reform Commission of Canada's working paper 17, *Administrative Law: Commissions of Inquiry* (1977). It says that these investigatory commissions "possess an objectivity and freedom from time constraints not often found in the Legislature." Moreover, "they can deal with questions that do not require the application of substantive law by the courts. And they can reasonably investigate and interpret matters not wholly within the

competence of Canada's various police forces." That is the Law Reform Commission of Canada.

The Ontario Law Reform Commission writes, in their Report on Public Inquiries (1992), "The flexibility of the [Public Inquiries Act] reflects the perceived need to ensure that commissions of inquiry are not constrained by the strict laws of evidence" defended by the Attorney General of Ontario. "As early as 1922, the courts have held that the admissibility of evidence at a public inquiry should not 'be governed by the strict rules of evidence.' But rather by a broad test of whether or not its admission appears to be in the public interest."

That is the point of a public inquiry. It is to say that, yes, we are going to have rules of procedure, but they are not going to be hampered by the various rights owed to all citizens who go before the courts. Public inquiries are different: the point is to get to the bottom of the matter. There are no technicalities, as it were, where the lawyers can stand up and say, "Objection," and something that we know we would want to find out, that we would want to get to the bottom of, we do not hear in civil litigation for the simple reason that there are rules of evidence prohibiting that. That's why they set up public inquiries.

Furthermore, the purpose of public inquiries is to make recommendations in terms of the way in which we govern ourselves as Ontarians, to get to the bottom of an issue and to proceed with recommendations. A judge cannot stand up and make recommendations to the province of Ontario as to how we ought to proceed in the future. It's like the difference between a coroner's inquest and a civil trial. I've never heard this government suggest they should be lumped into the same category.

Under civil litigation, it has been said—this is Judge Dickson, the Supreme Court of Canada—"The duty of the court, as I envisage it, is to proceed in the discharge of its adjudicative function in a reasoned way from principled decision and established concepts." But, Cardozo says, "This judge, even when he is free, is still not wholly free. He is not to innovate at pleasure. He is not a knight-errant, roaming at will in pursuit of his own ideal of ... goodness." He must "draw his inspiration from" specific "consecrated principles."

The principles driving a public inquiry are very different. They aren't the technical provisions and principles of hearsay, of evidence, of relevance. It's about getting to the bottom of matters and it's about making recommendations. It's not about the bottom line of who owes what to whom. That's what a civil litigation is all about. Rather, it's about doing the public good and advancing the public interest.

We have heard nothing from the government to explain why it is that they didn't ask the victims of Walkerton to finance a public inquiry through civil litigation. They didn't do that because they know the outrage that would have spread across this province—all those victims, the thousands of sick, the people dead. Of course we wouldn't get to the bottom of Walkerton that way. But here's the George family: not thousands, this is one family trying to proceed alone and get to the bottom

of the matter through the worst tool possible; in this case, civil litigation.

1640

The position taken by the government of Ontario and in particular by the Attorney General of Ontario, who is charged under the Ministry of the Attorney General Act to safeguard the administration of justice and in fact to sometimes step aside from cabinet and say, "That may be the right political thing to do, but here's the right thing to do. Here's the right thing to do in accordance with the rule of law. Here's what we've done in the past, and here's what we ought to do in this case"—

We have to get to the bottom of this, not handcuffed and hampered by the very excellent but in this case unnecessary, unwarranted, and unwanted rules of civil procedure. We need to get to the truth, and we're not going to get to the truth through civil litigation. I call upon this House to support a public inquiry.

Mr Gilles Bisson (Timmins-James Bay): First of all, let me state at the outset of the debate on this motion that the NDP caucus will be supporting this motion. It is similar to motions that have been introduced in this House at least two or three times before by both us, the New Democrats, and the Liberals to try to get the provincial government to hold a public inquiry on what has been known as the Dudley George matter.

I want to say this is one of the issues that I think bothers a number of us in the Legislature probably more than many others that we've seen come through this place, because we know there are a couple of facts on how this whole issue has arisen that really give us discomfort. Number one is that we understand there was a policy within the Ontario Provincial Police, as a result of years of experience in dealing with protests of both First Nations people and non-First Nations people, and they learned that the best way to deal with an issue is not by going in with guns ablazing, but rather to try to stand back, wait, allow people to vent their frustration, allow people to demonstrate and to say what's on their minds and then try to negotiate the matter.

It has always been a long-standing policy of the Ontario Provincial Police that has evolved over a period of years and through experiences that I'll talk about later that they learned that you don't run in with guns, you don't push a confrontation. You try to defuse the situation and allow things to work themselves out by calm and peaceful negotiations on both parts. What's really frustrating to all of us is that there was a marked departure from that policy after the election of Mike Harris in 1995. I will say for the record, and I feel fairly confident in saying this, that if Mike Harris had not been the government in the fall of 1995, there would not have been the type of reaction by the Ontario Provincial Police at Ipperwash, and Dudley George would be alive. No government, I believe—Bill Davis, David Peterson or Bob Rae—would have ever rushed in, guns ablazing. In fact, we learned by what's happened over the years.

For example, I remember back in the late 1980s. As you remember, there were a number of issues going on

within the province of Ontario that affected First Nations people, rightfully so. First Nations people were starting to work at, and have been working quite hard at, trying to get the public aware of their issues as they affect their communities and how treaties have been signed and treaties have not been respected by both federal and provincial governments. Rightfully so, the First Nations people across this province have taken to the streets, as we say, in order to publicly protest what has happened to their people over the last century. There have been all kinds of atrocities, not only broken treaties but, by and large, an assimilation policy on the part of both the federal and provincial governments to basically wipe out the way of life of indigenous people of this land. Rightfully so, they're fighting back in the best way they know how, and that is by peaceful protests and by way of the courts.

What's happened in this particular case is that, yes, First Nations people have gone to the streets; yes, they've mounted blockades; yes, they have protested—but always within the confines of the law. It's important to note that that is one of the basic tenets of our society, that as a citizen and as a group of people, you should be able to gather, to publicly protest and to express your concern about an issue, provided you do that within the confines of the law. Clearly that's what's been going on. The provincial police have learned over the years that the best way to deal with these issues, quite frankly, is to allow things to take their own course, allow issues to defuse themselves to a certain extent, and then at the appropriate time enter into the debate and try to find a negotiated settlement. By and large that has worked.

I was a member of a government from 1990 to 1995 that had to deal with a lot of issues as they related to First Nations people. We had to deal with a number of issues as a government as they approached us with issues. Not only First Nations people but other people were out protesting government decisions or old, standing issues that they were trying to bring attention to. We understood as a government that we had to develop policies that helped the provincial police to deal with these issues so that they didn't become inflamed to the point of not being able to deal with them. So I know, as a government member from 1990 to 1995, that whenever there were these types of issues that arose, the provincial police did not go in guns ablazing. That's what's so darn frustrating in this particular debate, that we all know what's happened: the government changed that policy almost overnight, the government put pressure on the Ontario Provincial Police to rush in, and as a result somebody was killed.

What is even more frustrating is the way things unfolded that day. A local politician, a First Nations politician of the community, seeing the police rushing on, seeing the police sort of mount their presence at Stoney Point, basically went out to try to calm things down, went out with the bullhorn trying to tell the police to back down, to relax, not to get too excited, just back off and let his own people deal with trying to calm things down on

their side as well. What happened was the Ontario Provincial Police rushed this individual and started beating him with clubs. In fact, 10 officers beat him to a point of unconsciousness. That's what precipitated everything happening after. A local native politician who stood up, who tried to defuse things, who was trying to help both his people and the Ontario Provincial Police to defuse things, was rushed by the Ontario Provincial Police and was beaten. From there, they tried to hold things back by one of the elders in the community asking that a bus be put between the provincial police and the protesters so that they would be protected from the police. They were trying to protect themselves. Instead, the Ontario Provincial Police opened fire. There were a few people who were shot, certainly the driver of the bus, and Dudley George was killed.

The provincial police then said, "The reason we opened fire was because we saw people with guns firing back at us." That didn't stand up in the court case. It was proven there were no guns, there was no ammunition, there were no spent shells, there was nothing on the side of the protesters to indicate there were any kinds of firearms involved. The only firearms were on the side of the police.

What bothers me is that that is not in keeping with how the Ontario Provincial Police operate. They do not rush in. They don't go in guns blazing. They are one of the most professional forces in the world when it comes to dealing with issues like this. It is my view and I think the view of many other people that what in fact happened was that the provincial government told the provincial police to go in guns blazing, basically, not to go in shooting but to put up a show of force and to push the protesters out of the park by any which way they could. That gave licence to some people within the police to go out and do what happened.

What has been frustrating is that our former critic, Bud Wildman, who led the charge on this issue from 1995 on, certainly our leader, Howard Hampton, Mr Phillips from the Liberal Party and myself and others have been trying to force the government into a public inquiry so that we can get to the bottom of it. If the government says what all the evidence points to is wrong, that in fact they didn't order the police into the park, that they didn't encourage the police to the show of force, that they didn't encourage the police to rush in, if the government feels so confident about that, then call a public inquiry. The civil case is not going to deal with that issue.

I was just dumbfounded that the Attorney General stood up here and said, and I use his quotes, "The proper place for somebody to get justice is by way of a civil trial." I just shake my head and say, "Don't come in here lecturing to us how this system works, because we've been around here a little bit longer than you have, and in fact that's not the way you do things."

A public inquiry is about getting to the bottom of an issue and trying to figure out what went wrong so that at the end of the day we can prevent the same thing from happening again. That's what it's about. It's not so much

about who was right and who was wrong and assigning blame. It's about finding out what happened so that we put in place the mechanisms for it not to happen again. For the government to all of a sudden come in here and say, "Oh, no, that's not the way you do things. You do it by way of a civil trial," is really something else.

1650

There was another comment he made that I thought was interesting. He said, "The fundamental principle of our system is for us not to comment." I take it he was talking about the court case. I would think the fundamental principle of our legal system is to get to the truth and make sure the right thing is done by way of the victims or others.

I want to go through some of the evidence that's been brought to the House on a number of occasions, and just try to say to the government that certainly the evidence I'm about to present, that's been talked about in this House before—you've got to agree there's a whole bunch of questions that have to be answered.

The first is the whole question of the government saying it denies any involvement in ordering the police into the park. I want to use a couple of quotes from both the media and from here through Hansard. One of the comments made on November 5, 1996, by Mike Harris in Hansard says, "At no time did the police receive any instructions from anybody that I know in my caucus or my office or me or the cabinet." So it's fairly clear he's saying, "Nobody from our side actually ordered the police in."

On April 22, 1997, again a quote from Hansard, Premier Mike Harris said here in the House: "There was no direction given to the OPP before, after or during any other situation; no direction given by the government, no direction given by any of our staff, no direction given by any of the ministers."

That flies in the face of what was said on September 6, 1995. This is an excerpt from the notes of a meeting that took place: "Now OPP commissioner is involved. Decision will be made at his level. He was called into cabinet." A particular bureaucrat who was there was also eloquent. He cautioned repeatedly about rushing in: "An ex parte injunction. Can't interfere." Basically, this bureaucrat—first of all, what this proves is that the comments made by the Premier on both November 5 and April 22 don't match with the evidence of notes that were taken at the cabinet meeting, because it says, "The OPP commissioner is now involved. Decision will be made at his level. He was called into cabinet." That's contrary to what the Premier said: "I know my caucus or my office or me or the cabinet had nothing to do with this." Clearly the commissioner was brought before cabinet, and it was to discuss this issue. How can the Premier say he knew nothing of it?

Then the bureaucrat who was there was basically trying to explain to the cabinet that this is not the way to do things, this was a departure from how things are done to defuse a situation, and eloquently argued that the government should not go in with guns blazing. But "the

Premier and Hodgson came out strong,” says the note from the cabinet meeting on September 6, 1995.

“The Premier and Hodgson came out strong.” That indicates from their own notes—these are not notes we took; these are notes of their own officials who were at that meeting, who said, “The Premier and Mr Hodgson,” the then Chair of Management Board, “came out strong,” supposedly in favour of pushing the OPP in by force.

Further to that, other evidence of things that were said in this House and afterwards—again, this by Mike Harris in Hansard on November 5, 1996: “At no time did the police receive any instructions from anybody that I know in my caucus or my office or me or the cabinet.” He said it again. Then on April 22, 1997, Mike Harris said, “There was no direction given to the OPP before, after or during any other situation; no direction given by the government, no direction given by any of our staff, no direction given by any of the ministers.”

Then you go back and read what was in the excerpts from notes that were taken in a ministerial meeting on September 6, 1995, which were released under the freedom of information act. I believe the notes are from Deb Hutton, who says, “Premier last night. OPP only. Maybe MNR. Out of park only. Nothing else.” The Premier is trying to say he had nothing to do with it, but basically his own chief of staff—one of the key people in his office—was fairly clear in her notes about what was said.

Minutes from the same ministerial meeting of September 6, 1995: “Police have been asked to remove the occupiers from the park.” That implies again that there had been a change in policy and that the government had interfered.

Again, from a former government official who was present at the interministerial meeting—a quote taken from a CP story which appeared in the Kingston Whig-Standard, August 1, 1997: “The bureaucrats were really shocked with what Deb Hutton told them because that was not the way they did things....” Again, it goes to my point that the government changed the way the Ontario Provincial Police deals with these matters. I say what I said at the beginning: if the original policy had been upheld—if it had still been us as a government—I don’t believe the OPP would have gone in there, because they would not have wanted to do it that way.

What’s interesting is that when you read the notes from the officers who were on the scene—there is a repeated number of notes, and I don’t have enough time to go through them all—they basically say, “We want more time. We don’t want to rush in. We believe this is wrong. We want to be able to negotiate.” The police themselves in their own notes were feeling pushed by the government, and they were looking for time to be able to deal with this issue as they’ve dealt with other issues by way of negotiations and trying to bring calm.

I’m just going to take a few more minutes, because I know our future Premier, Mr Hampton, wants to say a few things about this.

Mr Howard Hampton (Kenora-Rainy River): Thank you.

Mr Bisson: You’re quite welcome. I like calling you Premier; it’s a good thing.

The other point about the involvement is a comment on August 18, 1997, from Mike Harris: “I determined nothing. I gave no direction. I gave no influence on it. We left that entirely to the OPP. I assumed there would be negotiations.” That flies in the face of what the OPP, who were present, had in their own notebooks. They clearly demonstrate in their notes that they were being pushed by the government to go in. They were asking for more time. Somebody from the government side was trying to push them.

Mike Harris, December 4, 1996, again out of Hansard: “I think it’s a very huge stretch for you to suggest the OPP did anything different,” again referring to the way they did things. But when you look at the evidence—again, a couple of comments out of a few places. A headline in the Sarnia Observer September 6, 1995—this was before they actually went in and did the rush on Ipperwash park—says: “Queen’s Park to take a hard line with occupiers: Beaubien.” Clearly there was discussion going on about trying to take a hard line with the First Nations people in that area.

The minutes from the interministerial meeting on September 6 say: “Police have been asked to remove the occupiers from the park.” Clearly, somebody gave the order.

Again, September 6, 1995, a police log, Ipperwash Command Centre: “We want a little bit more time.” Clearly the police were fighting back and saying, “No, we don’t want to do this. We don’t believe escalating is going to solve this.”

Another note, OPP “Project Maple,” distributed on the evening of September 4, 1995: “Objective: To contain and negotiate a peaceful resolution.” What’s clear through here is that the OPP didn’t want to rush in, but they were being pushed in.

There are reams and reams of evidence that demonstrates that the government influenced the decision of the Ontario Provincial Police. The Premier says he never met with the commissioner of the Ontario Provincial Police, but we know that he did by his own admission. Evidence shows there was basically a change in the way the Ontario Provincial Police moved on this issue. Normally they would have tried to negotiate. That was their preferred method of operation. What’s clear is the notes that were taken at the interministerial meeting: “Get them ‘expletive’ Indians out of the park,” is what Mike Harris said. That is in the notes. There’s evidence after evidence after evidence that demonstrates it was none other than the cabinet of Ontario, none other than Mike Harris himself, aided by his member from the area, Mr Beaubien, who wanted to escalate this issue to get the First Nations people out of the park. For that reason I think there is enough evidence out there to cast a large shadow of doubt, that in fact the police were affected by the provincial government and there should be a public

inquiry in the name of justice for the George family and to make sure something like this never happens again.

Mr David Tilson (Dufferin-Peel-Wellington-Grey):

I join the Attorney General and all members of the House in expressing my sorrow, as we all do, at the untimely death that occurred in September 1995 at the Ipperwash Provincial Park. This was a tragedy that has impacted on many lives. As you know, as a result of these events, criminal charges were laid and a civil action has begun. That civil action, as has been stated by the Attorney General, is still before the court. With this in mind, I think we should all—certainly I am going to—preface our remarks today by acknowledging the extreme care that I will be taking in this debate.

1700

The principal argument that I would submit to my friends in the opposition is that we must take care not to make any comments of any sort that would prejudice this civil action before the courts or indeed the rights of the parties before the courts. Our government's position on this matter is based on respect of due process of the law. We cannot be drawn into improper debate. It's with this in mind that I'm responding to the resolution that has been put forward by Mr Phillips, the member for Scarborough-Agincourt.

In the resolution, the member opposite requests an independent inquiry under the Public Inquiries Act into the events at Ipperwash Provincial Park. These events, we would all agree, are tragic. As we all know, on September 5 and 6, 1995, some members of the Kettle and Stoney Point First Nation occupied the Ipperwash Provincial Park, adjacent to Camp Ipperwash. There was a confrontation and Dudley George, a member of the First Nation, was fatally shot and two other individuals were injured. I know that all members of the House will join me in my hope that such an unfortunate event never occurs again.

The opposition wants a public inquiry to review all the facts behind Ipperwash and they are demanding that this inquiry take place right away. This is inappropriate. Right now, there's a legal process underway that will perform this task and will determine the appropriate response. Not only could a public inquiry interfere with this ongoing legal process, but I would submit to you it is not necessary.

The members opposite have brought forward specific issues, and they've said that there are unanswered questions that can only be responded to in a public inquiry. I say to them that these questions can be and will be dealt with in the civil action that's before the court. Mr Phillips, the member from Scarborough-Agincourt, has outlined these questions, or some of these questions, in his comments to the House: What decisions were made? Who gave the orders to the OPP to confront the protesters? What role did government members play? What documents were generated? If these are indeed representative of their questions, these responses will be ascertained at trial, the trial that is going on as this Legislature now sits. That's exactly what's occurring.

I'd like to state the obvious, and that is to consider the process of a trial. To prepare for trial, there's going to be an examination for discovery. There will be documents and exhibits presented and itemized. This process is going on now. During the trial there will be testimony, there will be witnesses, there will be experts, and there will be cross-examination of all of these individuals. The trial is open to the public. People can listen to all the evidence and subsequently to the proceedings. They can obtain from the court office copies of court documents. It's an entirely open process. As you are aware, the findings of a trial judge are binding. I'm not aware of any findings that could not be made by a judge that could be made by a commission of inquiry.

To the extent that findings are made by the commissioner, the commissioner does not have greater authority than a judge. In fact, he or she may have less authority, depending on the terms of reference of the commission. Certainly, a commissioner cannot make findings of fault; a trial judge can, which is comparable to a judge in a civil or criminal proceeding.

The point that I'm making is that a trial action, a civil trial, is not an inferior process to a public inquiry, as has been suggested by the opposition this afternoon. The point is that the trial is the process that nations have adopted over hundreds of years. I would say that I am certainly appalled at the opposition, who are apparently suggesting that the justice system is flawed and that it cannot answer the questions that a public inquiry could answer, that it could not deliver justice. It's most appalling that you'd come forward with that position. The court system is the backbone of the judicial system. To suggest that the issues of Ipperwash cannot be canvassed and determinations cannot be appropriately made in such a forum is irresponsible.

It is the position of our government that a public inquiry should not occur until the civil proceedings are completed. As has been previously stated in this House, when all court actions are disposed of, if it is felt that there are questions still unanswered, our government would look to the best ways to answer these questions. I emphasize, however, that we will consider other options only after the matters before the court have been exhausted.

As I've previously said and as we all acknowledge, the tragedy at Ipperwash was terrible. That day in 1995 had an enormous impact within Ontario and on the local community, both aboriginal and non-aboriginal people alike. It's always dreadful when individuals lose their lives.

It's important that we be clear on one particular point. Relying on the courts and the due process of law was the approach taken by the government. Our government is co-operating fully. The government is providing documentation. The government will respond when the time comes for oral discovery. I'm confident that the government will comply with the civil case to the fullest extent of the law.

We also believe that this issue is in the forum where it belongs: fair and complete and being considered by an impartial judge. I join all members in this House in hoping that a situation like this never again occurs.

Through a civil trial, we've had an opportunity to get to the root of the problem. We can examine all issues in a way that is far more effective than by a public inquiry. Therefore, it is the position of this government that a public inquiry is inappropriate while civil legal proceedings are ongoing. Our government has stated that we will consider other options only after matters before the courts have been exhausted. We are also of the strong belief that a court trial is absolutely the best and most effective response to this issue.

For the reasons I have stated, our government will not be supporting this resolution of the member opposite which asks for a public inquiry on the events that occurred at Ipperwash Provincial Park.

Mr Ernie Parsons (Prince Edward-Hastings): I still continue to puzzle on why there has not been an inquiry to this point in time. I think it is absolutely important that we, as legislators, establish and follow a process and put in place a process to ensure that something like this never happens again.

I do hear the government's concern that it would interfere with the civil trial and you can't have a public inquiry and the civil trial. My simple answer to that is: Walkerton. I heard the explanation at the beginning of the Walkerton issue that we couldn't have a public inquiry till we determined whether there would be civil trials, but I note with great interest that the public inquiry has gone ahead and is proceeding at this very moment. Obviously there is the legal possibility of the two of them happening at the same time.

Surely, from the government viewpoint, it is in their best interest to clear the air. Years have gone by now, with innuendo, with rumours, with concern. It is in everyone's best interest, including the government members, to determine exactly what happened, exactly how it happened, so that it will never happen again. The judges themselves are not going to have the freedom to render the recommendations that may come out of this. We don't know until the inquiry is held.

The problem I have with the delay, though, is that every one of us suffers from the problem of memory and memories changing. This needs to happen now while the key persons involved in this remember exactly what happened in that event.

1710

Mr Hampton: I want to put just a couple of things on the record. Some of the positions the government has taken today, and some of the positions the government has taken in the past, in my view need to be reflected upon by people across Ontario.

I want everyone to keep in mind that what happened here is that an unarmed man, an innocent man, was killed; not only that, but an innocent man, an unarmed man, was killed by the police. Ordinarily, in that kind of situation, we would almost automatically see a public

inquiry called to ascertain how such an unfortunate and terrible event could have happened. But from the beginning, the government has found excuse after excuse to avoid having a public inquiry into the events surrounding the death of Dudley George. The government has used every opportunity to frustrate.

I heard one of the government members say here earlier today that the government prefers that this be handled in a civil court. The only reason this matter is before a civil court is because the government refuses to have a public inquiry. The government is literally forcing individual citizens to hold the government accountable. That in itself is incredible in a jurisdiction which would call itself a democracy: that the government does not want to hold a public inquiry to ascertain why something happened and to ascertain who should be held accountable. No, the government wants to force private citizens to go to court and literally, in this case, sue the government of the day. What a travesty of justice and what a travesty of democracy. That's the initial context, the initial problem here.

But as we've seen over the last five years, a number of other events have unfolded which make this travesty even worse. We now know that the Ontario Provincial Police, in going into the park, breached their own operative guidelines, which in effect call for OPP to conduct discussions and to try to find ways to de-escalate these kinds of situations, rather than going in and forcing a confrontation and escalating the situation. To me, there is a question there that begs to be answered: what could it have been, who could it have been, which would have required the OPP to breach their own guidelines, to breach their own code of conduct for the way in which these kinds of situations are to be handled?

Second, we have learned over the last five years that there is a series of manuals which set out how the OPP tactical squad is to be utilized and in what way they are not be utilized. We know that the OPP code of conduct for the operation of its tactical squad actually resulted from some very unfortunate things that happened in the 1980s, where innocent people were shot by police tactical squads. So these guidelines were put in place, this code of conduct was put in place, to ensure that didn't happen again. But what clearly happened at Ipperwash is that the OPP for some reason overrode their own tactical code of conduct, their own code of conduct which sets out the operational procedure for OPP tactical operations. What could have done that? Who could have done that? What force or what persuasion was applied to the OPP that would have them disregard their own operational code of conduct? It seems to me that those two questions alone cry out for a public inquiry. What could cause the police to deviate from their normal mode of operations? What could cause the police to move away from their own operational codes of conduct which every officer is trained in? Those questions alone cry out for a public inquiry.

But then, over the last five years, we have had pieces of memoranda come forward which indicate that there

were, first of all, discussions between the Premier and members of his staff which indicated to get the something-or-other Indians out of the park. There were cabinet meetings, or at least some members of cabinet met to discuss this issue, either the day before or the day of the shooting. We need to know what the connection is between those things and the deviation of the OPP from their customary, in fact their required, modes of conduct. What was the influence? It seems to me, since we're dealing with government operations here, this calls out for a commission of inquiry, a public inquiry into how this could have happened.

But finally, we have had, over the last while, situations where the Premier himself cannot remember or has changed his account of what happened. He indicates that he was at a meeting one day but then on another occasion indicates that the meeting didn't take place. Then on another occasion he indicates that he can't remember if there was a meeting and he can't remember if he was there. Now, I'm not talking about Stockwell Day here and his inability to remember; I'm talking about the Premier of Ontario. I'm talking about an incident where an innocent, unarmed man was shot and killed.

It would seem to me that this, too, cries out for a public inquiry. How could this happen? How could the police deviate from their normal operational codes of behaviour, and what was the linkage between directives or meetings held by cabinet members and what happened? How is it that the Premier has changed his story now, not once, not twice, but apparently three times as to what meetings took place, whether or not he was at them and what influence they had upon the course of events?

Now, to say that this could all be handled in a private lawsuit suggests that whenever there is government wrong, the only recourse the citizens of the province will have is that they will have to go out and they'll have to be wealthy enough to launch a private lawsuit. It indicates that that is the level to which accountability has fallen in Ontario, that government is not prepared to be held accountable, that government agencies and government operatives are not prepared to be held accountable. Not only that, but beyond that, they do not want to have any process where the people of the province can even find out what happened. They do not want to have a process where people can even find out the elementary facts of what happened, what took place. That is indeed a travesty in a jurisdiction which tries to claim that it is a democracy and tries to claim that it follows certain rules of accountability.

It seems to me that the more information comes out, the more we see clear and obvious reasons why there needs to be a public inquiry into the events surrounding the death of Dudley George.

1720

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to rise and speak on the opposition day resolution.

Let me begin by adding my sympathy for the family and friends who today are still mourning the loss of Dudley George.

I believe that everyone in this House would agree that his death was a tragedy. However, there are those in this House who refuse to acknowledge that as a result of this occurrence a civil action is currently before the courts for determination. They refuse to acknowledge that extreme care must be taken in making any comments that might prejudice the work of our courts. Because statements made within the Legislature are public statements, we all of us have a responsibility to ensure that our comments are appropriate and will not have an impact on cases currently being heard.

Our government respects the due process of law and will continue to respect that process. The court proceedings undertaken by the George family and others must be completed before other options can be considered.

My colleagues across the way continue to try to put the cart before the horse. They insist that a public inquiry should be held now, before the court has completed its work. It is important to all concerned to allow justice to run its course. The work of the court must be allowed to proceed without hindrance or interference. To suggest that a public inquiry be held while the case is underway, and that the inquiry would not have an effect on the civil suit, is at best disingenuous.

A public inquiry is normally held on issues of broad public interest, not individual actions. The commissioner conducts the inquiry. He has commission counsel who presents the evidence and calls witnesses. Those with standing might also, at the commissioner's discretion, be able to present evidence and call witnesses. At the end of the day, the commissioner, based on the terms of reference of the inquiry, makes determinations or findings. However, he or she does not make findings of fault comparable to a judge in a civil or criminal proceeding.

A public inquiry is meant to identify flaws in the system and ways to improve the system, whatever the system might be that is under examination. But to the extent that findings are made by the commissioner, he or she does not have greater authority than a judge to make findings regarding the conduct of individuals.

In this context, one wonders what the opposition is trying to gain by political grandstanding and demands for an immediate public inquiry. Our government has the utmost respect for the law. We are, as is proper, awaiting the outcome of the civil proceedings now before the court. No other course of action is appropriate. Our government has every confidence in the justice system. We respect and uphold the rule of law in our role as parliamentarians. Our government is following the traditional and appropriate steps in dealing with this situation.

These steps have not been taken on the spur of the moment. We are following guideposts set down through years of experience. It is the position of our government

that a public inquiry is inappropriate while the civil proceedings are ongoing.

We have a responsibility to ensure that all individuals receive the justice they deserve. Part of that responsibility includes refraining from comment on matters currently being dealt with by the courts. To do otherwise is irresponsible and risks compromising the integrity of the court's work.

We, as parliamentarians, have many responsibilities: as administrators, as lawmakers and as representatives of the people of Ontario. I take those responsibilities very seriously. When I was elected as the representative for Barrie-Simcoe-Bradford, I realized how important it was not only to recognize where my responsibilities lie, but also where my responsibilities end. I am not, for example, responsible for the administration of justice within the court system. The separation of politics and the legal system is a basic tenet of our parliamentary democracy. We understand that and we take all necessary steps to ensure that the separation is maintained. By the same token, I cannot comment on issues before the courts, because by the very nature of our work in the public eye, any comment could have an adverse effect on a judge's deliberations.

As I said, the separation of politics and the legal system is a basic tenet of our parliamentary democracy. We understand that and we take all necessary steps to ensure that separation is maintained.

Is the party opposite suggesting the court will not do its work? Are they suggesting the justice system is biased or not competent to fully explore the issues now before it? If that is the case, then I would suggest that their lack of respect for the conscientious, dedicated jurists and legal specialists who have devoted their lives to the pursuit of justice says far more about them than about the justice system.

A decision was made to pursue this matter through the courts. That is a fact. Given that reality, we are prepared to allow the courts the time needed to deal fairly and appropriately with the issues. Once that process is complete, the government will fully examine whatever next steps are required. It serves no one's interests to pursue other options before the work of the courts is complete. I would suggest it is only appropriate that they do the same.

I would now like to turn the attention of the House to another aspect of the issue; that is the effect this tragedy has had on the community of Lambton county. For native and non-native alike, the healing process has been a slow one, but it is my hope that the two groups have found new reasons to work together, to form stronger bonds and to reach out in friendship and respect, because that is the only way a community grows: by demonstrating respect for each individual's values and goals.

I believe that we, as a Legislature, would do well to take that philosophy to heart. I accept that the opposition wants simply to ensure the George family receives the justice the law provides, and I would hope the opposition will come to understand that our government must

exercise great caution in its public comments and wait until the appropriate time before making any decisions on further actions.

Finally, I would like to add a personal word of thanks to the Attorney General. Both he and his predecessor have done a remarkable job of balancing dual responsibilities as Attorney General and as minister responsible for native affairs. Both men have made a tremendous effort to reach out to Ontario's native communities. They have met with representatives of the aboriginal community and have travelled long distances to take part in community events. They continue to represent native interests across all ministries in our government, to other provincial governments and at the federal table. On behalf of my caucus colleagues, I would like to thank them for their work to help people who represent such an integral part of our cultural mosaic.

Ms Marilyn Churley (Toronto-Danforth): Let me tell the government members who have been speaking to this motion today what it is the opposition wants here. We are simply trying to get justice for Dudley George. When we stand here and talk about Dudley George, we're talking about an unarmed young man who was killed, who was shot. When we stand here, I would advise the government members not to talk about us being disingenuous in our approach. I think the obvious question to ask here is, what is the government trying to hide and why are government members stonewalling here? It seems to be passing by them every day, every time it's mentioned, that the relatives of Dudley George have said very clearly that should the government agree to a public inquiry, they would drop the civil lawsuit.

Why should the grieving relatives and family of a man who was killed in his prime, who are having to pick up the pieces and deal with their grief and sorrow and anger and pain from the death of a loved one and the aftermath of that—we all know the story. If not, we should be reminded of what happened after Dudley George was shot. His relatives put him in a car, because an ambulance didn't show up, and had to drive this man who was shot to a hospital themselves; and then, when they got to the hospital, they were taken away. They couldn't even be there with Dudley George.

1730

Mr Bisson: They were arrested.

Ms Churley: They arrested the family members who were with him and Dudley George died there alone.

When the government stands up and uses the argument that they have to divide politics from the law, my blood boils. When they stand up and say that this is in the best interests of the Dudley George family, my blood boils. It is insulting to the family.

We all know a civil court case, particularly one that's been dragged on and on like this, costs thousands—I don't know, perhaps hundreds of thousands—of dollars. Where is that family going to get the money when the government has unlimited resources? Did you ever think of that when you stand up and self-righteously say that this is the best process for the Dudley George family? Let

me say, it is not. They're struggling to find the resources to keep this court case going.

I would submit to you it is my view that that is part of the government's plan here, to wear the other side down, that eventually they'll just have to give it up because they won't have the money. That's not going to happen. Some of us have been involved and will continue to be involved in helping this family raise the money that's necessary to carry this court case through to its completion and to get to the bottom of what happened here.

I want to say to the government members, they should meet with the family of Dudley George, his relatives, and see the grief and see the struggle they've been put through on a daily basis because the government refuses to do the right thing, the proper thing and the thing that we have a legal ruling that they can do, and that is hold an inquiry. That would save the family. Haven't they been through enough? They've lost a loved one. Something really terrible happened and we have to get to the bottom of it, not just for the justice that we're crying out for, for Dudley George and his family, but all of the First Nations people in this province. Something terrible happened here and we have to get to the bottom of it and find out what happened so it doesn't happen again.

The government has chosen to go a route which, in my view, puts us in the position where we may never find out what happened, and that truly frightens me. We all know that many people in this Legislature, as well as many people outside this Legislature—and let me take this opportunity to congratulate Mr Gerry Phillips from Scarborough-Agincourt, my leader Howard Hampton, Bud Wildman and many others on their absolute persistence in not letting the government off the hook on this issue. I congratulate Mr Phillips for bringing this resolution before us today, because it's easy after a while to forget. The fact that Mr Phillips has this before us today is forcing the government once again to listen to the facts here.

Mr Bisson: The same motion was introduced by us.

Ms Churley: The same motion was introduced by the NDP. When was that?

Mr Bisson: A couple of times.

Ms Churley: A couple of times. This issue has been brought up time and time again, and the government keeps coming up with more and more excuses as to why it's not appropriate to have a public inquiry. The excuse that's given time and time again—and it doesn't work any more. Perhaps it worked to some extent before the Walkerton inquiry was called. Talk about being disingenuous. It's so ridiculous, it's hard to sit here and listen to it. We have instigated by this government a Walkerton inquiry. The circumstances are very similar. There really isn't any difference. Yet that is being ignored when the government stands up and explains, oh, so patiently and the Attorney General in a most patronizing way explains to members who have been around this place for some time now the difference

between a public inquiry and a court case. Mr Speaker, we have a fairly clear understanding of that.

I would say to you, if the government had proceeded this way with Walkerton after the deaths there—which they tried to do, if people will recall, at the beginning. It was because of pressure from both the opposition parties and the public that we ended up getting the government to agree to a public inquiry. But if you'll recall, they were making the very same arguments then that they are now still, all these years after Dudley George was killed, as to why they couldn't have it. Something changed overnight, and what changed overnight is that they knew that they politically couldn't get away with not having a public inquiry in that case. In this case they feel, because it is one First Nations man who was killed, that politically they can get away with it.

Shame on them. I would say that they should remember that a man died. His family, of very little financial means, are stuck having to be the ones to find justice. That is wrong and inappropriate, and they should support this resolution today.

Mr Mario Sergio (York West): I hope that every member supports the motion by the member for Scarborough-Agincourt calling again, one more time, for a public inquiry into the death of Dudley George. It's about time this government comes to grips and says, "We have to shed light. We want to bring this case to rest. We want to make justice." I hope we all support the motion by the member for Scarborough-Agincourt.

Mr Dalton McGuinty (Leader of the Opposition): I am honoured to rise to speak in support of this motion. I want to speak to three different things: conviction, courage and cowardice; more specifically, one man's conviction, one family's courage and one government's cowardice.

I want to start by once again saluting the conviction shown by my colleague the member for Scarborough-Agincourt. Gerry Phillips's record on this makes it perfectly clear that he is deeply committed to finding the truth about Ipperwash. He has worked tirelessly both behind the scenes and in the public eye to get at the truth. His work is a testament to this man's decency, his work ethic and his commitment to doing simply what is right. It is proof that in this age of cynicism, this place is still quite relevant, if only because one MPP can still make a very real and positive difference.

The member for Scarborough-Agincourt would be the first to tell you that his contribution has been small compared to that made by the George family. Now, this is a family that has shown enormous courage. This family suffered the deepest personal loss that one could imagine when Dudley George was shot dead in a protest outside Ipperwash Provincial Park. They lost someone they loved, suddenly and without warning and without explanation. One would understand if they simply walked away and took the usual time that families take to heal. But instead, they have taken on the most powerful interests in this province. They are not seeking revenge, they are not seeking attention and they are surely not

seeking personal gain. All they are seeking is the truth—the truth about Ipperwash.

1740

Despite modest resources, the George family has fought for the truth for six gruelling years. They have fought in the courts and they have fought in the court of public opinion. They have fought tirelessly and courageously. The question, of course, that begs to be answered is, why has it been such a long and difficult fight? Because of the cowardice of the government.

Simply put, this government is afraid of the truth, and a government that hides the truth is not worthy of the people it is elected to serve. The family was given no choice but to bring a suit against the Premier and members of his cabinet. To say otherwise is to talk fiction. But the ministers have ignored the courts. They have effectively thwarted justice. They've used all kinds of stalling tactics. Their version of what happened has been known to change from time to time to suit their convenience. The Premier's own version of the truth recently changed.

The government's disregard for the courts is only exceeded by the disregard it has shown for the George family. It's ironic that a government that so overreacted to a roadblock at Ipperwash has thrown up roadblock after roadblock in front of the George family. You have to ask, what is it that this government is so terribly afraid of?

Months ago, Ian Urquhart of the Toronto Star put it eloquently in a column when he wrote the following: "There is one downside to a cover-up, no matter how well it's executed. It tells everyone that there is something to hide." If the government has nothing to hide, then surely it will support this motion and it will set up a commission of inquiry.

The George family has said that all it wants is the truth: the truth about Ipperwash, the truth as to why something went terribly awry despite the OPP's long history of dealing with these situations peacefully and successfully. They want the truth about the government's hard-line approach. They want answers to some very important questions: What really happened at Ipperwash? Was the Premier directly involved? Were members of the cabinet directly involved? Were any members of the government directly involved? Was any political direction given to the OPP? The truth about Ipperwash: that's all the member for Scarborough-Agincourt wants; that is all this motion would have us together seek; that is all the George family is asking for; and that surely, at the end of the day, is what they deserve.

I am proud to lend my support to this motion, and I know that my Liberal colleagues will join me in our support for the work done by the member for Scarborough-Agincourt, but most importantly for the

work done by and still being done this very day by the Dudley George family.

The Deputy Speaker (Mr Michael A. Brown): Further debate?

There being no further debate, Mr Phillips has moved opposition day number 2. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

Call in the members. There will be a 10-minute bell.

The division bells rang from 1745 to 1755.

The Deputy Speaker: Members please take their seats.

All those in favour will rise one at a time until recognized by the Clerk.

Ayes

Agostino, Dominic	Crozier, Bruce	Marchese, Rosario
Bartolucci, Rick	Curling, Alvin	McGuinty, Dalton
Bisson, Gilles	Di Cocco, Caroline	McLeod, Lyn
Bountrogianni, Marie	Dombrowsky, Leona	McMeekin, Ted
Boyer, Claudette	Duncan, Dwight	Parsons, Ernie
Bradley, James J.	Gerretsen, John	Peters, Steve
Bryant, Michael	Gravelle, Michael	Phillips, Gerry
Caplan, David	Hoy, Pat	Pupatello, Sandra
Christopherson, David	Kennedy, Gerard	Ramsay, David
Churley, Marilyn	Kormos, Peter	Sergio, Mario
Colle, Mike	Kwinter, Monte	Smitherman, George
Conway, Sean G.	Levac, David	

The Deputy Speaker: All those opposed will please rise one at a time until their name is called.

Nays

Arnott, Ted	Jackson, Cameron	Ouellette, Jerry J.
Chudleigh, Ted	Johns, Helen	Sampson, Rob
Clark, Brad	Johnson, Bert	Snobelen, John
Clement, Tony	Kells, Morley	Spina, Joseph
Coburn, Brian	Klees, Frank	Sterling, Norman W.
Cunningham, Dianne	Marland, Margaret	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tilson, David
Elliott, Brenda	Miller, Norm	Tsubouchi, David H.
Galt, Doug	Molinari, Tina R.	Turnbull, David
Gilchrist, Steve	Munro, Julia	Wettlaufer, Wayne
Gill, Raminder	Murdoch, Bill	Wilson, Jim
Hardeman, Ernie	Mushinski, Marilyn	Witmer, Elizabeth
Hastings, John	Newman, Dan	Young, David
Hudak, Tim	O'Toole, John	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 35; the nays are 47.

The Deputy Speaker: I declare the motion lost.

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

The House adjourned at 1758.

Evening meeting reported in volume B.

CONTENTS

Monday 14 May 2001

MEMBERS' STATEMENTS	
Northern economy	
Mr Ramsay	611
Gerry O'Connor Water Treatment Plant	
Mr Galt	611
Control of smoking	
Mr McMeekin	611
Mrs McLeod	613
Holocaust Memorial Day	
Mrs Molinari	612
Date rape drugs	
Mr Bryant	612
Habitat for Humanity	
Ms Lankin	612
Tomb of the unknown soldier	
Mr Stewart	612
In Celebration of Women awards	
Mrs Munro	613

FIRST READINGS

Highway Traffic Amendment Act (Driving While Suspended), 2001, Bill 47, Mr Bartolucci	
Agreed to	613
Mr Bartolucci	614
Inquiry into Police Investigations of Sexual Abuse Against Minors in the Cornwall Area Act, 2001, Bill 48, Mr Guzzo	
Agreed to	614
Mr Guzzo	614
Highway Traffic Amendment Act (Cellular Phones), 2001, Bill 49, Mr O'Toole	
Agreed to	614
Mr O'Toole	614

MOTIONS

House sittings	
Mrs Ecker	614
Agreed to	615

STATEMENTS BY THE MINISTRY AND RESPONSES

Police Week	
Mr Turnbull	615
Mr Levac	616
Mr Kormos	617
Creutzfeldt-Jakob disease	
Mr Clement	616
Mr Crozier	617
Ms Lankin	617

ORAL QUESTIONS

Education funding	
Mr McGuinty	620, 621
Mrs Ecker	620, 621, 624, 625
Mr Hampton	622

Mr Harris	623, 627
Mr Kennedy	624
Mr Conway	625, 627

Hydro rates

Mr Hampton	623
Mr Wilson	623

Seatbelts and children's car seats

Ms Mushinski	625
Mr Clark	625

Northern Ontario heritage fund

Mr Miller	626
Mr Newman	626

Montfort Hospital

Mr Hampton	626
Mr Young	627
Mr Bisson	627

Public safety officers' survivor scholarship fund

Mr Gill	627
Mr Turnbull	628

Ipperwash Provincial Park

Mr Phillips	628
Mr Young	628

Government use of information technology

Mr Guzzo	629
Mr Tsubouchi	629

Walkerton tragedy

Ms Churley	629
Mrs Witmer	629
Mr Clement	630

PETITIONS

Ontario disability support program	
Mr Gravelle	630
Occupational health and safety	
Mr Christopherson	630
Electricity generating station	
Mrs Marland	631
Health care	
Mr Bradley	631
Mr Sergio	633
Safe drinking water legislation	
Ms Churley	631
Diabetes treatment	
Ms Mushinski	631
Water extraction	
Mrs Dombrowsky	632
Protection of minors	
Mr Wood	632
Mr Gill	632
Services for the developmentally disabled	
Mr Hoy	632

OPPOSITION DAY

Ipperwash Provincial Park	
Mr Phillips	633
Mr Young	635

Mr Bryant	638
Mr Bisson	639
Mr Tilson	642
Mr Parsons	643
Mr Hampton	643
Mr Tascona	644
Ms Churley	645
Mr Sergio	646
Mr McGuinty	646
Negated	647

OTHER BUSINESS

Holocaust Memorial Day

Mr Jackson	618
Mr Kwinter	619
Mr Hampton	619

Visitors

The Speaker	620
-------------------	-----

TABLE DES MATIÈRES

Lundi 14 mai 2001

PREMIÈRE LECTURE

Loi de 2001 modifiant le Code

de la route (conduite pendant une suspension), projet de loi 47, M. Bartolucci

Adoptée

613
Loi de 2001 prévoyant une enquête sur les enquêtes policières relatives aux plaintes de mauvais traitements d'ordre sexuel infligés à des mineurs dans la région de Cornwall, projet de loi 48, M. Guzzo

Adoptée

614
Loi de 2001 modifiant le Code de la route (téléphones cellulaires), projet de loi 49, M. O'Toole

Adoptée

QUESTIONS ORALES

Hôpital Montfort

M. Hampton	626
M. Young	627
M. Bisson	627

PÉTITIONS

Protection des mineurs

M. Wood	633
---------------	-----