



**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)**

Thursday 17 May 2001

Jeudi 17 mai 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Thursday 17 May 2001

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Jeudi 17 mai 2001

The House met at 1000.

Prayers.

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

**OCCUPATIONAL HEALTH AND SAFETY
AMENDMENT ACT, 2001**

LOI DE 2001 MODIFIANT

LA LOI SUR LA SANTÉ

ET LA SÉCURITÉ AU TRAVAIL

Mr Agostino moved second reading of the following bill:

Bill 34, An Act to amend the Occupational Health and Safety Act to increase the penalties for contraventions of the Act and regulations / *Projet de loi 34, Loi modifiant la Loi sur la santé et la sécurité au travail en vue d'augmenter les peines en cas d'infraction aux dispositions de la Loi et des règlements.*

The Deputy Speaker (Mr Michael A. Brown): The member for Hamilton East has 10 minutes for his presentation.

Mr Dominic Agostino (Hamilton East): I thank the members of the House who will participate in this debate. I certainly plan to make this a non-partisan debate, because this is a non-partisan issue as it relates to health and safety and to the safety of working people and working families across the province of Ontario. I don't think there's any doubt everyone in this House believes very strongly that we must do everything possible to prevent another injury, to prevent another death in the workplace.

We all come to this Legislature with good intentions; I think we all come here with diverse backgrounds, diverse communities, diverse political, ideological ideas and diverse ways that we believe this province should be. We also bring with us, which I believe is a very positive thing, our life experiences, that often help us be part of this Legislature and shape policies, ideas and government legislation that hopefully will make this a better place to live. This bill is motivated by what I believe is necessary for the people of Ontario. This bill would make us among the leaders, if not the leaders, in the toughest penalties for health and safety violations in North America.

There is a personal experience and reason that I believe it's important, as well, to bring this legislation to the floor today and to have this legislation debated and

hopefully passed. Shortly after my family arrived from Italy, my father suffered a horrific industrial accident at the age of 33. He had been working as a child, from the age of 14, in Italy in construction as a bricklayer. Two years after arriving in Canada, on a worksite in Dunnville, he was laying cement, was backing away from where he was working and fell through an uncovered elevator shaft 40 feet to the ground. He was instantly paralyzed from the waist down and spent the next 30 years of his life in a wheelchair, in an accident that contributed to his premature death at the age of 63. That was an accident that was preventable. All it would have taken would have been a wooden barrier around that elevator shaft and he would not have fallen through. There were no charges laid; there were no fines; there were no convictions; there was absolutely nothing.

We had to make it on our own as best we could. As a young boy, I remember seeing my father in a wheelchair and could not do the things with my father that most young boys want to do, to partake in activities. As that accident was preventable, that tragedy that struck my family and changed my family forever, I believe that many, many others that have occurred since and will occur today, tomorrow, next week and next year in this province are also preventable. Unfortunately, the statistics are staggering. In Ontario last year, 409 people died either directly as a result of workplace injury or from related illnesses, from workplace illness or disease.

Unfortunately, the fines and convictions in cases in Ontario last year declined. In 1999 there were 309 convictions and \$6.9 million in fines for workplace health and safety violations. Put that in perspective with the fact that in 1999, 358,000 Ontarians were injured in the workplace; 409 died in the workplace. The total fines and convictions in 1999 were \$6.9 million and 309 convictions for this horrific number of accidents that occurred.

As we get close to the summer and young people are now going into the workforce, young people have summer jobs to pay for their university, to pay for spending money for high school. In 1999, 16,000 young women and men between the ages of 15 and 24 were injured on the job. Sixteen of those were killed. Sixteen young people were killed on the job in Ontario in 1999.

People have often turned tragedies into a way of helping others. One of those heroes is Mr Rob Ellis. His son, Dave, at the age of 18, was killed the second day on the job. He was working unsupervised, untrained, in a bakery. The young man, at the age of 18, died simply as a result of going to work to save money for university for

the next year. I want to pay tribute here today to Dave Ellis's father, who has made a crusade across Ontario of talking to young people, of talking to employees, to employers and to governments to change legislation. I'm pleased to tell the House that Mr Ellis is a supporter of this bill today. He believes it's a good thing for Ontario, for working people, for working families, and for young people in Ontario if we pass this legislation.

Currently, if convicted under the Occupational Health and Safety Act, an individual can be fined no more than \$25,000 or imprisoned for no more than 12 months. A corporation, if convicted, could be subject to a fine of \$500,000. My bill, if passed by this Legislature, would increase the fine for individual conviction to up to \$100,000 and would increase the term of imprisonment to up to two years. A corporation convicted of an offence would be subject to a fine of up to \$1 million. That would be doubled.

A new part of the bill for this as well is I believe there's a corporate responsibility to workplace health and safety from not only the manager, the supervisor, the boss. I believe it has to be a corporate responsibility: the directors, officers of corporations must make it their challenge as well, must make it their daily routine to ensure that they have a safe workplace.

1010

If this bill is passed, it would be the first legislation in North America that would actually allow for the conviction and jailing of officers and directors of corporations who are found responsible of neglect that causes death or injury in the workplace. We do it today in Ontario under the Environmental Protection Act for individuals who are charged with violations under the EPA, which means, for example, that if your company discharges pollutants illegally, if your company does something illegal that hurts the environment and you're convicted, a director could go to jail for that. An officer of a corporation could be jailed or fined. We don't have that under the health and safety act. If we think about it, we have a situation where someone, a director or officer, who violates the environmental laws in Ontario, as serious as it is, can go to jail, but if a director or an officer of the company that they belong to violates the health and safety act and someone dies on the job or is seriously injured, there is no provision for a fine or penalty or jail terms.

If we do this today it sends out a very clear message to Ontario as a whole that this province, this Legislature, is serious about protecting our workers, that yes, everyone, right from the floor of the plant to the head office to the board of directors to the shareholders, has a responsibility for ensuring we have the safest workplace in North America here in Ontario. It can be done.

We owe it to the men and women who have been killed, who have been injured, in particular to young people. I want to go back to it again. As young people today are going into the workforce for summer jobs, many of those young people unfortunately will not go back to school in the fall because they will have been injured on

the job, seriously injured, and tragically, in some cases, killed on the job.

There's nothing more important for us in this Legislature than to be able to ensure that we do everything we can. I believe that these tougher penalties, these tougher fines, will be a deterrent. We'll make sure that companies understand very clearly that they have a responsibility because many of these accidents are preventable. Many of these tragedies are preventable. Many have resulted from neglect. Many have resulted from somebody simply not bothering to do something they're supposed to do to protect the persons working for them.

I believe this legislation will send out a clear message and go a long way toward making Ontario a safer place, making it safe for working families, making it safe for people in Ontario. Men and women should be able to go to work in the morning, young people should be able to go to work in the morning, and believe that we're going to do everything we can to protect them so they come home in one piece at the end of the day. They can go back to their family, go back to their kids, take care of their family or kids. We owe nothing less to the people of Ontario. I hope you support that today.

The Deputy Speaker: Further debate?

Mr Garfield Dunlop (Simcoe North): I'm pleased to rise this morning to speak on Bill 34, An Act to amend the Occupational Health and Safety Act. I will be supporting this bill.

As Mr Agostino mentioned—and I wasn't aware of the personal tragedy in his family—when I was looking over the bill I thought of a number of examples that I've seen in the course of my life of people, family members and neighbours and friends, who have been seriously injured.

I think back to when I was very, very small. I had a cousin, a fellow by the name of Clarence Dunn. He went to work at the age of about 16. He was an eager young guy, got a job with a construction company and in his very first year, his very first summer, this piece of construction equipment, an earth mover, rolled on him. I think it was just basically his inexperience as an operator, but it killed him instantly and it was a tragedy for our whole family.

I had another cousin, a fellow by the name of Steve Yarnold, up in Orillia. He was fortunate. Steve was working in a brickyard, or making concrete blocks, one summer at the age of 16 and he got caught in the conveyor belt. He lost his leg as a result of that accident. It was many, many, many months of rehabilitation. He was a person who was very active as a hockey player, in baseball, football, all those types of things, and that put an end to all that in his life. It was, again, a tragedy for the community.

I can think back to another case of a construction project that was occurring not a quarter of a mile from where I live. A fellow by the name of Gord Perryman fell off the roof of what was to be a new marina. This is going back, as Mr Agostino said, 30 or 35 years, to that time. It killed Mr Perryman instantly. He left a wife, a

family of four. I can think of another example, of a neighbour, a fellow by the name of Brian Wood, who lost his life when a crane he was operating toppled over on him and killed him instantly.

We could go on and on. At first, you sort of forget where the tragedies were unless they affected you personally, affected your personal, immediate family, but when you get thinking about it, there are numerous accidents across our province and our country.

I relate a lot of those to inexperience. I understand that we need to train people better. I know there's going to be a lot of prevention, particularly put into young people as they get summer jobs.

I was at a construction site just the other day not too far from Mr Agostino's riding, at St Mark Catholic Elementary School in Stoney Creek. We did a sod-turning for a project that is already underway for that school board. It's a beautiful new school. I was so pleased to see the types of safety features the construction company was using on that project. All the necessary warnings were up. Although we still have accidents, I think we've come an awful long way in the prevention of accidents as well.

Our government realizes the importance of the Occupational Health and Safety Act. I think that in some cases where there's strict neglect there should be much heavier fines. I want to say, though, that this piece of legislation goes a long way to correcting that—maybe in some cases the same fines as the Environmental Protection Act. I'm not so sure we can equate the two issues and go with exactly the same penalties. However, I do think Mr Agostino has some good points to be considered here. I think we have to seriously consider looking at these points he brings up.

As well, I was interested to hear the Minister of Labour just a week ago in the House. He actually said it as though he was talking to the young people of Ontario. I thought it was important he noted that young people, if they think they're in jeopardy with safety around the workplace, should not start the job. He directed that in a specific way toward not only the people in this room, but toward the young people across the province.

I will be supporting this. I thank you, Mr Speaker, for the opportunity to say a few words.

Mr John Gerretsen (Kingston and the Islands): I'm very pleased the government member is supporting this initiative. I hope all members in this House will support this initiative because, let's face it, one life lost due to a preventable workplace accident is one too many. Certainly the individual situations that both the member from Hamilton East and the government member have related to clearly indicate how this kind of situation can affect a family, not just for a little while but for their entire lives.

I think what people ought to understand is that this is very important. We pride ourselves on workplace safety. What this measure is basically saying to employers out there is, "If you contravene the Occupational Health and Safety Act and you're convicted in a court, you will be fined up to \$100,000 or imprisoned for up to two years." That is really making a statement.

1020

I hope the government will take this to heart. I hope that if this passes here today it will not go into some black hole of the committee of the whole and disappear. The people of Ontario have to understand, as happened with the Oak Ridges moraine bill last week, that if something gets referred to the committee of the whole, the likelihood of that private member's bill or private member's initiative being passed and put into law is nil. If the government is serious about this, then they should take this initiative and immediately change the law, come back with a bill or give third reading to this bill and make it happen. Don't allow this situation to continue for any longer than necessary.

We can all talk beautiful language here about how we all want safe workplaces, but unless the government is actually willing to act on it and implement either this private member's bill or a bill of their own initiating the kind of fines structure the member from Hamilton East is proposing, nothing will happen.

Let me remind the people of Ontario of some of the things the Minister of Labour has said just recently. On April 26, he stated "that there is no more ... futile experience than reading about another preventable tragedy in the morning accident reports" and that "more needs to be done." This is a step in the right direction. Make employers more accountable and increase the fines structure. He goes on to say that "programs, pamphlets and information can only achieve so much." Only by increasing the penalties will you make it clear to the employers out there that it's absolutely incumbent on them to have the safest possible workplaces we can have. He goes on to say that "a consensus has emerged that workplace health and safety is far too important to be played with as a partisan tool or bargaining chip."

That's what the Minister of Labour said, so he can now take the lead in this and take the member for Hamilton East's private member's bill and make it happen. I am positive that if he were to indicate that we give this bill second and third reading in one session during the spring session, hopefully before we recess in June, then it will happen. There won't be any long debates and the people of Ontario, the workers of Ontario, will feel better about it and will feel more secure that the places of work they go to in the morning will be safer. With a significant increase in the fines structure and with the potential of imprisonment hanging over the head of the employers, they will do whatever it will take to make their workplaces safer.

Whereas we can mouth all the proper words, and undoubtedly there will be many complimentary words stated about this bill on all sides of the House, it is the government that can actually make it happen. I call upon the Minister of Labour: let's give this bill second and third reading as quickly as possible so that the workers of Ontario can get a greater sense of security and safety in their workplaces.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to speak on the bill this morning. I think

we have to give some background to where we are currently with occupational health and safety. Currently a person convicted of an offence can be fined up to \$25,000 or imprisoned up to 12 months or both. A "person" under the legislation can be a worker, can be a supervisor, can be a director of a corporation, can be an officer of a corporation. All those individuals are covered currently under the legislation. A corporation convicted of an offence can be fined up to \$500,000 per offence. That's what is currently out there.

I point out that section 32 of the Occupational Health and Safety Act requires directors and officers of a corporation to take all reasonable care to ensure that corporations comply with the act and its regulations, as well as with any orders of a Ministry of Labour inspector, director and the minister.

I suggest that is a very high standard; in fact that's a higher standard than what is being proposed by the member opposite when he talks about directors and officers of corporations being liable where they authorize, permit or acquiesce in an offence under the act. The standard right now is higher, "all reasonable care," and the way the act works, they're strict liability offences.

A recent court decision held that knowledge of the workplace problem that leads to the accident is not necessary to prove that the act was violated. In other words, the *actus reus*, the act that led to the legislation being violated, knowledge is not required. So this is strict liability under this legislation, and very tough legislation. I would note that these provisions I have spoken about have been in force since 1990. I believe the Liberal government was in power at that time and brought in these changes under, I would add, a lot of consultation. That's one thing that I don't really see here, there being very much consultation on this bill before it's even been brought in.

Now, the Ontario courts, I would note, have never levied the maximum individual fine or prison term or the maximum corporate fine. Most prosecutions are directed at corporations, where the \$500,000 limit applies, and not at individuals. In my experience, where an individual is named to be prosecuted, it's usually the supervisor that's added, very rarely the worker.

In recent years, the total amount collected in fines has increased by 113%, from \$2.4 million in 1995 to \$5.1 million in the year 2000. The amount collected per conviction is up 73%, from \$8,960 in 1995 to \$15,483 in the year 2000. I will say that the courts are much tougher with respect to meting out penalties today than they ever were, because there's a higher consciousness, as the member from Simcoe North has pointed out and as the member from Hamilton has also pointed out, in terms of this being a very serious issue, because it is.

I think we should look at other jurisdictions in terms of how they deal with it, but direct comparison with other jurisdictions is difficult. I would point out that the health and safety statutes in all other Canadian jurisdictions have significantly higher fines for individuals than Ontario; however, their maximum fine for corporations is

lower than in Ontario. Several other jurisdictions have higher maximum prison terms than Ontario: to point out a few, Nova Scotia, Saskatchewan, the federal government, and the Yukon Territory. However, direct comparison with other jurisdictions is difficult because health and safety statutes in most Canadian jurisdictions do not distinguish between individual and corporate penalties; Ontario, the Northwest Territories and Newfoundland do. And penalty provisions in several other jurisdictions allow for graduated fines for offences continuing for more than one day, higher fines for second offences, and in some cases higher fines where the offence is linked to a serious injury or death.

We have to keep in mind that when a company comes back, with respect to having been prosecuted one time, they're like any other individual who goes before the court. The judge knows that that individual corporation has a conviction on record and certainly the next time they are convicted that penalty they faced last time is going to be going up. But obviously it depends on the circumstances and the seriousness of the accident when you deal with the whole situation.

I recognize and certainly support the intent of what the member opposite is trying to accomplish. I think that it needs to be thought through a lot more. I don't think there was any real consultation with employer groups. To look at this as it is, especially with directors, I wouldn't want to lower the standard with respect to what we already have in the legislation. But this is really dealing with penalties in terms of increased fines and jail terms. The way the act is currently working has certainly been, I think, significant in terms of deterrence. Can we do better? We've got to try.

1030

Mr Rick Bartolucci (Sudbury): I stand in support of this private member's bill, and I want to thank the member from Hamilton East, Dominic Agostino, our labour critic, for his commitment to workers and to the working families of Ontario.

Certainly this is an opportunity for the government to say, "Mea culpa, mea culpa, mea culpa," because they have effectively destroyed the occupational health and safety clinics across this province over the course of the last six years, clinics that were working extremely well.

In fact, I remember the formation of them quite well. I remember flying from Toronto to Sudbury with Leo Gerard, the international president of the United Steelworkers of America, and him saying how these clinics came about. He walked into Premier David Peterson's office, during the Liberal government, and said, "David, we need this type of clinic because this type of clinic is going to save lives," and Peterson said, "No problem. Let's do it." Leo Gerard said they came to fruition and they were supported by the Liberal government in the late 1980s. Certainly they will be supported by the next Liberal government because we believe that workers and working families are the backbone of Ontario.

I'm very happy to say that on June 20 I will be going to the workers' memorial day service, which is hosted by

the Mine-Mill and the Canadian Auto Workers. That's a day when they recognize and remember all the workers who have lost their lives on the job, in particular the four who were killed in the rock burst. They pay massive tribute to the many workers who endure pain, suffering and early disabilities, as well as premature death, due to harsh environmental exposure and hazardous workplace conditions. They remember their sacrifices and their memory. Also, there is a hope at that event that the memory of these workers will instil a higher level of self-worth into all fellow workers and into government officials.

That's why I'm proud to stand in support of the member from Hamilton East and his bill, because that's what he is asking the government to do. He's asking the government to recommit some of the resources to occupational health and safety issues, because they are imperative.

I've long championed a workplace carcinoma committee to be instituted in this province. I've been given lip service from the former Minister of Health and the present labour minister. The new Minister of Health hasn't responded. It is imperative that these types of initiatives take place.

I also want to talk this morning because I believe education is very important in the workplace. That's why I commend my colleague Mike Gravelle on his initiative. I also commend the Retail, Wholesale and Department Store Union, which will be instituting a program that's called Size Does Matter. It's called the PAVE program. The PAVE program is designed to educate the workers, the membership, about what they can do about anti-worker legislation. PAVE won't endorse one political party; they will endorse candidates who believe that occupational health and safety is extremely important. There is strength in numbers and I believe that PAVE will in fact pave the way to a better future. It is a political action voter education program that I believe is imperative for all workers in Ontario to become involved in.

In summation, I want to say that the member from Hamilton East, a worker for workers as our labour critic, understands from personal example the importance of this type of legislation. I encourage this House to support it. I encourage the government to then act on it and try for once to get the message to workers that you care about them.

Mr Peter Kormos (Niagara Centre): New Democrats are going to support this amendment. Look at the facts. The figures are right here. Workers, women and men in our workplaces—injuries and illnesses are on the increase once again. Deaths, occupational fatality claims, workers' deaths as a result of the workplace, illness and accident, are on the increase once again. It's no surprise to anybody out there in any community in any part of this province why that's the case: this government's attack on working people; this government's attack on working women and men; this government's attack on the trade union movement; this government's wholehearted support for that global corporate agenda, that agenda that

has as its goal the reduction of workers' wages, that has as its goal the elimination of any worker control over their workplace, including their own health and safety; this government that has as its goal service far beyond mere lip service—true, genuine, devoted service—to the corporate agenda of profits at any price, especially if that price is going to be paid by working women and men.

This isn't just about statistics; it's about real people. It's about young Jeffrey Fleeton, a 17-year-old kid, just finished grade 12. On June 14 last year, he was working with his dad's surveying company. The family's from up around the Brampton area. He was working down in the Oakville area, wearing his red vest, doing all things workers do. A 17-year-old kid was struck dead by an illegally loaded lumber truck; struck down, killed, slaughtered by that oversized load. What happens to the perpetrator of that crime that takes a 17-year-old boy's life here in the province of Ontario? This government that talks about how it's going to make our streets safer was going to pull the charge against that trucking company in exchange for a \$2,000 charitable contribution. That's what it was going to do until it was raised here in this Legislature and this government was forced—embarrassed and then compelled—to instruct its Attorney General to make a phone call down to the staff person in the Milton office and tell that doughhead that you don't trade off young workers' lives for a \$2,000 charitable contribution.

I take some great offence at some obscure Tory backbencher standing up here and lecturing us about absolute liability. He has the gall to suggest there should be more consultation with the corporate bosses. He doesn't tell this assembly that he earns a pretty substantial second living—a little bit of a double-dipper, if you will—by practising law representing those same corporate bosses. I take some great offence at Tory backbenchers lecturing anybody when they are the authors of a policy that would have traded off the life of a bright, capable, young 17-year-old kid for a crummy \$2,000 contribution—no trial, no conviction, charges withdrawn. Obscene. Were it not for us raising that in this Legislature, it would have happened, and we're proud to have been able to bring that to the forefront.

But we also know we're not going to find out about every instance where this government is prepared to serve its corporate bosses at any cost to working women and men in the province of Ontario. Let's talk for a moment about young Robyn Lafleur down in Niagara. I knew her; I know her mother. I have to say I knew her, because she died in November 1999. She died when the small plant she was working in manufacturing fire-crackers down in Port Robinson—I know the turf well—exploded. She lay under the hot, charred, burning beam of that roof, dying while rescue workers were frustrated in their attempt to get to her. When they did get to her, it was to no avail.

1040

I've stood with Robyn's mother every year since, Joanne Stubbins, who clutches her daughter's portrait to

her chest and still cries and can still produce tears from all those who are with her, Robyn's friends and her co-workers and the biggest, toughest trade union types you ever saw shedding tears for Robyn Lafleur, a sister whose life was robbed from her and for whom justice is not only delayed but increasingly close to being denied because this government is in the course, it appears, of screwing up the prosecution of the charges against the company that took Robyn's life. Judge Morrison down in Provincial Court there just last week warned the crown attorneys—the problem is it's both federal crowns and provincial crowns—that the matter is becoming unduly delayed. The judge left the clear impression that if the prosecution doesn't get its act together, they may well find themselves with little to prosecute.

These are real people. And what have we got in Mike Harris's Ontario? We've got an increase in workplace deaths. We've got an increase in workplace illness and injury. Increases—it's 2001, not 1901. We have reduced support for workers who want to engage in some sort of control over the workplace. We have an attack on the programs that workers have been participating in to educate them about workplace safety and workplace toxins, and it's going to get worse.

Please, don't think for a minute that 60-hour workweeks and 12-hour workdays aren't going to directly contribute to yet even further increases in workplace death and illness. Don't think for a minute that this government's direct attack on the trade union movement and on trade unionists, their leaders and their democratic, grassroots corporate bodies, isn't going to have a direct result once again on the numbers of workers who die in the workplace, who are injured in the workplace and who suffer diseases as a result of exposures in the workplace.

The trade union movement has been at the forefront of that struggle. That's why this government doesn't like trade unions. That's why this government and its backbenchers, as obscure as they are, will take every opportunity to try to paint as vile a picture, as distorted and dishonest and evil a picture, as malicious and false a picture, as they can of what the trade union movement is in this country, or even internationally, and who the people are who are activists in those trade unions who are providing leadership for those trade unions—yes, those very democratic collective bodies of workers, women and men, who stand in solidarity to bargain and to enjoy some better share of the wealth they create.

You see, there's more wealth being created in this province now than ever before. There's simply no denial of it. There's, similarly, no denial of the fact that with this government's direct assistance, with the very specific fiscal policies of this government, that wealth is increasingly concentrated in the hands of fewer and fewer people; and increasingly in the hands of people who don't even reside in Ontario, never mind Canada.

The problem isn't just the level of fines. We're going to support the bill. We're going to support the amendments. The fines should be increased because judges perpetually never give the maximum fine. They're

guided by what the maximum fine is, and if they go halfway up, to increase the fines is going to give judges a little more leeway in terms of the amount of fines they can impose. But the reality is that people should be going to jail. And I'm not talking about supervisors and managers; I'm talking about corporate directors. If you really want to put some teeth into legislation that's going to make workplaces safer for workers, you start sending corporate directors, those guys in their \$1,000 or \$1,500 pinstripe suits, with their little Gucci shoes and their Montblanc pens, to jail. Let them do some hard time.

The other reality is that the most effective deterrent when it comes to effecting and facilitating compliance with occupational health and safety legislation is enforcement. The likelihood of being caught—enforcement. Not the kind of enforcement that Mike Harris's Attorney General—what's his name, a Mr Young—would engage in. Mr Young was prepared to withdraw the charge against the corporate owner of a truck that took the life of a 17-year-old boy and then let that same corporate body enjoy a tax break, because it would give \$2,000 donation to a charity and get the tax receipt. Hell, the company might have come out ahead and that boy would still be dead.

Those same policies are the ones that, with a wink and a nod and the occasional nudge, and perhaps the less-than-infrequent exchange, however sotto voce, on the golf course—do you understand where I'm coming from? Corporate owners are getting the message from this government that they, the corporate bosses, can just run roughshod over workers' health and safety rights. We know that the lowest-paid workers in this province, the ones working for minimum wage, and many of them because of bosses who are going to try to weave and bob their way through weakened Employment Standards Act legislation, those lowest-paid workers, the poorest workers in this province, those making \$6.85 an hour, are given short shrift by this government. This government won't even consider the most modest of wage increases for the poorest workers in this province, and the number of those poorest workers is increasing daily as more and more jobs are being transferred—metamorphosized—from value production manufacturing jobs down to the service sector, minimum-wage jobs, the Tim Hortons, the McDonald's, the Burger Kings, what have you. The number of workers who are working poor in this province has increased dramatically during the six years that Mike Harris and the Tories have been at the helm here at Queen's Park.

It's about enforcement. As long as this government is going to turn a blind eye to violations, good grief, the highest fines in the world aren't going to be a deterrent, because the likelihood of getting caught simply ain't there. The bottom line is that the New Democrats in Parliament, with the direct aid of the United Steelworkers union here in this country, have been fighting—and I encourage people who are inclined to support this bill today to join Alexa McDonough and federal New Democrats in their campaign in Ottawa—to have health and

safety violations as a part of the Criminal Code of Canada. If you're really serious about protecting workers—women and men, our sisters and brothers, our parents, our kids—if you're really serious about it and you really want to make it happen, by God, you make it a criminal offence for corporations—I don't care where their head office is—to murder workers or to make them sick or to take their futures away from them or to poison them, as is happening to workers daily, hundreds of workers annually here in this province. They're being poisoned. Thousands are succumbing to workplace accident and illness. Hundreds die on an annual basis. In the year 2001, the numbers are getting higher.

This government could care less about working women and men. This government's demonstrated that on a daily basis, and when its obscure little backbenchers stand up here today and try to weave and bob their way through this debate, they become oh so transparent. It's not just disdain for workers, it's an actual dislike, from some of them a hatred, for working women and men, rolling us back into the previous century.

1050

Mr Doug Galt (Northumberland): I am pleased to rise to speak on Bill 34. The member for Hamilton East has brought this in. To let him know, I'm supporting this particular bill. I am getting just a little nervous when I'm supporting a Liberal's bill. Last evening I was complimented by a Liberal and even a bit of applause came from the Liberal side when I spoke, so I'm beginning to think maybe I'm doing something wrong here.

This is indeed a non-partisan bill, brought forward by the member for Hamilton East in a non-partisan way. It's all about, as I see it, the change of behaviour. Sometimes we can do it with a carrot; sometimes we can do it with a stick. In the case of penalties, of course, we're talking about doing it with a stick, but I'd like to think that this is about prevention, not necessarily about the fines or the jail terms that are levied later on. The fact that they can be to that extreme will make employers, other workers, directors and corporations be more safety-conscious when they're faced with various costs to put up something like the member mentioned, a wooden barrier around an elevator shaft. I had heard that his father had been injured in an accident something like that. He presented that very, very well here this morning, talking about a non-protected elevator shaft and how it changed their family. Not having walked in his shoes, I can't really fully appreciate that, but I can have some understanding of the difficulties the family must have had as a result of that particular accident.

It would strike me that these penalties are realistic. I understand that some 10 years ago they were debated, with a lot of consultation. I appreciate the comment made about consultation. I hope the member would want that kind of consultation to occur.

I think it's interesting just to look at some of the numbers. I heard the member for Niagara Centre going on and on. I look at the figures, and they have continued to rise. I have figures from 1997 to 1999 on injury and

illness. It's not a marked increase but a steady increase. Really, it should be going down, and it's unfortunate it is climbing. When I look at the number of deaths, I think it's rather interesting to see how it actually climbed very significantly through the early 1990s. The first real drop was in 1996, a further drop in 1997, and then we see it starting to work its way back up again. I would dearly like to see that trend reversing. I think by setting penalties to make employers, other workers, and boards of directors sit up and take notice, that kind of behaviour will change.

I just see a bit of a relationship between this bill and the one that I'll be bringing in after 11 o'clock. That's all about changing the behaviour of how people act.

Ms Caroline Di Cocco (Sarnia-Lambton): I want to congratulate the member from Hamilton East for bringing in this bill that's going to bring in some penalties for individuals and corporations that contravene the act, and make the directors and officers of the corporation liable.

I believe this bill is not about blame as much as it is about responsibility. I don't agree with all of the comments of the member from Niagara Centre. You don't want to vilify corporations, but corporations have a responsibility. This type of bill, in my view, ensures that those who have decision-making powers in corporations ensure that the highest level of safety is in the workplace under their direction.

Some 40% of chemicals produced in Canada are produced in Sarnia-Lambton. We have a tremendous history of ill effects on workers throughout the last 50 years. I would suggest that we have a lot to learn from not only the incidents there but the incidents that were so eloquently portrayed by the member for Hamilton East about his own father. I think it's important that we learn and try to change the system so that we ensure that responsibility is taken by those people who actually make the decisions. After all, it is at that level that we are going to ensure that the environment of the workplace has the best safety regulations. We can put all the rules in place that we want, but if there isn't a consequence to the breaking of those rules, unfortunately human nature is such that they will cut corners when they have to.

I have to say that I've had various meetings with corporations locally. I understand that, for the most part, there are good corporate citizens who understand that part of their responsibility is to ensure that their workers have the safest environment to work in. It's encouraging for me to note that the good corporate citizens also say that sometimes there isn't enough of a hammer for those people who, because of their moral obligations, aren't abiding and aren't making their workplace safe.

We had a huge benzene spill in Sarnia about six months ago, a million litres of benzene. Workers had to work in that, and there were a lot of people exposed to this. I'm always concerned when you understand that this is a cancer-causing substance. Yet the company consistently wants to do, if you want to call it, damage control. I believe we have to come to a time where the corporations, the community and political leaders have to work

together to make sure we have the safest workplace, because it's too high a price for the company to pay and it's too high a price for the community to pay. I believe the political will has to be there to ensure that the rules of occupational safety and health have consequences that come with them.

I have to say that I believe the imbalance of the Conservative government is that it has allowed all of this self-policing to be part and parcel of their ideology. I believe that does not help when you have corporate citizens who don't take responsibility for their workers in the workplace. I know that we are certainly committed to ensuring that we do have liability of the directors and officers who are not meeting their responsibility.

Again, this bill is not about blame, but it is about ensuring responsibility.

The Deputy Speaker: In response, the member for Hamilton East.

Mr Agostino: I want to thank my colleagues on all sides of the House who have spoken. I appreciate their kind support and their kind words toward the bill. My colleague from St Paul's, Michael Bryant, has worked with me on this issue, and many of his conscientious constituents from St Paul's and cases brought to my attention have helped bring this together.

I clearly want to work with the government on this. If there are changes to be made or parts of the bill that need to be somewhat fixed, I extend an offer to the Minister of Labour, to members of the government side that are interested in this: I want to work with you. I want to put together the best piece of legislation and protect workers across Ontario. We owe it to every single worker today in the workforce, we owe it to every single woman and man that has been killed or injured in the workplace. But let me point out to you, Mr Speaker, we owe it most of all to those young people, the pages who are sitting in front of you. Those young men and women will be out in the workforce in the next few years as summer students, earning a few extra dollars to go to school.

Let me remind this House again that we owe it to the memory of Dave Ellis, an 18-year-old killed on the job, trying to make money to go to school in the fall. We owe it to the memory of 17-year-old Jeffrey Fleeton, killed on the job earning money to go back to school. Those young people were 18, 17.

I want to point something out. In the west members' gallery my co-op student is here: Sean Neuman. Sean is 18 years old. He is the age of those two young people I just mentioned, the age of his friends. That puts, I believe, a real human face—those young folks sitting in front of us, the young man sitting in the west members' gallery—on why this is important. It is important for people in the workforce today, for everyone. As we go into the summer, as we start summer employment, young people are going to be out there. We owe this protection to young Ontarians every single day of the week.

The Deputy Speaker: This completes the time allocated for debate on this matter. I will place the question to decide this matter at 12 noon.

1100

HIGHWAY TRAFFIC AMENDMENT ACT
(OUTSIDE RIDERS), 2001

LOI DE 2001 MODIFIANT
LE CODE DE LA ROUTE
(PASSAGERS À L'EXTÉRIEUR
D'UN VÉHICULE)

Mr Galt moved second reading of the following bill:

Bill 33, An Act to amend the Highway Traffic Act to prohibit persons from riding on the outside of a motor vehicle / Projet de loi 33, Loi modifiant le Code de la route pour interdire à des personnes de circuler à l'extérieur d'un véhicule automobile.

The Deputy Speaker (Mr Michael A. Brown): The member has up to 10 minutes for his presentation.

Mr Doug Galt (Northumberland): First, I'd like to introduce the Lawrence family and the Mackey family, parents of Jason and Bartley, who were killed this past summer in a traffic accident. Please welcome them.

I certainly appreciate them being with us. They've been a driving force behind this legislation. I commend them on their public-spiritedness, their desire to change a small part of our world, to make it a safer place for our young people, or for that matter, anyone who's going to ride on the outside of a vehicle.

This bill is similar to the previous one in that it is trying to change the behaviour and the actions of people and how they deal with vehicles and ride on them.

They know only too well the pain of losing a child so tragically. I've had the experience of the phone ringing some four times, generally in the middle of the night. It was the police on the other end. One of our daughters had been in an accident. It wasn't a death, but I had just a little feeling of what they must have gone through when they had the phone call or the arrival of the policemen at their door. How many times have we seen our own teenagers and others just like them in a similar circumstance, riding in the box of a half-ton truck? Certainly this legislation can prevent similar deaths by changing that kind of behaviour.

We are not the first in Canada to put forth a law to prevent people from riding on the outside of vehicles. This is in place in several other jurisdictions across Canada; at least five have this type of legislation to prevent outside riders on vehicles. We've reviewed that legislation. We find that a simple change to our own transportation act would accommodate and prevent people—at least prevent them legally—from riding on the outside of a vehicle. In general, it prohibits anyone from riding in the cargo bed of a pickup truck or on the outside of a vehicle not designed for outside riders.

Of course motorcycles and fire trucks would be exempt. We are also looking at exemptions for people engaged in agricultural work, horticultural work, road construction and municipal work. The initial suggestion we have in the bill—we are looking at some flexibility as

we move into hearings—is that we've put in the bill that it's provided that the vehicle is not travelling over 60 kilometres per hour when involved in that kind of work and has people in the box of a truck. I'm very flexible when we go to committee with this as to what that speed should be.

We should also be looking at, what about parade vehicles? Certainly that is a very different kind of speed. I suggest probably that could be dealt with in regulations. Nonetheless the bill gives the Lieutenant Governor the legal right to regulation to make other exemptions as appropriate.

As mentioned, this is a non-partisan bill. We all share the concerns that the presence of Bart's and Jay's parents signifies here today. This bill seems to have broad support here in the Legislature. I'm getting an awful lot of support in my own riding as well. Just to name some from whom I'm getting support: the Minister of Transportation, the Honourable Brad Clark; his parliamentary assistant, Julia Munro; David Leonhardt of the Canadian Automobile Association; and John Svensson from the Driving School Association of Ontario.

We've received absolutely overwhelming support in the local press at home—I don't normally get this kind of supportive press—and a lot of positive editorials. All the articles are very positive on this bill, and I've received almost nil negative concerns about it. Basically I've already mentioned that some people think 60 kilometres per hour for agriculture and construction work, that kind of thing, is maybe too fast. We can certainly have a look at that. Also, in Hamilton township, there's a young man, a grade 7 student at Dale Road public school, who on his own steam and of his own accord took up a petition in favour of this type of legislation shortly after the accident. This too is an inspiration.

More compelling still is this letter written to me by the girlfriend of one of the young men. She should become a writer.

"Recently I gave a speech to my fellow classmates on the danger of riding in the back of a pickup truck. In the opening of my speech, I asked my audience a couple of general questions regarding the topic. In my first question, I asked them to raise their hands if they thought it was illegal to ride in a moving vehicle without a seat belt. The entire audience raised their hand in agreement. In my second question, I asked them to raise their hands if they thought it was illegal to ride in the back of a pickup truck. The entire class sat with a puzzled look on their faces and half the class raised their hands with an unsure glance to the front of the class, where I was speaking.

"In disbelief of the lack of awareness surrounding this issue, I continued on with my speech presenting to them the dangers of riding in the back of a truck and the repercussions that can follow. Since I was the 15th speaker of the day, the attention span of the class was running thin. But in the last few minutes of my presentation I shared my personal story with my class, which immediately changed their level of interest. As I was speaking, their

eyes were wide with interest in my topic. I asked my class who had ridden in the back of a pickup truck before. Nearly the entire class raised their hands. I lowered my voice and pleaded to my classmates, 'After I share my tragic experience to you, I pray no one in this class will ever ride in the back of a truck ever again.'

"On July 30, 2000, my world came crashing down when my boyfriend, Jason Lawrence was instantly killed when he was ejected from the back of a pickup truck. Jason and I lived an incredible life together and had planned every minute of our future together. Little did I know on July 29, as I sat waiting for him to get home, he would never return. The accident also involved two other friends riding in the back of the truck, Bartley Mackey, who was also killed instantly and Robert Toddish, who suffered serious head injuries.

"I did not share this story with my class or write this letter for sympathy, but simply because I feel this issue needs to be addressed immediately. After receiving the only perfect mark in my class for my presentation, and noticing the level of interest I obtained after I concluded my speech, I found comfort in believing I had changed the beliefs of so many impressionable people. Simply because I find it so hard to justify why it is illegal to ride in a closed vehicle without restraint, but it is legal to ride in an open vehicle without any restraint. I cannot think of a single logical reason why this has never become a law.

"I am hoping that this letter may make even a few people sit back and realize that something needs to be done to prevent anything similar to this from happening in the future. I have witnessed the horrible grief that has surrounded all the friends and family of these young men. A law surrounding riding in the back of a truck can prevent accidents like this in the future, and the pain and grief that follows tragedies. In conclusion, please take my words seriously and make it illegal to ride in the back of a truck. This law will make anyone who chooses to ride in the back of a truck to think twice about their decisions, because laws are made for reasons. I truly believe that my story is reason enough."

That was signed by Jennifer Shepherd.

In conclusion, I believe that this is indeed good legislation and it's, you might say, emotional legislation, particularly from this letter. It's been said that of all the duties of government its most important responsibility is to keep its citizens safe, and we're certainly discussing that considerably this morning with both bills. This particular bill, if enacted and passed, will certainly change that.

1110

Motor vehicle accidents are the leading cause of death among our young people, and with some of the aggressive driving we're seeing today, I don't think there's any question that's increasing. Anything that we can do about aggressive driving or people riding in the back of half-ton trucks would certainly help. To help prevent these deaths we require seat belts within the protection of a cab, but to allow people to ride unrestrained on the outside is indeed a contradiction. Such a simple precaution, but one that is

so obviously needed, needs to be publicized and needs to be enforced.

On behalf of our young people, on behalf of a certain young man and all his supporters in Hamilton township, on behalf of the girlfriend, the Mackeys and the Lawrences, and especially on behalf of their sons, Bart and Jay, I ask you to support this legislation.

The Deputy Speaker: Further debate?

Mr Pat Hoy (Chatham-Kent Essex): First of all, let me express, on behalf of all my Liberal colleagues, our sincere condolences to the family members who are here with us today and to your extended family.

This bill has a bit of a history. The member opposite introduced a similar bill in December 2000. In this place we've come to lately understand that we don't sit very often. We came back to this House a month later than normal. The government, when it made its decisions, could have decided to keep this bill alive last December. The government chose not to do that. The member opposite had to go through the lottery that we have here that provides each member with an opportunity to bring a bill forward. He's very fortunate that his is very early in the legislative calendar. Others of us must wait until fall, or perhaps wait and never have our bills heard in this place. So we came back late and the government didn't hold this bill over from last year. But now we are at this point. I wonder if the government supports the bill, in the fact that it didn't hold this very worthwhile piece of legislation and amendment to the Highway Traffic Act over and had the member opposite go into another lottery situation which would have only delayed passage of the bill. The member, as I say, is very fortunate.

I too have had a bill that has had a history in this place in terms of protecting the youth of our province, an amendment to the Highway Traffic Act. I brought it to this House in the memory of Ryan Marcuzzi, the 16-year-old daughter of Colleen and Larry Marcuzzi, and as well I had supporters like Ginny and Ed Loxton who also lost a child because someone passed a school bus illegally. I introduced legislation into this House, backed by a petition with 30,000 names on it encouraging me to do so, support from police, school bus drivers, school bus operators, municipalities, school boards, teachers, parents and students. I continue to get letters on this piece of legislation that I first introduced in 1996. I have been trying to introduce a bill that would provide for vehicle liability and the opportunity to have a real conviction mechanism for people who pass school buses when the red lights are flashing and young people are getting on or off that bus. Since 1996 I have been working with a host of people trying to impress upon this government to pass that legislation.

Yes, in November 1996 the bill received the unanimous support of this House and was referred to the standing committee on resources development. For over a year we tried to get that bill into the committee and it didn't happen. The government held that bill back. They stalled. They made all manner of excuses. Unfortunately,

just as the member opposite's bill died in December 2000, that Bill 78 died as well.

In memory of Ryan Marcuzzi and other children who have died in this province, some 13 in the last 13 years, and on behalf of the 810,000 children who ride school buses every day, and on behalf of the bus drivers who drive 16,000 buses in this province, I reintroduced the bill. I introduced it again, a third time, and I introduced it a fourth time. On November 16, 2000, the bill received second reading in this House. It was referred to the committee of the whole. We who work in this place know that the opportunity for that bill to ever be heard in the committee of the whole is highly unlikely. For the fourth time, the government let that bill die once again.

I hope the member opposite has a better opportunity. He says he wants his bill to go into committee. I welcome that opportunity. He wants to discuss other issues within the bill and expand on them. We would welcome that. I hope the member opposite has much more success at protecting the lives of people who ride in the back of vehicles, and he specifically mentioned pickup trucks, than I have had trying to protect children who far too often are subjected to people who pass buses illegally when the red lights are flashing.

Bus drivers have told me that this can happen two, three, four times a week. I have had television stations send me film of people passing school buses when the red lights are flashing—not just one car, which might be dangerous enough, but the second car and the third car. I've had parents send me film they have taken of automobiles and all manner of transportation, trucks etc, passing school buses when the red lights are flashing. It happens far too often and we do not have a conviction mechanism.

The government says they are opposed to vehicle liability. However, the government allows for cameras to take pictures of vehicles on the 407 so that a private operator can collect money. I have here a bill with vehicle liability provided by an eyewitness account, that being the school bus driver, who will state the licence number and other identifying marks of a vehicle if need be, and the government won't accept that. But they will allow for vehicle liability to collect money on a toll road.

Furthermore, the government has allowed for the use of red light cameras. If it's all right for red light cameras, to use vehicle liability in that instance, why is it wrong to have someone's eyewitness account not be provided for, with the four bills I've introduced, all similar? I don't understand it. The public doesn't understand it. The parents don't understand it. Colleen and Larry Marcuzzi don't understand it. Ginny and Ed Loxton don't understand it. The 30,000 people who signed that petition and the letters I continue to get, since 1996, don't understand the government's view either.

I hope the member opposite has more success at going through the committee stages, is not put off for a year trying to get his bill into committee, to then subsequently see it die. Having the bill die on the order paper four

times, but undaunted, I will bring the bill back to this House again.

I agree with the member opposite who mentioned the 60 kilometres per hour within his bill. I think we should look at that. That's what committees are for, to discuss. I have had some conversations with others who rather question why 60 kilometres per hour, but we can discuss that in committee, just as the government, which had questions about my bill, could have discussed it in committee, but they won't let it go there. Oh yes, they said committee of the whole. As I stated, we know that is unlikely to ever happen in this House. So we'll try again. We will be persistent in order to protect the 810,000 children who ride school buses daily, who all too frequently see careless motorists pass by.

Currently, the bus driver must identify the person driving, physically identify them. First of all, the bus driver's responsibility is to the children and watching them.

1120

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Speaker: I hate to do this in private members' business. There is a standing order that requires us to speak to the bill, the matter before us, and this member, unfortunately, has wasted a lot of his own time talking about his own previous bill. Bus safety is a very important subject but not when we're discussing trucks.

The Deputy Speaker: As members would know, they have to direct their comments to the legislation before us. Members should also know that in private members' hour there is a relatively large amount of latitude, given that these speeches are timed. Member for Chatham-Kent Essex.

Mr Hoy: Well, I'm sorry if this school bus bill annoys the government members opposite.

What I have characterized here for you is how private members' bills can be halted in this House. Four times, the government opposite has halted this bill from even going to the committee. You wouldn't allow it to go to the committee for over a year. I tried to get that bill into committee—all manner of excuses from the government. All manner of—

Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]): Are you in favour of this bill or not?

Mr Hoy: I would welcome the opportunity, as the member has asked, that his bill be referred to the committee. I agree with that. But why we have this notion that other bills to protect people with amendments to the Highway Traffic Act cannot be heard—since 1996 to this date thus far—is a question I put before the Legislature.

But certainly we would welcome the opportunity to have this bill from the member opposite to go to committee and I welcome the opportunity to speak about it at that time.

The Deputy Speaker: Further debate?

Mr Gilles Bisson (Timmins-James Bay): I want to say, right from the beginning, that our caucus, the NDP

caucus, will be supporting this legislation. We believe it's a step in the right direction. We believe that yes, the bill needs to go to committee. I hope the government doesn't kill the bill's opportunity to get to committee because there are a couple of technical issues, as the member well knows, that need to be dealt with, I believe, at the committee level. I know in discussions I've had with people within the Canadian Automobile Association and others, there are a few concerns around speed and other issues that we have to deal with. Where to do that is not particularly in this debate but at the committee level.

So I want to say right at the beginning we support the bill. New Democrats will vote in favour. We will do what we can to assist the member to get this bill through the committee process so that we're able to deal with the issue, and then hopefully bring the bill back to third reading, give it final assent before we're out of here this spring so that this bill actually can become law.

However, I'm not very optimistic that that's going to happen, not because the member opposite doesn't want it to happen. We know the member and I are on opposite sides of a number of issues. We have ideologies that are somewhat different, I guess we would say. But on this particular issue—as most members know, as we present bills at private members' hour, these are non-partisan issues. These are up and down issues. This is about safety, this is about protecting lives, and there's no ideology when it comes to those issues. It's a question of technicalities only.

But I'm not optimistic that the bill is going to get far. Far too often, I think we need to understand, not only us as members but for those of you watching—private members' hour is probably one of the better places where members are able to bring bills to be discussed in this Legislature, issues that they feel strongly about as members or issues that their constituents feel strongly about and need to have debated and passed into law. Far too often, in 99% of cases, members bring together really good bills that are in my view up and down, non-partisan. They're really about doing good things in our communities or good things for Ontario from all sides of the House. But unfortunately, because of the system of democratic government that we have in our British parliamentary system, the bills don't get anywhere. At the end of the day, if the government of the day—and I don't care if it's Conservative, Liberal or New Democrat; we're all guilty of this, every party—says, "I have more important business to tend to. I want to deal with my government business," they don't give opportunity for private members' bills to work their way through the legislative process. This is not something that's just true of the Conservative government today. This was true of Liberals under David Peterson and certainly was true under Bob Rae when I was a member of that government.

If I've learned one thing coming through the legislative process, being a member now for my third term, it is that this system does not work. Our system of British parliamentary democracy, in my view, serves the person in the Premier's office and hardly anybody else. I don't

care if it's Bob Rae, Mike Harris or David Peterson—they're all equally guilty. Because all of the power is concentrated in their hands, they get to decide everything. Backbenchers in the government have a hard time trying to pass their bills through the House, as we will find with Mr Galt's bill. Opposition members equally have the same problem because the government of the day says, through the Premier's office, "Here are our priorities. What matters are our priorities as the Premier of Ontario and to heck with anybody else in this Legislature. It don't matter because, na, na, na, na, I've got more seats than you."

It's a terrible disservice to the public of Ontario, and I think it's a terrible disservice, quite frankly, to democracy. That's why as a member you will see me stand up in this House more often than not and start talking about how we need to reform our parliamentary system. It's a system that was based on a principle of what democracy was seen as 300 years ago when it was brought to be in England. It was basically designed with what were the issues of those days and what they thought might work in a British parliamentary system that had to do with how we pass legislation through the House.

But in a modern democracy, in a new millennium, in the year 2001, you would think we would have evolved our system to the point that a member can walk into the House, as Mr Galt did today, introduce a bill that's important to him, important to his constituency and certainly important to the people the bill affects, and we would at least want as citizens of this province the ability to know that Mr Galt's bill, the member from Northumberland's bill, would be able to get some kind of passage through this House, so that at the end of the day we can get some justice for people who have unfortunately died in these kinds of situations and, more importantly, try to save lives in the future. But because of our British parliamentary system the majority government of the day will say, "No, we're dealing with government business and to heck with all those other private members' bills."

As a case in point, the member from Northumberland himself, in the previous session, brought to this House Bill 173, which got second reading approval at private members' hour. It was supported by all parties. Why would a bill such as this, that was supported by all parties, not have gotten speedy passage through the House and the committee process? Because this system stinks, quite bluntly. Our democratic system is not well. It's broken and it needs to be fixed. I say what we need to do as parliamentarians on all sides of the House is to start talking to the citizens of this province about how we reform our parliamentary democracy so that when they look in this chamber, they have a little bit more confidence that, first, when they look inside they see themselves and, more importantly, they have confidence that the work we do in this Legislature at the end is going to be able to at least benefit them as citizens of this province and not just the government. Again, it's not just New Democrats, Conservatives and Liberals—we're all guilty—but I say we need to undergo a very rude

awakening in this province when it comes to reforming our democracy.

I would suggest, by example, that we could look at what has happened in other parliamentary democracies around the world. What's wrong with looking at what happens, for example, in a system of proportional representation? Under a PR system, what's called proportional representation, you have an election, just as we have now. You can design a system that's made for Ontario which respects that we should have members in constituencies, which respects that we have some stability in the system, so that we know we don't have what people call an Italian pizza-type Parliament where governments are overthrown every six months, that we can actually design a system that says that if Mike Harris in the last election got 44% or 45% of the vote, his number of seats in the House should be no more than that percentage. At least in that way the government's got to work with the other two parties in order to pass legislation through the House.

1130

What that means to you who are sitting in the gallery wanting this bill to pass is that we would actually be able to do that because Mr Harris would have to listen to Mr Galt. He would have some power inside in his own caucus because Harris, in wanting to pass his legislation, would say, "Doug, I need your support," and Doug would say, "Mike, if you want my support, help me with my bill," and we on this side of the House would be able to do the same. Yes, the system might be a little bit slower when it comes to debating bills, but why should we be passing bills in this House in three days' time without proper debate, without proper scrutiny by the public, so that in the end the government can get its way? Again, I don't care who the Premier is—we're all guilty.

I say we need to engage in a process of democratic reform in this province where we say what the stated principles are that we want. We want stability in our government, we want to make sure the government reflects us as citizens and that when they look inside this Parliament they've got some confidence. We're big enough in Ontario, intelligent enough and certainly have a strong enough tradition of democracy that we can undertake a process of looking at how we could move our system past the system we've got now, called "first past the post," and look at a PR system.

I would not argue that we follow a German model. I would not argue that we follow an Italian, New Zealand or Israeli model. I think those work or don't work for their particular situation. Ontario has to design its own. I think some of the principles would be that we need to elect members who represent constituencies. We need to make sure there's proportionality in the House. If the New Democrats, in 1990, got 38% of the vote, we should have had no more than 38% of the seats in the House. If Conservatives got 45% in the last election, Conservatives should have no more than 45% of the seats in the House. At least in that way there's a taking into account of the various points of view and there has to be some work and some co-operation between the parties in this House.

At least that way the citizen would feel their vote counts. If they vote in Northumberland, or they vote in Timmins-James Bay, and, whoever they vote for, be it a Conservative, a New Democrat or a Liberal, win or lose, as far as whether your member is elected, at least you know your vote counted to get the proportion of members in the House of the party you believe would do the best job. That way at least we'd be able to get into having some rational debate around this place about how we move things through the House.

I'll give you a very good example. There's a huge debate now that's happening in this Legislature around funding private schools. The government is in favour of it. I understand that. I have no argument with the government's belief. They believe in that. It's their right as individuals and their right as a party to propose whatever, but they got 45% of the seats in this House and they're going to come now and they're going to totally change public education in this House by virtue of 45% of the seats.

That, to me, in a democracy is preposterous. Under a PR system there would be at least a taking into account of the various views. The Liberals would have to make up their minds which side of the issue they're on because one day they support and the next day they don't. At least we'd be able to firm them up on their position. We know where New Democrats are coming from: we're opposing it. At least we're consistent on that. But at the end of the day there would have to be at least a majority of members in this House who agree that we should or should not fund private education by way of a voucher system. But now, because the government got 45% of the vote in the last general election and, because of "first past the post," has over 60% of the seats, they can do what they want and there's nothing you can do, Mr and Mrs Public. You can't talk to your member from Northumberland. He's got to do what his government wants. I was a member of the government; I know how it works. I've been on both sides of the House.

We need to look at democratic reform so that when citizens go to their MPPs and say, "I have an issue that's important and I want that issue debated in the Legislature," when their MPP says, "Yes, I will be the champion," as Mr Galt has done, rightfully so—and I agree with him on this issue; he's 100% right and I want his bill to pass—at least the citizens from Northumberland, when they look at their MPP, would say, "I know if my member champions my issue, it really does mean something. It means in the end there's a chance the bill will pass." You know what? That means democracy might work for a change, because it certainly doesn't work in this.

The government on the other side will argue against me because they're the majority government today. It's to their benefit not to have a PR system and to have "first past the post." Do you know what? That's how most governments will argue. I'm stating right at the outset that we need to have this debate and that it has to be done, in my view, in such a way that the decision is not

made by the politicians, but that the decision is made by you. "Do you believe the current system works, yes or no?" If the answer is no, then let's engage in a process on how we change it. Do you know what? Put that decision in the hands of the public, not in the hands of the politicians, because quite frankly most of us can't be trusted on this issue by way of history in this place.

As we go through this debate, I think what would come out would be interesting. But I'm fairly certain that if we're able, as a Legislature, to deal with an all-party committee where the public would have some say and an ability to have some confidence in what we're doing, they would at least feel, at the end of the day, that when we change the system they're better able to say, "When I look at the Legislature, I feel a little bit more respect than I do now, because I know the system is at least fairer and is a system that works for me as a citizen."

As it is now, the only people this system serves are in the Premier's office. Do you know what, government backbenchers? You're not going to stand up and agree with me publicly, but you know in your hearts, minds and souls that I'm right. This system does not work. It works for Mike, it worked for Bob and it worked for David before that, and it will look for whoever the next majority government is, but it certainly doesn't work for government backbenchers. I would argue that it doesn't even work for certain cabinet ministers, as we well know. It certainly doesn't work for the opposition. More importantly, it doesn't work for the public.

I say to the member for Northumberland, we as New Democrats will support your bill. We will vote in favour. We believe your bill should go to committee because there are a couple of technical issues that need to be dealt with. I spoke to the member earlier and I think he acknowledges that. But I would certainly hope we don't end up again where we were not too long ago, when the member introduced Bill 173 in this House and because the government prorogued the House, his bill died. I hope we don't we end up back in the same spot.

I say to the government across the way and I say to the opposition here today, as parliamentarians, let's undertake to at least have a discussion in this place about how we start a process of democratic renewal, so that when people look at this Legislature they have a little bit more confidence about their elected representatives and they look at this Legislature with at least the confidence of knowing it represents them and that, at the end, their vote counts, because now it doesn't.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I would like to speak to the bill. This bill was introduced by Mr Galt, the member for Northumberland. The intent of the bill seems to be to deal with the issue of the carrying of passengers in the back of pickup trucks. I must confess that I just assumed that was the law, and it's not the law. It's the law in a number of other provinces, but it's not the law in this province. So I congratulate him for bringing forward what to me is a very obvious issue. I cannot believe that this House will not give unanimous consent to the bill and that it will not have speedy

carriage through the House, although I believe the bill should go to committee. There are several concerns I have with the bill and I have spoken to the member for Northumberland about them.

When you think about what already exists, with section 106 of the Highway Traffic Act, which deals with seat belts, you can't even take a child home from the hospital because they won't let the child out of the hospital unless they're satisfied that child is going to be in a safety device, and yet we allow people to ride in the back of vehicles.

The passage of the bill is long overdue. There has been reference to tragic situations around this province. It's high time this issue became law in of Ontario. As I have indicated, several other provinces already have similar legislation. It could be argued of course that the charge of careless driving could be levied against someone who is allowing passengers to ride in the back of a truck, but that may be a matter for the courts and I certainly wouldn't want to hang my hat on that issue. Careless driving is where a truck is being driven "without due care and attention or without reasonable consideration for other persons using the highway." That's careless driving, the wording in the act, but it may not apply.

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There are other provinces that deal with it. I think there are five of them. Alberta, British Columbia, New Brunswick, Nova Scotia and Quebec deal with it and have legislation with respect to this provision that's being suggested by Mr Galt. I would hope the committee would take those bills and look at them, because there are good provisions in those that could be used with respect to the province of Ontario.

I have a couple of questions that we don't have time today to debate, but there are couple of issues that I raise because I would hope this bill would carry and that when it reached the committee—I don't know what "outside a motor vehicle" means, for example. I don't know whether "motor vehicle" is the complete part. I don't know what the wording of that means. There are other questions; for example, the issue of trucks or vehicles that are used in parades. There's a whole list of exclusions in Mr Galt's bill and I would hope that that may be included as an exclusion in the bill, that under certain circumstances that could be an exclusion as well, although he has a subsection that orders in council could be made for it and perhaps it could be put forward there. I'd like to hear more rationale with respect to that.

The other provinces specifically deal with that. For example, Alberta has an exclusion that says that "vehicles forming part of an entertainment exhibition that has been approved by the council of the municipality in which it is taking place"—they have that as a specific exclusion. The province of New Brunswick has a similar specific exclusion. It may be that that exclusion should be in this bill, but that's an issue that could be dealt with in committee.

New Brunswick also has a provision that goes into a little bit more of an elaboration with respect to con-

struction. He mentions it as one of his exclusions, "A motor vehicle engaged in highway construction or maintenance." New Brunswick talks about where the passenger is being transported to or from a work site. There may be other items, exclusions, that need to be discussed or have representation from others.

There is the bill in Nova Scotia, which also has some provisions I think could be used in the Ontario bill.

In summary, I wholeheartedly support the bill and will be voting in favour of it. I encourage all members of the House to do that, and I hope it goes to committee where we can deal with the matter further.

Mrs Julia Munro (York North): It's certainly a pleasure to rise in support of Dr Galt's bill. As I think most members know, road safety is a critical issue for this province and for the Ministry of Transportation. We are very much in support of any measure that is going to make and increase road safety. I certainly would want to suggest support for this bill.

When you look at the issue here, what we're talking about is the fact that the current Highway Traffic Act does not specifically prohibit the transport of people in the back of pickups. Clearly over the years there has been an increasing public awareness of the dangers this represents, an increasing public awareness of the safety benefits of seat belts, and certainly with young children, proper seating in a car, in a vehicle. The fact that this bill would eliminate the danger of the unrestrained passenger in the back of a pickup truck is certainly a step forward.

There's a whole body of research that would support this bill. The fact is that people are 25 times more likely to be ejected riding in the cargo area of a vehicle than they would be in the cab. We also certainly have many other jurisdictions which have made this particularly important step. There are provinces across the country that have done this and also in the US.

Particularly vulnerable are young people in this area, where there is the temptation to gather a group of friends that exceeds the number of seat belts, so it is to that group that we particularly direct the attention of this legislation. It is also demonstrated by the research done that it is young people who are more likely to be involved in fatalities with regard to people travelling in truck beds.

It is really an important step in the continuation of making sure that our roads are the safest in the country. We need to ensure that this bill receives the support it deserves. I know that in rural areas there are some issues with regard to exceptions and speed limits and things like that, but I think those are issues that certainly can be dealt with. Overall, the importance of this bill is to make sure that we continue to have road safety as an important priority for this province.

I want to congratulate the member on bringing this forward in order for us to be able to examine this bill and give it the kind of consideration it deserves.

Mr James J. Bradley (St Catharines): I wish to indicate my support for this legislation, which is in keeping with a number of pieces of legislation and regulatory changes that have been made probably in the past dozen

years. If there's one area where I think our society has advanced considerably, it is in the area of automotive safety, of vehicular safety.

Automobile manufacturers have been compelled to make, and sometimes of their own volition have made, changes to the vehicles to make them safer. Laws have been changed through the Highway Traffic Act to ensure that there's a greater degree of safety.

The member mentioned speaking to students and talking about problems for the students. When I have spoken to secondary school students, particularly those who are about to begin to drive vehicles, are driving vehicles, or perhaps will be in a year or two, one of the things I mention to them is that legislators don't do things simply to be mean to them.

The regulatory regime which now governs licensing for young people, for instance, is pretty onerous. Most of us in this House—I suspect, looking around, all of us—had a pretty easy driver's test when we wanted to obtain our licence. It is much more difficult today.

There are two things I explain to students. One is the reason. I ask them, "What do you think the reason is that your insurance premiums are higher than you believe they should be?" Second, "Why do you think we pass legislation such as tougher rules for being able to drive a vehicle?" Third, we look at a piece of legislation such as this. It is lots of fun to ride in the back of that truck. It is a thrill. Why do we pass legislation like this? Is the member for Northumberland simply out to be mean to young people? Obviously not.

1150

We have a family in the gallery today who has had a most tragic experience. There are other experiences of that kind. That is very often what prompts us as legislators to take action. As I've explained to them, as soon as there's a wreck of a train where young people are racing a train and five people are killed—and that's happened in some areas—then there's a great demand for action, and there should be, to try to find some way to overcome that problem. We can't pass legislation which will overcome all of these problems, but this legislation, when it goes to committee, is a piece of legislation which will deal with one aspect of a problem that exists out there.

People who have experienced a tragedy cannot bring those people back, or if people are badly injured, may not be able to repair those injuries for those people. But what we can do is look at what has happened in the past and try to determine how we can improve that in the future. This legislation and the legislation for bus safety that my colleague from Chatham-Kent Essex has brought before this House on a number of occasions are two pieces of legislation which have an opportunity to protect particularly young people—people of all ages, but particularly young people—from the kind of tragedy that has prompted this piece of legislation.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I also rise today to speak in favour of MPP Doug Galt's private member's bill, the Highway Traffic Amendment

Act. I believe this private member's bill addresses a key concern in many ridings, especially rural ridings across Ontario. Most people can see the dangers associated with people riding in the back of a pickup truck while going down a road or a provincial highway, but it's still something that many young people continue to do, especially in the summer months. I am aware of a few incidents where people have been thrown from the back of trucks coming home from the lake or from a bush party.

Also, as an MPP who represents a large number of farmers involved in labour-intensive agriculture—in ginseng and tomatoes and tobacco and cucumbers—I'm pleased to see that, in the bill, a motor vehicle travelling less than 60 kilometres an hour and engaged in agricultural, horticultural or livestock-raising operations is exempt from this amendment to the Highway Traffic Act. Farmers will want to be assured that this bill will not disrupt normal farm operations.

As a past president of the Norfolk Farm Safety Association, I realize the importance of safety around farms. So do farmers. Farmers in general are safe operators and use common sense when they are moving farm labour around from, in many cases, one farm to another or one part of the field to another. Farmers often use flatbeds, cut-down pickup trucks or pickup trucks themselves to take workers back and forth to the field. Not everyone can fit in the cab of a truck. Most of the time, farm labourers are transported in this fashion at very slow speeds. They rarely travel on busy roadways. I know one could argue that cars should be used for this purpose. They seat more people. But they're not suitable for farm lanes, especially in wet weather. I know from personal experience that diesel fuel, dust, mud, grease and hydraulic fluid do not go well on car upholstery.

As this bill moves forward, flexibility and discretion will be needed to recognize the concerns associated with these types of labour-intensive farming. A few years back I worked with the Ontario Federation of Agriculture, with Ken Kelly, to have changes made to the Highway Traffic Act with respect to certain farm vehicles—for example, school buses that have been cut back to carry round bales or pickups that have been converted to what are referred to as baggy trucks to haul tobacco. These vehicles can now be classified as implements of husbandry. Today the Ministry of Transportation does tag these farm vehicles as implements of husbandry and it gives farmers the recognition they need under the Highway Traffic Act. These implements of husbandry are required to have working lights, brakes, and good tires, and they operate at under 40 kilometres an hour.

Each year I, as do many of us, meet with hundreds of farmers. I meet with labour-intensive farmers—potatoes, ginseng, apples, just to name a few. The topic of farm safety and the transportation of farm workers usually comes up. Education of farmers and farm workers is essential in Ontario for prevention of these kinds of problems that may occur in agriculture. Again, thanks to such organizations as the farm safety association, farm accidents are becoming fewer and far between.

Just to wrap up, I recognize the serious problem with respect to accidents and it relates to the recreational use of these vehicles. The evidence is in all of our ridings. I clearly support MPP Galt's bill. I feel it will aid those who are not informed about the dangers of unsafe vehicle practices and, at the same time, should not penalize or disrupt farm practices. For that reason, it has my wholehearted support. I recognize we have to maintain a balance between the recreational use of these kinds of trucks and valid farm and agricultural use of these vehicles.

The Deputy Speaker: The member for Northumberland has two minutes to respond.

Mr Galt: First, on behalf of the Mackey family and the Lawrence family, thank you very much for the support on both sides of the House. It's reassuring, I'm sure, to them as well as to myself.

It was a good point that the member from Chatham-Kent Essex made, and I believe also the member from Timmins-James Bay, as to what kind of support there was when we introduced it last December and it died on the order paper. The Minister of Transportation is in the House and he has given me his assurance; he would like to have been able to get here earlier to have spoken on the bill, but he is certainly very supportive.

The reason it was introduced so late in the last session had to do with partisan politics and the appearance of trying to take advantage of somebody else's grief. It was not my intent to try and capitalize on that, so consequently it was not introduced in September or October; rather, I waited a reasonable length of time. I'm very pleased that the parents of those two young men are so supportive of what we're doing here.

It was interesting, the comments the member from Dufferin-Peel-Wellington-Grey made about assuming it already was law. He's a lawyer. I have great respect for him and his ability as a lawyer. We had quite a debate in the hallway here. He said my bill is useless; it's already in place. I just happened to have the assistant deputy minister of transportation nearby, so I called him over and got them together. He soon realized that, lo and behold, this was not law in Ontario.

With just a little luck we can get this into committee, and maybe we can have this in place as law for the summer so that young people tempted to ride in the box of a half-ton truck may not be so inclined if they know it's illegal.

On behalf of Bart and Jay, I would ask everyone to support this bill.

The Deputy Speaker: The time for debating this ballot item is completed.

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT ACT, 2001

LOI DE 2001 MODIFIANT LA LOI SUR LA SANTÉ ET LA SÉCURITÉ AU TRAVAIL

The Deputy Speaker (Mr Michael A. Brown): We will now deal with ballot item number 7.

Mr Agostino has moved second reading of Bill 34, An Act to amend the Occupational Health and Safety Act to increase the penalties for contraventions of the Act and regulations.

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

Mr Dominic Agostino (Hamilton East): Mr Speaker, I'd ask consent of the House to refer this to the standing committee on general government.

The Deputy Speaker: Agreed? No?

All in favour will please rise and remain standing while you're counted.

A majority is in favour; therefore the bill will be referred to the standing committee on general government.

HIGHWAY TRAFFIC AMENDMENT ACT (OUTSIDE RIDERS), 2001

LOI DE 2001 MODIFIANT LE CODE DE LA ROUTE (PASSAGERS À L'EXTÉRIEUR D'UN VÉHICULE)

The Deputy Speaker (Mr Michael A. Brown): We will now deal with ballot item number 8.

Mr Galt has moved second reading of Bill 33, An Act to amend the Highway Traffic Act to prohibit persons from riding on the outside of a motor vehicle.

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

Mr Doug Galt (Northumberland): On a point of order, Mr Speaker: I'd like to refer Bill 33 to the standing committee on general government.

The Deputy Speaker: Agreed? Agreed.

This completes all matters before the House this morning. We will reconvene at 1:30 this afternoon.

The House recessed from 1200 to 1330.

MEMBERS' STATEMENTS

PUBLIC EDUCATION

Mr Dominic Agostino (Hamilton East): I rise today to talk about the condition of our schools in Hamilton and the priorities of this government. At a time when schools across this province are starving for cash, for textbooks, for computers, this government believes it's more important to put half a billion dollars into private schools in Ontario.

Let me tell you about Hamilton. The Hamilton board needs at least \$17 million to repair leaky roofs and boilers, and deal with air quality. There are dozens of schools that have asbestos tiles that they can't afford to remove and fix. The board has cut 57 teaching positions—21 special education positions and nine English-as-a-second-language positions are gone.

That is a brief synopsis of some of the realities we're facing in Hamilton and across this province. While we continue to beg the province for more money, for smaller classrooms, for more computers, not to have to have fundraisers to buy textbooks, this government is intent on destroying public education in Ontario by their policies, by starving public education, by ensuring that the private schools will flourish.

This is a priority for the Liberals: to fix public education. Dalton McGuinty and the Liberals believe that public education is the number one priority. We stand for public education, we will fight for public education and we're going to continue to ensure every single day in this Legislature that we expose what this government's all about: a government intent on destroying public education to benefit their friends in private education.

MISSING CHILDREN

Mr Wayne Wettlaufer (Kitchener Centre): I'm wearing a green ribbon today to acknowledge National Missing Children's Day, which falls on May 25. Throughout the month of May, Child Find Ontario is holding its 10th annual Green Ribbon of Hope campaign. For the last 16 years, Child Find Ontario has been helping to bring missing children home.

Meanwhile, children, the future of our society, are still missing—have run away, have been lost or have been abducted. Last year's numbers are quite unfortunate: 20,000 of Canada's 60,000 missing children were from Ontario, enough to fill all the seats in SkyDome.

The positive news is that the hard work of over 1,000 volunteers throughout Ontario and the help from civic and corporate partners has aided in the location of over 90% of missing children. Their 24-hour hotline, help from law enforcement, customs and immigration, and the community have all contributed enormously to this cause.

I congratulate Child Find Ontario on its successes and commend the organization for its tireless efforts in this cause. My hopes are that communities will continue to work together and fight for lost children and the families from whom they are separated.

I take this time to ask for unanimous consent for MPPs to wear this ribbon in the Legislature today to show their acknowledgement of National Missing Children's Day, which falls on May 25.

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

BEVERLY MASCOLL

Mr Alvin Curling (Scarborough-Rouge River): Today we mourn the passing of Dr Beverly Mascoll, a great Canadian and a leader and an activist, who succumbed to cancer at Sunnybrook hospital on Wednesday, May 16, 2001.

Bev Mascoll has touched the heart and soul of every community in the greater Toronto area and beyond. A Nova Scotian who moved to Toronto as a teenager, Bev Mascoll started the Mascoll Beauty Supply Co in 1970, the largest supplier and distributor of black beauty products in Canada.

She had a strong commitment to public education and established the Beverly Mascoll Community Foundation in 1996, providing post-secondary education scholarships, to promote the advancement of women and to assist in the development of youth.

She was the first chair of black Canadian studies at Dalhousie University. Her work and contribution to all of the various communities was recognized and rewarded. She was appointed a member of the Order of Canada in 1998. In 1994 she was honoured with the Nova Scotia Black Cultural Centre Wall of Honour Award. After receiving an honorary doctorate of law in 1999, she returned to university and graduated with a bachelor of arts degree last year. It's indicative of Bev's commitment to improve and educate both herself and all those around her.

Bev was like a dove in flight: quiet, graceful and soaring to great heights. Those of us who knew her knew that notwithstanding her free spirit, an incredible wingspan, the true wind beneath her wings was the quiet and steady influence and unwavering support of her most avid supporter and loving husband, Emerson, to whom she was married for 37 years.

Bev had a profound influence on all those who came in contact with her. She leaves behind her loving husband, Emerson, her son, Eldon, and his fiancée, Nicole, who will all miss her and her contribution to our great country.

VISITORS FROM MATTHEWS HALL

Mr Bob Wood (London West): I rise today to ask the House to recognize some visiting parliamentarians who are with us in the members' gallery today. They are the 17 elected members of the student Parliament at Matthews Hall, a school in the great riding of London West. They are accompanied by teachers Harry MacLean and Jennifer McKay and are in grades 3 to 8. They are here to learn more about their Ontario Legislature.

Matthews Hall was founded in 1918 by Kate Matthews. Its curriculum fosters appreciation for knowledge for its own sake and for its use in improving and extending the student's world. The school is a coeducational institution for junior kindergarten to grade 8, and its purpose is to awaken students to their own possibilities as confident and caring members of their community.

The school motto is "Debeo, Possum, Volo" which is Latin for "I must, I can, I will," a motto which applies as much to the work we do here as it does to the work done at Matthews Hall.

I ask all members to join with me in welcoming our visitors from Matthews Hall.

NURSES

Mrs Lyn McLeod (Thunder Bay-Atikokan): Ontario nurses are at Queen's Park today to try and make the Harris government understand the reality of the nursing shortage and their concerns about being able to provide quality patient care. These are the same nurses the Premier once said were as dispensable as hula hoops. These are the same nurses who have been told by a Premier who wanted a 44% raise that 2% is too much for nurses. These are the same nurses who were told by the Minister of Finance that if they want to go to Alberta, they can go.

Ontario nurses got the message from the Harris government six years ago. Hundreds of Ontario nurses have gone to the United States because they couldn't get a full-time job here. Hundreds more have left the profession because they did not believe they could provide a quality of care to their patients.

Let's remember these are the same nurses who are working too much overtime in hospitals trying to maintain patient care. These are the same nurses who fear for the physical safety of patients in nursing homes because the government doesn't fund a minimum level of nursing staff. These are the same nurses who provide care at home to keep people out of hospitals and are paid less because this government wants home care to be cheap care.

For the sake of the patients in this province, it is time to hear these nurses when they say:

"Whereas the nurses of Ontario are seeking relief from heavy workloads which have contributed to unsafe conditions for patients and have increased the risk of injuries to nurses; and

"Whereas there's a chronic nursing shortage in Ontario;

"Whereas the Ontario government has failed to live up to its commitment to provide safe, high-quality care for patients,

"We petition the Legislative Assembly of Ontario as follows:

"We demand that the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need."

It is time to hear the nurses of this province.

The Speaker (Hon Gary Carr): Just so the people in the galleries may know, unfortunately clapping isn't allowed as well. We're not even allowed to do the clapping. We'd appreciate it if you would adhere to the rules.

STEVEN MELL

Mrs Julia Munro (York North): There is a young boy who lives in my riding of York North. His name is Steven Mell. He is 11 years old. He's like any other regular kid. He swims for the Newmarket Stingrays, goes to school and likes to read.

However, young Steven was able to accomplish something that many adults have trouble attempting. Steven recently gained certification in Microsoft Office User Specialist in Microsoft Word, an internationally recognized certification for Microsoft products. According to many business managers, this certification is a highly sought skill in today's workforce.

The test is described as being very difficult, and many business people who take it fail, but not this student. Not only did Steven pass, but he obtained 98%. This is quite the accomplishment for a boy of only 11.

The test specifically asks the taker to demonstrate proficiency working in text, working with paragraphs, documents, pictures and charts, using tables and managing files. There are 30 questions that the candidate must answer in just 45 minutes.

Young Steven has not stopped here. He is now in the process of launching his first Web site. He has taught himself how to create Web pages by learning how to use programs such as Dreamweaver.

Steven Mell is an extraordinary achiever whose interests will take him far. I congratulate him on his accomplishment.

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WATER QUALITY

Mr James J. Bradley (St Catharines): Our hearts go out to the residents of Walkerton, who a year ago began to experience an environmental nightmare that included the deaths of seven people and serious illness for hundreds of others as a result of drinking the town's contaminated water. The testimony of a courageous Ministry of the Environment drinking water specialist, Godfrey Jenkins, confirmed clearly and pointedly that the massive environment ministry staff cuts "severely hampered the ability of the remaining professionals to do their job." With the highly regarded MOE laboratories closed by the Harris government and the ministry hampered by huge staff and funding cuts, the risk of a Walkerton type of tragedy was dramatically increased.

What has happened since then? Of the hirings that have taken place, 68 temporary staff have been hired for Operation Clean Water, 67% of all new hires in operations are temporary, and 72% of new senior officers hired are temporary. If Walkerton taught this government anything, it is that the ministry must have adequate staff and resources to do the job of protecting groundwater. One year later, nothing substantive has been done to remedy the problems that caused seven deaths and thousands of illnesses.

Since the Harris government took office in 1995, over 50% of the ministry budget has been slashed. The Ministry of the Environment's first-ever budget in 1971 was \$302 million, some \$50 million more than the ministry now has 30 years later. Infrastructure funding is inadequate, the Brampton water and sewer employee training centre is closed and they've done nothing about old wells that are causing contamination in the province.

NURSES

Ms Frances Lankin (Beaches-East York): In the front lines of a hospital, when a "stat" is called or there's a "code critical," every single nurse knows what to do. They know how to respond. They know how to be there for the patients. But who in this province is responding to the nurses when they're calling a code critical for the front-line nursing personnel of this province? We have a critical shortage of nurses.

Let me just talk about the hospital sector for a moment. Nurses every day are working additional hours. They're working through their lunches, through their breaks. They're not taking any time down to get their energy back to deal with vulnerable patients. On top of that, they're working hours of overtime; they're not refusing overtime. They are burnt out. They are undervalued. They are underpaid.

What does this government do at a time when they profess to understand the need for more nurses, when they profess to put in place a solution to bring back 12,000 needed nurses to our hospital sector? What do they do? The Premier of this province says nurses who are in wage negotiations right now shouldn't expect a significant increase. The same government that gave a lucrative increase to doctors, the same government that gave a lucrative increase to judges and to government lawyers, that offered 42% to their own MPPs, says nurses aren't worth it. The finance minister said that if nurses want an agreement like in Alberta and want to leave and go to Alberta, so be it. Well, "so be it" is not good enough. Our health care needs our nurses. We need our nurses. This government should listen.

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: I request unanimous consent—we may have it in the House—on the occasion of the anniversary of the unfortunate events in Walkerton for representatives of the three political parties represented in the House to offer words on this occasion.

The Speaker (Hon Gary Carr): Is there unanimous consent? I'm afraid I heard some noes.

Mr Dwight Duncan (Windsor-St Clair): My understanding was that we have unanimous consent to have a statement from each of the caucuses on the anniversary of this tragedy. I'm just trying to clarify. I didn't think anybody would not want to do this. We've been talking about this for two weeks.

The Speaker: I can't be aware of any agreements. I was very careful to listen, and I did hear some noes.

The government House leader, maybe, for clarification.

Hon Janet Ecker (Minister of Education, Government House Leader): Mr Speaker, if I can shed some light upon this, I did call both the House leaders' offices this morning to let them know that the MPP for the community, Mr Murdoch, felt very strongly that he wanted to ask for unanimous consent for a moment of silence, which would be done after statements and responses, that based on his consultations with the community he felt that would be a more dignified way to mark this event today than to have political speeches.

The Speaker: The member for Niagara Centre on a point of order as well.

Mr Peter Kormos (Niagara Centre): I understood there to have been an agreement that there would be unanimous consent obtained by this House today. For the government to breach that agreement shows an outright fear of the issue of Walkerton, and I think this is something that people should be well aware of.

The Speaker: The Speaker can't be aware of any agreements. I simply asked. I was very careful to listen, and I did hear some noes, unfortunately.

We'll put the time back on to start right from the beginning.

Ms Marilyn Churley (Toronto-Danforth): Mr Speaker, I have a related but different point of order: I want to ask for unanimous consent—and please hear me out—to read a statement which was sent to me by the citizens of Walkerton. They asked me to read this on the record in the House today, on the assumption that there was going to be unanimous consent for all-party statements. The citizens of Walkerton sent me a statement that they wanted read today on their behalf in this House. I ask for unanimous consent to do that.

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

EXCHANGE PROJECT

Mrs Tina R. Molinari (Thornhill): Last night, a delegation of 22 visitors arrived from the city of Baguio, the twin city of Vaughan, in the Philippines. This has been part of a two-year exchange project between the York Catholic District School Board, specifically St Elizabeth Catholic High School in Thornhill, and the Filipino Canadian Association of Vaughan.

Last year, 26 students, parents and teachers from St Elizabeth experienced life in Baguio City, Manila and a Missionary of the Poor in Naga City. In Baguio, our students visited the Philippines Military Academy, the Balatoc and several other interesting sights for the Philippines. They had the chance to engage in dialogue with many students from local high schools, universities and elementary schools. When the students from St Elizabeth visited the Missionary of the Poor in Naga City, they tended to the needs of the orphaned, the mentally ill and those living in squalid conditions on garbage dumps. This trip helped to broaden our students' sense of responsi-

bility toward others less fortunate and helped them to recognize how fortunate we all are.

Today, the delegation from the Philippines continues their visit to Canada. They will be exposed to social, educational, political, cultural and spiritual life in the city of Vaughan and the greater Toronto area.

Though I don't see them in the visitors' gallery at this moment, they will be here in the chamber during question period.

On behalf of the citizens of Thornhill and the members of our Legislature, I welcome our guests to our community and wish them a pleasant stay. May we continue to learn from each other.

INTRODUCTION OF BILLS

OAK RIDGES MORAINÉ PROTECTION ACT, 2001

LOI DE 2001 SUR LA PROTECTION DE LA MORAINÉ D'OAK RIDGES

Mr Hodgson moved first reading of the following bill:

Bill 55, An Act to protect the Oak Ridges Moraine / Projet de loi 55, Loi visant à protéger la moraine d'Oak Ridges.

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

The minister for a short statement?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I'll do it after.

1350

BROWNFIELDS STATUTE LAW AMENDMENT ACT, 2001

LOI DE 2001 MODIFIANT DES LOIS EN CE QUI CONCERNE LES FRICHES CONTAMINÉES

Mr Hodgson moved first reading of the following bill:

Bill 56, An Act to encourage the revitalization of contaminated land and to make other amendments relating to environmental matters / Projet de loi 56, Loi visant à encourager la revitalisation des terrains contaminés et apportant d'autres modifications se rapportant à des questions environnementales.

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

GOVERNMENT EFFICIENCY ACT, 2001

LOI DE 2001 SUR L'EFFICIENCE DU GOUVERNEMENT

Mr Sterling moved first reading of the following bill:

Bill 57, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts / Projet de loi 57, Loi visant à favoriser

l'efficience du gouvernement et à améliorer les services aux contribuables en modifiant ou en abrogeant certaines lois.

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. Carried.

AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001

LOI DE 2001 SUR LA NÉGOCIATION COLLECTIVE DANS LES SERVICES D'AMBULANCE

Mr Stockwell moved first reading of the following bill:

Bill 58, An Act to ensure the provision of essential ambulance services in the event of a strike or lock-out of ambulance workers / Projet de loi 58, Loi visant à assurer la fourniture des services d'ambulance essentiels dans l'éventualité d'une grève ou d'un lock-out de préposés aux services d'ambulance.

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 1352 to 1357.

The Speaker: Would all the members kindly take their seats, please.

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

Ayes

Arnott, Ted	Hudak, Tim	Newman, Dan
Baird, John R.	Jackson, Cameron	Ouellette, Jerry J.
Barrett, Toby	Johns, Helen	Runciman, Robert W.
Chudleigh, Ted	Johnson, Bert	Spina, Joseph
Clark, Brad	Klees, Frank	Sterling, Norman W.
Cunningham, Dianne	Marland, Margaret	Stewart, R. Gary
Dunlop, Garfield	Maves, Bart	Stockwell, Chris
Ecker, Janet	Mazzilli, Frank	Tascona, Joseph N.
Elliott, Brenda	Miller, Norm	Tilson, David
Galt, Doug	Molinari, Tina R.	Tsubouchi, David H.
Gilchrist, Steve	Munro, Julia	Turnbull, David
Gill, Raminder	Murdoch, Bill	Wettlaufer, Wayne
Hardeman, Ernie	Mushinski, Marilyn	Wood, Bob
Hodgson, Chris		

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

Nays

Agostino, Dominic	Curling, Alvin	Marchese, Rosario
Bartolucci, Rick	Di Cocco, Caroline	McLeod, Lyn
Bisson, Gilles	Dombrowsky, Leona	McMeekin, Ted
Bountrogianni, Marie	Duncan, Dwight	Peters, Steve
Bradley, James J.	Gerretsen, John	Phillips, Gerry

Bryant, Michael
Caplan, David
Churley, Marilyn
Colle, Mike
Cordiano, Joseph

Hoy, Pat
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte
Lankin, Frances

Pupatello, Sandra
Ruprecht, Tony
Sergio, Mario
Smitherman, George

been provided by a different method in a discrete area of the municipality.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 40; the nays are 29.

The Speaker: I declare the motion carried.

The minister for a short statement?

Hon Chris Stockwell (Minister of Labour): I'm introducing the Ambulance Services Collective Bargaining Act, 2001. If passed by the Legislature, this bill would ensure continuous ambulance services during a strike or lockout.

The need for this legislation lies in the fact that ambulance services were transferred from the province to municipalities this year. The transfer means that the majority of ambulance workers now fall under the Labour Relations Act, 1995, and that gives them an unfettered right to strike. This legislation will require that an essential service ambulance service agreement be in place before any strike or lockout takes place. The right to strike would be retained, but critical services would continue to be delivered.

Public safety is obviously our number one concern and I would assume it's shared by all in this House. We have met that concern without interfering unduly with the collective bargaining process. I hope that all members of this House will join with us in recognizing the need for reliable, uninterrupted ambulance service across this province.

Mr Wayne Wettlaufer (Kitchener Centre): On a point of order, Mr Speaker: I would like to draw the attention of the House to the page from Kitchener Centre, Sabrina Wirz, who is celebrating her 14th birthday today.

The Speaker: Happy birthday from all of us.

POLICE SERVICES AMENDMENT ACT, 2001

LOI DE 2001 MODIFIANT LA LOI SUR LES SERVICES POLICIERS

Mr Tilson moved first reading of the following bill:

Bill 59, An Act to amend the Police Services Act /
Projet de loi 59, Loi modifiant la Loi sur les services policiers.

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

The member for a short statement?

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I'm introducing the Police Services Amendment Act, 2001. It amends the Police Services Act to allow municipalities an additional choice in the way they provide police services. Section 5 of the current act requires that municipalities provide police services by means of only one of a number of listed methods. The bill allows municipalities to combine two or more methods where the municipality contains remote or widely dispersed communities, or where police services have historically

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Janet Ecker (Minister of Education, Government House Leader): I seek unanimous consent to put forward a motion regarding the ordering of private members' public business.

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

Hon Mrs Ecker: I move that notwithstanding standing order 96(d), the following changes be made to the ballot list for private members' public business: Mr Bradley and Mr Levac exchange places in order of precedence, such that Mr Levac assumes ballot item number 12 and Mr Bradley assumes ballot item number 38.

The Speaker: 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. Carried.

STATEMENTS BY THE MINISTRY AND RESPONSES

SMART GROWTH STRATEGY

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): It's my pleasure to inform my colleagues about three important steps the government is taking this week to move forward on Ontario Smart Growth.

Today I announced two pieces of legislation.

One would, if passed, put a temporary halt to development on the Oak Ridges moraine. This six-month freeze would allow the government to undertake a consultation leading to an action plan—

Interjections.

Hon Mr Hodgson: Obviously, the Liberals aren't in favour of this.

The Speaker (Hon Gary Carr): Order. The member for Sudbury, come to order. Thank you very much.

Sorry, Minister.

Hon Mr Hodgson: This six-month freeze would allow the government to undertake a consultation leading to an action plan to protect those parts of the moraine that need protection.

The other piece of legislation, if passed, would help foster clean, healthy and dynamic communities by encouraging the environmental cleanup and revitalization of lands known as brownfields.

The third important step begins tomorrow, when we have the first of 17 regional consultation sessions on Smart Growth.

First, the Oak Ridges moraine legislation: As the members know, the Oak Ridges moraine is a unique natural feature. It contains green open space and forested areas. Often called southern Ontario's rain barrel, it contains the headwaters of a number of important rivers. More than that, a quarter of a million people rely on the aquifer beneath the moraine for their drinking water.

Why are we acting now? In my preliminary consultations on Smart Growth and in reviewing the letters many members of this House have received from the public on urban development issues, it is clear to me that the Oak Ridges moraine must be part of the Ontario Smart Growth strategy. This government has heard those concerns and we have decided to take decisive action.

At the same time, the province is required under the Planning Act to conduct a review of the provincial policy statement. The regions of Peel, York and Durham are also working together on their own strategy for the moraine. As the members know, the moraine is facing considerable development pressure, with a number of applications now at different points in the planning process.

The government believes we need to take a time-out. We need to make sure that our Smart Growth strategy, the provincial policy statement, the regions' municipal planning policies and the decisions that will be made on current and future development applications are all consistent and that they protect what needs to be protected.

If passed by the Legislature, the Oak Ridges Moraine Protection Act, 2001, would establish a moratorium on all new development that requires official plan, zoning bylaw or subdivision approval. The moratorium would also apply to applications currently before a municipal council or the Ontario Municipal Board. If the Legislature approves this bill, it would take effect as of today.

While the moratorium is in effect, we want to hear from experts and the public alike. The consultation would take the form of round-table discussions involving all stakeholders: environmental groups and developers, municipalities and resource interests, and members of the public.

After the consultation is over, we will bring forward a clear action plan. We will have certainty. Areas that need to be protected will be protected. Areas that need further study will be studied. And development applications in the areas where it is clear that no special protection is needed will be able to proceed according to clear, understandable rules.

The Brownfields Statute Law Amendment Act is another key element in the Ontario Smart Growth strategy. Let me first acknowledge the significant contribution that my colleague the Minister of the Environment has made to this proposed legislation.

I would also like to recognize several representatives of the brownfields advisory panel who have joined us in the gallery this afternoon: Beth Benson, executive direc-

tor of the Waterfront Regeneration Trust; Peter Van Loan of Fraser Milner Casgrain, barristers and solicitors; Rosalind Cooper of Fasken Martineau DuMoulin; Louise Verity, director of policy for the Toronto Board of Trade; Dianne Saxe, barrister and solicitor with the Environmental Law and Dispute Resolution Boutique; David R. Turner, vice-president of Marsh Canada Ltd; Neil Rodgers, president of the Urban Development Institute; David Surplis, president of the Council of Ontario Construction Associations; and George Boire, vice-president of AMEX, Strategic Client Services, Earth and Environment. Unfortunately, Hamilton Mayor Bob Wade could not be here as well. I know he is a strong supporter of this legislation.

1410

Brownfields are lands where industrial or commercial activity took place in the past. Today these lands are often contaminated, underused or abandoned. Brownfields are usually located close to services and transportation. Revitalizing them encourages efficient and effective use of existing infrastructure. The lands are often in a city core. As they are cleaned and redeveloped, and people once again live and work in and energize these areas, there can be enormous social and economic gains to the community.

Redeveloping brownfields means cleaning up contaminated lands for our own benefit and the benefit of future generations. As municipalities and developers and investors increasingly realize the potential, cleaning up and redeveloping brownfields can also preserve our vital green spaces and farmlands for all the people of this province.

By bringing these old industrial and commercial sites back to life, communities have a unique chance to improve their quality of life, protect the environment and attract new business and jobs.

We held extensive consultations over a two-year period of time. We received advice from a panel of brownfields experts. I would like to take this opportunity to thank Mr Blake Hutcheson, who chaired the panel, and all the members of the team for their fine work and recommendations.

Today, we move forward based on the input we heard. This legislation, if passed, would assist brownfield redevelopment in several key areas. It would set out clear rules for the cleanup of contaminated brownfield sites to ensure that environmental standards are met and the public health is protected. It would also provide liability protection from future environmental orders for municipalities, lenders, owners and developers involved with brownfield properties. It would streamline planning processes to expedite brownfield projects and help municipalities provide financial support for cleanup costs. The Brownfields Statute Law Amendment Act is an important part of our government's Smart Growth strategy.

Finally, I would like to tell the members briefly about the next step in our Smart Growth strategy. Tomorrow, I will be travelling to Peterborough for the first of 17 consultation meetings on Smart Growth that will take place

over the next month. These round-table discussions will involve stakeholders with an interest in encouraging, managing and sustaining growth in Ontario.

At the same time, advertisements will appear in newspapers all over the province inviting people to get a copy of our booklet entitled *Get Engaged...in Ontario Smart Growth*, and to have their say on Smart Growth. The members will receive a copy of the booklet soon, or they can find a copy on the government's new Smart Growth Web site.

Ontario Smart Growth rests on three pillars: a strong, growing and competitive economy; strong communities; and a healthy environment. The two pieces of legislation I have introduced today, and the consultation that begins tomorrow, are important steps toward the achievement of those goals.

GOVERNMENT EFFICIENCY

Hon Norman W. Sterling (Minister of Consumer and Business Services): This government was elected on a vision of a better Ontario: to build a strong economy, to create jobs, to cut taxes, to increase government efficiency, to cut red tape, and to remove barriers to business. It was re-elected on a vision of an Ontario that could compete globally, at the same time remaining the best place in North America to live, work, invest, and raise a family.

It is with this vision in mind that I introduce the Government Efficiency Act, 2001. This bill is a continuation of our fight to bring in good government; to remove barriers to business, investment and job creation; to ease access to public services; and to clean up rules that no longer serve their intended purpose.

The Government Efficiency Act, 2001 contains more than 120 various items involving 15 ministries. If passed, this bill would let Ontarians gain quicker access to a number of government services. It would eliminate certain outdated procedures and acts.

But beyond including amendments that provide good and efficient government, it would also provide for mandatory licence suspensions for those convicted of fleeing from police, it would confirm the requirement to serve a child's lawyer when bringing an application for guardianship or court approval for the disposition of property of a minor child, and it would make it an offence for anyone to give false information to the Ministry of the Environment or its employees or its agents under several environmental statutes.

If passed, this bill is consistent with last month's speech from the throne that promised to streamline government and remove barriers to jobs, investment and growth.

I would encourage all members of this House to support this good government bill.

SMART GROWTH STRATEGY

Mr Mike Colle (Eglinton-Lawrence): I want to first of all congratulate the minister for having the guts to do what his predecessors didn't have the guts to do, and that is to introduce legislation that is vital to the health not only of the Oak Ridges moraine area directly but I think of all southern Ontario. So I do congratulate him for having the guts to do that.

To get to some of the details, one of the things about this bill that I certainly like, and that I think our leader and our party like, is the fact that they finally have listened to us and invoked a freeze on development. I know for the last couple of years they laughed at the opposition, they laughed at the environmentalists, they laughed at the local ratepayers who asked this government to invoke a freeze on development, and they scoffed at these good people who were trying to tell them to do the right thing.

I'm glad to see that there's been a turnaround in this government, and I hope it isn't just because the by-election is around the corner in Vaughan-King-Aurora. What we all have to be very careful of is that this is not just a temporary attempt to essentially distract people from the focus and importance of protecting the moraine. This cannot just be for six months. We hope that the six months is the beginning of a permanent freeze on all those precious parts of the moraine from Northumberland to the Niagara Escarpment. That's what we want.

We could have saved so much time. We could have saved the city of Richmond Hill, the town of Uxbridge, King City—this government could have saved those good people millions of dollars in consultants' fees and lawyers' fees. They could have saved their developer friends millions of dollars at the OMB if they had listened to us two years ago and done the right thing at that time. But instead they dragged this thing on, they took away power from local communities and put it at the OMB.

Now they're going to try and take credit for a problem that they created. They created this problem in the Oak Ridges moraine because they gutted the Planning Act and promoted sprawl, and in fact funded sprawl, at the expense of the moraine. For six years that's all they did. Now they want to take credit for saving the moraine. But I do not give credit to this government, because they perpetrated the problems on the moraine.

I would prefer to give credit, unlike the howling members across, to the local citizens who fought this government. I want to give credit to people like Dorothy Izard and Deb Crandall in Caledon; Jane Underhill and Hal Jackman in King City; Brenda Hogg in Richmond Hill; Howard Taylor in Newmarket; Susan Walmer, Ben Kestey and David Tomlinson in Aurora; Teresa Johnson in Goodwood; Wyn Walters in Uxbridge; Linda Pym with the Ontario Federation of Naturalists; Gregor Beck with the Ontario Federation of Naturalists; Earthroots; Glenn De Baeremaeker with Save the Rouge. All these people took on this government at their own expense.

This government laughed at them, blocked them, tried to do everything to stonewall their attempts to protect this precious part of our province.

1420

We will make sure that this is not just a subterfuge. I challenge the minister to ensure that this is not just a ploy for the by-election. We will keep your feet to fire to make sure that this is going to be a permanent protection for this most beautiful and precious part of our province, because this is more than just land. This is our children's future water, the wildlife they can appreciate, and it will stop that disease called sprawl which you've been feeding for six years. Save, don't pave.

The Speaker (Hon Gary Carr): The member for Toronto-Danforth.

Ms Marilyn Churley (Toronto-Danforth): I think—

Mr Colle: On a point of order, Mr Speaker: As you know, my leader, Dalton McGuinty, and this party have been advocating an immediate freeze on the moraine. We ask for unanimous consent to move that this bill proceeds to second and third reading immediately.

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

Interjections.

Mr Colle: On a point of order, Mr Speaker: There is some confusion. If we could try that again, unanimous consent?

The Speaker: No, we were very clear. I heard some noes.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I would move that this House give unanimous consent that we would have second and third reading of this proposed bill without debate.

The Speaker: Are there some timelines on this as well?

Hon Mr Klees: Immediately.

The Speaker: Is there unanimous consent? Agreed.

Just so all the members are clear, what we will now do is look to the minister. He will move second reading and go on through it for third reading.

OAK RIDGES MORaine
PROTECTION ACT, 2001

LOI DE 2001 SUR LA PROTECTION
DE LA MORaine D'OAK RIDGES

Mr Hodgson moved second reading of the following bill:

Bill 55, An Act to protect the Oak Ridges Moraine /
Projet de loi 55, Loi visant à protéger la moraine d'Oak
Ridges.

The Speaker (Hon Gary Carr): Mr Hodgson has moved second reading. Order. Is it the pleasure of the House that the motion carry? Carried.

OAK RIDGES MORaine
PROTECTION ACT, 2001

LOI DE 2001 SUR LA PROTECTION
DE LA MORaine D'OAK RIDGES

Mr Hodgson moved third reading of the following bill:
Bill 55, An Act to protect the Oak Ridges Moraine /
Projet de loi 55, Loi visant à protéger la moraine d'Oak
Ridges.

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

Be it resolved that the bill do now pass and be entitled as in the motion.

SMART GROWTH STRATEGY

The Speaker (Hon Gary Carr): Further responses? The member for Toronto-Danforth.

Ms Marilyn Churley (Toronto-Danforth): It's the first time we've passed—

Interjections.

The Speaker: It is the time of the member for Toronto-Danforth. I would appreciate some courtesy toward the member.

Sorry for the interruption. The member for Toronto-Danforth.

Ms Churley: Since some of the announcements today deal with water, I think the best way to respond is to read the statement from the citizens of Walkerton, because it is about water.

They wanted this read out in the House today. "One year after the Walkerton E coli tragedy, it is with great sadness that one must conclude all is not well regarding the security of Ontario's drinking water."

Hon Janet Ecker (Minister of Education, Government House Leader): On a point of order, Mr Speaker: I'd just like to know if this is in order. I believe she should be responding to the legislation that's been introduced.

The Speaker: I apologize. You have to stick to the subject matter. The issue of Walkerton does not relate to that subject and I would ask the member if she could do the statement.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: You will notice that among the bills introduced today was one that purports in its compendium to promote government efficiency and improve service to taxpayers with respect—it covers a number of ministries including agriculture and rural affairs and the environment. In the context of that and in view of this type of omnibus bill, I suggest the response can be a critical one and can rely upon history within this province of this government's record in those very specific areas where it purports to improve and promote government—

The Speaker: The member may know this is statements. It's not relating to a bill. It's responses to ministers' statements, not the bill. The minister's statements were very clear. She needs to stick to the topic, and unfortunately you can't get into topics like Walkerton. It

deals with the Oak Ridges moraine. I'm going to listen very carefully. I say this to the member: I'm sorry but those are the rules of this House. I don't make them, I just enforce them. They're in the standing orders and quite frankly they are very clear.

The member for Toronto-Danforth.

Ms Churley: Mr Speaker, that's too bad because I'm trying to fulfill the requests today of the citizens of Walkerton to have the first-year anniversary of the Walkerton tragedy commemorated here in this House.

Let me say that the statements embodied in the statement they sent to me today—which I won't read; I've been told I cannot read it—actually do tie in very much with some of the statements made by the minister today.

For instance, when we talk about the protection of the Oak Ridges moraine, one of the things I've been saying—Shelley Martel had a bill that I drafted and she brought through the House on my behalf in the last session. It passed second reading and was sent to a government committee, the committee that the member for Scarborough East chaired, and he refused to allow that bill to go out to committee—another bill that came before this House from me.

Just last week the member for Scarborough East brought forth a watered down version of his previous moraine bill, which took away the component that would freeze and then refused to stand up and send that bill to a committee.

Interjections.

Mr Steve Gilchrist (Scarborough East): This is why.

Ms Churley: They're jeering and laughing now, but I think it's important to point out that all is not well in Ontario when it comes to water. I hope this six-month freeze on the moraine goes beyond that, because it doesn't go far enough, fast enough.

Mr Gilchrist: Read the bill.

Ms Churley: "Read the bill," he says. It's passed already.

What one has to think about today as we remember the dead in Walkerton who died from tainted water, as we remember those people today and the suffering they have gone through, let's remember how important it is to bring back a green planning act which the NDP brought in.

1430

It's interesting. The Gibbons report that this government has now embraced, and is marching down that road to actually gut and cut the ministry more and to privatize more and to deregulate more—that's where the government is going. What the citizens of Walkerton are saying today is that "a price has been tendered for our safety and the true cost of this ill-concealed bargain is a trade-off between short-term economic expediency and"—

The Speaker: I've told the member, don't—

Ms Churley: It's about water.

The Speaker: I said you can't get into reading directly from that. I've made my ruling. I'd appreciate your co-operation. Sorry for the interruption. Continue.

Ms Churley: Mr Speaker, I am speaking about water, a life-and-death issue here. Today is the anniversary of the death of people in Walkerton. The government today introduced, and it's now passed without any debate—

Interjections.

Hon Frank Klees (Minister without Portfolio): You agreed.

Ms Churley: Absolutely, but I am talking here—

The Speaker: Stop the clock. Will the member take her seat. The chief government whip, come to order.

Interjection.

The Speaker: You're close enough; I can hear you in my right ear. Sorry for the interruption. The member for Toronto-Danforth.

Ms Churley: Mr Speaker, the government members don't understand the connection I am making between what happened in Walkerton and the importance of the protection of the Oak Ridges moraine, but indeed the protection of all the environmentally sensitive land across this province, which relates to protection of water. If they listen carefully, they will see the very direct connection that I am making here. The NDP brought in a green planning act, which made sure that environmentally sensitive areas across the entire province were kept safe and protected so that our drinking water would be protected.

This government gutted that act. It brought us to the mess we've had over the Oak Ridges moraine. There are messes all across the rest of the province with boil-water notices. We need a green planning act brought back.

The Speaker: I'm afraid the member's time is up. Order. I'm afraid the member's time is up. Last warning to the member. I'm going to name her. If you want to be thrown out, continue on when I stand. I ask you to stop, please. I was very patient. Your time is up. Thank you very much.

ANNIVERSARY OF WALKERTON TRAGEDY

Mr Bill Murdoch (Bruce-Grey-Owen Sound): On a point of order, Mr Speaker: I would like unanimous consent to have a moment's silence for the people of Walkerton who suffered so much a year ago in the tragedy.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed. Would all of the members and the guests in the gallery kindly rise for a moment of silence.

The House observed a moment's silence.

The Speaker: I thank all members and I thank our friends in the gallery.

VISITOR

The Speaker (Hon Gary Carr): Just before we begin question period today, in the members' gallery east we're pleased to welcome Mr Geoff Scott, the former federal member of Parliament for the riding of Hamilton-Wentworth. Please join in welcoming our special guest.

ORAL QUESTIONS

EDUCATION FUNDING

Mrs Sandra Pupatello (Windsor West): My question is for the Minister of Education. In my hands I have a letter that was written in January 2000. It's a letter from Mike Harris to Dalton McGuinty. In the letter, Mike Harris says that denominational school funding would—and I'd like to quote from the letter—"fragment and weaken our public education system in Ontario."

Mike Harris also says that the provision of denominational school funding would "remove from our existing public education system at least \$300 million per year, with some estimates as high as \$700 million." He concludes the letter by saying, "Obviously, such an action would" run directly "counter to Ontario's long-standing commitment to public education."

Minister, we're distributing the letter to all the government members so that they'll see what their leader has said to my leader. I'd like to know why a voucher for private schools appeared in the budget, counter to what your leader believes, and I want to know exactly what changed between this letter written by Mike Harris and the time that budget was tabled in this House.

Hon Janet Ecker (Minister of Education, Government House Leader): First of all I would like to correct what the honourable member said. There is no voucher program in the budget that was tabled and passed in this House.

Second, during the pre-budget consultations it was very clear that in respecting parental choice, if we were going to do it in the public system as we stated we would, it was also the appropriate thing to respect the choice those parents might wish to make by sending their children to independent schools. It's a matter of parental choice. This government respects that. We believed it was important to put that respect into action.

Mrs Pupatello: Minister, we want to know what changed, because here's a letter you wrote in January 2000 to the Honourable Lloyd Axworthy. I'll quote from this letter directly: "While the government recognizes the right of parents to choose alternative forms of education for their children, it continues to have no plans to provide funding to private religious schools or to parents of children that attend such schools. As was set out in the submission to the UN, extending funding to religious private schools would result in fragmentation of the education system in Ontario and undermine the goal of universal access to education."

To the Minister of Education, we need to know exactly what happened between the time that you penned this letter to the federal government and the tabling of the budget that includes a private voucher system for schools in Ontario, the largest change in public education in the history of the province.

Hon Mrs Ecker: I repeat that this is not a voucher program. This is a tax credit which recognizes that some

parents choose to educate their children in independent schools. When those groups came forward during the pre-budget consultations, it was the conclusion of this government that we had to respect that choice. I know your leader has said very clearly that he doesn't respect that choice, he will take that choice away from those parents, should he be elected—heaven forbid and God help us all—but we do respect that choice, and the tax credit proposal of the budget does indeed put that commitment, that respect, into action.

There is no question about this government's commitment to the public education system. We have increased funding. We have put in higher standards. We have taken steps that parents have said to us were necessary to make the public education system a better system. That commitment remains.

Mrs Pupatello: Just to review that letter from the Premier, he said, "Remove from our existing public education system at least \$300 million ... with some estimates as high as \$700 million," again, from the public education system—his words; your leader—and then you go on to say in your own letter that you agree it would result in the fragmentation of the education system.

Minister, we demand an answer on behalf of 2.2 million children in the public education system. How could you write a letter like this in January 2000, how can the Premier write such a letter acknowledging the fragmentation of the system, and today in this House you dare to give a self-righteous answer in terms of your support for a private voucher system?

1440

Hon Mrs Ecker: No one is proposing a voucher system, and let's be very clear about that. What we have is a tax credit for partial fees that recognizes and respects parental choice.

I should also point out to the honourable members across the way—

Interjections.

Hon Mrs Ecker: If she'd be quiet, she could listen to the answer.

Public education is a bedrock building foundation in this province for our economic prosperity, for our future quality of life. That's why we have spent so much money on public education. We continue to increase that investment. That's why we will continue to do that.

The scaremongering from the other side of the House is—when you look at what has happened in other provinces, they support independent schools in those provinces. It has not destroyed the public education system. This government would not support destroying the public education system. We will continue new investment, standards, curriculum, testing—

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

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. I think the parents and students in the public education system know how truly hollow the rhetoric coming from the minister is.

Minister, you're entrusted to ensure that every school that receives tax dollars is up to a standard. That's your job in this House. I've got here Bill 45. Bill 45 is your private schools voucher bill. But the power to set criteria and standards for private schools isn't given to you; in fact, it's not even given to us here in the Legislature. It's given to the finance minister, Jim Flaherty. It can't be clearer. Either you've abdicated your responsibility as Minister of Education or you've been shut out of it.

Minister, will you tell us, is it the Minister of Finance from now on who is deciding education policy in the province of Ontario?

Hon Mrs Ecker: Thank you to the honourable member, who supports funding for independent schools, for that question. The last time I checked, tax policy initiatives were released by governments in budgets. The last time I checked, legislation to implement tax credit policies was put forward not by the Minister of Education but by the Minister of Finance. That has always been the way tax policy is done in this province, in this Legislature, and I know that is the way their finance ministers did it as well.

Mr Kennedy: The double standard from the minister is truly startling. This is a minister who is prepared to abuse public schools right, left and centre, to make them fill in all manner of forms for this Soviet-style education you brought in, which we know now is for one purpose: to drive kids out of public education and into your new private schools.

Minister, you told us all week not to worry about standards or accountability, and then you said maybe there will be new standards. But we now know the truth. It's not your decision. You don't get to decide. Instead, Jim Flaherty, and just Jim Flaherty, gets to decide what kind of schools, what kind of children, what kind of money flows.

There are people all around the province who look to you: the 2.1 million students, foremost, mentioned by my colleague. Why have you given up their needs and rolled over to Jim Flaherty, the Minister of Finance, and let him run education in this province?

Hon Mrs Ecker: I confess: I'm not a tax policy expert. My Ministry of Education is in charge of education policy, not tax policy. Let's be very clear about that. The education policy is to set higher standards that this ministry, this government has brought in. Those accountability standards that the honourable member, that even Earl Manners now admits are good—

Interjections.

The Speaker: Minister of Education, sorry to interrupt. The member for Windsor West, come to order, please. Sorry, Minister.

Hon Mrs Ecker: Those same education standards that you are now trumpeting as so important are the same education standards that your party voted against every single time we brought in legislation to set those higher standards for the public education system, because we do care about the public system, we do recognize its

importance and we are continuing to take the steps that will ensure that that system gets better.

No one is proposing a voucher system, no one is proposing to take one penny out of the public education system, because it needs more dollars, more new investments, the kind of new investments we made this year in the budget, the kind of new investments—

The Speaker: I'm afraid the minister's time is up. Final supplementary.

Mr Kennedy: Let me tell you why this is important: because in this province, Minister, there are people who simply don't trust your neo-Conservative finance minister to make the decisions all by himself to bring in a private voucher system that no state in the US has even brought in, a tax credit like this to support private schools.

Jenna Pilon is 15 years old and she's a student in Huntsville, Ontario. She says to you, Minister, "If you think you've done all you possibly can in public education and this is the best children can receive, you'd better take a good look around." She wants you to stand up—

Interjections.

Mr Kennedy: What Jenna Pilon wants and what the people concerned with public education want is for you and the officials in your ministry, who are supposed to know what education is about, who are supposed to know what curriculum is about, to stand up for public education.

Minister, it might even be that this private voucher plan wasn't your idea—that's possible—but can you justify being the Minister of Education and standing idly by when there is no protection for these schools, for those students, and when it's—

The Speaker: The member's time is up. Minister of Education.

Hon Mrs Ecker: There goes the honourable member, the member of the Liberal Party, denigrating parents who choose to educate their children in an independent school. This government respects that.

The honourable member says, "Stand up for public education." We did. We introduced legislation to protect special-needs funding, to set higher standards, to bring in standardized testing, to bring in teacher testing, to bring in a number of initiatives which parents told us the system needed to be better. We brought it in. We had to fight them to do it—

Interjections.

The Speaker: Order. The member for Parkdale-High Park, come to order, please.

Sorry. Was the minister finished?

The member for Trinity-Spadina.

Mrs Tina R. Molinari (Thornhill): On a point of order, Mr Speaker: In my member's statement today, I mentioned the visitors from the Philippines. They are now in the gallery with us today, and I'd like to recognize them.

The Speaker: The member for Trinity-Spadina. Sorry for the interruption.

Mr Rosario Marchese (Trinity-Spadina): My question is to the Minister of Education. The executive director of the Ontario Federation of Independent Schools acknowledged that some Christian schools teach that homosexuality is not “normal.” Are you going to fund private schools that teach children that homosexuality is abnormal?

Hon Mrs Ecker: First of all, as the honourable member knows, there are laws in this province against intolerance, against teaching intolerance. Those laws will continue to be enforced in this province.

Again, this government understands that it is parents who make the decisions about what happens to their children in the classroom. As the honourable member should know, coming from Toronto, there are frequently serious, significant debates in the public system where parents may not agree with what a teacher or a school board is teaching their child in the classroom. It happens in the public system every day of the week. Do you know what? The laws are very clear: parents have a choice. Parents can make decisions for their children. We think that’s a very important principle in education policy. We think it’s an important principle in tax policy. We think it’s a very important principle for any government to respect. Obviously the members on the opposite side—

The Speaker: Order. The minister’s time is up. Supplementary.

Mr Marchese: Choice to discriminate is not the choice of most Ontarians. What we’re saying is that there are troubling questions about intolerance, segregation and fragmentation that your scheme might produce among our children. It concerns us to the extent that we’re saying you need to permit public hearings on this issue because there are troubling questions. You can’t just listen to your special interest lobbyists. You’ve got to listen to regular people on this particular issue to tell you what they think about the matter of giving public dollars to private schools.

We asked you yesterday, and we didn’t get an answer. Why is your party, the party that has demanded public hearings in the past the last time a change of this magnitude was made in education in Ontario, not at the moment agreeing with us that we need desperately to have public hearings on this issue? Just answer that question. It’s very simple.

1450

Hon Mrs Ecker: First of all, let’s be very clear to the honourable member, who may have missed this in his briefings on law in this province, there are laws against intolerance. There are laws against hate. There are laws against discrimination. It is against the law. I would hope in any community where that kind of thing is occurring that those laws are enforced.

Secondly, I find it insulting on behalf of all of those hard-working Ontario families out there that somehow or other the honourable member wants to divide up “regular” people based on their choice in education. Talk about discrimination. If you choose to have your child in the public system, you’re OK. If you choose to have your

child in another system, in a religious system, somehow or other that’s not OK. I find that approach objectionable.

Mr Marchese: The honourable member may have misunderstood, and perhaps deliberately, I don’t know, but I was talking about giving regular Ontarians an opportunity to be heard, not the regular kind of special interest lobbyists who come after you. That was the point I made.

On the issue of choice, I remind you of the quote I read a couple of days ago and which our leader read about what you said on this matter: “We’ve been very clear that our goal is a good quality public education, and the estimates of \$300 million needed to fund religious schools would be \$300 million that would come out of the public school system.” If that’s scaremongering, that’s what you were doing a while ago. I’m not doing that. I’m not saying this; you said that. We were equally afraid of this \$300 million being taken out of public education to divert it to the private system. I am echoing what you were saying, Minister. I’m not saying anything different.

I’m saying to you, if you agree with me in terms of what you said about six months ago, let’s have the public hearings. Come to our meeting tonight at 6 o’clock where you’re going to have educators, parents and students speak about defence for a public system and against public dollars for a private system. Will you come tonight to do that?

Hon Mrs Ecker: First of all, I regret I can’t come tonight because I have a previous commitment for a public meeting in my own riding. Thank you very much. I’m sorry, I can’t come. But I have written to your leader, and I have said I’d be very happy to hear about the results of that discussion tonight.

The other thing I would like to say is that I said I would not support taking \$300 million out of the public education system. I will say it again. I do not support taking one red cent out of the public education system. That is why we announced over—

Interjection.

The Speaker: Minister, take her seat. This is now the last warning for the member for Windsor West. If she continues, she’s going to be thrown out. Sorry, Minister.

Hon Mrs Ecker: Thank you very much, Mr Speaker. That is why I advocate for more money for the public education system, for higher standards for public education, and I will continue to do that because that is my job.

HOSPITAL FUNDING

Ms Frances Lankin (Beaches-East York): My question is to the Acting Premier. Minister, last year Ontario hospitals’ operating budgets were funded at the level of \$8.5 billion. In last week’s budget, you announced \$8.4 billion for the operating budgets of Ontario hospitals. That’s a decrease of \$100 million at a time when they were already facing a challenge of \$650 million in deficits, at a time when they’re facing a shortage of 12,000 nurses. I’d like to ask you a very simple question.

How would you advise Ontario hospitals to cut \$750 million from their operating budgets, hire 12,000 new nurses and provide quality patient care at the same time?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I know the associate Minister of Health wants to answer this.

Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]): Let me say very clearly that the hospital sector within the province of Ontario has had substantial increases in the last two years in the hospital system. Health care as a whole has increased by 5.4% this year. Hospitals increased by about 25% in the last two years. This government has made a commitment to health care, it's made a commitment to hospitals and it's made a commitment to nurses in Ontario. Each of these services are essential services, and the Mike Harris government supports all of them.

Ms Lankin: Lovely words, Minister. I'm sure everybody feels so much better now, but the nurses who are here in the gallery today, the nurses who attended outside today and went to the Premier's office and delivered over 10,000 postcards in protest of your treatment of nurses in this province, who have delivered petitions with over 10,000 signatures, demanding that your government fund hospitals for an appropriate settlement for nurses, won't buy a single word of what you just said. Hospitals are facing \$750 million in deficits. You have cut their operating budgets by \$100 million. We are 12,000 nurses short in the province. You cannot square that circle with nice words.

I ask you again: how do you advise the hospitals of this province to continue to provide patient care for the patient needs in our province while they cut \$750 million from their budgets and they attempt to hire 12,000 new nurses?

Hon Mrs Johns: Let me say that I and the Mike Harris government value the important work that nurses do in Ontario. They do a very important service, a terrific job for the province, and we're very grateful for that.

To show our commitment to the nurses of the province, we created a nursing task force in 1998 that looked at what we could do to help nurses. They addressed issues of nursing supply and what we could do. We invested \$375 million to ensure that there were enough nurses in the system, to make sure that they were there for the future. We not only invested it for one year; we invested that money long-term to ensure that we had the proper support for nurses in this province, because we believe in what they do. The Mike Harris government believes in nurses in the province of Ontario.

EDUCATION FUNDING

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Education, and it concerns her government's educational tax credit policy. I have in my hand a copy of the bill that will turn your government's private school tax credit policy into law. According to this bill, it is very clear that all details

regarding the eligibility of private school students for this new tax credit will be determined in regulations to be passed by your cabinet.

Minister, will you please tell this Legislature today specifically what these cabinet regulations will say in these areas: will these regulations require that any and all private schools eligible to receive students with this tax credit will and must hire provincially certified teachers, that these private schools will also be required to fully implement the Ministry of Education curriculum, that these private schools must accept regular and rigorous Ministry of Education inspection, and that these private schools must also accept public governance?

Hon Janet Ecker (Minister of Education, Government House Leader): The budget made very clear that there will be consultations and discussions about how to implement tax credit policy, as there usually is. I would thank the honourable member for his recommendations to that discussion.

Mr Conway: We are but weeks away from the beginning of a school year in which this new private school educational tax credit policy is going to apply. It's a matter of weeks and months. The minister has clear responsibilities under section 8 of the Education Act, and her government talks about accountability of public funds and standards for educational outcomes in the province.

I want to know, and the people and the parents of Ontario have a right to know, now, will this government require that any private school eligible to receive students whose parents will qualify for this educational tax credit will be expected, as a minimum, to hire certified teachers, to fully implement the provincial Ministry of Education curriculum, and that these private schools must also accept rigorous Ministry of Education inspection? Will you give this Legislature a guarantee that those requirements of accountability and educational standards will be a minimum in these guidelines that presumably will be available and in effect for September of this year?

1500

Hon Mrs Ecker: I would like to thank the honourable member for his support of our educational policies in this government and the standards that we have set.

I would also like to assure the honourable member that I do agree that parents have a right to know, that parents, when they make decisions about where they wish to send their child for education, need to know.

I would also again repeat: he's made recommendations about where the Liberal Party is coming from on this. I find it a little interesting that on the one hand he's now arguing that parents have the right to know, that he thinks that should be a principle for policy. I do agree with that. But when the push comes to shove, do you respect what those parents might decide if they have the right to know? No. You want to take that decision-making power away from parents. You are very clear. You do not respect that parental choice. You have promised to take it away from parents.

SMART GROWTH STRATEGY

Mr Steve Gilchrist (Scarborough East): My question is for the Minister of Municipal Affairs and Housing. Two years ago I called for a freeze on development on the Oak Ridges moraine and a consultation with all the stakeholders to determine the best long-term strategy to protect the environmentally sensitive portions of that important land feature. Since then, to say the least, I have had a vested interest in the outcome of the debate that ensued.

Today you announced a six-month freeze on development on the Oak Ridges moraine, and I understand that you intend to use this time for intensive consultations to determine the appropriate actions to take. I know that your announcement will continue to confound the skeptics who have, as recently as yesterday, insisted that our government was unwilling to take on the extraordinarily complex and important task of laying out a long-range strategy to protect the moraine, just like the vision we have shown in protecting and expanding the Rouge Park and hundreds of other parks all across Ontario.

Minister, my question is about the important consultation process. Can you tell this House with whom you plan to consult, and if my constituents and others who are truly committed to reaching a fair consensus on the future of the moraine want to participate in the consultation process, how can they get involved?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I want to thank the member from Scarborough East for his question. I know he's been working hard on this issue for quite some time, and I welcome his input.

Today I want to thank the members of the Legislature as well for granting passage of first, second and third reading of this bill, but I want to caution all members that this is really just the first step on how we reach a consensus on what needs to be protected, how it should be protected, what areas should be developed, how they should go forward with clear and certain rules on doing that. In the consultation process, thanks to the Legislature approving the bill on first, second and third reading, we can begin that implementation earlier than anticipated. The details will follow.

What we want to try to do is have a round-table consultation with those involved and public input to get people together, similar to our Lands for Life process, which at the time, you'll recall, was greeted with cynicism from the Liberals. I'm glad to see they've learned that we do care about the environment and are capable of implementing these moves.

Mr Gilchrist: Thank you for your answer, Minister. I want to congratulate you and all the cabinet for showing the courage and vision to commit to this important initiative and to move, as no previous government has, to bring into effect the long-term planning policies that will find a balance between the protection of our environment and the need to manage growth.

Two weeks ago, this Legislature gave second reading approval to my private member's bill which called for the same long-range planning exercise. I can't begin to thank you for building on the suggestions in that bill and moving forward on the final resolution of the debate on the future of the moraine. My bill went further, though, and indicated that, as part of Smart Growth, if we were to control unfettered urban sprawl, we had to offset that with measures to encourage urban intensification, including a review of the treatment of brownfield sites. I know you also introduced a bill earlier today that seeks to clarify the rules surrounding the redevelopment of brownfield sites, and this will obviously reduce the pressure to develop green spaces.

Minister, can you tell me how this second bill ties in to the protection of the Oak Ridges moraine?

Hon Mr Hodgson: Today's bills do go together. One is to protect green space and get a balance to allow for growth in a predictable way, and also to protect a legacy for the next generation in terms of open space.

The brownfields legislation is designed to redevelop these contaminated sites by clarifying the rules around how we go about bringing them back into production. In most cases they are located in areas where we have services and we have transportation.

This is an effective and efficient use of our resources, and I encourage the House to pass this bill. I know that you will have questions about it, but I think it will work well in promoting a made-in-Ontario Smart Growth strategy.

EDUCATION FUNDING

Mrs Lyn McLeod (Thunder Bay-Atikokan): My question is for the Minister of Education. I have heard you talk about your government's responsibility for implementing school curriculum. I've heard you talk about the standards your government claims to be upholding. I've heard you say that you believe in public education.

Minister, I have been an advocate for public education for 33 years now. I really do believe in it. I believe that one of the great strengths of public education is its inclusiveness. I believe that one of the great goals of public education is to bring together people from all backgrounds in this diverse and multicultural province of ours, and I believe that one of our great purposes is to build understanding, tolerance and mutual respect. I believe that teaching and learning these values are as much a part of the curriculum as reading, writing and mathematics.

As you give people a financial incentive to opt out of the public education system, as you move toward the fragmenting of public education that no one would ever have believed could be possible, I ask you today, how do you, as the Minister of Education, ensure that this curriculum of tolerance and mutual respect will be upheld in every school?

Hon Janet Ecker (Minister of Education, Government House Leader): First of all, I agree with the honourable member about the value, the strength and the purpose of public education. I congratulate her on her years of advocating for public education. Our caucus has family members, children, relatives who are teachers, who go to the public education system because we do support the public education system and recognize its value in this society in Ontario.

We will continue to have that respect and that financial support for the public education system and for the values that are incorporated in part in that public education system.

The Speaker (Hon Gary Carr): Supplementary?

Mr George Smitherman (Toronto Centre-Rosedale): Minister, today the Supreme Court of Canada clarified the right of the provincial government to promote a classroom environment free of bias, prejudice and intolerance in the public school system.

Yesterday morning the member for Thornhill, a leading advocate of your private school voucher system within your government, sponsored a press conference with the leading supporters of your voucher system. One of these supporters, John Vanasselt of the Ontario Alliance of Christian Schools, said that gays and lesbians are not normal. His comments are harmful to my community and they raise a very serious concern about the introduction of government funding to private schools.

Minister, your earlier answer, that discrimination will be tolerated unless others initiate hate crimes or human rights code challenges, is wholly inadequate. What active efforts will you take to ensure that an environment free of bias, prejudice and intolerance will be created with these public dollars?

Hon Mrs Ecker: First of all, no one in this government supports intolerance, supports discrimination, supports hatred toward any group, and no one in this government has ever said anything to the contrary. I find that suggestion from the honourable member to be highly objectionable.

1510

TOURISM

Mr Doug Galt (Northumberland): My question is directed to the Minister of Tourism, Culture and Recreation. I read in the National Post just yesterday that according to a poll, most Canadians are not satisfied with airline service in Canada. Fewer than half of those polled said they considered prices to be good or very good. This poll seems to confirm what I hear from time to time from my constituents. They're not happy with the airline service, especially because there's no competition for domestic flights.

Minister, when it costs more to fly from Toronto to Sioux Lookout than it does to fly to the Caribbean and take a full-week cruise with extras, something is indeed seriously wrong. As the minister responsible for promoting the tourism industry in Ontario, can you tell me what

impact customer dissatisfaction is having on tourism in Ontario?

Hon Tim Hudak (Minister of Tourism, Culture and Recreation): I thank the member for Northumberland for his question. He makes a good point: the challenges when it's a lot cheaper to fly to other jurisdictions than flying either within this province or from one point in the country to another.

In answer to his question directly, yes, we're very concerned about the lack of competition in air services, very concerned that monopolies tend to result in higher prices and poorer quality of service. We want as a policy in Ontario to ensure that tourists not only visit Ontario but stay longer and spend more money in our restaurants, hotels and attractions.

I've heard the same from tourism ministers from coast to coast. Earlier this week we had the provincial and territorial tourism ministers' meeting all united on this. Whether from Yukon, New Brunswick, Ontario or Quebec, we are very concerned about the lack of competition in the airline industry. We want to ensure that airlines are open, accessible and responsive to our \$50-billion national tourism industry. That's why we're calling on some federal action, to make sure there is competition and fair and reasonable prices in the airline business.

Mr Galt: I appreciate the answer from the minister and the importance of holding the feds' feet to the fire. But since they're Liberals, what can we really expect? We've seen what happened in health care, starting out with 50-50 and it got down to 7% and it's back up to about 11%. We've seen what they did for the grain and oilseed producers—they really only went halfway—and now they're after a salary that's more than twice what we get as MPPs.

Minister, when I hear complaints about the prices and services on airlines in Canada, I wonder if there's anything that we as a provincial government can do about it. Did any plan of action come out of your discussion with your provincial colleagues about how to address this particular issue?

Hon Mr Hudak: I think we can always make every effort possible to encourage the federal government to act to ensure that the airlines are open and accessible, with low prices. There is some concern, though. One of the presenters at our tourism ministers' meeting indicated that David Collenette, the Minister of Transport, said that we've seen a remarkable job by Air Canada. I don't think members of this House are going to agree with that assessment of the competition in the airline business.

We have to look at the big picture. It's not simply the airline industry that should be the only concern for airline restructuring. Obviously, the \$50-billion national tourism industry should play a major role in addressing this important issue.

So we're united, each of the ministers in the territories and the provinces, in calling on action at the federal level. In fact, we're going to ask industry minister Brian Tobin. We see an opportunity for him to champion at the cabinet table these issues of tourism, the many jobs and

the great potential in this industry. We'll be arranging that meeting in the near future.

ANNIVERSARY OF WALKERTON TRAGEDY

Ms Marilyn Churley (Toronto-Danforth): I have a question for the acting Premier. This Sunday the people of Walkerton are holding events to mark the first anniversary of the Walkerton tainted water tragedy in which seven people died, one of whom was a two-year-old child. The Minister of the Environment has said that neither she nor the Premier is going to Walkerton on that day. Indeed, as I understand it, your government is doing nothing to commemorate or pay tribute to the dead or take any action whatsoever for that day and on that day. Can you confirm that this is the truth?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): Walkerton, I think everyone in this House and everyone in the province knows, was a very tragic and unfortunate event, and our thoughts continue to be with the community of Walkerton. As the anniversary approaches, our thoughts and prayers are especially with those who lost family members in this tragedy.

I understand that the various community groups have organized events to mark the anniversary. Again, our thoughts are with the community at the time, and I'm sure it will be a very difficult time.

I know that our government, through various contacts and along with the local member, has talked to the community. This is the course they would like us to play in this event. They want to make this a community event that's private. They do not want to see this turned into in any way a political statement. This is a time for the community to come together and go through their grief as a community.

Ms Churley: Earlier I wanted to read a statement which was sent to me by people who live in Walkerton and I couldn't get unanimous consent to relay some of the voices of the people of Walkerton. They talk about ongoing problems with boil-water alerts. In fact, in the Grey-Owen Sound area that's happening right now.

We had a report just released from OPSEU. The front-line workers say that the environment budget and staffing are still far below the levels they were before your government launched its attack to cripple the environment ministry. Even since the latest \$25 million was put in, the funding level is still about \$43 million less than when you were first elected. The fact is, the only reason the minister can talk about an increase in prosecutions is because you had cut it to an all-time low.

Minister, what I'm asking you to do today, for the people of Walkerton and the people across the province, is to commit to putting 500 new workers as outlined in a report from your own ministry and to bringing the budget up to at least the levels that they were in 1994. Would you do that?

Hon Mr Hodgson: I would just like to thank the member. I know that she, like all members of this Legis-

lature, understands the magnitude of the tragedy that has affected the community of Walkerton.

I would just like to remind her—and I know that she's aware, like all members of the House—that this government has done a tremendous amount of work with the municipality over the last year. We've worked with the municipality to ensure that the water system is being operated—operated a hydrogeological study on the groundwater conditions around the wells in Walkerton, ensured that all buildings in Walkerton were decontaminated, oversaw the installation of the filtration and chlorination treatment systems, and worked with the municipality to make sure that they had the tools to get on with providing the service to the residents in a safe manner.

As the Premier stated at the time, we've been there to help the community in any way that they needed help. I'd just like to say that we appreciated the support we got from all members of this Legislature around that.

NORTHERN MEDICAL SCHOOL

Mrs Lyn McLeod (Thunder Bay-Atikokan): My question is for the Minister of Northern Development. Your government came into northern Ontario today with what was supposed to be an historic announcement, and instead you delivered a devastating blow to all of north-western Ontario.

You had a consensus across all of the north that a new medical school based jointly in Thunder Bay and Sudbury is absolutely essential if we are ever going to solve the problem of doctor shortages in the north. You had a made-in-the-north solution put forward with the support of our universities, our municipalities, our chambers of commerce, our doctors. You had a report from your own expert panel that said you should set up three new centres for medical training in Thunder Bay, Sudbury and Windsor. You ignored all of it.

Minister, I have lots of questions today. Why have you ignored your own expert panel recommendations? Why have you decided that you know better than northerners what will work in the north? Why have you shut half of northern Ontario right out of your plans?

Hon Dan Newman (Minister of Northern Development and Mines): I want to say today that the Mike Harris government is firmly committed to addressing the health care needs of the people of northern Ontario. It was this government that was the first government in this province to recognize the challenges faced by northerners in retaining and recruiting health care professionals, but also working toward a made-in-northern-Ontario medical school, and that is what we did. We listened to the people of northern Ontario and we responded with that made-in-northern-Ontario solution.

But I tell you today it's all about bringing doctors to the north. It's not about Sudbury versus Thunder Bay and it's not about Laurentian versus Lakehead. It's about bringing doctors to the north. While your caucus continues to fight about which side is going to be where in

northern Ontario, we'll be there fighting on behalf of health care for northerners.

Mrs McLeod: The very people who have worked their hearts out on that made-in-northern-Ontario solution are calling your announcement today an abandonment. They're calling it a betrayal.

Minister, if you wanted to do something about doctor shortages you'd have to understand the problem, and you're clearly not prepared to do that. We need to train doctors where they are desperately needed. That's in the northwest and the northeast and the southwest. We need incentives for new doctors to come and practise in places where they are needed. Your expert panel said there should be \$10 million committed right now, this year, to put in place new incentives to bring doctors into, and keep them in, our communities. We need to get foreign-trained doctors licensed faster so they can get into our communities right now. Your expert panel said that you had to start doing that right now, today. You have not done any of that, and your government has not understood how urgent this situation is.

1520

Minister, I ask you today, given this betrayal, given this abandonment of the made-in-the-north solution, will you get on a plane with me later on this afternoon, will you come to my community and will you explain to the people in my community and in northwestern Ontario why you have let them down so badly on this most urgent issue?

Hon Mr Newman: Nothing could be further from the truth. In fact, you sat at the cabinet table when you were part of the cabinet of your government. This has been talked about for 30 years in this province. This is the first government to move forward with a made-in-northern-Ontario medical school. You know that.

Let's talk about the announcement today: 55 places in a made-in-northern-Ontario medical school, 20 for northwestern Ontario—that's 20 in Thunder Bay. How you can be against that is beyond belief.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Minister of Community and Social Services. This week is Community Living Week in Ontario. Over the last number of years I've been very privileged to work closely with the people in my community who provide support for people with developmental disabilities.

The tremendous dedication of these families and caregivers makes a real difference in the lives of tens of thousands of Ontarians. Earlier this week, we had the opportunity to celebrate their successes, but also to talk about what we need to do to make sure that community agencies are ready to help more people reach their full potential.

I know the government announced new funding for developmental services in last week's budget, but I

wonder if the minister can tell us how this money will help to address the pressures that are currently facing the system.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): I want to congratulate the member opposite for her commitment to community living and helping provide support to people with intellectual handicaps in Ontario. She has been one of many members on all sides of the House who have worked actively on this issue.

I was pleased to see in the budget an unparalleled commitment to people with developmental disabilities, the biggest investment we've seen in Canadian history of an increase in support and the capacity of the system to provide help to people with developmental disabilities. Through the announcement contained in the budget, we gave the sector what it wanted: a multi-year strategy, a plan to build and provide more funding to help ensure that we deliver good quality care to people with a developmental disability in this province, to provide more opportunity for respite care, and particularly to support families in their own homes when they have to work with an adult child or a family member with a developmental disability.

I was particularly pleased to see the continued emphasis that this government has placed on helping parents who are aging with an adult child with a development disability, and that's more good news contained in the announcement.

Ms Mushinski: Thank you for that response, Minister. But one specific concern that families have consistently raised with me is the supports that are provided for aging parents who care for their adult son or daughter. With an aging population, many families are worried about their ability to care for their children and what may happen to them once they can no longer help them with their day-to-day needs.

Minister, can you tell me what action your ministry will take to make sure these families have the supports they need to continue to provide the best care possible for their children?

Hon Mr Baird: We can do a number of things. We can provide more supports to these aging families in their own home: supports like respite care, supports through increases in special services at home, supports to provide more residential or respite out-of-home care.

We can also provide more residential support when an aging family isn't able to provide care. This can be particularly important with an aging parent, 80 or 82 years old, as many of the parents I meet with each and every day are. They want to be able to go to bed with the confidence to know that if the next morning they are not able to provide the help to those folks in their life, there will be someone else there to do it for them. They want to have the confidence to be able to do that. I was pleased the budget was able to take a big step forward in that regard.

I was also pleased to hear the president of the Ontario Liberal Party, Greg Sorbara, say, "They, the government, did some good things for people with developmental disabilities and the developmentally handicapped, that they ought to be congratulated for doing so." It was long overdue.

HOSPITAL RESTRUCTURING

Mr Mario Sergio (York West): My question is for the Minister of Health, who is not here. I know he's busy, so I'll give a chance to the Acting Premier. Minister, first we had hospital closings. Then we had hospital amalgamations and closings. I have to say this is not a very healthy trend for the people of my riding or for the people of the northwest area of Toronto.

Insidious rumours persist that the three Humber River Regional Hospital sites—the Finch, Keele and Church sites—will close and be replaced by a new regional superhospital. The community is genuinely alarmed to hear this news. Emergency services will be moving farther away, emergency lineups will be growing even longer and other hospital services, hospital care, will be deteriorating even more so.

On top of that, the catchment area has been widened too, from Bloor in the south all the way to Bolton, Nobleton and Schomberg in the north.

Minister, I would like you today in the House to appease the people of York West and the people in the northwest area of Toronto. I'm asking you today to stop the insane idea of closing three community hospitals.

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I know the associate minister of health wants to answer this.

Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]): I'd like to thank the member opposite for the question. Let me say that we have gone through a long process of hospital restructuring in Ontario. There's been much consulting that has gone on—we had an independent commission that came forward, we have consulted with the people of the province—and we certainly take every opinion, every desire of the community into account. We move forward to make that sure the main goal is that we provide quality health care to the people of the province as close to home as can be. But it's important to have quality, good health care close to home, and that's the objective of the Mike Harris government.

Mr Sergio: With all due respect to the associate minister, evidently she is not aware of what's going on in the area. I'd like to address my supplementary question to the Acting Premier.

The writing is on the wall, Minister, and now you can see why the community is up in arms and very apprehensive. Let alone the funding cuts which have been decimating the health care system and hospital care, let alone the closing of three community hospitals, we now fear, the community now fears, that you will agree to build a new regional superhospital worth some \$300 mil-

lion or so and then privatize it—let a private, for-profit company run a new regional hospital. I want you today to make a commitment to the House, to the people of York West and to the people in the northwest area that you or your government will never allow the closing of the three community hospitals, the building of a new regional hospital, and that you will never privatize it. Will you make that commitment today?

Hon Mrs Johns: Let me correct the question. First of all, let me say very clearly that hospitals in the last two years have not been cut by the Mike Harris government. There has been a continued commitment to hospitals and to health care in this province. In fact, since 1995, when we were elected, the health care budget has gone from \$17 billion to \$23 billion. As the member opposite talks, Humber River Regional Hospital has requested approval to develop a new site.

What we've done, as opposed to just approving that site, is ask the Toronto District Health Council to review this proposal. We've asked them to get local and regional input so they can give good advice to the ministry. And we await that local advice, because we've always waited for local advice in the province. That's the way we make sure the communities are supportive of every decision we make in health care.

1530

HIGHWAY IMPROVEMENT

Mr Wayne Wettlaufer (Kitchener Centre): I have a question for the Minister of Transportation. Minister, over the last 20 or 25 years, Kitchener, which forms part of Waterloo region—and Waterloo region, as you probably know, is one of the most important economic regions in this whole country—has been growing dramatically, as has the region. With that growth, there has been significant growth in the number of automobiles on the roads and the area surrounding it as well, not just the region. Minister, congestion and gridlock are not restricted to Toronto. Congestion and gridlock are known in my riding as well, but we don't whine and gripe like Toronto does.

What are you doing to make sure that the highways in my community are safe and can take on this increased capacity?

Hon Brad Clark (Minister of Transportation): I thank the member for the question. A modern transportation network is vital to safety and to continued economic prosperity, not only in Ontario but in Kitchener and also Toronto. I appreciate the member's interest in this issue. By the end of this fiscal year, the Harris government will have invested more than \$6 billion in highway capital programs. This investment level in unprecedented in the province's history. The province's highway system is in its best state of repair since the mid-1980s, and our safety record is wonderful: the second-safest roads in Canada.

In the 2001 budget, our government announced a significant investment in strategic infrastructure in provin-

cial highways, transportation and interregional transit. In fact, this year's highway and interregional transit capital budget is approximately \$1 billion.

As for the member's safety concerns, my ministry created the Ontario Advisory Group on Safe Driving in the fall of 1999 to assess the best ways to combat—

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

Mr Wettlaufer: Minister, I think you missed my first question. There was a specific reason I asked that question. I know what we've done as a government for all of Ontario, but I'm talking about my riding. In my riding, there is a section of Highway 8 at Conestoga Parkway that has been particularly problematic, especially during the rush hour.

I want you to know that this is one of the busiest highway intersections in all of Ontario. It has one of the highest accident rates of any highway intersection in all of Ontario. It is not uncommon for me to take half an hour to drive from Highway 401 to this intersection, which is a distance of five kilometres.

Traffic moving westbound from Conestoga Parkway must share the same lane as traffic entering and exiting Highway 8, but the distance between the on and off ramps is too short to accommodate this traffic. What are you going to do to address this issue?

Hon Mr Clark: My ministry is aware of this issue and is now working to address the situation. Due to the extent of the work needed for reconstruction of the Highway 8 and Conestoga Parkway interchange, it was split into two phases. I'm pleased to report that phase one, the widening of the parkway, was completed in the summer of 2000, at a cost of \$22 million.

To address the safety and operational concerns of the existing interchange, including the short distance between the westbound entrance and the exit ramps, it's necessary to enter construction for phase two. Phase two involves widening a section of Highway 8 from four to eight lanes and construction of a new interchange, including a direct exit ramp. The cost of the project will be \$33 million. I would like to note for the member that we are planning to phase the construction in over a three-year period. This will ensure that traffic interruptions are minimized and that the construction zone will be safe for the workers.

NORTHERN MEDICAL SCHOOL

Mr Gilles Bisson (Timmins-James Bay): My question is for the Minister of Northern Development and Mines. Minister, why did your government today deny the—

Interjections.

The Speaker (Hon Gary Carr): Order.

Mr Bisson: My question is for the Minister of Northern Development and Mines. The question is very simple. Why did your government reject the made-in-northern-Ontario solution that would have proposed that the northern medical school be established in two sites,

one in Sudbury, one in Thunder Bay? Why did you decide to go to one?

Hon Dan Newman (Minister of Northern Development and Mines): In fact, the announcement today about the made-in-northern-Ontario medical school, 55 spots for people to learn to become doctors in the north at this made-in-northern-Ontario medical school, has been well received. The announcement today dealt with the main location being at Sudbury's Laurentian University, also there being a clinical education campus in Thunder Bay.

I know that members of the opposition parties have spoken in favour of more medical school spaces in the province. The Minister of Health today announced further medical school spaces, and in fact 55 of those will be at the new medical school in northern Ontario.

The Speaker: The time for question period is over.

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: You can help me with this; this is a ruling. Is it possible for me to request on behalf of the member for Kitchener Centre a late show? I would like to request that on his behalf to help him out.

The Speaker: It is not. I looked for you because I figured it was petition time and you would be first up.

BUSINESS OF THE HOUSE

Hon Janet Ecker (Minister of Education, Government House Leader): Pursuant to standing order 55, I have the statement of business of the House for the week of May 28:

Monday afternoon we will continue debate on Bill 30. Monday evening we will be doing second reading debate of Bill 45.

Tuesday afternoon we will continue debate on Bill 30. Tuesday evening we will continue debate on Bill 45.

Wednesday afternoon we will continue debate on Bill 30. Wednesday evening we will continue debate on Bill 45.

Thursday morning during private members' business we will discuss ballot items 9 and 10, and other business will be determined at a later date.

PETITIONS

NURSES

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

"Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

"Whereas there is a chronic nursing shortage in Ontario; and

"Whereas the Ontario government has failed to live up to its commitment to provide safe, high quality care for patients;

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

"We demand the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need. The Ontario government must:

"Ensure wages and benefits are competitive and value all nurses for their dedication and commitment; ensure there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and the community; ensure government revenues fund health care, not tax cuts; ensure front-line nurses play a key role in health reform decisions."

These petitions have been signed by no less than 9,820 nurses across this province. I affix my signature in full agreement with their concerns, and that is shared by all members of our caucus.

EDUCATION TAX CREDIT

Mr Bob Wood (London West): I have a petition which reads as follows:

"Whereas wide parental and student choice are essential to the best possible education for all students; and

"Whereas many people believe that an education with a strong faith component, be it Christian, Muslim, Jewish, Hindu or another religion, is best for their children; and

"Whereas many people believe that special education methodologies such as those practised in the Montessori and Waldorf schools are best for their children; and

"Whereas over 100,000 students are currently enrolled in the independent schools of Ontario; and

"Whereas the parents of these students continue to support the public education system through their tax dollars; and

"Whereas an effective way to enhance the education of those students is to allow an education tax credit for a portion of the tuition fees paid for that education;

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

"To pass the budget bill giving tax credits to parents of children who attend independent schools as soon as possible."

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 this water-taking permit 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."

I agree with this petition and will affix my signature to it.

1540

DIABETES TREATMENT

The Acting Speaker (Mr Bert Johnson): Further petitions? The Chair recognizes the member for Scarborough—

Ms Marilyn Mushinski (Scarborough Centre): Scarborough Centre. The centre of the universe.

I have a petition addressed to the Legislative Assembly of Ontario.

"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 attach my signature to this petition.

NURSES

Mr James J. Bradley (St Catharines): This is to the Legislative Assembly of Ontario.

"Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

"Whereas there is a chronic nursing shortage in Ontario;

"Whereas the Ontario government has failed to live up to its commitment to provide safe, high-quality care for patients,

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

"We demand the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need. The Ontario government must:

"Ensure wages and benefits are competitive and value all nurses for their dedication and commitment; ensure that there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and the community; ensure government revenues fund health care, not tax cuts; and ensure front-line nurses play a key role in health reform decisions."

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

BRAIN TUMOURS

Mr Bob Wood (London West): I have a petition signed by 152 people.

"Whereas early detection and treatment of brain tumours are vital to survive from this devastating disease;

"Whereas brain tumours strike people of all ages, from newborns to seniors, crossing all economic, social and ethnic boundaries and all walks of life;

"Whereas brain tumours are the most common cause of solid cancer in children; and

"Whereas brain tumour research, patient and family support services and awareness among the general public are essential to promote early detection and treatment of brain tumours,

"We, the undersigned, therefore respectfully petition the Parliament of Ontario to pass a law proclaiming the month of October in each year as Brain Tumour Awareness Month."

NURSES

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

"Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

"Whereas there is a chronic nursing shortage in Ontario;

"Whereas the Ontario government has failed to live up to its commitment to provide safe, high-quality care for patients,

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

"We demand the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need. The Ontario government must:

"Ensure wages and benefits are competitive and value all nurses for their dedication and commitment; ensure there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and the community; ensure government revenues fund health care, not tax cuts; and ensure front-line nurses play a key role in health reform decisions."

PROTECTION OF MINORS

Mr Joseph Spina (Brampton Centre): "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."

I submit this on behalf of my colleague Mr O'Toole.

NURSES

Mr James J. Bradley (St Catharines): I have another petition to the Legislative Assembly of Ontario:

"Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

"Whereas there is a chronic nursing shortage in Ontario; and

"Whereas the Ontario government has failed to live up to its commitment to provide safe, high-quality care for patients;

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

"We demand the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need. The Ontario government must:

"Ensure wages and benefits are competitive, and value all nurses for their dedication and commitment; ensure there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and in the community; ensure government revenues fund health care, not tax

cuts; and ensure front-line nurses play a key role in health reform decisions.”

I affix my signature as I'm in complete agreement.

PROTECTION OF MINORS

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

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

“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.”

I'm pleased to affix my signature to this petition.

NURSES

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): This petition is from the Bowmanville area to the Legislative Assembly of Ontario.

“Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

“Whereas there is a chronic nursing shortage in Ontario; and

“Whereas the Ontario government has failed to live up to its commitment to provide safe, high-quality care for patients;

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

“We demand the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need. The Ontario government must:

“Ensure wages and benefits are competitive, and value all nurses for their dedication and commitment; ensure there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and in the community; ensure government revenues fund health care, not tax cuts; and ensure front-line nurses play a key role in health reform decisions.”

I will sign this petition because I completely agree with it.

1550

MUNICIPAL RESTRUCTURING

Mr Gilles Bisson (Timmins-James Bay): I have a petition here that I feel is going to take a minute and 16 seconds to read.

“To the Legislative Assembly of Ontario:

“Whereas the citizens of Victoria county had no direct say in the creation of the new city of Kawartha Lakes; and

“Whereas the government by regulation and legislation forced the recent amalgamation, against the will of the obvious majority of the people; and

“Whereas the government has not delivered the promised streamlined, more efficient and accountable local government, nor the provision of better services at reduced costs; and

“Whereas the promise of tax decreases has not been met, based on current assessments; and

“Whereas the expected transition costs to area taxpayers of this forced amalgamation have already exceeded the promised amount by over three times,

“Be it resolved that we, the undersigned, demand that the Legislative Assembly of Ontario immediately rescind this forced amalgamation order and return our local municipal government back to the local citizens and their democratically elected officials in Victoria county and remove the bureaucratic, dictatorial, single-tier governance it has coerced in all sectors.”

I've signed that petition.

ORDERS OF THE DAY

REMEDIES FOR ORGANIZED CRIME AND OTHER UNLAWFUL ACTIVITIES ACT, 2001

LOI DE 2001 SUR LES RECOURS POUR CRIME ORGANISÉ ET AUTRES ACTIVITÉS ILLÉGALES

Mr Young moved second reading of the following bill:

Bill 30, An Act to provide civil remedies for organized crime and other unlawful activities / Projet de loi 30, Loi prévoyant des recours civils pour crime organisé et autres activités illégales.

Hon David Young (Attorney General, minister responsible for native affairs): I'm very pleased to be here today to talk about what is indeed a very important piece of legislation. I'll be sharing my time, with your permission, with two of my colleagues: David Tilson, the member of provincial Parliament from Dufferin-Peel-Wellington-Grey, as well as Raminder Gill, from Bramalea-Gore-Malton-Springdale. I've pretty much exhausted my time.

Let's be very clear. The aim of this legislation is to take the profit out of organized crime. We introduced

similar legislation in the last session and have utilized the time between the point where that session prorogued and this time in order to refine certain portions of the bill.

I'm very pleased to say that if a majority of the members of this assembly choose to vote in favour of this legislation, we in Ontario would have the ability to use 21st-century tactics to deal with what is indeed a 21st-century plague.

I'm going to take a few moments, if I may, to talk about what this bill would do if it is indeed passed by this assembly. There has been a great deal of discussion about the fact that, if passed, this legislation would enable judges to seize, freeze and forfeit to the crown proceeds of unlawful activity. We believe that is the essence of the solution that is needed to combat organized crime.

Let's be very clear. Those who engage in organized crime do so for one primary reason: that is to make money and to gain property. That's the lifeblood of organized crime in this province, in this country and throughout the world. They want money; they want property. This bill strikes at that.

If it is passed, this bill will allow the government to engage in what is in some respects a new, innovative and unprecedented step forward, and in other respects simply utilizes what is an age-old remedy. It will utilize the civil courts to have property returned to its rightful owner.

Let's be very clear: criminal investigations and prosecutions are still going to be the cornerstone of our fight against organized crime. Ontario, though, will pursue wrongdoers and arrange for the return of property at the same time. It will be a parallel piece of legislation.

Our government made a commitment in the Blueprint, the policy that we went to the people of this province with, a commitment that said very clearly that we would come forward and fight organized crime, and we would do so because organized crime is a blight on our society. There are some out there who think that they are not in any way, in any shape or in any form affected by the activities of those criminals. Let me tell you they are wrong. It is not just about having your car stolen or your credit card stolen on a given occasion. Organized crime affects all of us, every person in this province, every person in this country. It affects hard-working people in numerous ways, including by increasing the cost of goods. Costs go up because merchants and others, manufacturers, do not have the ability to gain the revenue that they are entitled to, that they deserve from the proper sales of items.

Another example, one that I suspect every individual within this chamber and almost every individual across this province is affected by is insurance premiums. Insurance premiums go up each and every year at least partially because of the activities of these criminals. When we lose a car we go to our insurer and most of that cost is reimbursed. But it is coming from somewhere. What this bill will do is zero in on the property aspects of that unlawful activity, the profit and the capital of that unlawful activity. By taking this approach, we believe that we will disrupt the activities of organized criminals.

I want to be clear, however: this bill would not be breaking new ground in the sense that it does return property to the rightful owner. Civil law has been used to adjudicate property disputes for as long as common law has existed. In fact, this dates back to the very roots of our modern legal system. But what we are doing here is creating a mechanism whereby individuals who may have only lost \$100 or \$200 or \$1,000 or \$2,000 have some realistic, practical vehicle through which they can have their property returned. Remember what we are talking about here. We are talking about having the government assist individuals in the return of their property. These are the victims, and the government will be helping to return property to those individuals.

The scope of the problem is worthy of some comment. A recent federal government study suggested that between \$5 billion and \$9 billion each and every year is lost—

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the member for Timmins-James Bay on a point of order.

M. Gilles Bisson (Timmins-Baie James) : Je crois qu'on n'a pas les nombres suffisants pour avoir un débat ici.

The Acting Speaker: Would you check and see if there's a quorum.

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Acting Speaker: Thank you. The Chair recognizes the Attorney General from Willowdale.

1600

Hon Mr Young: When I left off I was discussing the scope of this problem, the magnitude of the problem. A recent federal study suggested that between \$5 billion and \$9 billion each and every year is lost by hard-working Canadians as a result of the activities of organized criminals—\$5 billion to \$9 billion. That's roughly the equivalent of this country's exports to Japan in any given year. Japan, by the way, is the third-largest trading partner that this country has.

I mentioned credit card fraud earlier. I say to you that credit card fraud alone costs Canadians \$127 million every year. It gives you some idea about the magnitude of the problem we are dealing with here today.

I also referenced earlier the fact that we need to work in parallel, in conjunction, in collaboration, with our federal government's criminal law dealing with this issue. There have been many occasions where members of this assembly have stood and talked about how they are disappointed in what the federal parliamentarians are doing. It is true that in Ottawa they haven't done nearly enough when it comes to dealing with and making young offenders accountable. It is true that when one talks about criminal law in this country, a matter that is strictly within the federal domain and is controlled by the Liberal Party, there is no truth in sentencing the way that there should be.

But I do want to say that Minister McLellan in Ottawa has indeed accepted many of the proposals that we have made, proposals that I believe will improve the situation—if they pass through the Parliament of this country; they're currently tabled—and will allow for law enforcement officials to more effectively fight organized crime. I do applaud the federal justice minister, who acknowledges by her action, by tabling this proposed legislation, what I am here to say today. What I am here to say today is it's not just about drugs and thugs any more. Organized crime is sophisticated, is modern, is evolving, and in order to combat it effectively we must act in kind. We must act accordingly.

When I announced this legislation with Chief Robertson from the Hamilton police force and Chief Fantino, a representative of victims across this province stood with us. I also had a representative with me from the Ontario Provincial Police. We all agreed that this legislation is necessary.

I should say as well that just as I am supportive of the initiatives that come from Ottawa in relation to the amendments to the Criminal Code, I say to this assembly that in my discussions with Minister McLellan she is supportive of this initiative from the province. She has agreed in her discussions with me that this is an appropriate initiative for a province to take.

Ontario is leading the way. We are the first province to come forward with this type of legislation, but I hope and I have some reason to believe that other provinces will follow suit.

There has been some discussion over the last little while by some critics about whether or not this legislation properly and adequately protects the privacy rights of Ontarians. I want to address that today if I may. I want to talk about the safeguards that have been built into this act, safeguards that I say to you will not and should not cause the people of this province to have any concerns about privacy.

Before I do that, let me say that I owe the Information and Privacy Commissioner of this province a thank you. She has been of enormous assistance to us in the development of this legislation and in the development of the safeguards that exist within this proposed act. Without her assistance, frankly, the bill would not be as good.

To be fair, Dr Cavoukian did initially express some concerns about some gaps, and my predecessor indicated that we would be filling those gaps, we would be filling those voids. That was always our intention. As I say, during the period of time between the point where this Legislature prorogued and this date, we have managed to do so, as Minister Flaherty indicated we would, and with the assistance of Dr Cavoukian.

Let me talk about what Dr Cavoukian was good enough to say in a letter to my ministry very recently. She said, "I am satisfied that these concerns"—those are the concerns about protection of privacy—"have now been addressed." She goes on to state that this bill "is now a far better bill thanks to your co-operation."

I want to repeat that I am thankful for the assistance of the commissioner and her staff.

Specifically, this bill would protect individuals in a number of different ways.

First of all, no property, no object will be seized, will be forfeited, will be interfered with in any way, shape or form unless and until a judge decides that is appropriate. There is no reverse onus in this legislation in the way that has been described by others outside of this assembly. In order for any property to be interfered with in any way—whether it's a lien put on there because it might belong to someone else—it will have to be demonstrated that the individual who has the property doesn't have title to the property, that it's not theirs to have. That's what our civil courts do each and every day across this province and that's all they'll be asked to do here.

But if this legislation is passed, there will now be a mechanism, a way of moving forward on behalf of individuals who may have lost relatively small amounts of money so that money can be returned to them. The Attorney General will initiate civil action so that money can be returned to victims. The Attorney General will utilize the services of forensic accountants, investigators and civil prosecutors, civil lawyers, to go to civil court and, on a balance of probabilities, as is always the standard, as is always the test—it has always been the test in civil courts—the same standard will be used to return property to victims.

On some occasions, personal information will be required as part of the process. That information will only be passed on from government officials, will only be transferred, will only be conveyed if the gatekeeper, who will be an independent individual, believes that all the criteria have been met, if the gatekeeper believes that it will not prejudice the individual to an extent that is inappropriate when balanced against the very legitimate purpose of this act. Let me repeat that Dr Cavoukian, the Information and Privacy Commissioner in this province, thinks this is reasonable, as do I.

Furthermore, when it comes to health information, there will be yet a higher standard, a more onerous standard in place before any health information is conveyed. Health information will only be conveyed as part of a court proceeding or with a court order, specifically. One might ask legitimately, why should any health information be conveyed at any time under any circumstances? I understand the question, but the answer is very straightforward, and that is this: unless we as a government have the ability to pursue money that has been lost as a result of health care fraud, as an example, those who engage in that sort of unlawful activity involving OHIP cards or other health-related fraud will have free rein. It will be open season.

If a criminal is wondering what area they should engage in, what practice they should engage in, it will be easy: go into the health care field, because of course there would be no recourse if no information could flow, if no information could be conveyed, but this legislation does permit the transfer of health information on a limited

basis, when necessary, and authorized in the manner that I described, through court processes, or more specifically by order of a judge.

That's necessary because we're talking about returning money and we're talking about returning property to hard-working men and women across this province. That will be done. That compensation will be provided to victims through the Ministry of Finance through a special fund that will be created with any money that is collected, and it will be returned to victims. If we can find a direct victim, then it will go there. If we cannot, then it will go to people in a similar category who have been victimized.

This is not the sort of civil forfeiture legislation and initiative that you might have seen on 60 Minutes or some US newsmagazine show where police and government officials act in a rather cavalier manner. That cannot, that will not happen if this legislation is passed. Every step of the way, the judiciary, the judges, the independent judiciary across this province will be monitoring what's going on, and safeguards will be built in with the gatekeeper and otherwise, as we've talked about.

1610

I think it's very important to remember that while this legislation is a relatively innovative step forward in this country—it hasn't been done before in Canada—it has been done across the world. Before we tabled this legislation, we stopped and took a look at the effect.

I don't have much left, but I want to talk briefly about the experience in Ireland where similar civil forfeiture legislation was passed. In Ireland the experience was a very positive one. We've learned from the expertise that has been developed in that jurisdiction and we've learned from their experience. As a result of discussions with individuals like Detective Superintendent Felix McKenna of the Irish Criminal Assets Bureau, we understand that this legislation, if it is passed, can be a very effective tool to drive organized crime out of this province and hopefully out of this country.

Detective Superintendent McKenna said that shortly after this legislation was passed in that jurisdiction, two major organized crime families got up and left. Why? I come back to where I started. Because the lifeblood of their operations—money, property, the reason for being, the reason for engaging in illegal activity—no longer existed. There was no reason for them to operate there. There was no profit in it. That's why I said at the outset that this legislation, if it is passed, will indeed go some distance to taking the profit out of organized crime.

Let me in conclusion say this: I am not naïve enough to believe that this is a panacea, that this is a quick fix, that once this is passed, all will be well. In conjunction with the positive steps being made in Ottawa, the amendments that have been tabled in our nation's capital, which are a good next step forward in the criminal realm—I think there's more to do, but they represent a good, positive, constructive step forward. Neither of these independently or in conjunction will represent a quick fix.

Organized crime is going to continue to exist in one form or another within this province. But as I said earlier, we have an obligation as parliamentarians, whether it is provincially or federally, to continue to attack what is a blight on our society, to continue to be innovative in the manner in which we go after these corrupt organizations. If this legislation is passed, we will be taking yet another positive, constructive step forward. We will be saying to the individuals who engage in organized crime that while Ontario is open for business, it is not open for the business of organized crime.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I'd like to join the Attorney General in making the opening comments with respect to the debate on Bill 30, which is An Act to provide civil remedies for organized crime and other unlawful activities, which basically provides for civil remedies for illicit activities, mainly by organized crime but it could go beyond that.

This bill died on the order paper during the last session. Then Attorney General Flaherty introduced it and we did have some hearings. We had I believe two days of hearings back in February of this year before the standing committee on justice and social policy, specifically on February 20 and February 22, at which the all-party committee heard delegations from a number of sources.

They weren't all in favour of it. There were a number who were concerned with constitutional issues, and the attorney has dealt with that. But on the whole, in my impression, at least—and you can read the Hansards. They're only in two packages; it's very brief. Members who weren't on that committee can read the Hansards, because it's very clear as to what was said. But I believe that on the whole, the delegations that came before the committee supported the legislation.

There was some concern with respect to privacy, and the attorney has read a letter from the privacy commissioner, Dr Cavoukian, which expresses her concerns. She said, "I am satisfied that these concerns have now been addressed."

"The key elements of the proposal include the creation of a new reviewing authority," the slang term of which is the "gatekeeper," "which would be added to subsection 19(4) to determine whether any information obtained during the seizure of unlawfully obtained property should be passed on to the Ministry of the Attorney General." I'm reading from her letter. "The amended section 19(4) would require the reviewing authority to be satisfied that the criteria governing such disclosures, to be prescribed by regulations, had not been met prior to any personal information being passed to the Attorney General."

I don't propose to get into the complications of section 19, other than to say that we have a privacy commissioner. There were some concerns. Those concerns I believe have been met and have been put into the new bill, as introduced by Attorney General Young.

I am pleased to speak today about the remedies for organized crime. The intent of this bill is to use civil law to disrupt and disable corrupt organizations by taking away their illicit profits and to help the victims. One of

the delegations that came forward was the chief of police of Toronto, Chief Fantino. I'd like to read a little statement that he made, which I believe sums up what this bill is all about. He said it in his opening remarks: "It is a well-established fact that organized crime is profit motivated and that if you take the profit out of organized crime—or crime generally, but in the context of this discussion organized crime—you have in effect cut the head off of the dragon and the body, hopefully, will then die."

That's the intent: organized crime gathers these immense amounts of monies, and we believe that through civil remedies those assets can be used, given to victims. The amount of money that's seized for credit card fraud—we had some bank people come to the hearings and give testimony as to the vast amounts of money that are seized through the banks, and just general illegal activity through organized crime.

Chief Fantino went on to say, "Granted, we can dwell on what the bill can't do. I would like more to dwell on the things that it can do. Everything that the bill can do is a tremendous help to us. It lifts our spirits and it helps us focus on the issues that are very critical to us, which is to make a powerful statement with legislation that hopefully will attain the desired results: to absolutely make profitable illegal activities a non-profit activity. So taking the profit out of crime, as this bill endeavours to do, is very important."

That, in a nutshell, is what we're trying to do: to take the profit out of crime so that it doesn't pay to do all these things. First and foremost it is aimed at the profits of organized crime, and it has the potential of addressing that. As I said earlier, taking the profit out of organized crime is essential to the war on organized crime.

1620

My friends in the opposition have said that there's not enough money being put into all of this. Chief Fantino did deal with that: "Bill 155 is structured so that the profits from unlawful activity are seized through the use of the civil rather than the criminal process. It is not a criminal trial process; it is a civil asset process. The use of civil lawyers and associated professionals in carrying out the provisions of the bill, with a minimum of police involvement, will free up scarce police resources to do other, much more needed work in the trenches for our people." I think that's an important fact to say, that police will be freed up to do other things in criminal activity.

One of the lawyers for the Attorney General who has carriage of this in advising the Attorney General came and spoke to the committee and went through the bill, and that too is in the February 20 transcript, if someone wanted to review it. It basically outlines what the bill is doing. This isn't a new invention. Although it's a new process in Canada, it is not a new process in other countries. As the Attorney General has indicated, it has been used in the United States, Ireland and South Africa. It is from those areas that these ideas have developed. He has expressed it very well, and I'd like to quote what he told the committee, which is at page J-703 of the Feb-

ruary 20 Hansard of the standing committee on justice and social policy.

It's "the first of its kind in Canada.... We started with the United States, primarily because it has the longest history in this area. They've been active with this area since 1789 and there's a long, long line of cases in the United States Supreme Court and at all of the circuit court levels to learn from. I believe there are at least 140 federal US statutes that deal with civil asset forfeiture. To my knowledge, virtually every state has a civil asset forfeiture provision of one kind or another, although, to be honest, we focused in detail on New York and New Jersey, simply because they provided a nice comparative base for us to study."

Indeed, two legal people from New Jersey and New York did come to the committee and expressed what was going on in those states. Their comments are available in the transcript, if members wish to look at that as well.

Mr Simser continued, "We not only went through their laws, but we met with their officials to talk about where they had problems and where they had successes.... We took great interest in looking at Australia, which has been active in this area since 1990, particularly New South Wales; the republic of Ireland, which has been active in this area since 1996; the republic of South Africa, which has been active in this area since 1998; and then there was the United Kingdom." He pointed out, "They have not actually enacted laws that are similar to those that are in Bill 155, but in June 2000 Prime Minister Blair endorsed as a question of policy this approach." It appears that they are going to continue on with that legislation. Of course they're in the process of an election, I gather, which is going to happen soon. But I don't think there has been any legislation introduced in the United Kingdom.

The only other item in the transcripts which I'd like to refer to, perhaps to encourage members to look at the Hansards—

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: Is there a quorum present?

The Acting Speaker: Would you check to see if there's a quorum present.

Clerk at the Table (Mr Todd Decker): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

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

The Acting Speaker: The Chair recognizes the member for Dufferin-Peel-Wellington-Grey.

Mr Tilson: I'm just going to make one further quote from the Hansards of the standing committee on justice and social policy, and that was by Vaughn Collins, who's the Deputy Commissioner of the Office of the Provincial Commanders, Investigations/Organized Crime unit. He spoke to us on February 21 of this year.

He said a couple of things. "Over the past 15 years there has been a dramatic increase in the number of established criminal organizations in Canada. Their primary goal is the acquisition of wealth and the pursuit of

power. Organized crime activities affect the lives of all Canadians, socially and economically. The average citizen would probably identify the crimes of drug trafficking and the illegal gaming as associated with organized crime groups. Today, organized crime groups are involved in a wide range of criminal activities which include money laundering, prostitution, illegal immigration, alcohol, tobacco and weapons smuggling, securities fraud, credit card fraud, document fraud, and telemarketing, to name a few.”

There’s no question that all of these things are under the jurisdiction of the federal government—the Criminal Code, the charges, at least. This particular legislation, of course, has no penalties, and I’m not going to get into constitutional arguments other than to repeat what has been said. I’m sure the opposition will come forward with some lawyers who say the opposite, but we believe that when you proceed through civil remedies, as has been done in other jurisdictions, it is quite constitutional.

But the point of Deputy Commissioner Collins was, we have a serious problem in this province and indeed across the country. The Attorney General believes—and I would hope that we all do—that we should do whatever we can through the provincial jurisdiction to deal with these issues.

One final quote. He says, “The focus of the proposed legislation is that it relates to any illegally obtained assets by any person. This sends a strong message that states, ‘Crime doesn’t pay,’ for anyone who engages in unlawful activity. Bill 155 will arm the police with an additional option to remove profits from criminals where a criminal proceeding potentially has or may fail.”

1630

Those are the only items where I’m going to refer to the standing committee on justice and social policy. But there were certainly a fair number of comments made by those who supported the bill and by those who didn’t, although in my estimation overwhelmingly the majority of people who came to the committee supported the bill.

Commissioner Gwen Boniface of the Ontario Provincial Police, in speaking at the Ontario government summit on new approaches to fighting organized crime last summer, stated, “Organized crime is diverse and ever-changing. There is a greater sense of concern about current organized crime activities due to the sophistication of operations, the violence and the diversity and the collaborative nature of many of the operations.” We in this province clearly have a problem as far as organized crime is concerned.

I believe, as does the Attorney General, and I would hope that all members of the House will agree, that within our provincial powers there is something we can do. This is one of the tools that I think we can give to the police to deal specifically with organized crime in this province.

Commissioner Boniface added, “Not only are organized crime groups tolerating each other, they are building the networks required for efficient business operations. This evolutionary nature presents new challenges for law

enforcement as we are continually forced to play catch-up.”

So life is changing. It is changing very rapidly in everything, in this place here, but certainly in the issue of organized crime. I believe it is incumbent upon the provincial government to take action to deal with it.

It is a global phenomenon, the whole nature of organized crime. It is happening. As indicated, other jurisdictions are dealing with it in the same way we are dealing with it: Australia, South Africa, Ireland and almost all jurisdictions in the United States.

These authorities in other jurisdictions have noted that different groups and individuals will come together to collaborate in a scam—it has become international; we have to communicate with other jurisdictions—and then they’ll go their separate ways, after making their illicit profits. They understand the inner workings of global finance. They understand the inner workings of the financial world. They’ve got the financial expertise to hide their money and make it harder for law enforcement to track down the profits and return them to the victims. That’s something we have to always remember: the victims. We have to remember the losses that victims sustain through crime.

A British report found that most crime is committed for profit. The illicit profits are a powerful incentive for people to engage in a wide range of unlawful activities. As a result, organized crime is a real threat to our way of life.

Organized crime has certainly been going on for a long time, in all parts of the world. It is certainly here. We’ve heard terrible stories that have been going on, particularly in Quebec and in this province. I believe we should do whatever we can to deal with it. It costs the Canadian economy between \$5 billion and \$9 billion a year. It is involved in securities, telemarketing fraud, counterfeiting, credit card fraud, insurance fraud and the other activities I mentioned that I believe one of the police people mentioned at the committee.

The value of the illicit drug market in Canada is between \$7 billion and \$10 billion a year. Illicit drugs—I think the Liberal critic has something going about it in a resolution that he has introduced about drugs. He may speak about that. But the value of the illicit drug market in Canada is between \$7 billion and \$10 billion a year. Illicit drugs are readily available in our communities and reduce our quality of life. There is no question it’s a serious, serious problem: all kinds of drugs, from the date rape things that my friend the member for St Paul’s has introduced in a resolution—and I’ll let him publicize his own work—to the other serious things in our society in Ontario.

It’s unbelievable how our credit card information—I’m sure we’ve all met someone. It’s happened to me personally where someone somehow has gotten my number and is charging things to the credit card. It appears that it can be legally copied and it can be used to create counterfeit cards. It costs Canadians \$127 million a year.

Organized crime is in car theft. Many stolen vehicles are sent overseas and sold to other markets. According to the Insurance Bureau of Canada, this activity costs the insurance industry \$600 million a year. It costs each of us an average of \$48 added to our insurance premiums. A lot of us will say, "Oh well, who cares? The insurance will pick up the tab on this. It's not going to affect us." But it does affect us, because guess what? Your premiums go up.

We have to continue doing this. These scams, these criminal activities, are on the increase and we have a great obligation, as does the federal government to deal with it within their jurisdiction.

Fraud has a very high cost. Telemarketing scams alone cost Canadians \$4 billion a year. And the personal misery that fraud imposes on individuals and families can be incalculable. We all have stories of how members of our families, our friends and even ourselves have been ripped off by bad people. We believe this legislation will deal with that as well. It's not going to be the end-all solution, but it's a solution. It's a tool for the police to help them deal with it.

There's been a fair bit of consultation that's gone on by attorneys general in other jurisdictions. I have indicated what Mr Simser said at the committee hearings about the United States, Ireland, Australia and South Africa, which use civil laws to seize the proceeds of unlawful activities. That's what we're trying to do on this side. We're trying to disrupt the organizations behind the activities by taking away their profit motive. That's what we're trying to do.

By focusing on the proceeds and assets, we'd remove the proceeds of unlawful activity. More important, we'd compensate victims. They're the long-forgotten people we have to continue to remember. We would starve corrupt organizations of the capital needed for financing other unlawful activities. That's what they do. They gather these vast amounts of money from illegal activities and then they use it in other activities. So any way that we can throw them off I believe is going to help. In other words, Chief Fantino is correct. We can deter the corrupt organizations from victimizing more people.

Ontario has consulted authorities in several other jurisdictions about using this approach. Mr Simser has outlined that to us in the committee, as I am here. There was an organized crime summit which took place last summer. International experts came from all over and told the audience about some of their successes in applying civil forfeiture loss.

1640

An example was Detective Superintendent Felix McKenna of the Irish Criminal Assets Bureau. He said that some people have simply left Ireland, rather than risk losing the money that they've made from unlawful activities. I hope they haven't come over here. My point is that the Irish law, which is similar to ours, is having an effect.

South Africa has also had its successes. It introduced civil forfeiture in 1998 and it seized more than

C\$14 million. Certain people who were openly involved in unlawful activities and flaunting their wealth have had their assets removed by the South African authorities. In a short period of time, South Africa's civil remedies legislation has sent a strong signal to all citizens that the country would not tolerate those who are engaging in unlawful activity. So it's working in other jurisdictions. This legislation that we're hopeful will pass here in this place is working in other jurisdictions, as we have been told by the people we've consulted with.

The threat to the people of Ontario is real. The people involved in organized crime are not going to stand still. It's our duty as government and our duty to the people of Ontario not to stand still either. I hope that we all support this legislation.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I'm pleased today to urge this House to pass the Remedies for Organized Crime and Other Unlawful Activities Act, Bill 30. If passed, this bill will do four very helpful and progressive things. It would let courts freeze, assess and potentially declare forfeit the proceeds of unlawful activity. As well, items intended for future unlawful use would be subject to forfeiture. It would allow civil action against two or more people who conspire to engage in activities that harm the public. Most important, it would enable victims of unlawful activities that lead to forfeiture to claim compensation from those forfeited proceeds.

This legislation which is proposed would focus on property—the proceeds and the assets—and not the individuals. The civil actions under this legislation would be entirely different from criminal prosecutions. I think this is a common sense approach to make illegal activities unprofitable. It means that the strike force will not waste time on unsuccessful criminals. The better a living these criminals are making from their acts, the sooner they will come into the light and come to the attention of the strike force.

When the police answer 911 calls, they go both to the false alarms and ones that are a waste of time as often as they actually go to fight crime. Bill 30 is different: it will add a new worry to the criminal mind. The criminal will have to think. Even if he is not detected breaking the laws and even if he gets away with not paying taxes, even if the other members of his gang don't rob him or kill him or turn him in, and even if he is not killed in a gang fight, the criminal has to worry that he won't be able to keep the loot, even after getting away with the crime.

I have no sympathy for crooks and I'm sure many of the members on this side of the House feel the same way. Society should go after them where they live, where they work, to make this a better place for all of us who live, work and raise our families. Meanwhile, Ontario will continue to vigorously investigate and prosecute organized crime figures in criminal court.

Across the province are many police teams that are pursuing criminal seizure of assets through the federal laws. It's tough work and I certainly salute them. I would

like to take this opportunity to recognize some of the front-line fighters on the criminal justice side of the war against organized crime. RCMP Staff Sergeant Pat McAdam and Constable Kevin Burke are working hard every day in Newmarket to ensure that crime never pays. On behalf of the people of Bramalea-Gore-Malton-Springdale, my riding, and I'm sure every member of this House, I wish to express my admiration and appreciation for their tireless efforts.

I also want to recognize the hard work of Staff Sergeant Manny Rodrigues and his team at the Peel Regional Police fraud bureau. There is no lack of targets for our proceeds-of-crime officers. Across Canada, police forces like the OPP, RCMP and my own Peel Regional Police are always tracking down the culprits of things like: \$4 billion worth of telemarketing fraud; \$1 billion to \$2.5 billion in estimated insurance fraud; \$650 million in cellular phone fraud; \$600 million in auto theft and scams such as that; and \$127 million in credit card fraud. Of course, these numbers don't take into account the untold billions in profits criminals make through prostitution, smuggling and the trade in narcotics and drugs.

The greater Toronto area combined forces special enforcement unit clearly outlines the facts:

The illicit drug market in Canada is worth between \$7 billion and \$10 billion per year. Drug users engage in \$4.5 billion worth of income-generating crimes in order to support the drug habit.

The demand for the drug ecstasy in Ontario now exceeds five million hits a year. Ecstasy has been used by 4.8% of Ontario students from grade 7 to 13.

The incidents of HIV infections among intravenous drug users is on the rise. For example, in Vancouver the rate of HIV infections has risen from 25% of intravenous drug users in 1995 to 50% in 1997.

Economic crime like securities and telemarketing fraud costs Canadians at least \$5 billion a year, and it is estimated that between \$7 billion and \$17 billion in funds are laundered through Canada each year.

According to the Canadian Bankers Association, the losses to credit card fraud in 1999 were \$162 million. This was an 85% increase over the \$88-million loss in 1996.

In currency, the counterfeit notes passed were close to \$3 million.

Canadian insurers spend in excess of \$600 million dollars annually on vehicle theft. Those losses are passed on to the Canadian public in the form of increased insurance premiums.

Smuggling illegal immigrants into Canada accounts for 8,000 to 16,000 illegal immigrants each year.

The Canadian government loses \$1.4 billion a year to alcohol, tobacco and jewellery smuggling.

Counterfeit products may cost Canadians over \$1 billion a year.

Some 90% of Canadians endorse the view that government should spend more money on the fight against organized crime. In this struggle our banks are aiding our police, and I would like to recognize the contribution that

the banks and the Canadian Bankers Association have made to fighting money laundering from all these illicit activities.

Our government recognizes that Ontario would be breaking new ground in Canada if this civil legislation were passed. Somewhat similar measures have been introduced in a number of countries, including the United States, Australia, Ireland and South Africa. We are forging ahead, learning from the experiments conducted in other jurisdictions. In each of these countries the authorities have successfully used civil laws to seize the proceeds of unlawful activities and hit the corrupt organizations behind these activities where it really hurts and that is in their wallets. These measures have successfully disrupted the organizations and protected people from further victimization.

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Our legislation would achieve the same objectives while balancing those objectives with protecting individual rights and privacy. For example, if this legislation is passed, no action could be taken without authorization from a court. Each step, from the initial freezing and seizing of assets to forfeiture, would require the province to successfully argue its case in court. As long as there has been common law, property disputes have been adjudicated with the balance of probabilities standard. If passed, this legislation would be a firm legal foundation.

As another safeguard, the burden of proof would rest on the province, not the defendant. There would be no reverse onus. There would also be no presumption of guilt. The province would have to prove its case.

The court would also protect the interests of people who legitimately own property or a share of property that has an unlawful origin. This provision protects people who may not have known about the origins of the property or couldn't reasonably have suspected that the property was the proceeds of unlawful activity. They would not lose the value of their investment.

Personal information would also be protected. Our approach has the support of the Information and Privacy Commissioner. Our government worked with her to develop legislation that would strike the proper balance. If this bill is passed, investigators would have access to the information they need while protecting the privacy of individuals.

What we're talking about is a common sense approach, and I think it is just common sense that courts should be able to inquire into whether large bank accounts come from legal sources or not. This is an infringement of nobody's rights. This is no less democratic than a RIDE checkpoint, and I'm sure we're all united in our support for that worthy program.

Under this proposed legislation, an independent gatekeeper or reviewing authority would screen all personal information. If the information meets the criteria that would govern disclosures, it would be passed on to the Attorney General.

Personal health information, such as medical files, would only be disclosed through court proceedings. The

province would have to prove in court that the health information was necessary and relevant to the case.

As I said, civil asset forfeiture legislation has been used successfully in a number of countries. In the course of our research we looked at what works and what doesn't work in other countries. No one jurisdiction has the perfect solution for Ontario, because each jurisdiction has its own unique problems arising from unlawful activities, as well as its own constitutional and legal environment. We looked at what others have done as we developed a made-in-Ontario approach.

There has been some criticism of the US RICO—that means racketeer-influenced corrupt organization—laws, which allow broad seizure powers for American police. RICO lets American police treat criminals as formal organizations, and if they could document how the organization worked, they would shut down the entire organization at once rather than as individuals, in much the same way that a contract is binding on an entire corporation, not just the employee who signed it. RICO was a trailblazing law. It was a bold experiment in fighting crime, and we know it was effective in the only way that really matters: criminals were afraid of it.

I am satisfied that the Attorney General has truly heard and understood any valid portions of potential criticism in crafting Ontario's law, and I commend the Attorney General, the Honourable David Young, as well as the former Attorney General, the Honourable Jim Flaherty, and the dedicated staff in the Attorney General's ministry. Our made-in-Ontario law will incorporate many lessons learned from all over the globe.

Canada is thought by organized crime experts to be a hub of organized fraud and money laundering. We know there are a lot of lawyers who get very rich every year defending bikers, drug traffickers, fraud artists and other highly lucrative criminal clients.

The Mike Harris government likes to support our industries, but I'm afraid these lawyers who make such a comfortable living defending criminals and earning stolen money may soon have to go into other work because I hope to see a lot more criminals, and fewer rich ones.

I hope the Liberal opposition might join the government in supporting the Attorney General's bill.

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

Mr Mike Colle (Eglinton-Lawrence): I appreciated the comments of the member for Dufferin-Peel-Wellington-Grey and the member for Bramalea-Gore-Malton-Springdale, and especially the member from Wellington who talked about the state of our data or personal information that you worry about, what you have on your credit card, all this e-data that they have. Where does it go and what they do with it? I think that's something that has to be dealt with, because it is very much out of our control, it seems.

I just want to make sure people listening don't get the idea the province of Ontario, Canada, is a crime haven. We know there is a criminal element here, as there is in

every country in the world, but we have one of the most law-abiding provinces. Our citizens are generally very law-abiding, as you know, almost to a fault. We're too law-abiding. We are very cautious as Canadians and as Ontarians. So I hope people out there watching don't get that impression.

As much as we kick lawyers around in terms of them making a living defending so-called criminals, I would admonish the member from Bramalea-Gore-Malton-Springdale for saying these lawyers now will have nowhere else to make a living. There's a history and a tradition here in Canada that everybody has the right to a fair trial. Many lawyers take that obligation very seriously and do their best to basically represent their clients. I think his blanket statement depicting lawyers as people making a living off of crime, to that effect, is uncalled for. He should clarify that because it is, I'm sure, not what he meant to say.

We have to be appreciative of the fact that Ontario is a safe and law-abiding province, but we do have to make some changes to make it better for us all.

Mr Kormos: Don't worry. When the member for Bramalea gets picked up at 3 in the morning for Lord knows what, the first thing he'll want to do is call a lawyer. He'll want the best one he can possibly afford under the circumstances. That's human nature.

What I should tell you is, I'm not going to get to speak to this today. I've only got an hour. The House is going to hit 6 o'clock. I suspect it all depends. The Liberal opposition critic may not use up all of his hour, in which case I'll be able to sneak in. I'll be back here Monday, I suspect around 3:30, a quarter to 4, for an hour, because folks down where I come from were awfully excited when my office let them know we were debating a bill to fight organized crime.

First, they thought we were going to abolish the Senate. I had to convince them that this isn't within the jurisdiction, although that would be the most fitting target if you're really going to go after organized crime. The senators of all ilk and stripes, lazy, overfed, overpaid, soon to be joined by their brethren and sisters in the federal Parliament who, if the news reports are accurate, are going to—this Parliament just got elected and they're going to give themselves what we're told is going to be a mega-maxi pay raise. They may model it after the Harris proposal of 42%, but some of these women and men are already—first, most of them do far less work than their provincial counterparts. I say that without hesitation. They do far less work. They are far more insulated from their electorate. Some won't help an elector if that elector perhaps didn't vote for him or her in the last election.

So Monday at a quarter to 4 I'll be back and I will be speaking to this bill with some interesting twists and turns.

Ms Marilyn Mushinski (Scarborough Centre): I am pleased to join in this discussion as proposed by the Attorney General, the member for Dufferin-Peel-Wellington-Grey and the member for Bramalea-Gore-Malton-Springdale. I guess it's too bad they've got the

largest riding names, because it takes so much time to address them.

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However, having said that, it is important that each of those honourable speakers spoke to the aim of this legislation, and the aim of this legislation, quite clearly, is to take the profit out of organized crime and other unlawful activities—as simple as that. The bill, if it is passed, would give Ontario the ability to use 21st-century tactics against what we now know is a 21st-century plague. It would enhance the province's efforts to keep our community safe and to help victims. I think that's a very noble objective and certainly something I have been hearing from my constituents in the great riding of Scarborough Centre. Specifically, this proposed legislation will allow civil courts to seize, freeze and forfeit to the crown the proceeds of unlawful activity. It will allow the civil courts to seize, freeze and grant remedies, such as injunctions, against unlawful conspiracies of two or more people. More importantly, it will assist the victims of unlawful activities.

I believe, in consultation with my community, and I believe for all of our constituents in this great province of ours, that is what the people have been saying and that is what the people want.

Mr Dominic Agostino (Hamilton East): One who may be following this debate could probably ask themselves, "Gee, did I hear this before somewhere?" They probably did, because we had this whole debate last time. This is nothing more than another excuse for a public relations stunt by this government.

If they were serious, they had a chance last term. They brought it in, they had public hearings on it, they had second reading on it, but it wasn't important enough to bring it back before the end of the session, before they gave themselves a four-month vacation. It wasn't important enough to bring it back; they let it die. Why? Because all they're trying to do is milk this as a public relations exercise.

They don't care about the real problems of crime, and we've seen that again and again. All they care about is to try to continue to find ways of looking like they're being proactive. I say to you, Mr Speaker, and to the members of the government across the floor, why didn't you do this last time? You had the bill in front of us. Why did you back away? Why did you let it die? You have a majority in this House. You control what goes on around here. You could have had this bill through six months ago or three months ago and you failed to do so.

You talk about getting tough on crime. This same government thinks it's OK for a 14-year-old kid to have a hunting gun. This same government spent millions of dollars fighting the gun registry. They don't believe that people who own guns should have to register so the police know where those guns are. These are the tough-on-crime guys? Oh, they're real tough on crime. They're real tough on picking on welfare recipients, but let their tax-evading corporate friends get away with it. That's

OK, because that's not real crime, according to the Tories.

This bill today is nothing more than simply another exercise in Tory public relations stunts, because if you were serious, you would have done this last time. You had the bill here; you had the majority. There was no excuse, unless you didn't have the political will to do it or felt you could just milk this for more public relations instead of looking after the real problems of crime and trying to go after the criminals in this province.

The Speaker: Response?

Mr Tilson: I'd like to thank the various members for commenting on the three speeches by the government members. The member for Eglinton-Lawrence I think is quite right. I certainly did not, nor did anyone else on this side, intend to leave the impression that Ontario is a crime haven; it is not a crime haven. But clearly for this jurisdiction, like other jurisdictions around the world, around the country, it is a grave concern. We believe this legislation will assist in some way in dealing with that.

I'd like to thank the member for Niagara Centre for his contribution. The member for Scarborough Centre commented and talked about taking the profit out of crime. Yes, that was said repeatedly to us in the hearings. We believe it is using 21st-century tactics to deal with organized crime and how people from all walks of life are getting ripped off by activities from criminals. The member for Hamilton East—I believe there was just first reading given to the bill. I don't think it ever reached second reading in the last House, so this is the first time it's been debated in the House. The hearings were used as a form of consultation. I think all members of this House have found that having hearings after first reading is an effort to encourage consultation. It gives an opportunity for more debate and reviewing the issue and the concerns. With due respect to him, this is the first time this bill has been debated in this House.

The Speaker: Further debate?

Mr Michael Bryant (St Paul's): I am pleased to rise today to speak to this bill on behalf of the official opposition. Let's be clear: Dalton McGuinty and the Ontario Liberals will support legislation that will assist working families, more livable communities and a more responsible province, responsibilities fulfilled by the state, responsibilities fulfilled by individuals within our community. That means we want to support initiatives and legislation that provide law enforcement officials with effective and legal tools to crack down on organized crime.

Our concern with this bill is that it is neither effective, nor will it stand the test of time for the reasons I want to speak to. In that sense it is my great concern that this bill is yet another paper tiger, born in another session, the subject of numerous reannouncements, the subject of press conferences, and past legislation that died on the order paper, the source of election promises not fulfilled now for six years.

The Harris government talks about the great problems we're having in this province with respect to organized

crime, and I want to speak to that in a second, but let's be clear: they've been the government of Ontario since 1995. They have had six years to do something about organized crime, and instead we have a situation today where Ontario's economy is losing billions of dollars each year to organized crime.

It has already been said that organized crime is the crime of the 21st century. It knows no borders. It often is without identity in terms of tracking down the Ontario bosses, but at the same time it is affecting all Ontarians and is certainly killing our economy.

The Criminal Intelligence Service Canada director, Richard Philippe, said that over a 24-hour period in this country about \$6 million worth of heroin will be imported into Canada, 21 to 43 illegal aliens will arrive, \$14 million will be obtained through telefraud and 500 vehicles will be stolen.

In my riding, St Paul's, we have a community of law-abiding citizens. We have a community that enjoys many neighbourhoods in which people feel safe. But when you look out the window and you feel safe, as you're looking out the phone may ring, and in particular the seniors in the riding of St Paul's—and we have in the riding a large number of seniors—find themselves suddenly victims of organized crime: credit card fraud or fraud through the telephone.

Vehicles stolen—no riding is immune to that, certainly not a riding in the city of Toronto. It's an issue that affects people even in a neighbourhood in those areas where they feel incredibly safe. The threat of organized crime is there.

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What is the province of Ontario, the Harris government, purporting to do about it? The problem is that the government has introduced legislation which theoretically will, I guess, drive the Ministry of the Attorney General over to the civil courts in order to seize assets and enforce forfeiture of property. But at the same time, there are already provisions in Canada's Criminal Code, which I want to speak to in a moment, which permit for the seizure of assets and for forfeiture. Here's the conundrum, and I want to return to this: unless the government is going to double or triple or quadruple their enforcement, unless they add more prosecutors, significantly more, unless they bring in an army of forensic accountants, unless they provide the appropriate resources to the civil courts, in particular the superior courts, this bill will be nothing but a paper tiger.

Will the government of Ontario be using fewer resources to enforce the Criminal Code provisions for assets and forfeiture? As we'll hear in a moment, a representative of the Ministry of the Attorney General said, "No, we won't do that. In fact, we're going to beef it up. We're going to beef up enforcement of the Criminal Code provisions on organized crime asset and forfeiture." As we'll see in a second, that isn't reflected in the budget. But at the same time, they're going to use this new tool, as it's often referred to in the media and here in the Legislature during debate. If you're going to

do that, then you need to make the investment, and that investment would have been evidenced in the budget. As it turns out, incredible as it may seem, a government that talks so much about crime and safety and victims is actually spending less in the Ministry of the Attorney General, after you factor in inflation, and considerably less when you factor in the new arbitration award in terms of salaries for prosecutors, than they did last year. So in fact they're making not more of a contribution to cracking down on organized crime but even less of a contribution. That makes this bill nothing more than a PR stunt.

Moreover, by legislating in an area of criminal law there is a significant risk, and a representative from the Advocates' Society who came and spoke to the committee said it is not just a risk but maybe a probability, that in fact this legislation will be struck down. So not only do we have all the announcements and all the press conferences, all the time and resources expended by the ministry to promote and move this bill forward through six years and several ministers and several announcements and reannouncements, not only do we have the bill introduced and call in witnesses from across the province, in fact from across North America to come and speak to a bill, which then dies on the order paper, not only do we then reintroduce it, go through debate and committee hearings again and divert significant, I suppose, enforcement assets one way or another, in one direction or another, toward enforcement of the Criminal Code provisions, as opposed to or maybe instead of or maybe in addition to—I don't know—enforcement of these new civil provisions; after all that, the bill may end up literally being an illegal, unconstitutional bill. In that sense, this will have been an enormous waste of time and an enormous waste of money, and at the end of the day the people of Ontario will hardly have been served by this public relations stunt.

This becomes even more concerning to me when you consider that the province of Ontario already uses the Criminal Code provisions, the existing Criminal Code tools, less proportionally than other provinces. We heard that from Professor Margaret Beare of Osgoode Hall Law School. She said, and I'm quoting here, "Ontario is the province that tends to use" the existing Criminal Code provision for powers of seizure "less than some of the other provinces."

The government isn't even using the provisions which they purport to be improving upon with this new provincial bill, so they wouldn't even know if those particular remedies were defective or ineffective. They're not even using them. But if they're not even using them, on the one hand, why should we be led to believe that in fact there's going to be an actual enforcement of this law in the event that this bill passes?

The point being that we have a law on the books. It can't be said enough. We have a law on the books. It is Criminal Code powers. There are a number of federal powers that exist and federal initiatives that have been launched. We, of course, can do the same within our own

jurisdiction, and ought to do. When I say “we,” I mean the province of Ontario, the Legislative Assembly of Ontario. But at the same time as introducing effective and legal initiatives, we need to do our job and administer justice, enforce the laws. That’s what the province of Ontario does with the Criminal Code. Yes, there’s the RCMP, and yes, there is, as I said, CSIS enforcement provisions and tools within the province of Ontario, but very importantly, we have police and prosecutors within the jurisdiction of the Attorney General of Ontario who ought to be enforcing the law. We heard, from the person who heads up the organized crime branch at Osgoode Hall Law School, that in fact they’re not doing it now. With even less money provided to this ministry in the budget, we’re of course going to see less enforcement.

The reannouncements have been legion. Let’s start with the fact that the previous incarnation of this bill, which I believe was Bill 155, was first announced in a Toronto newspaper in May 2000. So we got that announcement. Back in 1996, the Solicitor General had also made an announcement about proceeds-of-crime legislation. In addition to that, there were promises in the 1995 election and in the 1999 election from the government to introduce this legislation. Just keep in mind, it’s now 2001. Then, Attorney General Flaherty attended four summits on organized crime: in Vancouver, in New Jersey, in Delaware and in Washington, DC. After attending those four summits—this is, remember, after the announcement and the promises, after the announcement of the proceeds of crime legislation—the Attorney General came back and hosted his own summit in Toronto. Many of the people he met at these summits now came to Toronto. So we had the Attorney General visiting other jurisdictions—several, I should add—and then inviting them back here. Of course there was a glossy brochure and press conferences and speeches. It was quite a show.

Then finally, in the fall of 2000, the bill gets introduced, the proceeds-of-crime legislation. Then we go through the charade of pretending we were going to pass it, we have committee hearings, and then the bill dies on the order paper. It’s then reintroduced. This promise, this reannouncement, has got a pretty long history.

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When I talk about existing federal laws on organized crime and on the seizure of proceeds of crime, I’m talking about the 1997 Criminal Code amendments which were specifically addressed to criminal organizations and organized crime through An Act to amend the Criminal Code (criminal organizations) and to amend other Acts in consequence, 1997. The amendments introduced in Parliament included new seizure powers and a scheme for the forfeiture of what was called “offence-related property”—in other words, proceeds of crime and property in relation to crime—and also for the forfeiture on conviction of a criminal organization offence. The code specified the kinds of offences that ought to be targeted for assets and forfeiture. That’s the hard business of legislating in a way that keeps in line with the

jurisdiction of the federal government and also ensures, as is the policy of the federal crown—and I know of the provincial crown as well; supposed to be—that in fact we are not wasting the taxpayers’ time in debating and passing laws that are going to end up being struck down by the charter.

I’m not saying that should always tie our hands, but certainly the due diligence has to be exercised by governments and by the ministry to ensure that in fact it is charter-proof in that way and that it is also BNA Act-proof in that way. Otherwise, it is an enormous waste of time and resources. Obviously the taxpayers find it hard to have any confidence in the exercise of tough crime fighting talk when the laws end up not getting passed and end up getting struck down.

Provision 487 deals with the seizure of property. It governs the issuance of search warrants. It was amended to provide that there be reasonable grounds to believe that there is a building, receptacle or place—sorry—when there is any offence-related property, a search warrant may be issued. The forfeiture provisions are 490.1 to 490.9 and they detail a scheme for forfeiture of property used in the commission of an offence—in other words, offence-related property—and are generally similar to the provisions in the code dealing with forfeiture of the proceeds of crime.

There is, in other words, through the federal Criminal Code, a means by which the provincial prosecutors and the police in the province of Ontario may seize assets and ensure that the proceeds of crime are collected. We have to, at the very least, invest the time and resources to try and make this existing law work before a province gives up on that law, number one. Number two, although we may want to change federal laws, in this House, in this assembly, we can’t. We have a federal Parliament democratically elected to do that. We have to operate within our own jurisdiction and certainly fulfill our responsibility and mandate to enforce existing laws on organized crime.

The federal government has also reintroduced anti-laundering legislation; money laundering, obviously. There are other initiatives, including the integrated proceeds-of-crime units that were established in 1997. In April 1997 the anti-gang measures were introduced into the Criminal Code. The cornerstone of that legislation being—and this was and remains controversial—any participation in a criminal organization becomes an indictable offence punishable up to 14 years in prison.

Again, we have laws on the books. We ought to be enforcing those laws. Waving around a piece of paper saying that there are new tools is not going to have any positive impact on reducing organized crime unless the laws are actually enforced. It becomes difficult to make an argument that the province of Ontario, through its jurisdiction, by investing in a provincial civil asset forfeiture scheme is going to be able to effect the kind of change that requires national and international co-operation.

We've heard again and again, quite rightly, from experts in this area, and we've also heard from members of the government and witnesses before the committee that organized crime is the truly global crime.

The problem with a provincial property approach to organized crime is that the bad guys, their property, the assets and the proceeds of crime are likely not in the province of Ontario. The victims are, yes, but the assets and the proceeds are not. Arthur Pittman, in an article called *Money Laundering: A Challenge for Canadian Law Enforcement*, written in 1998 in the *Criminal Law Quarterly*, says that 80% of all money laundering cases have a foreign component. In other words, money moves across the borders to jurisdictions with opaque banking secrecy laws.

This bill will not get at that money. This bill will not be able to get at those assets. This bill will not be able to seize the proceeds of crime for those criminals. OK, fine. Does the bill then provide the means to create net worth profiles of suspects? In other words, is the bill going to permit us to find out who the bad guys are so that we have a profile of the suspects and where their property is? This bill doesn't do that.

Does it provide for an army of forensic accountants? Is there any commitment for that in the budget or otherwise, because that's the only way to get to the bottom of these crimes? It doesn't. Does the bill beef up transaction reporting by financial institutions? It doesn't do that either. Does it automatically track ownership of real estate, for example, and expensive cars involved in organized crime? No, it doesn't do that either. Does it guarantee that police forces will share information with one another and make the long-term commitment to intelligence work that is needed intra-province, among all the provinces and with other jurisdictions outside of Canada? It doesn't do that either. For that reason, I'm very concerned it is nothing but a paper tiger.

We heard from a representative of the Advocates' Society during the committee hearings. There a concern raised about whether or not there was overlap with federal provisions, which would mean it would end up being struck down because both laws are trying to do the same thing and one may conflict with another. If the federal government is said to have jurisdiction, as of course it does in crime, and this is seen as interfering with that and is incompatible with it, then it would be struck down.

Not only that, but he saw the potential for operational conflict. In other words, you've got an instance of organized crime. You've got a case. What part of the Ministry of the Attorney General do you go to? I asked the lawyer representing the Ministry of the Attorney General this question. To be fair, I may have asked the member for Dufferin-Peel-Wellington-Grey during committee hearings, but I'm sure I asked the representative of the Ministry of the Attorney General, what branch of the Attorney General is going to deal with it? Is it going to be the civil side or the criminal side? Of course they are

different divisions within the Ministry of the Attorney General. There are different assistant deputy ministers.

So who's in charge of the investigation? Is it the ADM criminal or the ADM civil? Is there going to be a priority within the Ministry of the Attorney General? Is there going to be a policy whereby in the instance of organized crime they're going to use their bill, in other words, the provincial bill, and not the federal bill, or are they going to use both? If so, which court are they going to go to because we're obviously talking about two different courts. For the Criminal Code provision, they're going to go to the provincial court. For the civil remedy through this bill, the Harris government's approach, they'd go to the Ontario Superior Court.

Which direction are they going to go? What's the policy? Are they giving up on the Criminal Code, or as the Ministry of the Attorney General said during the hearings, are they going to beef up—these were his words—enforcement of the federal code provisions?

We need answers to that question, and more than that, it would seem, based on the comments of the representative from the Advocates' Society, that in fact there may be an irreconcilable conflict, or maybe it's fair to say that it would have made a lot more sense to make the investments of time and money, political capital, and also taxpayer resources, into enforcing the laws already on the books.

1730

There were concerns raised about civil liberties, in particular by the Canadian Civil Liberties Association, and quite rightly so. I'll talk about those in a moment.

Obviously, there is great concern among members of the public that in fact they are going to find themselves having their property seized under this new test for seizing property and assets which does not require a finding beyond a reasonable doubt that a crime has taken place, does not require enforcement of the usual federal Criminal Code provisions, but rather applies the easier standard to meet, that on a balance of probabilities a judge must find that an unlawful act took place.

That unlawful act, by the way, is any unlawful act. There's no specified unlawful acts that might target this or focus this upon organized crime. It would make sense that in fact we focus this bill to deal with organized crime. And fine, it takes more legislative work to define what those unlawful acts are, but it means that, for instance, you can't find yourself having assets seized or your property seized because you violated the beekeepers act. If you violate the beekeepers act, under this particular legislation it means you might have your assets seized. I don't think that violations of the beekeepers act have anything to do with organized crime in the province of Ontario. Maybe the government can explain to me otherwise.

But we're supposed to, I guess, trust the Harris government with the civil liberties at stake. We're supposed to trust the Harris government with the privacy interests of Ontarians. I have to say that, regardless of what my opinion is on this matter, there has to be a

serious lack of confidence in this government's ability to protect privacy interests, considering the way in which this bill was handled.

You may remember back in the fall when the bill was introduced, there was a J. Edgar Hoover clause which permitted the Ministry of the Attorney General to collect health information without any protections. We, the official opposition, stood in this House and called upon the Minister of Health and called upon the Attorney General to take the J. Edgar Hoover clause out of the bill. Before I get any further, let me say that Attorney General Young took the J. Edgar Hoover clause out of this bill, and for that I credit him.

On the other hand, we heard from the Attorney General of Ontario and we heard from the Minister of Health, again and again, "No, no, official opposition, don't worry. You're wrong. Trust us. We know what we're talking about. We'll protect the privacy interests of Ontarians. No need to worry. You're just reading the bill wrong."

Here we go: Hansard, 12 December 2000. Dalton McGuinty asked the Attorney General about this particular J. Edgar Hoover clause that would permit the Attorney General to collect health information. "No, no," said the Attorney General. "By virtue of those sections, personal health information is excluded from section 19 of Bill 155. So that personal health information is not available to the Attorney General or any other minister, pursuant to section 19 of Bill 155."

Mr McGuinty, the leader of the official opposition, wasn't satisfied. He said, "No, here's my reading of the bill, and it's pretty clear that there are no such protections."

Mr Flaherty said no, "The accusations and the interpretation made by the member opposite are inaccurate." He would live to regret and retract that comment.

We kept at it. Lyn McLeod, the member for Thunder Bay-Atikokan, 13 December 2000: "So today I will ask you, what protections are you prepared to put into your bill to make sure that the Attorney General has no legal right to get private health records on suspicion alone?" The Minister of Health was outraged. How dare you question our understanding of legislation? She said, "This is unbelievable, and I'm going to refer it to the Attorney General to answer."

The Attorney General said, well, I've already told you in this House "I think three times now," and he offered a briefing to everybody, as if the opinion of the Attorney General was definitive. Let me say that this Attorney General, and every Attorney General past, at least in the last 50-odd years, is the most frequent litigant before the courts of Ontario. He or she is not infallible.

Mr Kormos: What's his track record? Let's talk about his track record.

Mr Bryant: I'll talk about the track record, in particular when it comes to jurisdiction on gun control and other matters.

Mr Kormos: He's not doing so well on Montfort, either. There's some pretty tough questions from that panel.

Mr Bryant: I thank the NDP critic, but he's going to get on, I'm sure. I'm going to keep him in suspense here.

The Attorney General provides his opinion. He advocates before the courts of Ontario and sometimes the Supreme Court of Canada. But it is hardly definitive. This is just an advocate. So having his opinion is not going to necessarily satisfy the official opposition. We respect it, we consider it, but we certainly can disagree with it. The briefing was hardly dispositive of the issue.

Mrs McLeod said, "There's no protection here at all." Mr Flaherty said no, "It's quite clear from ... Bill 159 what personal health information is protected. If the member doesn't understand that," if the member "is confused about it," he said, "or any other members of her caucus are confused about it, I welcome them to come and meet with the legislative drafters, with counsel informed on the issue" and he would "explain it to them." Don't worry, said the minister of the crown, we've got it under control.

Then, lo and behold, in the new year, with a new minister, on February 20, 2001, the Attorney General announced that he was taking out the J. Edgar Hoover clause and putting in the privacy protections that were needed. I congratulate Attorney General Young for that, but I have to say it is difficult for us to take the ministry's word for it at face value that all the civil liberties protections are provided, because this government's record—this says nothing about the excellent crown counsel who work, at the Ministry of the Attorney General, who are the best at what they do—when it comes to privacy issues and when it comes to the issues just spoken of, is not one that inspires confidence.

We heard from a number of witnesses before the justice committee on the bill. One of the important submissions made was from the Office for Victims of Crime, always an excellent submission, always helpful, always looking out and fighting for victims of crime. Here was the submission. "While this bill," the organized crime bill, the office said, "is not in place to correct existing victim services difficulties" in Ontario, "it's worth pointing out," the office said, "that the victims' justice fund, under the Victims' Bill of Rights, 1995, has a large, unutilized surplus, while large parts of the province are without crucial victims' services."

This is the Office for Victims of Crime speaking. "As no regulations have been circulated for this bill," nor have any yet in the new reincarnation of the bill without the J. Edgar Hoover clause, "we do not know," said the Office for Victims of Crime, "the methods that will be used under the bill to compensate victims of crime. We know that it is the intention of the bill to do so, but we don't know how. The office welcomes the involvement of an arm's-length, independent body being involved," noting at the same time that the Criminal Injuries Compensation Board is already overburdened.

That has not been addressed: the concern that we are just moving yet again, and I say this again, that we are transferring a focus away from the Criminal Code enforcement, away from provincial courts, off to the Superior Court with no corresponding and reciprocal support of resources and personnel. At the same time, we are now also shifting a new burden on to the already overburdened Criminal Injuries Compensation Board to try and compensate victims. It is like providing a new tool, however ineffective or effective it may be, and locking it up in the box because we have no people who can pick up the tool and use it.

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Why is it important to devote resources? Because cracking down on organized crime is expensive work. Don't take my word for it. We heard from a representative at the hearings, Roddy Allan, the principal at Kroll Lindquist Avey, a forensic accounting firm, February 20, who said, "It has to be kept in mind that linking property with unlawful activity can be a difficult and costly task, one which police are not going to take on unless they are given the resources. Organized crime makes use of sophisticated expertise. Police will need training and access to costly outside experts. Victim compensation and supportive police are two obvious applications of seized assets."

We don't have the investment made by the government to use the tools they are trying to create. In fact, the Ministry of the Attorney General is cutting the amount it is investing. At least, that's self-evident from the budget.

We also heard from a representative of the OPP. We heard from Vaughn Collins, deputy commissioner, investigations/organized crime, Ontario Provincial Police. "The cost to the OPP of dealing with organized crime," we heard, "and in particular of enforcing this new statute, will have to be met," the submission was made.

We also heard from Chief Julian Fantino, Toronto Police Services. He made it very clear that fighting organized crime is expensive. It involves sustained, long-term investigation, travel, technology and labour-intensive work.

You've got to show the people the money if you're going to deliver upon new tools. I would submit to this House, and I would say to the people of Ontario, the resources, the investments aren't there. I fear this is a charade, that this is a paper tiger—"Here, look, we're doing something on organized crime"—when in fact the investments are not made to follow through and enforce the laws.

Another place that provided some criticism of the bill was not a source you would think would be critical of this government. But on December 2, 2000, came the editorial from the National Post. "No political promise sells better than the age-old pledge to get tough on crime. Small wonder, then," writes the Post, "that Ontario's provincial government, which is drifting along with little sense of direction at the moment, has announced plans to implement new US-style laws that would permit officials to seize the property of criminal gangs.

"Like too many Ontario law and order initiatives these days," says the National Post, "this one appears to have been cooked up quickly with the goal of grabbing headlines. The party of the Common Sense Revolution can do better than this," says the National Post.

The concern about there being all talk and no action on organized crime was not really solved after I heard from the excellent spokesperson from the Ministry of the Attorney General, Jeffrey Simser. I asked him whether or not the bill addresses the issue of resources in and of itself. In other words, is there a commitment made, as I put it, "to an army of forensic accountants being brought in"? Mr Simser said, "No," it's not. So I asked, "Well, what are you going to do? Are you going to enforce the Criminal Code provisions or are you going to withdraw your criminal division and install more civil lawyers to enforce your proceeds-of-crime legislation?" The ministry lawyer said, "My understanding is in fact they're beefing up their process rather than knocking it down." That was his understanding, and I'm sure that's exactly what he thought.

I have a hard time squaring that with what we heard in the budget. There are cuts in services provided by the Ministry of the Attorney General. The 2001-02 budget commitment is \$979 million; 2000-01, \$971 million. That's a 0.8% increase, but inflation is expected to be somewhere around 2.8%. That means just on the face of it there's a cut in services and spending, but add to that the fact that all crown counsel have received an approximately 30% increase in salary, and that has not yet been accounted for in the 2000-01 budget. So either they are spending less on victims, either they are going to have fewer crown counsel, or they are going to have certainly fewer resources devoted to cracking down on organized crime. The budget would suggest that there is not going to be any beefing up in terms of the enforcement of the laws. On the contrary, there are going to have to be cuts.

I also asked the ministry representative whether there is anything in the bill that deals with transaction reporting by financial institutions. "No," he answered. "OK," I said, "with respect to the sharing of information between police forces?" and we talked about how important it was that there be sharing, it being a national and international issue. "Does the bill address that information-sharing component?" "No," the ministry lawyer said, "the bill does not address that."

We heard from a number of witnesses, as has been alluded to, including Mr Alan Borovoy, a familiar witness before the justice committee, speaking as the general counsel of the Canadian Civil Liberties Association. He was there with his associate counsel, Stephen McCammon. Mr Borovoy said that one of his chief concerns was how over-broad the particular statute was. "The definition of 'unlawful activity,'" he argued, for purposes of seizing people's property, "should be confined to the most serious offences," that not every minor transgression should be able to lead the state to go after that person's property.

He gave an example. Mr Borovoy said, "I gave the specific example for those purposes of the merchant who sells some goods in violation of Sunday closing laws and I asked the question, 'Do you really want to be able to seize whatever that person sold?'" So you violate a Sunday closing law. Do you really want to seize the property that person sold? Under this bill you can.

I know that the counter-argument often is that the good prosecutors of Ontario will exercise their discretion. "But we heard that with respect to the Safe Streets Act and how charities," we said, "were going to be adversely affected and shut down. Their charitable fundraising activities that would take place in the streets of small urban and rural communities in Ontario would be shut down." "No worries," I remember the government members saying. "Discretion will be exercised."

Well, look what happened. In fact, in many cases there is no way. There are no two laws; there's just one law. Nobody is above the law. As it turned out, of course, charities are losing about \$1 million each year because of the Safe Streets Act. So we can't just trust the prosecutors and the police to exercise discretion; it's our job to get the laws right.

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"Yes, it's unlawful," said Mr Borovoy, if for example a Sunday closing law was violated. "Yes, a person would face a fine for that illegality. But how much more do you want to be able to do to him for something that really isn't all that serious?" I would say—those are Mr Borovoy's words—that has nothing to do with organized crime.

Think about how far this goes. A judge makes a finding on a balance of probabilities. The example of a balance of probabilities versus reasonable doubt, the most obvious example, at least in the last 10 years, is the difference between what happened to O.J. Simpson in criminal court and what happened to him in civil court. Balance of probabilities, an easier standard to satisfy, versus reasonable doubt. That's the difference. So a judge looks at, "On a balance of probabilities, has an unlawful activity taken place?" Yes. There we go; the act is triggered. Any unlawful activity? The violation of a Sunday closing law? Yes. The violation of a beekeepers act? Yes. The violation of a Young Offenders Act? Yes. Any violation of any law is going to trigger the ability of a judge to order seizure of property.

The failure to narrow this law and tailor it to the crimes that we know are involved in organized crime is a glaring failure in this bill, but it's wrapped up in this so-called fight this government claims to be undertaking on organized crime. I say to you, Mr Speaker, with all due respect, it is a fight in word only and not in deed.

Supposedly, with the introduction of this law, all the mobsters in Ontario were going to run away. As it turned out, after the bill was introduced we had, it seemed, at least in terms of media reports, a flood of biker gangs heading into the province of Ontario. They were hardly shaking in their boots.

Commenting on the law, Yves Lavigne, who has been called the "foremost civilian expert on the Hells Angels" by the Ottawa Citizen, said of the law—he was asked on TVO, "What is the likely effect of this legislation on biker gangs?" Mr Lavigne said one word: "None." None. This will have no effect.

The bottom line becomes the bottom line when it comes to cracking down on organized crime. We, the official opposition, have proposed a plan to crack down. What it requires is a provincial organized crime agency, a permanent and separate agency, with the sole responsibility of battling white-collar crime, proceeds of crime and organized crime, staffed with securities experts, lawyers, police and forensic accountants, organized crime prosecutors. Again, we don't know how the Attorney General is going to organize itself in terms of cracking down on organized crime. Are they going to abandon the Criminal Code provisions or are they going to beef up both? You can't do both. The organizational conflict is inherent.

The so-called commitment to victims I have to say is a farce. In fact, this government in its throne speech had one point on victims. I think it was 19 out of 24. I can't remember how many priorities there were, because there really were none, there were so many. The announcement came, and I was thinking this will be good. Maybe finally the Attorney General is going to establish a provincial victims service standard, as recommended by the Office for Victims of Crime. But they didn't do that in their announcement. I thought, maybe finally they're going to join the fight against date rape drugs and support the resolution from Ontario Liberals to give every man and woman the right to be tested for date rape drugs.

You'd think that this is pretty straightforward. You can go to a doctor, go to the hospital, get a blood test. You can find out what your cholesterol count is, you can find out so many things about what's in your blood, but not whether or not a date rape drug was slipped into your drink the night before. That is not something that the people of Ontario have a right to do. They have to go to the police first, the problem there being that according to the Ontario women's legal directorate, only about 6% of victims of sexual assault in fact do turn to the police. That means the province is abandoning the vast majority of victims of date rape.

So, too, do we need a provincial victim service standard so that every victim in this province receives the same kind of service, no matter where they live. In *A Voice for Victims*, the report of the Office for Victims of Crime, 71 recommendations were made. The very first one called on the government to establish a provincial victim service standard applicable to all victims of crime. The recommendation was not implemented.

It turns out that victim assistance now accounts for less than 3% of the operating budget of the Attorney General, according to the public accounts of Ontario, 1999-2000. In its report on victim services in Ontario, the office found that 59% of victims were not being notified about bail hearings in their case; 66% of victims had no

input in plea negotiations; 49% of victims were not advised of the probation or parole conditions imposed on the perpetrator; 53% of victims received no assistance in preparing a victim impact statement. None of that was addressed in their much-anticipated throne speech announcement.

Maybe they'll get a real Victims' Bill of Rights, I thought, like they have in the provinces of Alberta, Quebec, Nova Scotia, Manitoba and British Columbia, with enforceable obligations, not statements of policy, which is what the Ontario Victims' Bill of Rights represents.

Then I thought maybe in fact they're going to make up for the fact that they killed all those bills when the House

was prorogued, and maybe the government of the day is going to finally proclaim those bills that have not yet been proclaimed, for reasons which I still don't understand. In the past session, the Attorney General introduced 11 pieces of legislation. Six of the 11 were justice-related. Of these, do you know how many are currently in force? Two, and that—

The Speaker: As you know, it being 6 o'clock, the member will be able to continue when the order on the bill is called again.

It being 6 of the clock, this House stands adjourned until 1:30 of the clock on Monday, May 28.

The House adjourned at 1800.

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		York West / -Ouest	Sergio, Mario (L)
		Vaughan-King-Aurora	Vacant

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

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