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(Hansard)**

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(Hansard)**

Thursday 1 November 2001

Jeudi 1^{er} novembre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 1 November 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 1^{er} novembre 2001

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS'
PUBLIC BUSINESS

MARRIAGE AMENDMENT ACT, 2001
LOI DE 2001 MODIFIANT LA LOI
SUR LE MARIAGE

Mr Murdoch moved second reading of the following bill:

Bill 74, An Act to amend the Marriage Act / Projet de loi 74, Loi modifiant la Loi sur le mariage.

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

Mr Bill Murdoch (Bruce-Grey-Owen Sound): This is not a large act. There's not a lot to it. It's funny, we've been working at this for a few years and you certainly get a lot of different letters and things about an act when you start to bring it into this House.

This problem came to my office about six years ago, when it was not ordered but suggested that JPs not perform marriages any longer, and I think in most cases they don't do that any more. I think legally they still can, but they've been asked not to do that because they want justices of the peace to get on with the other work they do.

This caused a bit of a problem in communities if someone wanted to get married and didn't really want to have a religious ceremony. They could go and buy their marriage certificate at city hall, but then they couldn't have the JPs marry them. So this caused some problems if they really didn't want it done in a church. It also causes problems for ministers, because when they're asked to perform a ceremony, their duty is to do it in a religious manner. And there weren't very many that would do it without that.

We have a problem and it's out there today. I get many calls in my office from people who say, "We have our marriage certificate but who can marry us?" Now in Ontario only ordained ministers who are registered legally can do this. This is the reason I've brought this act forward.

It even goes back to the days of Charlie Harnick. I was bugging Charlie to do something when he was Attorney General. It comes under consumer and commercial relations, except that JPs are under the Attorney General, so now we have two ministries involved. You can under-

stand, Mr Speaker, how we run into problems with one ministry, let alone working with two ministries. They certainly can cause us problems. As I say, it goes back to the days when Charlie was here, and since then we've been trying to change this.

When Bob Runciman was the minister, he announced we were going to do this. This was after I had introduced this bill. I think it was Bill 158 at that time and we never had a chance in here to debate it. He announced that the government was going to do this. What happened or where it got lost in the bureaucracy, I don't know, but it didn't happen.

We still have the same problem out there. We still have the problem that if somebody wants to get a non-denominational marriage on the city hall steps, it's tough to do that. We had a list in Owen Sound of two ministers who would do that, and both of them are gone now. I'm not sure who would do that in the city of Owen Sound. I did have a letter in here and I have a letter in my file from the Salvation Army that they would perform this. But the gentleman who signed that letter is not in Owen Sound any more, so I'm not sure whether the people over at the Salvation Army will still do this or not.

It causes problems. People should have the right to decide how they want to get married. Guess what? If you want to get a divorce, you get a lawyer. Maybe we should have some lawyers out there who are able to marry people.

My bill would allow each riding—we have 103 ridings in Ontario—to have up to six marriage commissioners who would be appointed in the same way that we appoint commissioners on other commissions—LCBO, the Niagara Escarpment Commission. What would be the problem with the government appointing six marriage commissioners? It won't cost the government any money. They should be happy in this government, and any other members here, that it won't cost money to do this because the person getting married will pay that cost. We may have to license them, but that will be fine. We appoint them so we'd have to license them; maybe a half-day seminar or something so that they know the rules.

Interjection.

Mr Murdoch: In a way, yes. I'm sure some of the other members will have something to say and they'll be able to say that when their turn comes.

Mr Gerry Phillips (Scarborough-Agincourt): Don't be too sure.

Mr Murdoch: That's right. They'll be able to talk when they want to, when they get their chance.

We can set that and we can set the price, what it would cost. The fees could be set here and that would be under regulations. It might cost a little bit of money to do that, but other than that, it wouldn't be—and it certainly could be covered if you had a licence fee for the people who are appointed, if that's what we wanted to do here.

I think it's long overdue that something like this happens. I have the media article right here where it says, "Tories Vow to Take Hitch Out of Tying the Knot. As more couples tie the knot outside church, Ontario seeks suitable knot-tiers." So we've already announced it. As I say, I don't know what happened to it.

Mr Peter Kormos (Niagara Centre): You announced a lot of things.

Mr Murdoch: The member across says we announced a lot of things, and that's true, but this is one of the things we should be doing and I'm sure he'll agree with me on this. It's not something new and, as I say, we have people who would like to see this happen. I have a letter from Bob Runciman saying that as soon as he could get this done, it would happen. Well, you know what happens. Sometimes ministers change, bureaucrats change, things like that, so it didn't get done.

Here is a letter from the council in Owen Sound saying, "Now that civil ceremonies are no longer being performed by justices of the peace, arrangements for weddings may be made through ..." and it's two ministers in my riding, but they are both gone now. So that doesn't help us any.

I have a letter here from Reverend Franklin Pyles. He was with the Alliance Church and he said he would do that. I would like to read it to you. This gentleman has performed many marriages. He's from the Alliance Church, one of our big churches in Owen Sound, and he had some problems with the way we handle marriages. He came from the States and he performed many marriages there. I'd like to read his letter.

"In conjunction with the other pastors of the Owen Sound area"—so this is through our ministerial association also—"I wish to discuss with you several issues relating to what it takes to get married in Ontario." This is coming from a minister and he's writing this on behalf of our pastoral association in Owen Sound.

"First let me say that one of the things that makes Ontario 'family unfriendly' is the presence of obstacles to getting married. While on the surface, getting married seems as easy to do as can be, in reality it is not. First, the price is high." This is what he says. "If people wish to live together for a certain length of time, they are considered married. No cost. If they attend a church they may post banns. No charge. But, if they are someone who does not have a church, or, it is their second marriage, or at least one partner is from out of province, they must buy a licence, cost, \$100." This was written on April 19, 1999, and that cost may have gone up since then; I'm not sure. "I believe this cost is too high. Many of the fees charged in the province are justified because a service is being provided by the province. In this case the province

provides no other service than registering the marriage. That should require a nominal fee at best.

"A nominal fee at best, except for the fact that the \$100 fee supports the Registrar General who is under the Ministry of Consumer and Commercial Relations. What does this office do besides file marriage certificates as they come in?" I guess that's for another debate. We could debate what that office does, and I think we could look at that on a different day.

1010

"One thing they do is monitor the 'legitimacy' of people officiating at weddings in Ontario. I have officiated at, or solemnized, marriages in a number of states and provinces. Never have I seen a bureaucracy like Ontario's. Please look at what the pastor must do to be so authorized according to the attached memo from the Registrar General's office." He had a big, huge memo of what they must do. "Please remember, it costs money to have people check all of that out, file, issue numbers, etc.

"When I solemnized my cousin's wedding in Kansas I dropped into a local county seat, signed a piece of paper saying I was a pastor, and that was that. In Saskatchewan it is a bit more complex, but not much. In Michigan and in many states, there is no such thing as government authorization of who may or may not solemnize marriages.

"This is an especially important point in light of the recent decision that justices of the peace are no longer to do weddings as part of their duties. As we discussed with you, now there is, in addition to the hurdle of the \$100 fee, the fact that only pastors, ie, those who have jumped through the various hoops of the Marriage Act, can do the ceremony.

"Here is what we propose.

"First, lower the fee for a marriage license; \$50 is plenty for the act of filing.

"Second," and this is the one that comes into this bill, "change the Marriage Act so that there is absolutely no government regulation regarding who may, or may not, solemnize the marriage. The only issue for the province of Ontario should be that the couple has purchased a licence, they have signed it, and that they have witnesses to the fact that they have signed it. Same as any contract. All the rest is a religious issue. If they want the mayor to officiate, the bride's uncle, or their pastor, that is their decision and is of no concern to the government.

"These actions will at once make getting married a simple and straightforward matter"—

The Acting Speaker: Thank you. Further debate?

Mr Phillips: I'm pleased to discuss Bill 74, I think it's called, Mr Murdoch's bill. I'm very supportive of it. I appreciate his introduction of it and I think it's a sensible move. It illustrates the problems we have in government these days of getting things done. The challenge here was that it seems it may amend two different acts, two different ministers and what not.

I personally have always been a supporter of omnibus legislation to change non-controversial legislation. The NDP did this during their reign and I was supportive of

it. I do think we have to find mechanisms around here that allow us to quickly make reasonable changes without an enormous amount of time and effort spent.

To me, on its face, this seems to make an enormous amount of sense and we should pass the bill. But I also think we should encourage ourselves to find ways that things like this are able to be accomplished without having to spend an hour of legislative time, an enormous amount of effort by one member. As I say, I would encourage us to look for ways that we're able to accomplish that. I've always supported what is called omnibus legislation where you bring forward all the changes and if there are in fact controversial issues in them, you remove them and bring them forward in a different bill. But there are probably a thousand things a year we should be amending here that we don't because we get bogged down in the legislative time and it needs to be scheduled and all those things.

On the surface this makes an enormous amount of sense. I believe the faith community by and large would be supportive of it because I do think in some cases they are put into positions where they feel uncomfortable, where they don't know the couple who are getting married and they feel uncomfortable. I think it also helps to reflect the diversity of our province. We are an enormously diverse province.

It would have helped a personal friend of mine. I'll tell this quick little story. I was invited to a wedding at the Scarborough city hall. They have a chamber there for weddings, and on a Saturday weddings take place there every half-hour. I was invited to a wedding at 1:30. I was there at maybe 1:25. I went to the chapel, and one of my clergy friends, a United Church minister, was just leaving. He asked me why I was there. I said, "I'm here for a 1:30 wedding." He said, "I've checked the docket and there's no clergy scheduled for 1:30." So I said, "Would you mind staying around?" My good friend Walker arrived at 1:30. I said, "Walker, have you got a clergy to marry you?" "Well, no. Don't they supply them?" I said, "Luckily, believe it or not, my friend here"—it was just an enormous coincidence. I introduced him to my friend Walker and his wife-to-be at 1:30. They spent 10 minutes together. Then the ceremony took place—I would have sworn that the clergy knew Walker and Suzanne all his life—and they got married. I'll forever feel somewhat responsible and proud of that. In any event, it may be part of Mr Murdoch's bill.

I believe it also is supportive of our kind of Ontario. We are a very diverse society now, and whatever we can do to help to reflect that diversity, we should be moving on. I've often said I view Canada like a flower garden. We had originally one flower, our First Nations people, but we have flowers from all around the world now with different faiths and beliefs, and this reflects it.

I think in most communities the justices of the peace are overworked. Our legal community has difficulty accessing justices of the peace for extremely important matters—not that marriage isn't important, but for matters involving the law. So I think it makes sense on that front as well. It's kind of, as they say, a win-win.

I would add, though, that my recollection is there was some member or members of this Legislature who wanted to introduce legislation that would require people wanting to get married to take a two-week course or something like that. That's my recollection; maybe my memory is failing me. In some respects this heads in somewhat the opposite direction, which is to facilitate marriage and to recognize that it's a choice between two people and that the state does not have a right to dictate how people feel about and prepare for marriage.

So on all counts I think it's a good initiative. I'd go back to the first point I made, however, and that is that I think it illustrates the need for this Legislature to rethink how it deals with obsolete laws on its books and to find mechanisms that—to use a cliché, we're in a fast-paced world. People are moving quickly. Things are changing dramatically. Our economy and our society need their government institutions to be contemporary, to be able to change at the same pace as society is moving, but we don't have that mechanism.

For laws to be changed, we need first reading, we need second reading, we need debate, we need third reading. We are still locked very much in the past, and I would challenge us to look at mechanisms that will modernize the way we do our business around here. Nothing better illustrates it perhaps than Mr Murdoch's bill today to do what I think most people believe is a very sensible move. But it takes an incredible amount of energy to get it done. You've got my support, Mr Murdoch, and I appreciate your bringing it forward.

1020

Mr Kormos: We support the amendment to the Marriage Act. It's rather interesting when Minister Bob Runciman—he was the Minister of Consumer and Commercial Relations—announced it with a whole lot of enthusiasm here in the House, I trust after cabinet consultation. I know that particular minister and I know that, far from being a renegade, Minister Runciman would surely have only made that announcement had cabinet thoroughly analyzed it and clearly supported it. So I find it strange that now it's incumbent upon a backbench member, with the modest resources he has in his constituency office, to come forward with this amendment and to not only move it through second reading today, because that could well be the easiest stage in this whole process, but (1) get the bill to survive the prorogation of the House come Christmas and (2) get it in front of a committee.

What this government has done lately, if you notice some of the paperwork that's been floating around, is that interestingly and uncannily, the number of bills that are being referred to general government has—Mr Guzzo, you should be aware of this. The general government committee has all of a sudden become a very popular repository for government bills. No kidding, in view of the fact that Mr Guzzo's successful bill on second reading was similarly referred to—oh, could it be?—general government. Uncanny, isn't it, that all of a sudden general government has become so popular.

Nonetheless, the issue today is whether this Parliament agrees in principle with this proposition. When Minister Runciman, on behalf of the government of Ontario, made the announcement—how long ago was that now? A good chunk of time. I canvassed, and I'll admit to you right off the bat that it wasn't every single clergyperson in my riding, but I canvassed what I believed to be a representative number of them because I was concerned that the clergy may have concerns about this type of proposition, that this was an inappropriate, let's say, secularization of marriage.

On the contrary. Just as you've heard from the sponsor and author of the bill his references to clergy he's consulted, clergypeople I spoke with acknowledge the difficulty that they have accommodating from time to time people who want a purely secular marriage. They acknowledge that there are people who do not want the faith component, the religious component, in their marriage ceremony in the exchange of marriage vows. The clergypeople I talked to from down in Niagara thought this was a good proposition. It solved a whole lot of problems. I think it's a good proposition as well.

If you take a look, though, at the Marriage Act, then the author/sponsor of the bill is quite right. Judges and justices of the peace have the power to perform marriages. My understanding is similar to Mr Murdoch's in that JPs have been sort of encouraged not to, and if some of the purely anecdotal comments that I've received are accurate, judges have to seek some sort of dispensation, depending upon the venue for the marriage ceremony, at the very least. And besides, judges are busy. Our provincial judges are working with incredible caseloads and delivering very complex judgments on a daily basis. Our judges are incredibly busy here in Ontario. Some of them remain busy even into their retirement as they serve as supernumerary judges. Some judges have been more interested in doing civil marriages than others. Many will go through the ropes they have to go through if it's for a family friend or a member of their family, and I know that judges have from time to time done that.

In the Marriage Act, you've got sections 20 and 24. The interesting thing about the Marriage Act is that if—you've got to take a look at section 31—persons holding themselves out as authorized to perform marriages aren't authorized, the people who undergo their exchange of vows, if you will, in front of that party cannot subsequently, if they carry on and treat the marriage as a marriage in good faith, attack that marriage as being invalid by virtue of the person performing it not being licensed or authorized. Now, that doesn't excuse the person who isn't licensed or authorized, because then they're subject to a penalty appreciating a fine of not more than \$500 for having performed a marriage when they're not authorized to do so.

There are a couple of questions, though, that I would put to the sponsor of the bill that I hope he would respond to.

(1) Why the limit of six per riding? For some ridings that might not be an inappropriate number. But look,

when you're Howard Hampton, representing the riding of Kenora-Rainy River, it's larger than France. When you're in a riding like Timmins-James Bay, represented by Mr Bisson, again you've got huge geographic expanses. You've also got a whole lot of incredibly isolated communities. One of the things that would be interesting, because this bill should go to committee, is to provide some rationale for the number of people being appointed. But also understand that this bill can accommodate people living in distant, far regions like the far north. It can accommodate people living in isolated communities.

I think it would be very interesting to see the response of the native aboriginal community to this bill. I believe, along with any other number of very diverse ethnic and cultural groups in our province, that it may well accommodate them in a way that the Marriage Act, with the prerequisite—because, you see, the Marriage Act requires under section 20 that a person who, other than a judge or justice of the peace, is going to be entitled to perform marriages be in a religious institutional structure that is ill defined. You know and we all know, we're all aware, that the Church of Scientology spent years obtaining the right to have their clergy, for lack of a better word, perform marriages for people who belong to that particular movement. Again, I'm trying to choose words very carefully so as not to offend anybody. There's a whole lot of debate about that. But at the end of the day it seems to have worked out quite well.

What I'm saying is that this bill, then, accommodates other parallels based on ethnicity, based on culture, based on belief as compared to, let's say, religious faith and permits people to respond to the special needs of those respective communities. But that's where we've got to really speak to the matter of, why six?

(2) Clearly this is a patronage pipeline. It has the capacity to be that. That's why what I'm questioning now is the three-year terms on appointment. The lineup by people who want to exploit their intimate relationship with the government in power—and look, before you condemn me, I spent an awful lot of time on that boards, agencies and commissions committee that screens people applying for any number of appointments. That committee room just reeks of foul patronage. The dogs that were being advanced for any number of positions, you could hear them barking all the way up the Queen's Park hallway as they were led in on leashes by Tory handlers—muzzled, of course. One of the secrets that was soon uncovered was that you just keep these political hacks quiet. You'll muzzle them, shut them up and let them take their marching orders from the whip on the government benches.

Look, there's potential for patronage here. So be it. But I think we can control the patronage a little bit. The issue, really, in this area should be one of merit as well. In response to Runciman's announcement, I had two contacts from people in my own riding. One was a stranger to me; one I knew well. The gentleman who said, "Look, I'd really like to apply for the position being contemplated," I tell you has not been particularly par-

tisan in any respect, way, shape or form but has a background and a set of standards and ethics and a compassion for people that that person would be an ideal candidate. He also has a broad sense or a broad understanding of the sorts of resources and support systems that are available in the community. I can tell you I know, by knowing him as well as I do, he would be incredibly cautious as he approached a marriage between people.

1030

People from the government backbenches, as Mr Phillips did, have talked about people having to attend courses before marriage. It's remarkable that people can enter into that profound a contractual, among other things, relationship without even needing independent legal advice. There's no other relationship with such profound liabilities that people enter into where the current state of the law would have required them, yes, in fact to get independent legal advice on that boilerplate lawyer's certificate that lawyers sometimes charge outrageously for—well, they do; other times they don't—indicating that the party has received independent legal advice and advising them of what the consequences are of entering into this particular relationship.

There's got to be some standard of training and constant contact with people performing this role. They've got to be the beneficiaries of some sort of constant upgrading or at least the maintenance of skills or the development of those skills initially, the maintenance of them and the upgrading of them to ensure that they're complying with the law, to ensure that they know the seriousness of the work they're doing and, again, to equip them to deal with any number of issues that arise.

This is a secularization of the role of conducting the marriage ceremony. Mr Murdoch is very much in tune with the times by virtue of his sponsorship of this bill. Just as this government introduced same-sex spousal benefits to the province of Ontario with the support of opposition parties, this bill recognizes the changing realities and the inevitability of the fact that people are going to be—as we know people have with strong passions—pursing the right to marriage, the right to that contractual relationship without having to be screened or filtered by the standards imposed by one religious group or another. This provides that opportunity. This provides an outlet without in any way diminishing the seriousness of the ceremony being performed and the seriousness of the obligations being assumed and the responsibilities being imposed upon entering into that agreement.

Back some years ago Al Capp—remember Al Capp, Li'l Abner, Marryin' Sam? You got a \$5 weddin', you got a \$10 weddin', and if you went all out you got the \$20 weddin'. I'm surprised you didn't call this the Marryin' Sam/Samantha bill, Mr Murdoch. It was the first thing that came to mind.

Interjection.

Mr Kormos: That's right. I suggest that the majority in this Legislature are old enough to well recall Al Capp, Li'l Abner and indeed Marryin' Sam or Samantha.

Interjections.

Mr Kormos: Maybe. I don't know. He was in law school. What would he know about Al Capp and Li'l Abner and Dogpatch?

This is what we do. I would advocate a prohibition against charging fees and let these people operate on the basis of honoraria. I would also submit that, in the context of the Marryin' Sam imagery, there actually be a prohibition against advertising. I don't want people assuming these positions to regard it as a source of income or a business venture. I want responsible people, and I think they're out there, who rely upon the honorarium that so many clergy do by virtue of performing marriages that respects the ability of the parties to pay. I think the mere listing in any given marriage licensing office—to wit, city halls—be it on a computer or in a hard copy of the names, addresses and phone numbers, of these civil marriage commissioners would satisfy the need for people other than by word of mouth to find and identify a Marryin' Sam or Marryin' Samantha that they wanted to access. That would abolish all of the Las Vegas imagery of the marrying Elvises. Again, far be it from me to tell people that they shouldn't be married by somebody dressed up like Elvis. It could really be Elvis, but it avoids the tawdriness of that sort of imagery.

Mr Morley Kells (Etobicoke-Lakeshore): It's a pleasure to rise today to support my honourable colleague's bill, An Act to amend the Marriage Act. As Mr Murdoch has just stated, couples looking to get married in certain areas of Ontario are having difficulty accessing officials to solemnize non-religious marriages. Actually, the bill does point out the closeness that the honourable member has to his riding. He's always bringing things from his area into the House that are provocative, that quite often make members like myself from the city just realize that although Ontario is one place, it's a number of places with different ideals and different cultures and different problems indeed. So this bill really speaks to a unique situation that maybe isn't prevalent in all parts of Ontario but certainly is the case in many of our rural or more isolated areas.

Perhaps in this regard it's timely to review the rules by which marriages are legislated in the first place and who can perform those marriages.

Religious marriages can only be performed by those who are registered under the aforementioned section 20 of the Marriage Act. In addition to registering with the registrar general at the Ministry of Consumer and Business Services, that individual must have the following points to be so designated: he or she must be ordained or appointed according to the rites and usages of the religious body to which he or she belongs; he or she must be duly recognized by the religious body as entitled to solemnize marriages; he or she must be within a religious body that is permanently established; he or she must be a resident of Ontario and his or her parish must be, in whole or in part, in Ontario and fall under the control of the Legislative Assembly.

Non-religious marriages, or what are more commonly known as civil marriages, are covered this way. Under

section 24 of the act it states, "A judge, a justice of the peace ... or any other person of a class designated by the regulations may solemnize marriages under the authority of a licence."

Although section 34 of the act authorizes the Lieutenant Governor in Council, which of course is the cabinet, to make regulations designating classes of persons for the purposes of section 24, no regulations have yet been made to date, which is obviously the member's point. In other words, current law permits only a judge or a hard-to-find justice of the peace to perform civil marriage ceremonies.

As Mr Murdoch has already said, residents of rural Ontario who prefer to have a civil marriage often have difficulty in finding a justice of the peace who can solemnize their marriage. Where there's likely to be the availability of religious institutions and clergy in a community, the availability of registered civil officials, being justices of the peace or judges, is just not the same.

I am here today because my colleague and I believe that Ontarians should be given an expanded choice between having religious or civil marriage services. Although that choice technically exists, the difficulty of getting access to officials who solemnize these marriages reduces the choices Ontarians have.

I recall years ago—when you get into something like this, it brings back memories—a good friend of mine was to be married at Toronto city hall and I was the best man. Actually, I was terribly impressed because it was the one and only occasion that I had to be involved. I don't know whether it was the majesty of old city hall or the fact that we were young men and terribly impressed with officials, but it was a kind and moving ceremony and it worked out very well. That was some 45 years ago. That's why the honourable member's bringing forward this bill intrigues me because I just assumed that these things were still available and that there was no problem at all.

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In addition, we are looking to provide choice, within reason, for Ontarians to choose when and where they can get married, should they choose to have a civil marriage. Marriage is an important event for many people, and although the ceremony and celebration varies among many people, the ideal time to get married is not always on a Wednesday morning in the winter, when that might be the only time a justice of the peace is available. What I would like to see is the ability to respond to the demand for marriage officials when the demand is high.

We are not asking for a marriage factory or a marriage mill where drive-through marriage ceremonies can be conducted. We are simply asking that Ontario couples be given access to a dignified marriage ceremony, should they so choose, and to have a civic official there to provide that service, should they so decide.

In relation to the question of commissioners and terms of service, I think that could be handled in many ways. I take seriously the previous speaker's concern about fees. It would seem to me that for we MPPs, who have access to the public and the public has access to us, or should

have, it could be one of those expanded duties we could perform. It might be one of the best and what I call "good-feeling" things that we do as members.

The one duty I perform most often in my office is using my signature as witness or in some legal way that I'm legislated to do to provide this service to my constituents. It's a pleasure to do it and it's a pleasure to do it without a fee. It makes the government work better and it gives the public a better feeling about the institution of government. If this is a problem, and I can see it even happening quite often in my own riding—I'm a city member, as most of you know—I can't see why, with a little training, the average MPP couldn't, with dignity and dispatch, perform the wedding ceremony.

I was looking around for a way to finish and a way to add some, perhaps, levity to this very serious bill and—

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

Mr Kells: —just let me finish—and I came upon the Frank Sinatra song, Love and Marriage. I won't sing the whole song for you—

Mr Steve Peters (Elgin-Middlesex-London): Oh, don't sing.

Mr Kells: No, I can't sing, but I will just read quickly the first two paragraphs:

Love and marriage, love and marriage
Go together like a horse and carriage
This I tell you brother
You can't have one without the other.

Love and marriage, love and marriage
It's an institute you can't disparage
Ask the local gentry
And they will say it's elementary.

But it's not elementary if it's not readily available to each and all.

Mr Peters: I want to stand and express my support and my congratulations to the honourable member for bringing forward this piece of legislation. I can tell you that in the past two and a half years of service here in this Legislature, a number of ministers, clergymen, lay people and even justices of the peace have come forward asking that we consider this type of legislation and these legislative changes. I will throw a little fault on the government because they've been very slow in replacing justices of the peace and there have been areas where justices of the peace have not been replaced, so it's put an added burden on their job. So it's partly their own fault.

I want to speak in favour of this initiative. I think there need to be some clear standards and training for individuals who are going to perform these ceremonies. We can't have a layman just coming off the street and receiving an appointment to perform a marriage. I think there have to be some clear standards and training involved in the preparation of an individual for performing these services.

I want to comment too on the concern about political appointments. I would not like to see this as a means of

reward for individuals for service to any particular party, be it the ruling party right now or the Liberals or the New Democrats. The process of appointment must be clear and transparent, and not be a process that is going to allow this to become a patronage issue.

Like Mr Kells, I too would like to add a little bit of levity to this issue. A couple of years ago, two good friends of mine, Crystal Fulton and Glen Phillips, published a book, *Four-Foot Cucumbers, Juvenile Delinquents and Frogs from the Sky! Snippets of Life in Victorian Canada*. This is just to add a little bit to the discussion today, to add some thoughts of Victorian Canada when it comes to marriage. Most of these articles are taken from newspaper accounts across Canada.

"Newspapers assumed an active role in the drama of courtship. Besides printing wedding notices, marvelling at scandalous elopements, and generally remarking on the power of love, they also readily dispensed advice about the proper selection of a mate."

I'm going to quote from a few newspapers across Canada and some of their thoughts on marriage. This is from the *Truro Advertiser* in 1867. There was an advertisement, "A lady advertising for a husband says she wants a full-grown man. None under 6 feet need apply. A chance for one of our tall Truro boys."

The member for St Catharines spoke to me earlier about his support for this legislation because he's had individuals come to his office supporting this initiative. This was an article that appeared in 1872 in the *St Catharines Evening Journal*, and it's entitled "Epidemic." "The marrying and giving in marriage fever has broken out again in this town since Easter, and so many young folks are joining their fortunes together for better or worse that it would make your head swim to count them."

Mr Mike Colle (Eglinton-Lawrence): What's marriage fever?

Mr Peters: I don't know what marriage fever is.

The *London Free Press* in 1877 reported, "Six and a half feet of bride stood before the altar in a Dundas Street church the other day, and promised to love, cherish and obey her five feet of bridegroom, and that's the long and short of it."

There's another article, and this one is kind of interesting. This is from Manitoba in 1884, the *Portage La Prairie Weekly Tribune*. "Two young Portage ladies took advantage of their leap year privileges"—and just to interject for some of the young people, when you have a leap year, it's OK for the woman to ask a man to get married. I didn't know if you knew that, but keep that in mind, some of you pages, down the road, to be ready for that.

These two young ladies "took advantage of their leap year privileges the other day and proposed to a young dry goods clerk who works in an Avenue store. He accepted both offers, and then one of the young ladies was cruel enough to say that she was sorry he accepted her offer because she would sooner have a new silk dress than him."

We'll go on. This is from the *Acton Free Press* of 1886. "The Course of True Love: A few days ago, John Mooney, of Erin, cut his foot so badly while chopping wood that he could not leave his bed. To be crippled was bad enough at any time, but what troubled John most was the fact that his wedding day was fixed, and now an indefinite stay in the proceedings loomed up. However, as the *Fergus News-Record* states, the bride elect, daughter of Mr and Mrs John McDonald, a neighbouring farmer, was a true-hearted girl, entering into matrimony from the best of all motives, pure and unalloyed affection, and the groom being unable to go to her, she went to him, and the marriage ceremony was performed on Dominion Day, the date arranged, while he lay helpless upon his couch."

Another common theme we don't see very much of any more in marriages, and I think it should come back, is the practice of a charivari, which was celebrating the marriage when the young couple was on their honeymoon and they came home and found their house in disarray, toilet paper in the trees, cornflakes in the bed and things like that. I've never partaken in any of these charivaris, but it's something that doesn't happen very often. Here's one, a charivari that didn't come off.

Mr R.R. Hall, of a village just outside of Kingston, "has again taken to himself a wife—Mrs Daly, of Kingston. The ceremony was performed at Kingston, and the newly married couple arrived home on Wednesday evening. Of course, a charivari was organized; this appears to be one of the barbarisms which civilization is unable to shake off or put down, and against which there is no protection. The mob assembled on Thursday night with their horns and pans, but Mr Hall met them with a compromise, and liberal 'treating' bought them off." That was from the *Kingston Daily News* of 1873.

1050

One of the things we've seen is the number of marriages these days ending in divorce. I think the number is very close to 50% of all marriages today ending in divorce. It's much easier to get a divorce today than it was many years ago.

Here, from the *London Advertiser* from 1889: "Judging from present signs, the divorce cause list for the next session of the Senate will be heavy." Divorces had to be approved. "In three cases notice has been given already, and a fourth notice is expected. Three cases come from western Ontario, and the fourth is from British Columbia. Divorce in Canada is an expensive luxury, each being estimated to cost at least \$1,000."

There's a bit of trivia from our past in Ontario. I just want to commend the honourable member for this initiative, because I think it is one that is going to be most welcome across this province.

Mr Tascona: I'm very pleased to join in the debate of Bill 74, An Act to amend the Marriage Act. I think it has been fairly clearly stated by the member from Etobicoke West, in terms of dealing with An Act to amend the Marriage Act, what we're doing here is specifically amending one part of the Marriage Act to allow for civil

marriage ceremonies to be broadened in terms of who can perform that ceremony. Right now, it's restricted to justices of the peace or judges. What I think the member from Owen Sound is trying to accomplish here is to allow for greater choice in terms of who can perform those ceremonies and also to meet the demand that's out there, not only in his riding but in other ridings, a demand not only for it to happen but also the respect for the institution itself in meeting the wishes of the people who want to be joined in marriage, in terms of being able not only to accommodate their schedules but also to give some dignity to what they're going through.

The pressures on justices of the peace and judges today in terms of administering our court systems are tremendous, and obviously they have a role to play. Perhaps at one time they had greater time to play that role. I don't think that may be the circumstance today. Obviously, the evidence we've heard here today from the different speakers would support that that's not the case.

Religious marriages can only be performed by those who are registered under section 20 of the Marriage Act. In addition to registering with the registrar general at the Ministry of Consumer Affairs and Business Services, the individual has to satisfy a number of other criteria. What Mr Murdoch is focusing on here is non-religious marriages, commonly known as civil marriages under section 24 of the Marriage Act. That is specifically where we're looking to amend the act. I think the member from Etobicoke-Lakeshore correctly pointed out that the Lieutenant Governor in Council hasn't made any regulations under that specific act to deal with the situation, though it does have authority in section 34 of the act to do that.

The choice technically exists, obviously, with respect to civil marriages, but the difficulty, as I think the member has correctly stated, is getting access to officials who will solemnize civil marriages. You always hear of people going to city hall and getting married there, but a justice of the peace or a judge would have to perform that ceremony, and if time restrictions are present, which they are in this day and age, you're not going to have anything more than a very regimented routine in terms of the marriage ceremony taking place. I think what the member from Owen Sound is trying to accomplish is some flexibility in the process and not do anything else other than make the procedure more efficient.

I'm going to give my time to the member for Northumberland because we believe in fairness here, but I want to say that I think the House should give this piece of legislation some serious thought to ensure that we have dignified marriage ceremonies and flexibility in the system.

Mr Doug Galt (Northumberland): I can support this piece of legislation enthusiastically. I am rather disappointed that it is necessary, but with church attendance and the recognition of our religious organizations, this is reality in Canada and in the province of Ontario, and I think it's our responsibility as legislators to meet the reality and to meet the needs of Ontario. Certainly when it comes to marriages, that is not happening presently in Ontario.

Having said that I support the legislation, I have some concerns with it, and I hope that some of this will be sorted out in committee. What the member is bringing forward suggests six marriage commissioners per each electoral riding, some 103 electoral ridings in the province. I really don't know whether that might be a realistic number to fill the gap or not, but certainly as we look at other provinces—BC, Alberta, Manitoba—very large percentages of the marriages there are being carried out by marriage commissioners. Obviously we're going to require some training of these individuals, which is not covered here, but I expect it would be in regulations; things like record-keeping, things like the setting of fees and even counselling. Counselling is something done in connection with religious ceremonies, and I think because of the seriousness of this particular activity, counselling would be a very, very important part. Probably a marriage is one of the, if not the, most significant decisions a human being makes, and because of that it should not be taken lightly. It's a very personal one that people take, but also down the road it can have some extreme financial implications, and if the proper records are not kept, then that makes it very difficult for judges to make those kinds of decisions when it's necessary, and also some of the family decisions, particularly if the marriages should end up breaking up.

"Until death do us part" really doesn't hold true in a lot of marriages today, so I see a need for guidelines and parameters to ensure that there is consumer protection here in Ontario, but I congratulate the member for bringing this particular bill forward. It was also brought forward by the member for London West, I think, previously. I look forward to it going to committee and having further discussion.

The Acting Speaker: Response?

Mr Murdoch: I'd like to finish the letter I had, in this short time.

"These actions will at once make getting married a simple and straightforward matter and also an affordable one.

"Be bold. Sweep away this musty apparatus from the past. The pastors will thank you.

"On behalf of the Owen Sound Ministerial, I remain,

"Your friend,

"Rev Pyles, Senior Pastor" of the Alliance Church.

I just wanted to finish that.

Now I'd like to thank the speakers who support this bill today. There was Gerry Phillips from Scarborough-Agincourt; Steve Peters, with his anecdotes, from Elgin-Middlesex-London; Peter Kormos, from Niagara Centre.

Peter, I used six because I thought of the Rainy River district, because you'd need one in Fort Frances, one in Kenora, one in Dryden, one in Ear Falls. So, yeah, that's when I was thinking of six. I'm open on that; that's where a committee could look at that. The patronage of the appointments? I don't know how you get around that. I sat through opposition, I sat when your government made them, and I always said the government of the day has to live with who they appoint, but they should look—

Mr Kormos: We were appointing Liberals and Tories.

Mr Murdoch: You could have been, and that's fine. But we have to look at who we appoint, and we should be looking at it and not looking at what they are—Liberal, NDP, Conservative—good people who are concerned because marriage is an important thing and we want people there who are concerned about that. Again, I'd be open to that.

Morley Kells, from Etobicoke-Lakeshore, mentioned that maybe there is life after politics, that MPPs could do it. Or as MPPs here, maybe we have that authority. We do sign documents. I sign documents for birth certificates, for passports and things like that, so maybe we could do that.

Joe Tascona, from Barrie-Simcoe-Bradford and Doug Galt, from Northumberland—I appreciate all the people here supporting it. I think this is one of the important things, that all three parties in this House support something. That's certainly a step forward. Maybe our ministry will bring it forward, if I can't do that, and maybe the justice committee should look after this.

The Acting Speaker: This completes the time allocated for debate on this item. I will place the question regarding this item at 12 o'clock noon.

1100

PUBLIC SECTOR EMPLOYEES'
SEVERANCE PAY
DISCLOSURE ACT, 2001
LOI DE 2001
SUR LA DIVULGATION DES INDEMNITÉS
DE CESSATION D'EMPLOI
DES EMPLOYÉS DU SECTEUR PUBLIC

Mrs Bountrogianni moved second reading of the following bill:

Bill 53, An Act requiring the disclosure of payments to former public sector employees arising from the termination of their employment / Projet de loi 53, Loi exigeant la divulgation des versements effectués aux anciens employés du secteur public par suite de la cessation de leur emploi.

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

Mrs Marie Bountrogianni (Hamilton Mountain): Bill 53 is An Act requiring the disclosure of payments to former public sector employees arising from the termination of their employment. This is my second attempt to bring accountability to this issue. About a year and a half ago, I introduced another bill that passed second reading and was referred to the general government committee, but because the Legislature was delayed it died on the order paper, as well as any other bill that had not passed third reading. There are a lot of other topics that I would have loved to bring forward as a private member's bill, but I feel very passionate about this because it has to do with democracy, it has to do with open accountability

and it has to do, basically, with the waste of taxpayers' money which could be used for health care and education.

This was motivated a year and a half ago by some extremely beautiful golden handshakes to unaccountable senior CEOs in the public sector in Hamilton. Then, upon researching these golden handshakes, I discovered, in consultation with my colleagues, that these golden handshakes were not just limited to Hamilton; they were across the province. Obscene amounts of money were paid out for severances, about which the public did not have a right, and does not have a right, to pick up the phone and say, "How much is the CEO of that hospital or of that board or of that city council leaving with?" We don't even have that right, number one. Number two, the amounts at times—not always, but at times—were obscene because, let's face it, it's easier to let them go quietly if you give them more money. So there are two things here: the openness and the waste of taxpayers' money. At a time when programs are being delisted from OHIP, at a time when special education budgets are being cut, we could be using these millions and millions of dollars for those programs.

I'll just give you a few examples from my hometown but also from across the province. The transition board from Ottawa bought out 72 senior civil employees for \$13.4 million; former acting regional chief administrative officer Mike Sheflin, \$600,000. I want to remind this House that this information was sought by some very clever reporters under the freedom of information act. This was not open to the public. None of what I'm about to say to you was ever offered to the public—a former city commissioner of engineering and public works, \$408,000; seven other public employees, more than \$300,000 each.

Just very recently in Hamilton, former city manager Doug Lychak, \$359,000; city of Toronto former chief administrative officer Mike Garrett, \$500,000; Hydro Ottawa, former secretary-treasurer and director of finance Wilmer Barber, \$309,000; and very recently, Ottawa Hospital former CEO David Levine, over \$700,000. Actually, it was 730—did I say thousand? I meant million, no, thousand—\$730,000. You see, I can't even say these numbers they're so big. I can't even perceive getting this much in severance.

David Levine qualifies for a payout, according to the Ottawa Sun, equalling about \$729,480 over two years. This would have paid for three labs for patients, \$750,000, or the amount spent on health care for 426 people between 15 and 44 years old for one year, or 27 defibrillators for the city, or a nuclear medicine camera valuable for diagnosing strokes, Alzheimer's, coronary artery disease and other ailments. One severance package could have paid for any of these important pieces of health equipment or other services.

Getting back to Hamilton, this probably started before Dr Jennifer Jackman, but Dr Jennifer Jackman, who was the CEO of Hamilton Health Sciences, really was the golden handshake of golden handshakes, the mother of

golden handshakes. In 1996 the initial settlement potential was \$1.8 million. With all due respect to Dr Jackman, she didn't leave on good terms from Hamilton. This was eventually reduced to \$800,000, we think—we think; we're not even sure. We don't know how much Catherine Rellinger, the former president of Hamilton Mohawk College, received. She left before her contract was up. Again, Mr Rowand: his initial severance figure when he left Hamilton Health Sciences was half a million dollars. We don't know the final figure.

I want to emphasize that I'm not criticizing the individuals. It's human nature to look out for yourself. They're not breaking any laws. They've got their contracts and if they're let go or they're forced to go or they want to go, they're going to take care of themselves, and they do. It's the law that is wrong.

Windsor Regional Hospital, former CEO Lloyd Preston, \$675,000. We're talking severances here. Windsor former police chief John Kousik, \$250,000. Then there are former superintendents of school boards. When school boards amalgamated, a lot of the superintendents and some of the directors were considered redundant, and we don't have a right to know how much they received. We do have a little bit from freedom of information. The Greater Essex County District School Board former superintendent of human resources received \$170,000, plus \$85,000 in benefits. This is because he was redundant because there were two of them from amalgamation, and therefore he got this golden handshake.

Ontario Hydro former CEO Alan Kupcis, \$942,000. I can't imagine that. This isn't IBM, Pepsi-Cola, Coca-Cola. These are public sector employees. Kitchener-Waterloo Grand River Hospital former CEO Al Collins, \$200,000; and Toronto St Michael's Hospital former president Roger Hunt, \$360,000.

At least in Hamilton—and I look forward to hearing from my colleagues from across the House—that money could have been well used for health care and education.

Very recently, one of my constituents brought to my attention that yet another health program for seniors was cut in Hamilton. Mr Ross Hopkins is 72 years old, he's suffering from asthma, emphysema and silicosis as a result of working many years in one of the steel mills in Hamilton. For the last two years he's been involved with the Asthma and Respiratory Centre in Hamilton, in the exercise program. This program is offered three times a week for three and a half hours a session. Each session is directed by a technician with a background in kinesiology and special skills in physiology and has to be supervised by a licensed physician.

According to the information I received, as of July the code G467, which covered funding for this program, was eliminated from the fees of OHIP. It was delisted, in other words.

Mr Hopkins has a wonderful support system, a wonderful family, and when he came to me he said, "You know, there are people a lot worse off than me, who have even worse asthma and respiratory conditions than me,

who really rely on this program. It's such a shame that it's cut. It's one more program that we really needed that was cut."

When we add up over \$2.5 million in golden handshakes in Hamilton in the last five years, when we add up the millions of dollars in golden handshakes, a small percentage of that could have gone for this program, could have gone for audiology, could have gone for special education, could have gone for so much more that was cut from our community.

What do other people say about this? The Hamilton Spectator, April 2001: "When the public pays, it has a right to know. This is accountability. Mohawk College is the latest example."

Again, the Spectator:

"The public's right to know about matters involving taxpayers' money is neither a privilege nor a favour. It's a right, one that needs to be enshrined in law.

"Elected officials have the privilege of spending public money and have the responsibility to do so wisely....

"Severance payments given to public sector managers are often so enormous as to be in the public interest....

"Severance packages that collectively add up to millions of dollars require scrutiny. The agreements to pay them require accountability.

"Once and for all, let's end secret severances. Queen's Park has the means.

"Severance payments to municipal employees have created a firestorm of protest from Ottawa residents." Ottawa Citizen, March 2001.

The Toronto Star, February 1992—this is not a new problem—"Cash-strapped St Michael's Hospital is dumping its highly paid and highly touted new president for a rumoured \$360,000 in severance pay."

There's more. All I want to say is that I congratulate my colleague Caroline Di Cocco for bringing in a bill that says public meetings should be public, not behind closed doors. If Mrs Di Cocco's bill, which is successfully going to go to committee next month, passes before Christmas, and if I have support in this House and this bill passes before Christmas, there's a hope that there will be more accountability in the public sector.

I understand that across the way there is a lot on people's minds, that there's a leadership race going on and that the Legislature may be prorogued again, so I'm really hoping you support this bill, that you support it in the committee I refer it to and that it's done before Christmas. This is an extension of your sunshine law. Anyone who makes \$100,000 or more, the public has a right to know.

1110

Mr David Christopherson (Hamilton West): I'm very pleased to rise and offer support and my compliments to my friend and colleague from Hamilton Mountain, Marie Bountrogianni. Given the recent history in Hamilton, and I certainly won't repeat it, this is something that's more than needed.

In fact I will go so far, since I'm in such a good mood, as to suggest that the government did a good thing to in

picking up on the announcement we had made as government, that such a disclosure law in terms of public salaries should be made, and they did continue that through. Unlike a whole lot of community investment programs we had announced, which they slashed and did immeasurable damage to communities like Hamilton, they did continue with this announcement and they brought to this Legislature and passed the Public Sector Salary Disclosure Act.

I think therein lies the best argument you could look for in terms of supporting this bill today. I don't know what the indications are from the government members, whether they intend to support this or not. Marie, have you had any communication from them?

Mrs Bountrogianni: I've had some positive feedback.

Mr Christopherson: Some positive, so hopefully they'll support it because it is very consistent. Once you've made the principle that there is a certain point at which the public right to know crosses into an individual's right of privacy—that's always been the argument: how much someone makes, unless you've got a collective agreement, is usually one of the biggest secrets one can possibly hold. I'm not sure that's the healthiest attitude, but there it is.

What we've said in this Legislature is that if you are past the \$100,000 mark in pay, and are receiving and deriving that pay from the taxes of Ontarians, then at the very least they have a right to know. Obviously over time that figure will grow and change to reflect inflation, but the principle that one's personal financial information, ie your wages, is superseded by the public right to know has already been established. That's done.

Now all we're saying is there are other circumstances where monies that are spent on behalf of the public, with the public's own money, make the \$100,000 mark look like chump change, and that in light of the previous law we've passed, when you apply that principle, there's really no argument not to be divulging this. I'd be interested to hear the arguments, if there are any, opposing this because I really can't imagine what they would be.

It also plays an important role in the dynamic of a democracy. Most of the agencies the member for Hamilton Mountain has mentioned are not elected bodies. There may be municipal elected representatives as members, but it's usually just one or two. The vast majority, the overwhelming majority of people who are on college boards, university boards, hospital boards are appointments and there isn't that same accountability. It's sort of once removed, as opposed to the accountability of any of us who go out and put our name and our reputation on the line and the people decide, very publicly, whether our contract is going to be renewed or whether it is time for us to go out to pasture.

I think this puts an important dynamic into play there because it forces those individuals to recognize that the accountability of the decisions around severance is something they'll have to answer for just as they do every other decision they make that affects the public service they're responsible for.

Having said all this, I do want to say one thing; that is, I don't have the same level of difficulty as my friend with the amounts. Let me put that in its context: \$700,000 is a staggering amount of money. No matter who you are, that's a lot of money. And \$250,000 is a lot of money. There are a number of people in Hamilton and other communities who make that amount or more for a lot of reasons. Number one, they're responsible for often hundreds of millions of dollars of public money. They're ultimately responsible for a workforce of thousands of people. They're accountable to a board of directors and to the users of the service they provide. They're also accountable to the general public.

When you're dealing with that level of responsibility—it is very much like a deputy minister here—if you're going to find people who can perform that task in the way the public has a right to have it performed, it is going to cost you. If you want to go cut-rate, then that's the kind of service you're going to get. That's unfortunate, particularly for the taxpayer, but that's the reality. I have yet to be in a position where I'm elected or appointed to be responsible for an organization where the top person who works with me, the top civil servant, doesn't make tons more than I do. That applies not only to when I was a municipal councillor and all the directors made at least twice what we did—that's the directors, not even talking about the CAO—but also, as a former minister, my deputy minister made a lot more. Even as the president of my local union back in the 1970s, the administrator in the office made more than I did.

That's a reflection of the requirements for those positions and the competition, because we are competing with the private sector for these individuals. People who can run \$100-million organizations are very much sought after privately, and we need them publicly. When you start looking at severance and you use the multipliers that the courts have established—this gets to the nub of where I have some difficulty with saying the dollar figure is a problem. The dollar figure is usually based on a formula in the contract. Those formulas are often reflective of what courts have said is fair.

Being a former labour leader, I've spent a lot of time, and the labour movement continues to spend a lot of time, fighting for decent severance. Those formulas are key and crucial to people who make a heck of a lot less. But again, extremes ought not to be used to establish law. I don't want to get into a situation where we start saying that somebody who receives two years or more, or 18 months, in severance is not entitled to that because of the dollar figure it ultimately reaches, because that could have an impact on an awful lot of working people who have fought for decades to have a decent severance payout.

I would also remind the House that often those severances are established as part of a contract of employment. They reflect what has already both been established by the courts and what is out there in the world of competition, in terms of competing to bring them out of the private sector where they can still usually make an awful

lot more and bring them into the public sector where, I would argue, we need them even more.

1120

With that one caveat—it has no reflection on this bill; that was really part of an earlier bill—my colleague feels somewhat differently about that, and that’s cool. That’s what this place is all about. But given that what we’re talking about today in this bill is explicitly the issue of whether or not the public has a right to know, to me this ought to be motherhood. This should be a slam dunk here today that, yes, we support the earlier bill that says anybody receiving over \$100,000 a year will be known to the public, and that now will extend to include severances. If that causes some boards and commissions to put a little finer point to both the clauses they put in contracts and what they’re considering about throwing into a deal to have someone move along that they feel is in the best interests of the organization, great. I think that’s a dynamic that helps public service, helps the democratic process, particularly at the local level, because that’s where we’re seeing all of this.

But what it may do also is start to set the precedents that when you’re dealing with that much money, at the end of the day there’s no justification for keeping it secret. On a broader scale, I’m going beyond and saying this is a principle that may find itself applied elsewhere, and that’s healthy, that’s good. But for today, really, this is just common sense if ever there was, an extension of a principle we already have.

I would also say, on my last point, that it’s actually of benefit to those representatives on the boards and commissions. More headlines were generated in Hamilton over the refusal to give out the dollar figure than probably ever would have happened if they’d just been given out in the first place. Yes, there still would have been a kerfuffle. You can’t spend half a million dollars or more of taxpayers’ money without ruffling some feathers. But I don’t think there would have been near the firestorm we saw in Hamilton, and in other communities, obviously, if there hadn’t been this first attempt to say, “No, we’re going to keep it secret. You can’t be told.”

I think this is of benefit all around, and I would hope and expect that this would receive unanimous support here today.

I want to end by congratulating my colleague from Hamilton Mountain for having the perseverance to continue with this, even when it died on the government’s order paper last time. She brought it back. This is an important contribution to public service. I commend her for the efforts and I intend to offer my support today, and our NDP caucus will be supporting it also.

Mr Wayne Wetlaufer (Kitchener Centre): It gives me a great deal of pleasure to rise today and speak to this bill. I’m going to support the bill in principle. But before I get into it, I want to congratulate the member from Hamilton West on his amazing transformation, or maybe I should say even reformation, on recognizing that people in business—I presume you meant not just organized labour but business people as well who have charge of

millions and hundreds of millions of dollars of budget—should be well paid. I do want to congratulate you. After what your government did to small business and the equity that small businessmen had in their businesses, I congratulate you.

This bill addresses greater openness and accountability, and that’s something this government has supported since 1995, when we were elected. I congratulate the member from Hamilton Mountain, Dr Bountrogianni, on this bill.

We’re not talking about dollars that are actually spent by government; we’re talking about dollars that are spent by non-governmental agencies but, nevertheless, they are tax dollars. We have said many times that there’s only one taxpayer in the province of Ontario. So I really congratulate you.

There is a belief, I believe by all members of this House, that there is a need for all transfer agencies to be more accountable for the money they spend.

The member did introduce a bill, Bill 104, in the previous session. I could not have supported that bill because I felt that it created a bloated bureaucracy. This one does not. This one does not have that extra layer of reporting involved, and I’m quite pleased about that.

Nevertheless, I have some concerns and I really urge the member from Hamilton Mountain to give these concerns some consideration. I feel that the execution of the bill is complicated—

Interjection.

Mr Wetlaufer: You know, it’s bad enough to get heckled by the other side of the House. Now I’m getting heckled by my own members. That’s because there aren’t enough members in the House.

I believe that the execution of the bill should be a little more detailed. It should outline in mandatory terms of disclosure. Should it be published or should it be available for just anyone who wants to see it? Would there be a fee that could be levied, for instance? Would the report be disclosed annually, would it be disclosed semi-annually or would it be disclosed within a mandated time period after the severance takes place?

I believe also that there is no provision for regulation in the bill. That, I think, should be explicitly provided. Without that, the bill could not be amended other than by legislation. I would urge you to consider that amendment.

One thing I want to point out is that the bill also does not allow for the context to be given to any severance payment: ie, would the disclosure shed on whether or not it was reasonable? What were the terms of this severance, ie, the salary, the terms of the severance itself? Was there a contract involved? What were the duties of the employee or manager? These are things that I would like to see looked at.

There are some legal implications as well. For instance, disclosure of salary and benefits are often discussed in public as part of a public discourse on value for taxpayer dollars. The terms of severance, including confidentiality issues surrounding termination of employment and decisions of labour tribunals, could make it

very difficult for an employer to give context to the dollar values made public under the bill. Forced disclosure could prompt the affected employers to lowball severance packages. That could result in litigation.

We did a little research. We got the legislative library to look at something here. We looked at the law in British Columbia, Alberta, Quebec and Ontario. In British Columbia, for instance, there is no specific legislation, but BC's Freedom of Information and Protection of Privacy Act covers the issue. The Information and Privacy Commissioner has held that severance packages constitute remuneration or discretionary benefit of a financial nature under the act and, as such, disclosure of the amount is not an unreasonable invasion of personal privacy. Alberta also has no specific legislation, is also covered by the province's Freedom of Information and Protection of Privacy Act. The Information and Privacy Commissioner in Alberta held that it did not constitute an unreasonable invasion of the employee's personal privacy and that disclosure was therefore permitted.

Quebec also does not have a specific statute. The information—I'm talking about personal information now in all of these—including the amount of severance, is public information and can be disclosed.

Of course, Ontario is governed by the province's Municipal Freedom of Information and Protection of Privacy Act.

I was wondering if perhaps the member had sought out the advice of the province's Information and Privacy Commissioner. That would be helpful.

I don't have any real concerns in terms of whether or not this is privacy information. My only concern is the legal implications. I believe that if the House passes this bill and we can send it to committee, the committee could also do some work on this as well with the member and make any improvements necessary, if the member agrees, and I think she does because she's nodding her head. I would say that I could support this.

1130

Ms Caroline Di Cocco (Sarnia-Lambton): It is a real privilege to speak on Dr Bountrogianni's Bill 53, which in my view is about what good government is about: the good process, if you want, of disseminating public dollars. That's what this is about.

This bill has one objective: to bring accountability to public sector severance payments. It comes about not because the member for Hamilton Mountain thought, "I have to decide what a private member's bill is and therefore find an issue," but because it comes from real experiences in her own constituency that dealt with an abuse of providing severance pay—or, as she calls it, the golden handshake—to the tune of I believe \$1.8 million.

I understand that it isn't necessarily the dollars in and of themselves, but the public does have a right to know when public funds are expended in this manner. You have the sunshine bill. With any public sector employee who makes over \$100,000 a year, that is listed as tax dollars provided to pay their wages. The member for Hamilton Mountain is just saying there are too many

packages. I know, because we've certainly had incidences in my constituency. There are way too many incidences where directors of education, CEOs of municipalities, CEOs of hospitals, get huge amounts of money but the public never is told what that amount is. I believe that is just showing respect to the openness of government, if you want to call it that, for the public. It's about management of public dollars, their hard-earned tax dollars.

We had an incident in my area of Sarnia-Lambton even during the last municipal election. We had a CEO, the director of education. We had an inquiry that cost hundreds of thousands of dollars because of dollars that were misspent. Not only were they misspent, there were millions of dollars lost, that literally flew out the window, went into private developers' pockets and were removed from the auspices of education in the area. This director, it was seen through the inquiry, played a huge role in how these dollars were misspent. What did our board do? They did want to get rid of him, so they gave him a wonderful severance package of over \$600,000 for misspending \$3.5 million and eroding the credibility of a system. That, to me, is inappropriate.

It was interesting because in one of the public debates a trustee was asked, "How much money did you actually pay out for this director?" She said, "That's private. I can't say what it is." I think the public becomes incensed. Not only that, I think the public deserves better than that. I think that's what this bill is all about. As a matter of fact, I know that's what this bill is all about. It's simple.

I know the member for Kitchener Centre made some comments about some complexities which he saw in this bill, but my view, at least my understanding of it from the member for Hamilton Mountain, is that this is similar to your sunshine law. It simply requires public disclosure of severance pay of \$100,000 or more to public sector employees. So after the decision has been made, after of course they have been held to the contract and they've said, "You're going to go. We're going to give you so much money," the public is just notified so that they understand where their hard-earned tax dollars are going. I believe they do. It's about good government.

The member for Kitchener Centre mentioned non-governmental agencies. A hospital board may not be a legislative agency, but it certainly is a part of the governmental agencies at the provincial—you know, it's another jurisdiction. It's a finger of the same arm. Again, it's about better government. It's about better public service, in my view.

I really commend the member for Hamilton Mountain. I'm quite passionate about this type of transparency that I think the public deserves. As we move on in our journey as legislators, we have to try to make these areas that we have tremendous—I sat here and listened to the specific dollar figures and how this information came to be known in the public view, and I think it's nonsense.

Mr Michael Gravelle (Thunder Bay-Superior North): It's unbelievable.

Ms Di Cocco: It really is. I think we can change that. We can change it if we can pass this Bill 53 and we can

change it if we allow it to go to committee in this House and get good public hearings on it. Maybe we can restore some of that cynical environment that the public has. We can do it. I know if there is the political will in this House, we can pass this bill. I urge us as legislators to support this type of legislation that makes public bodies accountable for those decisions. It brings transparency to the expenditure of millions of taxpayers' dollars. They deserve that. The public wants to understand. "Where are our dollars being spent and why?" They deserve that. I believe this bill does that.

Again, I urge the members to support it. It's a valuable step toward what I believe in and what I believe I'm here for. I know the member for Hamilton Mountain is on exactly the same road, and that is ethical transparency and accountability, true accountability, not just in rhetoric but in action. That's what this bill is all about. Again, I urge all of us to support it.

Mr Michael Prue (Beaches-East York): In the three and a half minutes that I have available to me here, I would like to commend Dr Bountrogianni for bringing this forward. We will of course be supporting it. It's trite to say we live in a litigious society. People run off to lawyers every day. They run off to lawyers when they feel they've been wronged. They run off to lawyers for publicity. They run off to lawyers and go to the courts to try to get money if they see advantage in their case. It is the right of all individuals to seek redress and it is the right of individuals as well, though, on occasion to seek privacy. Much of what we have seen before in past years is individuals attempting to protect their privacy, corporations attempting to protect their privacy, and municipalities and governments attempting to protect their privacy. The courts have interpreted that and have had mixed messages on whether things can be released or not. I compliment this bill in making it clear and unequivocal that the Legislature expects that it will be released, so that the courts do not have to weigh privacy laws against the right of the public to know.

One has to remember, on the other hand, that many of the people who are dismissed are dismissed without cause. I heard the list of all the people. The one I am the most familiar with is the former CAO of Toronto, Mr Mike Garrett, who was dismissed without cause. The reason in part that his salary was, as she said, \$500,000 was because that had been negotiated at the time that the city gave him a renewal of his contract, said laudatory things about him, said what a great CAO he was, how marvellous he was to the city, awarded him this, and guaranteed that if he was ever dismissed without cause that would be his package.

1140

Part of the reason this is such an important bill is not because we are letting the public know how much money is being spent, but one of the side benefits, and I think a really good benefit, is that we are going to let the public know that \$500,000, in that particular case, was given for firing a person who just several months before that had been given a renewal of his contract and a lot of public

acclaim for the brilliant job he was doing in the city. In reality, what needed to happen and I don't think happened enough in the city of Toronto is that the people of that city had to ask why the council of the city of Toronto wanted to spend \$500,000 of taxpayers' money to do what they did when there was no cause whatsoever. It had to be reversed back, not to the person who had been released and not to the package they got, but why the council would do such a thing and why in fact they did do it. That was a very mixed council vote. I was one of those who voted not to do it, because I thought it was an abuse of public dollars.

This bill will make sure that happens, and I support doing exactly that. The true test, of course, will be—if this bill is passed into law, and I hope it will be—what the courts do with it concerning the privacy legislation where people attempt to negotiate or where corporations or civic bodies try to invoke the privacy clause. That will be the real test. I can only hope the courts will keep it public.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to stand and speak this morning to Bill 53, the private member's bill introduced by the member for Hamilton Mountain.

I'd also like to welcome all the young people we have in the audience here today. It's great to see so many people out to see the workings of Parliament.

I support the general intent of this bill and take the member in good faith that it is designed to bring greater openness and accountability to the broader public sector. This openness and accountability for tax dollars is something this government has supported since its election. These are dollars not spent by the government, but which are paid for by tax dollars. There is a real need for transfer agencies to account for the money they spend, just as there is a need for government to account for it. This was the purpose of the sunshine bill passed just a few years ago by this House.

The bill the member has introduced today I believe is much better than the one introduced by the member in the previous session. Bill 104 would have been very difficult to support, as it would have created a bloated bureaucracy with another layer of reporting. However, I do have some concerns about the details of this bill and hope the member will listen to them and give them some consideration.

I am also concerned about the possible implications this bill could have on the settlement of severance packages. People are dismissed from positions for a number of reasons. I'm not going to get into the specifics of speculation, but there could be a number of cases where a severance package that seems large is actually quite reasonable. That's a little bit of a problem with the \$100,000 capping. I understand it's nice to have some kind of figure, but in some cases it may be inappropriate. Granted, these are people who are being paid by public sector employers and therefore tax dollars, but the people in question have the same right to expect they will be given appropriate notice or compensation.

I'm not sure about the cases that the member opposite raises, but I think there is likely much more information to that than we are aware of, information that may help explain why a payment is reasonable.

What also concerns me is that this could add a dynamic to the settlement of severance packages that are usually settled in private, often with the assistance of arbitrators or labour relations boards. Traditionally, these are settled in private and the proceedings are confidential. In the case of, say, an arbitrator, the findings are binding. In this case, the settlement is really not the employer's decision, and it would be unfair to the employer to then have to defend a decision that is not theirs but that they also cannot talk about to give any context to. This is the kind of very complicated labour law that I do not have expertise in, but I am not satisfied that this is entirely consistent with other long-standing legal traditions.

Still, I think the purpose of the legislation is valid, but I am very concerned that it is missing some detail about the secondary impacts such a bill might have with some specific cases.

Based on that, I will be supporting the bill and I compliment the member for bringing it forward today.

Mr Dominic Agostino (Hamilton East): I'm certainly pleased today to join the debate and to, first of all, congratulate my colleague and friend from Hamilton Mountain, Marie Bountrogianni, for a bill that is long overdue.

I really find it hard to understand why anybody would see this as being complicated or somehow different from what we're now doing under the public disclosure act. It's very simple. Now the law of Ontario says that for any public servant, anyone who basically relies on tax dollars for an income, who has a salary of over \$100,000, the corporation, the board, has to submit the name. It is published once a year under the sunshine law, the disclosure act passed, I believe, in 1995 or 1996 by this government.

This is a really commonsense extension of that. I congratulate my colleague for the work she has put into this, and I find it astonishing that we are sitting here in October 2001 and talking about an issue that we sat here and talked about in this Legislature in October 1996.

Let me read you something. *Hamilton Spectator*, October 17, 1996: "I don't care if it's a hospital board, a school board, or a local municipality, these people are representatives of their community,' ... 'They are responsible...to their constituents and I think it is incumbent upon them to come clean, if you will, to the public at large.'" That's Ernie Eves, Treasurer of Ontario at that time.

At that time, Mr Eves said he'd like to see changes but didn't know whether it was best to make an amendment to the act or to give the auditor more authority to look at financial records.

I remember dealing with this issue in 1996 regarding an \$850,000 severance package being given to the CEO of the Hamilton Health Sciences Corp after the individual had been on the job for one year. There was absolute

outrage in the community. What has changed six years later? Absolutely nothing. We continue to have outrageous settlements; we continue to have backroom deals; we continue to have a lack of accountability for taxpayers' dollars. I don't know who this government is trying to protect, or why. I don't know why they haven't moved in six years. I don't know why they are somehow getting caught up in the details of this bill. It isn't that complicated, folks. If you believe in public, open accountability, then you simply say that what applies under the sunshine law applies under this legislation.

Most of these deals are negotiated between the board, if it's a hospital board, and its hospital CEO, or between the city council and its CEO. First of all, I think someone had an issue with the amount of the severance. That's an issue aside from this that has to be dealt with: should there be a cap? Is it acceptable for someone who has been on the job a year or two years to walk away with a severance package that may be twice the size of their salary during that period? That being said, the majority of those deals today are negotiated ahead of time. They should be disclosed as part of the package that's negotiated, and they should be disclosed when it comes to the individual and their severance package kicking in.

So I'm sitting here, and I remember at that time that Jim Wilson, the Minister of Health, wrote to the chair saying, "[A]s a taxpayer-funded organization, they should use common sense and allocate dollars wisely.... This is ... important since their decisions involve public funds, money paid by the taxpayers of the province." Hospitals, he said, must be fair, but also must remember that "the public interest is paramount in any decision."

Again, the former Minister of Health and the former Minister of Finance seemed to be on board. I think it's unfortunate that we're still sitting here six years later arguing over this.

The list provided by my colleague from Hamilton Mountain outlines some of the obscene packages, but what makes it even more obscene is that these packages often do not see the light of day. It is unacceptable; it is wrong; it is not accountability to the taxpayers of Ontario. The government should not be running, as much as they want to, hospital boards or school boards or city councils, but they should require accountability from the people who make those decisions. This government is big on accountability. We talk about accountability for hospitals. We talk about how, if you don't have balanced budgets, we're going to fine the CEO or we're going to fine the chair of the board. They talk about accountability in every aspect. This is nothing more than a question of public accountability.

1150

Someone on that side of the House should explain to me why the public interest would not be served by passing the bill from my colleague today, bringing it to committee and getting it through the Legislature very quickly. It's a farce. I cannot understand it. I wish someone would explain to me why there would be an objection to this. Can someone here explain to me why you haven't moved in the last six years?

I hope today—and we're getting an indication by some government members that they may support this—that you don't get cute with this bill, that you don't pull off the usual stunt of supporting a bill to make it look like you do and then, when it has to go off to committee and we can really do something about it, you bury it. We're making it clear that we're going to hold you accountable for that. It's not going to be good enough to simply stand up today and give token support to this bill and then not take it to the next step, not take it to the right committee.

It doesn't need a lot of change. It's a couple of minor changes, if those are necessary. If you want to take credit for the bill, go for it; I'm sure my colleague won't mind, because, frankly, it gets what we want done. If you want to simply amend the sunshine law and you don't want to give the opposition the pleasure of passing a bill, as you tend not to, then take it and run with it, but fix it. It's that simple. Just fix it.

My colleague has done the work here. I believe she'll be given the credit, if not by you then by the public. Please do the right thing today: support this bill, send it to committee and change it.

Mr Wettlaufer: Where were you when I said I would?

Mr Agostino: I appreciate the member from Kitchener supporting this. I hope he supports its going to committee to get it changed and brought back before Christmas. I know he supported this in the past, and I think it's important. But again I'm urging the leadership on the government side of the House to ensure that this bill gets quick passage to committee and gets back into the Legislature. Let's do the right thing. Let's finally shine light on some of these obscene severance packages so that boards, councils and commissions that make the decisions are held accountable. It is taxpayers' dollars. The taxpayers are owed nothing but openness and accountability, and this bill does that.

Mr Doug Galt (Northumberland): I appreciate the opportunity to say a few words on Bill 53 and to compliment the member for bringing this forward.

It's unfortunate. Some of these private members' bills are ideal. They arise from a problem in the individual's riding or in Ontario in general, and to get them all the way through—they can be stopped by an individual, because of course we need unanimous consent to get them through. I really think we need a new way of getting third reading through, because here's a bill that should go all the way.

I think back to the bill I had on people riding in the backs of trucks and getting thrown out and being killed. It went through second reading, we went to committee, the committee agreed with it and came up with some really good ideas and some ideas from the ministry. We adjusted it accordingly. The Minister of Transportation enthusiastically supports it, but it can be stopped by one individual. In a democratic society—the operation of this Legislature being democratic—we need another way of recognizing third readings. I empathize with the member,

because I expect this one will end up getting to third reading and not getting any further. I think that's very unfortunate.

This particular legislation is consistent with what the government has been bringing forward. One we brought forward was on public salaries when they exceed \$100,000—salaries paid from the public purse, whether direct or indirect. The second one was on union salaries. The member from Scarborough East first brought it forward, and I remember it was completed as a government bill—again, union leaders making \$100,000 or more per year.

I'm not questioning whether people deserve this salary level or severance level. It's certainly something the public has great concern about, and I think its being brought forward by the member is excellent. If we can get this through, it's going to provide the opportunity for the employee—whether it's a CEO for a hospital, a municipality or whatever—to establish at the time they're hired what the severance package is going to be, depending on what the contract is and when the severance occurs as it relates to the end of the contract. At the same time, the employer is going to be prepared to put out documentation to explain why this particular severance amount was agreed to. Whether it's \$500,000 or \$120,000, at least they'll be putting it out and it won't be rumoured on the street, or it won't be put out because of obtaining it through freedom of information.

We had a situation of a CEO severance package for a hospital in my riding I believe in the winter-spring of 1998. The rumour was that he got a half-million dollars. As soon as that appeared in the press, the phones in my office lit up like a Christmas tree. People were phoning, and they were angry. Like the member suggested, people had donated to this hospital, and they were seeing a half-million dollars going out in a severance package.

Was it fair or not? You'd have to go back to the contract and examine it and see what this individual was losing. But it was also rumoured that this individual left on a Friday night and on Monday morning was working in another hospital. At a different hospital in my riding, the CEO left and the amount never did surface, but it was certainly discussed on the street. I think that's wrong. What's right is to release that information, and at the same time the employer can explain why that level is there.

I enthusiastically support the member's legislation, Bill 53, that's being put forward this morning.

The Acting Speaker: Response?

Mrs Bountrogianni: I'd like to thank all the members on all sides of the House—Hamilton West, Sarnia-Lambton, Hamilton East, Kitchener Centre, Beaches-East York, Simcoe North and Northumberland—for their feedback, their support and their constructive criticism. I will take head of their advice. Hopefully it'll get to the committee before Christmas and we can actually do that.

I would agree with my colleague from Hamilton East, and I said this publicly to the media last year, that if the

government wants to take this idea and just extend their sunshine law—it was basically an extension of their idea—I would be quite happy with that. This isn't about me bringing in a bill; this is about bringing accountability to communities across Ontario.

With respect to the amounts of severance packages, I have a slight disagreement with my friend from Hamilton West. I see your point, and I think people do deserve good salaries and good severance packages. But there were times when people got severances they didn't deserve in their wildest dreams because it was just easier to give them that much money. It was easier for them to get out the door because no one would know. All I'm saying in here is, let's keep it open. Once it's open, we will be a little more careful about what we pay out. That's all.

I agree that my original bill was too technical, too bureaucratic. I agree with you. I modelled it after a bill in British Columbia, and that did set limits. This one doesn't. I think this bill does sort of address the concerns I heard in the last attempt at this.

I look forward to the committee. I will, in a few minutes, refer it to the standing committee on public accounts for more feedback.

Another issue is fundraising. When we did have one obscene severance package in Hamilton a few years ago, people were actually calling and asking for their cheques back. This does affect the trust communities have in us.

Thank you for your support. All I'm asking for is that for anyone who makes \$100,000 or more in severance, let the public know.

Mr Murdoch: On a point of order, Mr Speaker: I notice that in private members' public business there are generally not a lot of people here. But I'd like to point out that a class from Sacred Heart school is here today.

The Acting Speaker: Thank you. As you know, that is not a point of order.

We welcome you.

That completes the time allocated for debate on ballot item number 30.

MARRIAGE AMENDMENT ACT, 2001

LOI DE 2001 MODIFIANT LA LOI SUR LE MARIAGE

The Acting Speaker (Mr Michael A. Brown): We'll now deal with ballot item number 29. Mr Murdoch has moved second reading of Bill 74. Is it the pleasure of the House that the motion carry? Carried.

Mr Bill Murdoch (Bruce-Grey-Owen Sound): I would like to see this bill sent to the standing committee on justice and social policy.

The Acting Speaker: Agreed?

All in favour, please stand. You may be seated.

All opposed, please stand.

A majority is in favour.

This bill will be referred to the justice committee.

PUBLIC SECTOR EMPLOYEES' SEVERANCE PAY DISCLOSURE ACT, 2001

LOI DE 2001

SUR LA DIVULGATION DES INDEMNITÉS DE CESSATION D'EMPLOI DES EMPLOYÉS DU SECTEUR PUBLIC

The Acting Speaker (Mr Michael A. Brown): I'll now deal with ballot item number 30. Mrs Bountrogianni has moved second reading of Bill 53. Is it the pleasure of the House that the motion carry? Carried.

Mrs Marie Bountrogianni (Hamilton Mountain): I'd like to refer this bill to the public accounts committee, Mr Speaker.

The Acting Speaker: Agreed? Agreed.

All matters before us this morning in private members' public business now being complete, this House stands adjourned until 1:30 of the clock.

The House recessed from 1201 to 1330.

MEMBERS' STATEMENTS

ONTARIO ECONOMY

Mr Gerry Phillips (Scarborough-Agincourt): I was interested to see yesterday the government essentially saying that things are just fine, that there isn't any significant problem in Ontario and it's just sort of steady as she goes. I hope they're right, but I suggest there is considerable evidence that that's not the case. I'm afraid the government may be, for whatever reason, understating the challenge.

Ontario in the last four months has lost 26,000 jobs. The rest of Canada, by the way, has gained 9,000 jobs. It was just a few months ago that the budget was presented saying Ontario would add 150,000 jobs, and it looks like actually by the end of the year we'll be down some jobs.

When Premier Harris became the Premier, the debt was roughly \$90 billion. It's over \$110 billion now. The government has said, "Listen, we're going to cut corporate taxes to 25% below the US, but we're going to have a better health care system than the US." In my opinion, there's only one taxpayer; there's only one way that we will be able to adequately fund our health care system.

It's increasingly clear that Premier Harris saw these numbers, made his decision and now has left the challenge to the rest of us to solve.

NEWMARKET CELEBRATIONS

Mrs Julia Munro (York North): This year, the town of Newmarket in my riding of York North is celebrating its 200th birthday.

The last weekend in September this year, Main Street was crowded with partygoers who all tried to cast their minds back to imagine what the town must have looked

like 200 years ago. Most of the land within the present-day boundaries of Newmarket was nothing but bush, trees and rock. There were some old Indian trails and a wilderness road called Yonge Street.

It was along this road that a Vermont Quaker named Timothy Rogers, ancestor of Ted Rogers, came. He was looking for arable land to settle a number of families of the Society of Friends who had become troubled by life in the newly independent United States. In May 1801, he brought 40 Quaker families. They settled on Yonge Street near the Rouge Trail in the village of Armitage. The area eventually became known as the town of Newmarket. The spirit of this town was well established by its Quaker founders.

Among the many activities of this year-long celebration have been two important visits. In the spring, the Lieutenant Governor visited Newmarket, and in October it was my pleasure to welcome our Premier, Mike Harris, to Newmarket, where among other activities he planted a tree from the province to commemorate the 200th anniversary.

My congratulations to the many community volunteers who worked so hard to ensure the success of the 200th-anniversary celebrations.

OAK RIDGES MORAINÉ

Mr Gregory S. Sorbara (Vaughan-King-Aurora):

This morning, I was at a press conference for an announcement by the Minister of Municipal Affairs announcing a comprehensive plan for the preservation of the Oak Ridges Moraine. This announcement is welcome news not only in the area of York region but right around the province of Ontario. Although we will not see the details until later on this afternoon, we welcome consideration of this bill.

This announcement represents the culmination of 20 years and more of work by environmental groups and individuals who have told us in this place for years that we must preserve and protect this critical piece of geography in southern Ontario. I want to pay special tribute to people like Charles Sauriol, Dorothy Izzard, Debbe Crandall, who I see is in the members' gallery, STORM, and particularly Mike Colle, our member, who has fought this battle so hard very recently.

I want to say in this House that there is yet another environmental issue to address urgently in my riding, and that is the closure of the Keele Valley landfill site. Now, the Minister of the Environment wants one day to be Premier. If she is actually serious about leadership, she will urgently create a task force to determine what we in this province are going to do about landfill sites and waste management for the greater Toronto area. I invite her to that task today.

COUNTERTERRORISM MEASURES

Mr Garfield Dunlop (Simcoe North): The events of September 11 were devastating tragedies, and the people of Simcoe North have responded generously, lending

heartfelt support to those suffering sorrow and pain. To everyone who reached out with condolences, who donated blood, who gave money or food or who found other ways to help victims and families of these terrorist activities, a special thank you.

These events served as a wakeup call to levels of government throughout our nation. It was a reminder that we cannot take cherished freedoms and security for granted, that we must keep working to protect the peaceful and tolerant society we have created.

To this end, the provincial government has taken measures to help combat terrorism in our province. Some of these measures include:

The establishment of a special police unit to assist federal officers in tracking down people in Ontario illegally, and aggressively seeking deportation of criminal offenders;

The appointment of former RCMP Commissioner Norman Inkster and Major General Lewis MacKenzie as new provincial security advisers reviewing emergency response plans;

Improved security for obtaining vital statistics documents to protect Ontario citizens' birth certificates and other important documents;

Calling for establishing a North America-wide security perimeter which will protect our access to the United States' market and protect our nation from the threat of terrorists;

The expansion of the hate crimes and extremism unit to respond to an expected increase of hate crime incidents;

Ensuring that first responders are properly equipped to respond to chemical, biological, radiological and nuclear attacks;

Establishing a provincial emergency response team that will be specially trained and equipped to combat terrorist threats. Their mandate is to provide protection and specialized response to critical infrastructure.

As well, I would like to thank our Premier for his leadership throughout this very difficult time in the history of our province.

BLUEPRINT

Mr Ernie Parsons (Prince Edward-Hastings): This is a public service for the 50 or so leadership candidates across the aisle: it is not nice to fool the citizens in Ontario. You put out a Blueprint on what you were going to do this term. Evidently, there is an ulterior-motive, hidden-agenda proposal that is not given to the public.

You took and privatized school funding; it's not in the book. You introduced private cancer care; it's not in the book. You cut home care services; you didn't put that in this book. You amalgamated municipalities against their wishes; it's not in the book. You have put our water supply at risk; you didn't mention that in the book. You privatized our universities; not in the book. We need the other version, the real one that you're following.

You cut textbook funding in half this year; you didn't mention it in the book. You reduced public access to

physiotherapists, audiologists; you didn't mention that in 1999. You increased the cost of the cabinet support offices by 116%; I didn't find that as one of your promises in 1999. You are consistently blocking freedom-of-information requests; you didn't mention that in the book.

Privatizing water systems, increasing the Premier's office staff salaries by 40%: list that next time so the citizens of Ontario know what you really want to do.

It is a disgrace. Please give the other version to the public.

ADDICTION SERVICES

Ms Shelley Martel (Nickel Belt): The Minister of Health must deal with the serious funding issues facing the Northern Regional Recovery Continuum in Sudbury. This agency helps women 16 and over who want to overcome a drug or alcohol addiction.

A 21-day structured residential or day treatment program provides individual and group therapy, life skills training, relapse prevention, native traditional teachings, and Alcoholics and Narcotics Anonymous meetings. After-care programs help women after treatment is ended.

Last fiscal year, 187 women were admitted for treatment, and at present there is a six- to eight-month waiting list for counselling and after care because the agency can only afford to pay two staff to respond to these needs.

This agency hasn't had a base funding increase in 10 years. They've just been told that the 2% increase received last year by all agencies dealing with addictions was one-time money only. This was news, since the former Minister of Health, who had made the announcement at the Addictions 2000 conference last November, led people to believe this money would be added to base budgets. At the same time, she also announced \$5 million in new money for addictions. It has been revealed that this is one-time money too, so it can't be used to support existing addiction programs which desperately need funds.

The Northern Regional Recovery Continuum is dealing with proxy pay equity payments, increased ministry requirements, a problem to recruit and retain qualified staff, and a waiting list for needed services. This government brags about wanting to help people with addictions, but there has been no increase in base budgets for addiction services. This government had over \$2 billion for corporate tax cuts. Where's the money to help women with addictions in Sudbury?

1340

BICYCLE EXHIBIT

Mr John O'Toole (Durham): I rise in the House to recognize the opening of a unique exhibit of historic bicycles at the Bowmanville Museum. This is an account of Bowmanville's history on two wheels.

The display includes a large-wheeled, penny farthing bicycle that was originally ridden from Bowmanville to

Rochester, New York, in 1880. Another famous bicycle is an unusual chainless model that belonged to former postmaster Carl Kent. But the star of the show is a rare Massey-Harris bike with wooden rims and fenders made at the Dominion Organ and Piano Co in Bowmanville.

The text for the display is by the famous local historian from Bowmanville, Bill Humber, who is the author of a new book, *Freewheeling, the Story of Bicycling in Canada*.

I'm proud to represent a riding that takes such an interest in its history, through its museums in Bowmanville, Kirby, Scugog and Oshawa. A bicycle exhibit offers a fascinating window into the people, places and industries from Bowmanville's past.

I'd like at this time also to pay tribute to the Bowmanville Museum board and to curator Charles Taws, who by the way is leaving his post for a new opportunity. I'm sure the community would like to thank him for his hard work and dedication in preserving, promoting and interpreting our local history. We all wish him well.

I would also like to encourage members to look to their history by visiting their local museum frequently.

MINISTER'S REMARKS

Mr Dwight Duncan (Windsor-St Clair): The events of September 11 have affected all of us to a great degree. They have forced us to look not only at the very elements of our security within our borders but our relationship with our great neighbour to the south, the United States of America.

There have been deep, tough issues that governments at all levels have to face in order to respond to the new reality, the reality of our desire to increase security but at the same time maintain that important flow of goods and services across our borders. No community has felt that more than our community.

The Ontario Liberal Party, Liberal leader Dalton McGuinty and all of us on this side of the House were astounded at the Minister of Economic Development and Trade's tirade against the federal government yesterday in this House. At the very time when governments at all levels—municipal, provincial, federal—should be working together, this minister chose to use this House for what essentially was a cockeyed political statement that paid no heed to the fact that we in this chamber are all Canadians.

Tomorrow, the Canadian Minister of Foreign Affairs will be in Windsor to meet with border officials. I invite the minister to do that and start working together as Canadians to ensure that our economy doesn't continue to pay a high price.

CANADIAN DOLLAR

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Our dollar has fallen to 62.88 cents US—an all-time low and a great concern for Canadians. The dollar has fallen in good times and in bad times, but only under the Chrétien Liberals has it hit the 62-cent mark.

The Liberals embarrass our entire country when they pretend that a low dollar is part of a scheme to boost exports. They are wrong, wrong and wrong. Every time our dollar drops to a new low, the Liberals are weakening our standard of living. They are forcing more Canadian professors and doctors to move south to seek a stable standard of living.

The dropping dollar is a vote of non-confidence by the global market in Mr Chrétien. When the dollar drops to zero, how will he boost exports?

Immediately before Y2K, Time Magazine Canada stated that Canadians should make this New Year's resolution to stop asking whether prices are referred to in US dollars or Canadian dollars.

On behalf of Ontarians, I call on Mr Chrétien to defend our retirement savings, our children's education funds and our standard of living. Until the Liberals change their disastrous policies or are routed from office in Ottawa, every Canadian parent should call their MP and show their discontent.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mrs Margaret Marland (Mississauga South): I beg leave to present the first report of the standing committee on the Legislative Assembly.

The Speaker (Hon Gary Carr): Does the member wish to make a brief statement?

Mrs Marland: No, thank you. I will not take the temptation or the invitation.

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr John Gerretsen (Kingston and the Islands): I beg leave to present the report on the forest management program from the standing committee on public accounts and move the adoption of its recommendations.

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

INTRODUCTION OF BILLS

EDUCATION AMENDMENT ACT (APPROPRIATE USE OF TECHNOLOGY IN SCHOOLS), 2001

LOI DE 2001 MODIFIANT LA LOI SUR L'ÉDUCATION (UTILISATION APPROPRIÉE DE LA TECHNOLOGIE DANS LES ÉCOLES)

Mr Caplan moved first reading of the following bill:

Bill 121, An Act to amend the Education Act to provide for the appropriate use of communications technology in schools by requiring boards to establish policies and guidelines governing the use of wireless communications devices by pupils on school premises / Projet de loi 121, Loi modifiant la Loi sur l'éducation afin de prévoir l'utilisation appropriée de la technologie de communication dans les écoles en exigeant que les conseils établissent des politiques et des lignes directrices régissant l'utilisation par les élèves de dispositifs de communication sans fil dans les lieux scolaires.

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 Caplan (Don Valley East): My bill was created in response to the many parents and educators who have real concerns about the use of wireless technology in our schools. Whether it's ringing cellphones, beeping pagers or instant messaging between students, I believe we need to ensure that all boards have rules governing their use. This bill, if passed, amends the Education Act to require boards of education to establish policies and guidelines governing the use of cellphones, pagers and similar devices by pupils on school premises and will ensure that these policies and guidelines provide for disciplinary consequences for non-compliance.

OAK RIDGES MORAINÉ CONSERVATION ACT, 2001

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

Mr Hodgson moved first reading of the following bill:

Bill 122, An Act to conserve the Oak Ridges Moraine by providing for the Oak Ridges Moraine Conservation Plan / Projet de loi 122, Loi visant à conserver la moraine d'Oak Ridges en prévoyant l'établissement du Plan de conservation de la moraine d'Oak Ridges.

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

The member for a short statement?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): Later.

EPIDERMOLYSIS BULLOSA AWARENESS WEEK ACT, 2001

LOI DE 2001 SUR LA SEMAINE DE SENSIBILISATION À L'ÉPIDERMOLYSE BULLEUSE

Mr Kennedy moved first reading of the following bill:

Bill 123, An Act proclaiming Epidermolysis Bullosa Awareness Week / Projet de loi 123, Loi proclamant la Semaine de sensibilisation à l'épidermolyse bulleuse.

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

The member for a short statement?

Mr Gerard Kennedy (Parkdale-High Park): I'd like to take the opportunity to promote the object of this bill, which is for people in this House and in this province to recognize EB, a disease that most people, because of the small numbers of people currently recognized with it, don't necessarily have knowledge of.

I will be sending to each member of this House a brochure produced by EB UK which shows in it the skin conditions, the fused hands, the debilitating life that children with EB have to live through. I want to introduce to you someone who was here for a statement I made last week on this particular condition, Kevin Campbell, who is the president of EB Canada, who hopes to further some of the progress done in recognizing this disease.

1350

I want to say just very briefly that this recognition is not just for a terrible disease that disfigures young children, that configures their lives in ways that most of us can only feel a great deal of empathy for, but also to recognize the courage of these children, of their families, of the adults with this disease in persevering without any of the recognition, any of the acknowledgement and without any of the services they need to ameliorate their lives. I hope we can change that and I hope this bill will make a contribution.

BUILDING CODE STATUTE
LAW AMENDMENT ACT, 2001
LOI DE 2001 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE CODE DU BÂTIMENT

Mr Hodgson moved first reading of the following bill:

Bill 124, An Act to improve public safety and to increase efficiency in building code enforcement / Projet de loi 124, Loi de 2001 modifiant des lois en ce qui concerne le code du bâtiment.

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'm very pleased to tell the members of the House today about the government's plans to protect the water resources and the natural features on the Oak Ridges moraine. I would like to thank my caucus and colleagues—

The Speaker: I'm sorry, that was a short statement about the other bill. It's not ministers' statements.

Hon Mr Hodgson: I'll do the statement later, then, if you want to do them all at once.

The Speaker: Thank you. Sorry about that.

ORDER OF BUSINESS

Hon Janet Ecker (Minister of Education, Government House Leader): I seek unanimous consent to have the orders for second and third readings of Bill Pr23

immediately called and decided without further debate and for a motion to authorize the standing committee on regulations and private bills relating to Bill Pr15.

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

AN ACT TO REVIVE
1205458 ONTARIO LTD

Mr Levac moved second reading of the following bill:
Bill Pr23, An Act to revive 1205458 Ontario Ltd.

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

Mr Levac moved third reading of the following bill:
Bill Pr23, An Act to revive 1205458 Ontario Ltd.

The Speaker: 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.

MOTIONS

COMMITTEE SITTINGS

Hon Janet Ecker (Minister of Education, Government House Leader): I move that the standing committee on regulations and private bills be authorized to hold public hearings on Bill Pr15 in Sioux Lookout on November 23, 2001.

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

STATEMENTS BY THE MINISTRY
AND RESPONSES

OAK RIDGES MORAINÉ

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I'm very pleased to tell the members of the House today about the government's plans to protect the water resources and natural features on the Oak Ridges moraine. I would like to thank my caucus colleagues for their hard work, particularly Steve Gilchrist, Frank Klees and other members who have a personal interest and a riding interest in the moraine, and I'd like to thank the Premier for the leadership and commitment he has made for the Oak Ridges Moraine Conservation Act to come forward.

For more than a decade, people have argued about exactly how much protection was needed and how it should be done. Much of that arguing has taken place at the Ontario Municipal Board, at tremendous cost in money and time to municipalities, the province, environmental groups and developers.

Last May, this Legislature broke all speed records when it passed the Oak Ridges Moraine Protection Act in a matter of minutes. The act created a six-month moratorium on planning applications on the Oak Ridges moraine. The idea was to provide an opportunity for the competing interests to reach a consensus on what parts of the moraine needed protection, how that protection should be accomplished and what areas could be developed with certainty. I appointed an advisory panel including representatives of all competing interests on the moraine.

I'm pleased to say that we're joined today for this important announcement by a number of the advisory members: John Riley, Rick Symmes, James McKellar, Ron Vrancart and Deb Crandall.

The panel considered the public input received by the three regions at their public meetings in June and submissions made to the Ontario Municipal Board. They reached a general consensus on almost every issue I asked them to review, and that consensus formed the basis of the Share Your Vision document that I released for public comment in August. We then held public meetings on the advisory panel's recommendations and focused meetings with stakeholders.

Earlier, I introduced legislation to protect the moraine for future generations. The Oak Ridges Moraine Conservation Act would permit the government to establish an ecologically based land use plan which would protect 100% of the natural features and water resources on the moraine.

The proposed plan reflects the consensus reached by the advisory panel and the comments we heard during the consultation. The plan protects 100% of the natural features and water resources on the moraine in perpetuity.

We have included in the legislation a clause that says a 10-year review of the plan cannot consider reducing core or linkage areas.

The plan preserves agricultural land and it limits almost all development to approved settlement areas. It includes strong policies to protect water quality and quantity on the moraine. It protects wellheads and cold water streams such as those running into Lake Simcoe, which I know is a huge concern of my colleague Julia Munro. In all the kettle lakes on the moraine, it requires innovative storm water management practices to protect sensitive recharge areas and prohibits technologies that cause rapid infiltration of storm water into our groundwater.

As the advisory panel recommended, the plan creates four land use designations on the moraine: natural core areas, natural linkage areas, countryside areas and settlement areas. Almost all new development would be limited to settlement areas, which constitute just 8% of the land area of the moraine. Even there, any new development would be subject to very strict policies to protect the natural features and the water resources.

The government also plans to establish a continuous east-west trail along the moraine so that everyone, including seniors and people with disabilities, can enjoy the

moraine and its unique features. This trail will take a while to come to its full potential, and I would like to thank the existing Oak Ridges Trail Association which has put lots of time into establishing the existing trail.

The government will be proceeding with the establishment of a private foundation based on the example of the Living Legacy trust, as recommended by the advisory panel. The foundation would be involved in funding land securement and conservation easements to protect high-priority sites; it would fund public education programs and stewardship programs to encourage landowners to protect water resources and natural features on their own land; and it would support the trail by funding the purchase of access points and construction of facilities, bridges and interpretive centres, and in critical locations will acquire the corridor for the trail.

Funding for the foundation would come from a variety of public and private sources. The government has committed \$15 million in cash plus a substantial donation of land to be valued through a fair and transparent process that will be determined by the parties involved toward a partnership fund. We are challenging the federal government and the private sector to participate.

If this legislation is approved by the Legislature, I propose to appoint an interim board for the first year for this trust. The interim board's job would be to develop the foundation programs, determine actual funding needs and seek partnership funding. The interim board would include John Riley, science director of the Nature Conservancy of Canada; John Burke, Deputy Minister of Natural Resources; Rick Symmes, a board member of Ontario's Living Legacy trust; Russ Powell, chief administrative officer of the Central Lake Ontario Conservation Authority; and James McKellar, associate dean, professor and director of the Schulich School of Business at York University.

1400

The members will be aware that there are a number of development applications currently being considered by the Ontario Municipal Board. Some are in Richmond Hill. They're quite far along in the process and they affect some critical pieces of land and a part of the moraine that has been under intense public scrutiny. If these applications were to proceed, some important linkages would be lost and an opportunity for a continuous corridor along the moraine would disappear forever.

The advisory panel recommended mediation. I reacted immediately, asking David Crombie to bring together the parties with an interest in those applications and to try to seek an agreement. I am very pleased to tell the members that such an agreement has been reached. As a result, some 1,000 acres of land have been secured so that sensitive natural areas can be protected. This is being accomplished through a combination of land donations and exchanges for provincially owned developable lands off the moraine. The lands being protected by the province are intended to be used to create a spectacular, showcase urban conservation area.

The Oak Ridges Moraine Conservation Act, 2001, if passed by the Legislature, would provide certainty and clarity for developers about where development can occur on the moraine. This afternoon, I introduced legislation to clarify how development should occur in Ontario.

BUILDING REGULATORY REFORM

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): An Act to improve public safety and to increase efficiency in building code enforcement, if passed by this House, would represent the most encompassing building regulatory reform in the past 25 years, reforms that would clear the path for a new, more efficient and cost-effective way of doing business.

The proposed legislation is based on the recommendations of the Building Regulatory Reform Advisory Group. At the core of this legislation are three basic principles: public safety, streamlining and accountability. This proposed legislation would allow building officials to make better decisions faster. Time frames for a municipality to determine whether a building permit should be issued would be set out in the building code. In the case of a house, for example, that time frame would be 10 days. Decisions on larger buildings would need to be made within 20 or 30 days.

Our proposed building regulatory reform would strengthen the government's Smart Growth agenda to help ensure that growth could occur quickly and cost-effectively in appropriate areas.

I'd like to assure the honourable members that the new code enforcement procedures and practices would place an emphasis on requiring that all parts of the building code, including fire safety, structural sufficiency and barrier-free design, are accounted for during plan reviews and inspections. The qualifications of the people who design buildings and enforce the building code would require that they be knowledgeable in all these areas as well.

In addition to today's proposed legislation, my ministry will soon undertake a consultation that will focus on priorities for improving barrier-free design requirements in buildings in Ontario. Details of that consultation will be announced shortly.

I believe it is important that we work with our partners in the building industry in consultations like this to ensure that we continue to improve accessibility throughout Ontario in new buildings. It is vital that we remove as many of the existing barriers to accessibility as possible and ensure that no new barriers are raised.

The Oak Ridges Moraine Conservation Act and the accompanying plan represent an historic achievement. Together they will safeguard the moraine now and in the future. They will create a system of parks and conservation areas and a continuous trail that will be a lasting legacy for all the people of Ontario. I know that three successive governments have grappled with this issue, and I'm very pleased to announce that we've found a

consensus. I urge my colleagues to support this piece of legislation for the future of the province of Ontario.

DOMESTIC VIOLENCE

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): This government has zero tolerance for violence against women and we continue to demonstrate our commitment to ending this crime.

November is Wife Assault Prevention Month. I believe it is very important that we take this opportunity to stress the gravity of domestic violence and the strong leadership our government is showing to combating it.

Today in Ontario no woman or child should have to tolerate domestic violence or live in fear of an abusive member of the family. Yet, nevertheless, too many do. Too many women live in the shadow of that very real threat and, tragically, too many have died at the hands of a partner or ex-partner. This is a sobering reality and it's a terrible crime.

We have been working very hard to stop violence against women. Since 1995 we have increased our investment in anti-violence initiatives and programs that help women by 40%. This year we're spending over \$145 million on programs and services dedicated to support our efforts. This is, of course, more than any previous government.

In August we announced that emergency shelters will be receiving \$26 million over the next four years to help them ensure the safety of abused women and their children. At that time we also announced new funding of \$3 million this year, growing to \$9 million annually, for counselling, for telephone crisis service and for other shelter supports. This is building and growing on what we already have in place.

In September we announced that 31 more domestic violence court programs will be opening, bringing the total number of these specialized courts to 55. When I first became the minister, only one of these courts existed and none of these programs. That was in 1995.

Last month we announced \$4.5 million in funding over the next five years to enable Toronto-based Assaulted Women's Helpline to expand province-wide so that abused women across the province will have access to a 24-hour, seven-day-a-week crisis phone line. Again, this did not exist a mere six years ago. As technology becomes available, we will move forward into parts of Ontario where women still need this emergency service.

We've also made progress in building a justice system of which we're very proud in Ontario that is responsive to the needs of women and their children. Last year we passed the Domestic Violence Protection Act which, once proclaimed, will mean that abused women can get emergency intervention orders at any time of the day or night.

In 1996 we introduced the domestic violence court program and we have gone on to create the largest, most comprehensive domestic violence court system in the

entire country. Other provinces are building on this model, as we are building on best practice models in other provinces across this great country.

This program put in place a network of professionals. It includes police, crown attorneys, cultural interpreters and a variety of counsellors and support workers. This network is providing assaulted women with services that are sensitive to their own personal situations and that address those situations effectively and with results; as well, over 100 community-based agencies which we rely on because they relate best to the needs of the women in their own communities. They are helping women as best they can to break away from the cycle of violence and, as best they can, to rebuild their lives.

Through our transitional support program, abused women and their children who are ready to move out of emergency shelters are becoming equipped to move into the community on their own. They have support and they're ready.

We have also introduced an early intervention program for our children who have witnessed domestic violence. It is estimated that close to half a million children in Canada have either seen or heard violence in their homes. This is a daily occurrence and one that all of us should be made aware of and one that all of us across all sectors, in a very non-partisan way, should be aware of and should do our best to help stop. These children are very much at risk in our own communities, not only during childhood but later in life, because this carries on in their lives, when they can often continue that sad legacy of family violence, either as victims or perpetrators.

1410

We had a program called *The Joke's Over*. It starts in our schools, and this means that the joke is over. It's not funny to harass other people in our classrooms, men or women, I might say.

Through early intervention we can encourage our young children to better understand their experience and recognize that violence is not their fault.

This government is making sure that the supports are out there for women who need it, that the justice system is there, the shelters are there, the crisis services, the counselling assistance and so on. We have a number of ministries involved in delivering programs and services related to violence against women, and we work closely with our partners in our communities. All of us and all of them are invaluable players in this terrible battle.

We are making progress in stopping domestic violence in Ontario. A recent Statistics Canada study found that between 1993 and 1999 the rate of violence against a female spouse dropped in Ontario from 12% to 7%, and that number is still far too high. According to the same study, the rate of spousal assault for Ontario women is the second lowest in Canada. The data show that more women are using social services and the justice system. I expect they're using them because they're helping them and we're getting results.

We are making progress. The message is getting out there: violence against women is a crime and we will

hold perpetrators, abusers, accountable. We're determined to continue in this important work.

Every woman has a right to safety. We're not where we want to be in Ontario, maybe not even nearly, some would say, but we are working hard together.

I want to thank my critics for their support in the work I've been doing since I've been minister in 1995, and my colleague Helen Johns has assisted us. The women have worked together, and I'm very pleased to say that.

All these supports are based on our right to live in safety, and that's the Ontario we believe in. We are on our way to that Ontario and every individual in this House, I know, has pledged to themselves and their families and their constituents that we will work together to stop domestic violence and any kind of violence against women and everyone.

OAK RIDGES MORAINÉ

Mr James J. Bradley (St Catharines): The road to Damascus is indeed today crowded with the converted. There's nothing like a resounding defeat in a by-election in the midst of the Oak Ridges moraine, a sustained drop in the public opinion polls and relentless pressure from the public to make a reluctant government do what in its wildest dreams it had no intention of doing, and to this very day does not want to do.

In my 24 years in this Legislature, I cannot recall such an effective and sustained campaign by a member of provincial Parliament as that undertaken by the Liberal member for Eglinton-Lawrence, Mike Colle, to save the Oak Ridges moraine from development. His enthusiasm, energy, determination, perseverance and enlightened leadership on this issue, his walks across the length of the Oak Ridges moraine, his public forums, his persistent questions in this House and his private member's bills put this issue front row and centre in the public mind.

Mike Colle refused to take no for an answer, and today we witness a government, which only months ago heaped ridicule on this member, now in full retreat and trying on an ill-fitting environmental coat.

Thank you, Mike Colle, for saving the Oak Ridges moraine.

Mr Mike Colle (Eglinton-Lawrence): I want to thank the member for St Catharines for his leadership. I also want to thank the minister, as I did last time, for taking a brave step that his predecessors refused to do.

I also would like to thank all the patient constituents in Eglinton-Lawrence who were wondering why I was always travelling to places like Snowball and Goodwood, but they understood that this region is something we all share together, whether you live in King City or whether you live on Kingston Road. They understood that the health of this region environmentally is for the benefit of all the six million people who live here.

I also want to thank the good taxpayers of the city of Toronto who were generous enough to give a million dollars to help fight for the Oak Ridges moraine at the Ontario Municipal Board. Without that million dollars,

we couldn't have broken the back of the developers, so I certainly want to thank the taxpayers and the council of the city of Toronto.

I also want to thank a lot of the unsung heroes who are really responsible for saving the moraine. These are people whose names you don't see in the newspapers. These are people the minister doesn't know. These are the people who are responsible. I just want to name a few of them. There's Teresa Johnson in Goodwood; Jane Underhill in King City; David Tomlinson in Aurora; Susan Walmer in Aurora; Ben Kestien in Aurora; that brave councillor in Richmond Hill who took on all the developers in Richmond Hill, Brenda Hogg; another brave councillor in Markham, Erin Shapiro; Howie Taylor in Newmarket; the Hoffelner family in Richmond Hill.

These are the little people who weren't intimidated by this government and their developer friends. They fought for the moraine tooth and nail. They never gave up. They are the ones who should be congratulated, and I congratulate them.

I hope this is the beginning of a more liveable, healthier province. We all win when we succeed.

I know that as members of the opposition or lowly MPPs we are told, "You can't do anything," but I think this victory today is a message that whether you're in opposition or you're an MPP from wherever, by persistence and the support of the citizens and taxpayers and people who care in this province, you can achieve good results. Today we have achieved a good result. We are going to continue to fight for this good result and make sure the bill is strengthened, because we think there are things to strengthen it.

I want to give praise to all the people who for six years have been ridiculed by this government. This government has tried to shut them up, but they refused to be intimidated. I want to tell them to tell all their friends and neighbours that you can take on big government and win, that you can take on big government and save the environment. So whether you're in Windsor or Wawa or Scarborough-Agincourt or wherever you are, if you are fighting for the right cause and you stick together, you can win.

I think we should all stand up and say thanks to those people who fought to save the moraine.

DOMESTIC VIOLENCE

Ms Marilyn Churley (Toronto-Danforth): The minister responsible for women's issues refers to Statistics Canada numbers in the claim that Ontario has the second-lowest spousal assault rate in Canada. It sounds good, but I want to remind her that up to 40 women die every year in Ontario due to spousal assault, so please do not diminish that bleak reality. I also want to remind her that 75% of assaulted women never, ever go through the criminal justice system, so we know that the existing statistics under-report the stark reality of violence against women.

I also want to point out to the minister that we're grateful, actually, that the government is finally starting to restore a small amount of the front-line services they cut when they first came to office, but they've still stayed away from the big-ticket items outlined in the strategy that over 100 women's groups brought forward last year, which our party, the NDP, signed on to and the Liberal Party signed on to but the Tory government didn't. Those are social supports, legal aid and housing.

On the topic of housing, let me say to the minister once again that second-stage housing, that community, is so demoralized that they didn't even come down here today as they usually do to make a statement on this very day. Second-stage housing is closing across the province.

I want to also point out to this House that in the Gillian Hadley inquest that's going on right now, there are a lot of factors involved in that murder-suicide, but we do know one thing, that she knew she was in danger, needed to get out, was looking for housing, couldn't find it and was trapped in that situation. So I would urge the government today to open up, to re-fund second-stage housing and to continue building or bring back affordable social housing in this province, particularly for women and children who need it and who are fleeing from a violent situation.

1420

OAK RIDGES MORAINÉ

Ms Marilyn Churley (Toronto-Danforth): I want to talk briefly about the Oak Ridges moraine. I do want to take this opportunity to congratulate the government today. I think it's a very good move, one that took a few years to get to. It is incumbent upon me, on behalf of the NDP caucus, to congratulate the minister and the government, but in particular this is a victory for the environmental community and the people in the 905 region who came out in the thousands to meetings, relentlessly. Nothing stopped them. They were there day after day after day and they kept up the fight. So I would say to them, congratulations. You have shown the people of Ontario that if you're relentless and keep fighting, you can win at the end of the day.

I suppose also that having a leadership race where a number of the people who are running or may be running are from that area might have made it move along a little more quickly. Hey, that's OK. God bless.

I want to take this opportunity to say to the minister and the government, the next stage is this: remember the NDP green planning act? Do you remember that? John Sewell went out for a couple of years and consulted, brought it back in the House. There was a consensus. One of the first things this government did when they came into power is, guess what? They wiped out the green planning act. I can assure you that had that new planning act been kept in place, many of the problems that cropped up around the Oak Ridges moraine never would have happened. It would have been ruled out because it's environmentally sensitive land. So the next

stage in this fight to preserve our environmentally sensitive land and our drinking water is to bring back a green planning act so that we can protect all of the environmentally sensitive land across the province.

It's true that it might take a couple of years. I know the people on the Oak Ridges moraine have a victory today, but that is the next stage of this fight.

There are a couple of things—I have to look more closely at it. I'm still concerned about the highways. You know the iron rule of development is that if you build a highway, development comes. So the opening up in 10 years, some say it could be there to improve it. My belief is that if there is a highway built, development will come, and in 10 years—who knows who is going to be over there in those seats?—the push will be to open it up for development again.

But I do want to say thank you to the government and congratulations to the people of the 905 region.

ORAL QUESTIONS

COUNTERTERRORISM MEASURES

Mrs Sandra Pupatello (Windsor West): My question is for the Solicitor General. It's been 50 days now since September 11. In that time, your only actions have been to run full-page ads across the province in newspapers, handing profitable corporations tax cuts or accelerating them, supposedly, and some paltry funding. The fact is that you are not assisting with important issues of security, and this is becoming more and more clear. Canada's largest city sent you a plan to improve its emergency response. It was prepared by the chief of police, the fire chief and Toronto's emergency response unit. The document spells out a number of needs identified by the police and fire in Canada's largest city. Yesterday you admitted that you hadn't even read the report.

Why would you stand in the House yesterday, make a statement and identify costs that you are supposedly passing on to help when you hadn't even read what the needs were?

Hon David Turnbull (Solicitor General): Nothing is more important to our government than the safety and security of our citizens. The security advisers we've consulted with included the chiefs of police across Ontario and emergency management experts at all levels of government, and we have used Major General Lewis MacKenzie and RCMP Commissioner Norman Inkster. We've developed a very solid plan which we believe will be very effective.

We've developed a very solid plan which we believe will be very effective. Our plan will greatly enhance Ontario's security and emergency preparedness. The plan will enhance our intelligence-gathering capabilities. We will improve our ability to catch terrorists, which is critical in this issue, and will better prepare Ontario for chemical and biological attacks.

What I said yesterday was that in fact we had received the plan as an e-mail. There has not been an official request from Toronto. But having said that, my ministry officials have been meeting with the city of Toronto—

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

Mrs Pupatello: Minister, information is so different that we hear from the people who are dealing with this. Not only have you not read the plan, but Toronto staff have actually spoken with your staff. The truth is that you, Minister, are the only one who has not seen the plan, or you would know that the request outlines \$60 million to be used to assist with Toronto's plan only.

Here's another group you forgot entirely, didn't even mention yesterday, and that is Ontario firefighters. I want to say specifically that the Ontario Professional Fire Fighters Association has been trying to get answers out of your ministry for the last two days. Let me quote what they say. "The OPFFA"—the firefighter federation—"is extremely frustrated by inadequate details on money for firefighters. There is a lack of recognition about who is responding to these emergency calls."

Firefighters are the front-line response to serious chemical and biological threats, and they should have been mentioned. They deserve to be in the loop. What do you have to say about this woeful neglect of firefighters?

Hon Mr Turnbull: Firefighters of course are one of the main elements of the emergency plan. I would like to just say that in fact my uncle was an officer in the London fire brigade throughout the Second World War and saw the Blitz. We know and respect firefighters.

As to the specialized training we've talked about for first responders, the lead will actually be taken by the fire marshal's office and will be administered at the fire college. The fire marshal, in case my friend across the way doesn't know, reports through my ministry. The specialized training for first responders will include \$1 million for generic training, and we're also going to be having some \$1.5 million for specialized training on these very important issues.

Mrs Pupatello: Minister, had you read the plan that you were supposed to read before you made your announcement yesterday, you would have known that in that plan, the city of Toronto's fire department is looking to hire new staff at a cost of \$10 million just for the city of Toronto. How are you going to meet the needs across Ontario when every fire department has responded to an extraordinary number of calls? We are looking at increased overtime across the board in Ontario. You will not meet those needs with the announcement you made yesterday. Moreover, the paltry sums you're talking about show us that you have no sense of what the real issue is that is needed in first emergency response.

We are expecting this information from a Solicitor General before he makes an announcement, that he is informed, that he talks to people who count, that you would have spoken to the chief of police of the largest police force in the nation. Whether you want to talk to him or not, he is highly relevant in this discussion. And to have ignored the firefighters yet again is unacceptable.

We are expecting to see real action and support from the Ontario government, Minister. When are we going to see that?

Hon Mr Turnbull: In point of fact, there was fairly extensive consultation with police chiefs from all across the province and I personally spoke to the chief of Toronto.

I have indicated that there is specialized training for fire officers. I think the number you're referring to for recruiting fire service officers in Toronto is a number which has been floating around for some 18 months that in fact Toronto city council turned down.

The Speaker: New question. Member for Windsor West.

Mrs Papatello: Minister, the truth is that in the kind of training required today just to deal with hazardous materials, we are woefully inadequate in Ontario. Communities like Aurora, Burlington, major centres like Waterloo—these are locations that do not have hazmat training. Do you realize that the suits they need to purchase for their people are \$2,000 alone? That is across Ontario, and the situation of the costs they have already incurred is incredible. In Windsor alone, their emergency centre that they opened for several days post-September 11 was a cost of \$22,000. You are not announcing anything that will recoup costs that we insist be recouped because of issues beyond a local municipality's control. You are describing today training that comes nowhere near the level of training that is currently required by firefighters across Ontario. We know this and the firefighters know this. The minister should know this. When are you going to address this matter?

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Hon Turnbull: Let me emphasize that our plan will give the specialized training and the equipment that firefighters and indeed all emergency first responders need to be able to address these serious issues. We are addressing the issue and have looked at it very carefully. Additionally, of course, we have called for, at the beginning of next year, a counterterrorism conference, and we will be taking all of the best expertise in the world into consideration as we further develop our plans.

I will say that we have worked very closely with the federal government in developing our response and we hope that the federal government will come forward with funds to address some of the issues of this province too.

Mrs Papatello: What is very clear in this House is that this government cannot work co-operatively with any level of government. Even when it counts, like national security, you are letting Ontario working families down. We expect you to be co-operative. You should be speaking to municipalities about what their needs are.

Let's return to firefighters' needs right now. What we identified yesterday, and clarified later, was that you said \$2.5 million for first response teams across the province. That includes the police, fire, emergency services and these preparedness committees. So how much, truly, is going to firefighters? How much is going to assist with radiation meters that have needed to be purchased

because of biohazard material being found? How much is going toward the new biotest kits for that initial testing? How much is going toward new level B and C suits, these level A suits for the firefighters to actually wear into these communities when they have a call for bio-hazardous material? Talk to us specifically about how you are helping our firefighters.

Hon Mr Turnbull: As I've indicated to you, in fact we will be providing equipment for suiting up for the first responders to emergency situations and giving specific training for hazardous materials and chemical, radiological, biological and nuclear situations.

As well as that, in the announcement the other day was the creation of HUSAR, or heavy urban search-and-rescue, capability, which we believe will be a significant addition to Ontario's capability of responding to any emergency.

But I must mention to the honourable member that fire services and police services across the province are and always have been, under your government and under the NDP and under ourselves, the responsibility of the local municipality.

Mrs Papatello: You just said that you are going to be helpful in this time of national crisis. The entire public in Ontario expects every level of government to work together. You are supposed to be co-operative, but now here's where the rubber hits the road. You in fact don't want to be co-operative. We are seeing right through your paltry announcement of yesterday. We just told you that we know that the report for the city of Toronto alone is not going to be covered by what you announced yesterday in the House. Where does that leave other communities? Where are most of the communities in Ontario that do not have hazmat training going to find the money? Is it really the local municipality's responsibility now to ensure the safety of all Ontarians, in a day when we are facing a national security threat like never before?

The truth is, Ontario working families want every single level of government to work together. Instead, what we get from you is partisanship. Every day we get partisanship instead of co-operation. We expect you to be helpful. We expect you to assist. Today in this question we want to know how you'll help Ontario's firefighters.

Hon Mr Turnbull: I would ask the honourable member, what part did you not understand? We are going to provide additional hazardous material training and there is an element of the course at the fire college today. But we will be enhancing it and improving it and getting it all across the province more rapidly. That was my answer.

CONTAMINATED SOIL

Ms Marilyn Churley (Toronto-Danforth): I want to ask the Minister of the Environment why she's putting such a cheap price on the lives of the people of Port Colborne. Minister, your sinister report, just released, says it is acceptable to you that Port Colborne residents be exposed to a lifetime cancer risk 10 times higher than

your own mandatory guidelines for contaminated soil. Would you explain to this House why the people of Port Colborne do not deserve the same level of protection that your guidelines say must be utilized?

Hon Elizabeth Witmer (Minister of the Environment): I'd like to thank the member for the question. As the member knows, our government's number one commitment always has been to ensure that the health of the citizens in Port Colborne is protected. I would also like to indicate at this time that the local member, the Honourable Tim Hudak, has worked very hard to ensure that the health of those citizens is always protected.

We have done more to try to identify the contamination than any other previous government. As you know, this is a long-standing problem. It is a problem of 60 years of emissions which we are now addressing. We did do a report that, as you know, was reviewed by a panel of leading scientists. I'd just like to indicate to you who it was that reviewed the report to ensure that the information was accurate. We had Dr Bathija from the USEPA; Dr Norseth from Norway; Dr Schoof from Washington; Dr Wheeler from the Agency for Toxic Substances—

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

Ms Churley: I've been told that four out of the six panellists are the same ones who made the mistakes in the last report that had to be corrected this time.

The minister also knows that the federal government listed nickel oxide as a class 1 carcinogen in 1994 and this government has done nothing since that was listed in 1994 when it was known to cause cancer.

Minister, I have the site-specific risk assessment right here, published by your own ministry, and this is what it says: a lifetime additional cancer risk of one in a million for carcinogens must be utilized, but you say that in Port Colborne a lifetime additional cancer risk of one in a hundred thousand is acceptable. Minister, why are you treating these people like second-class citizens? Why are you continuing to expose them to nickel oxide, a known carcinogen, at a level 10 times higher than your own guidelines say must be utilized?

Hon Mrs Witmer: We have taken every step to ensure that the health and the safety of the residents in Port Colborne are protected. In fact, we have worked in collaboration with the local health unit in order to do the health studies that are necessary to ensure that the health of the residents, particularly the children, is protected. I'm pleased to say that the local health unit is continuing to proceed with another health study. The Ministry of the Environment will continue to participate in this process. I would stress that our priority is always to ensure the protection of the health and safety of these residents.

I would just add again that we are the very first government, even though this is a long-standing problem, which has taken steps to address this very serious issue.

Ms Churley: Well, Minister, that's because the federal government told you in 1994. That report came out shortly before you came into government. You came in

in 1995, took over and did nothing. Your attempt to make Port Colborne accept higher risks—

Mr Steve Gilchrist (Scarborough East): You were in government in 1994.

Ms Churley: It was just before you came into government—than you would accept elsewhere directly contradicts the terms of the community-based risk assessment plan your ministry approved.

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Minister, let me tell you what's at stake here. Will Inco be required to only clean up 25 sites or will you follow your own guidelines and order the cleanup of closer to 200 sites that your own guidelines would require? What is it going to be? Will you follow your own rules or not?

Hon Mrs Witmer: I know sometimes there are those in the province who would like to forget the years between 1990 and 1995. Certainly you've indicated that the original time this issue became of significance was in 1994, and unfortunately your government did not take any action.

I would like to stress all of the hard work that's been done by the Honourable Tim Hudak in this regard to protect the health and safety of these residents. But let me again stress that on October 30, in order to ensure we could protect the health of the local residents, we did issue a draft order to Inco which includes the following requirements: clean 25 properties above the intervention level; clean inside the homes of the 25 properties identified; undertake further sampling and clean up additional properties as required.

I would like to stress again that this is an issue of 60 years. You had a chance to take action. You did nothing, and we are now moving forward to protect—

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

RETAIL SALES TAX

Mr David Christopherson (Hamilton West): My question is for the Minister of Finance. Yesterday, in response to my leader's question in this House you admitted that a sales tax holiday would work. In fact, you said, "Yes, there's a temporary acceleration of sales." Yet in the same breath you said that because the auto industry expression of pulling ahead sales meant there'd be sales earlier and they wouldn't be there later, you weren't going to do this. Yet it is the auto industry themselves that are doing exactly that by virtue of offering money to buy a new car at no cost so people will purchase cars now. If you take that and link it with the fact that you've admitted that a sales tax holiday now would accelerate immediate purchases, the question remains: why won't you implement a sales tax holiday to spur sales, preserve jobs and put people back in the stores? Why won't you do that, Minister?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): We won't do that because we are concerned with the long-term economic growth and stability of Ontario, not next week or the week after that.

Mr Christopherson: Minister, that doesn't wash in light of a meeting you had yesterday. You had a meeting yesterday with the president of the Ontario Restaurant Hotel and Motel Association. Coming out of the meeting, they're quoted in the paper as saying, "We clearly want to see and hear what steps the government is going to take to put some consumer confidence back out there, to get people back out spending."

They made that statement yesterday, weeks after you announced your accelerated corporate taxes. If they felt that was sufficient, they wouldn't have come out of the meeting yesterday and said, "We want to know what the minister's going to do today." The NDP is saying to you, what are you going to do today?

Your tired, rhetorical argument about corporate taxes doesn't wash with the retail sector, it doesn't wash with the NDP, and it doesn't wash with the public. I ask you again, why are you sitting back praying and hoping that people will maybe go in the stores next year in the depths of the recession rather than taking immediate action now that will save jobs and have people out in the stores?

Hon Mr Flaherty: Indeed, there was a very helpful consultation yesterday with representatives of the manufacturing sector, the retail sector, the tourism sector, the restaurant sector, representatives from small business, larger business, the automobile sector. We had a very useful session yesterday. I listened carefully to what I was being told. I was not being told to reduce the retail sales tax, as the member seems to imply. That is not what I was being told. I was being told of continuing challenges and diminution of business in the restaurant and tourism sector in particular and the need in that sector to encourage people to get back out, to go out for dinner with their families, to travel around Ontario, to visit our tourist sites. They were very happy, I can tell you, with the tourism initiatives that have been announced by my colleague Mr Hudak, the Minister of Tourism, and the other security measures which also affect the confidence that consumers have in their willingness to travel within the province and thereby increase our RST.

EMERGENCY PREPAREDNESS

Mr Mike Colle (Eglinton-Lawrence): My question is to the Solicitor General. Toronto's fire, ambulance and police services worked very hard to develop a security plan to help protect the 2.5 million citizens who live in our largest city. The men and women on the front lines, the heroes and experts in emergency response, sent this report to you weeks ago. Yesterday you said, "We in fact never received the Toronto plan." This is what Chief Fantino said: "We just can't continue to be ignored. We are to Canada what New York is to the United States."

Even worse than your incompetence in ignoring the security plan, city officials say you, the Premier and three other ministers had this plan for three weeks. Your ministry staff even called to ask questions about it, and it's been in the press.

Minister, how can this be a comprehensive plan if you've left out the city of Toronto and you won't even talk to the people who lead the front-line services?

Hon David Turnbull (Solicitor General): In fact, as I've indicated, the copy of the Toronto plan which we received, which I've certainly read—there was a copy sent over the Internet. It's something they posted on e-mail. There's been no formal request.

Having said that, we have consulted with the chief and many, many chiefs, in fact the majority of chiefs from all across the province. I've personally listened to the chief and others expressing their concerns as we developed our plan. His comments were certainly taken into consideration. Our plan is going to enhance intelligence gathering for the whole province. Our plan will improve our ability to catch terrorists, which is obviously the most important element. We will better prepare Ontario for chemical and biological attacks and we'll ensure that an effective and coordinated response to large-scale emergencies is available. We've demonstrated our commitment. Where are the feds on this?

Mr Colle: I want to say that what concerns me is that you've developed a plan that's supposed to protect all Ontarians. There's a big hole in your plan, and the big hole is called the city of Toronto. You, either through incompetence or through not caring, have not read the plan. You haven't even had the courtesy to consult with the head of emergency services in Toronto or the police chief and asked them for their input.

Minister, either you explain why you haven't consulted Toronto or you come up with a new plan that will include funding for the front-line services in Canada's largest city and stop doing what Chief Fantino says. He says, "We just can't continue being ignored. We are the largest city in Canada. I guess we'll have to go back and burden the Toronto taxpayers even more."

When are you going to come up with a plan that includes the 2.5 million people in the city of Toronto?

Hon Mr Turnbull: Let me tell you, first of all, I've met with Chief Fantino, as I did with all of the police chiefs.

Mr Colle: No, you didn't.

Hon Mr Turnbull: Well, you're wrong, sir.

Additionally, Dr Young, the head of Emergency Measures Ontario, met with him and his representatives twice; he met with Deputy Chief Boyd and Fire Chief Al Speed. We've been working with them and listening to them ever since.

Let me tell you what the plan does for Toronto. We are providing training and funding for the Toronto-based heavy urban search and rescue team; specialized training for chemical and biological response teams, which will assist Toronto if it's ever needed; first responder training for Toronto's firefighters, police and other emergency workers; assistance in training Toronto municipal staff on emergency measures; chemical and biological safety equipment that will be available to Toronto; assistance to owners of large buildings in developing emergency plans—

The Speaker (Hon Gary Carr): Order. I'm afraid the Solicitor General's time is up.

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NUTRIENT MANAGEMENT

Mr Doug Galt (Northumberland): My question is directed to the Minister of the Environment. Minister, in an article of September 26 in the Brighton Independent, Maureen Reilly, who claims to be an environmental researcher and lecturer at the University of Toronto, has some very interesting quotes about the application of sewage sludge on agricultural land. She made these comments to the Warkworth Service Club back in September. These quotes appear as rather exaggerated statements about the quantities and the toxicities of sewage sludge.

Could you please tell my constituents, and particularly those constituents in the Warkworth area, what regulations are currently in place with respect to the use of septage and biosolids on agricultural lands and how those regulations are indeed enforced?

Hon Elizabeth Witmer (Minister of the Environment): The government has always taken very seriously the need to protect the environment. If we take a look at the question that has currently been asked, I'd like to indicate that the ministry regulates the spreading of biosolids on agricultural lands through the issuance of a certificate of approval. The certificate-of-approval mechanism allows the director to ensure that strict environmental standards and guidelines are always maintained. That is presently what is in place. It's through the certificate of approval.

Mr Galt: Thank you, Minister, for the response, but in view of your response and ongoing controversy over the application of sewage sludge to farmland, it would appear that steps should be taken to ensure the proper protection of our environment and the health of rural Ontario.

What further steps will you take to ensure that Ontarians are indeed protected and that they have the necessary information to understand how our environment and our public health are being protected?

Hon Mrs Witmer: I would certainly agree with the concerns that have been expressed by the member. I'm very pleased to say that this fall, of course, under the leadership of the Minister of Agriculture, Food and Rural Affairs, and with the support of the Ministry of the Environment, we have introduced nutrient management legislation which will deal with the issue of biosolids. We will ensure that, following very extensive public consultations, there will be some very strong new protective measures. We will make sure that all land-applied substances are properly managed. Of course, this is all part of the Operation Clean Water initiative that we introduced in August 2000.

I would add that the application of untreated sewage will be phased out in five years. So we are taking steps to protect the environment.

HOSPITAL FUNDING

Mr Steve Peters (Elgin-Middlesex-London): My question is for the Minister of Health. I would like to take this opportunity to thank you for your meeting last week with parents and doctors in London. I was very pleased to hear the alternative funding arrangement plan that you're going to be working toward, even though it's been talked about for three years. I really urge you to act quickly on that and the other commitments that you made to the families and the doctors last week.

But pediatrics isn't the only concern for people in southwestern Ontario right now. Such programs as vascular surgery, reconstructive surgery, the burn unit, the transplant program and the cardiovascular program are all of concern to people in southwestern Ontario. Health professionals have been sounding the alarm and providing information and making it known that the board didn't have all the facts when it made its decision, including a letter that was sent on October 10 to you and all the area members from Dr DeRose.

Minister, with all this new information that's come to light and all these new facts, will you please stand in this House today and immediately order a halt to this scoping exercise at the London Health Sciences Centre?

Hon Tony Clement (Minister of Health and Long-Term Care): I'm not prepared to do that, but I am prepared to repeat in this House for another occasion, today, that we are seeking to make decisions based on clinical outcomes. We want the best health care available to Londoners of all ages, particularly our kids, but of course for all ages.

This is a process that should be relying on scientific evidence and scientific fact rather than allegation and supposition, and I'm sure the honourable member agrees with me on that score as well. So we have a board of the London hospital that has made some representations on what they think the clinical evidence indicates. Now we've had some push-back from others who are questioning that, and it's good to have that public debate.

We will be driven by the best clinical outcomes, and if there is information and evidence and reports and things that we can hang our hat on that are different from where we are and that make a difference, I encourage the honourable member to share that with this House.

Mr Peters: I think it's very important that we urge you, and the people of southwestern Ontario are urging you, to act very quickly on this. Physicians and surgeons are speaking out.

I want to quote from a letter that talks about how these proposals will create major disruptions in the health care of citizens in southwestern Ontario, inevitably leading to the deterioration of teaching programs in the faculty of medicine at Western. These hospitals are recognized nationally as leaders in patient care, innovation in surgical procedures and excellence. These cuts mean London will not be able to continue to attract highly qualified physicians and surgeons.

This is a letter from doctors in London, and I'm going to send this over to you. But you know, we have filed an

opposition day motion for Monday, and patients and families and health care professionals across southwestern Ontario are going to be watching how you and the other Conservative members of this Legislature react and vote on that.

Minister, will you please today rise and say that you will be standing up and supporting this opposition day motion next week so that we ensure that we're going to be looking out for the best interests of all the patients of southwestern Ontario?

Hon Mr Clement: Well, I'm on the side of the patients. I'm on the side of Londoners. I'm on the side of those who want better quality health care in London and throughout Ontario. I should repeat for the record—it bears repeating—that total funding for the London hospital has increased by 29% over the last two years, and that shows our commitment to Londoners.

The honourable member is worried about recruitment. I can tell you, and I will tell this House again, that 60 physicians have been recruited by the London Health Sciences Centre in the last two years—five clinical neuroscience specialists, nine radiologists, five OB/GYNs, five emergency medicine specialists, 11 surgeons, five anaesthetists, eight oncologists, eight pediatric specialists, three family medicine specialists, four psychiatrists, eight general medical physicians and seven pathologists.

So that is the commitment that London Health Sciences has had. Of course, that is funded through the Ontario government funding. That is our commitment to Londoners in Ontario.

POST-SECONDARY EDUCATION

Mrs Julia Munro (York North): I have a question for the Minister of Training, Colleges and Universities. Parents in my constituency have been asking me where they can find good information about what post-secondary educational opportunities are out there for their children. Things have certainly changed over the years, and trying to make an informed decision about what field to enter can be very challenging. Minister, do you have any suggestions that may assist these parents?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): Keeping our students informed as to their choices for the future, especially young students—grade 10 is what we're aiming the information to, and their parents—is extremely important as they make choices for their post-secondary education and their training education as well.

This morning we were at St Joseph College School here in Toronto to work with young people and especially to work with the Council of Ontario Universities to launch a Web site. It's called myfuture.ca. This Web site is intriguing in that young people, just at the click of a mouse, can find out the requirements for universities; they can find out geographically where they're located, what they offer. They can find it out by university. They can find out good information about the course of study.

I'm so pleased that the Council of Ontario Universities is out ahead of almost everyone in making sure that young people get good information. It's an excellent opportunity for us to work with our partners.

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Mrs Munro: Obviously the Web site will prove to be a good tool for parents and students in the years ahead. However, as you know, Minister, knowing what is required to enter a post-secondary program is only part of the decision-making process. Are there any other tools available to help parents make informed decisions?

Hon Mrs Cunningham: The government believes that students and parents deserve a clear picture of the ability of our colleges and universities and training systems to successfully place our graduates in jobs. That's why the government has already produced several initiatives, such as key performance indicators, for students to look at as a report on how our colleges and universities are doing. We have a tuition cap, which is a 2% increase a year for five years, because parents want to know what the cost will be of going on to post-secondary education. We know everybody wants to be informed. The key performance indicators tell us what the graduation rates are, the percentage of graduates who find jobs, and how employers feel about this course.

I will say that the best information that can be made available is important for students and their families in order to make good choices as to where they study and take apprenticeship training programs.

LUMBER INDUSTRY

Mr Gilles Bisson (Timmins-James Bay): My question is to the Minister of Economic Development and Trade. You will be aware that the US government has again ordered a frontal assault on the lumber industry by imposing yet another unwarranted and unfair duty on Canadian lumber. This latest 12.5% duty is on top of the 19.3% duty they imposed on us last April.

Your only response to date is what we now see in the National Post. It gives your comments: "If other provinces have run afoul of the United States, it is up to them to get themselves out of trouble." Minister, don't you realize we're all in this fight together across Canada? Don't you realize that the provinces cannot be split apart when it comes to this because at the end of the day we're all in the same boat together? In fact, your comments are exactly what the US wants as it divides us in our fight against what is no more than American protectionism.

Minister, simply put, will you distance yourself from those comments and work with the lumber industry in other provinces to find a solution to what is another attack on Canadian industry?

Hon Robert W. Runciman (Minister of Economic Development and Trade): The member is wrong with respect to how active this ministry and this government have been related to this issue. We have been very involved. I've met with forest industry officials in On-

tario. I've met with Minister Pettigrew in Ottawa. I went to Ottawa to talk to him specifically about this issue.

Our position is quite consistent with that of the industry in Ontario. Ontario does not subsidize its forest industry practices. I think there are some serious questions the US has raised about other jurisdictions. Our view is that free trade should be free trade. Ontario is complying with the rules, and if other provinces aren't, they should clean up their act.

Mr Bisson: You're totally out of sync with the industry, simply put. Frank Dottori, the head of Tembec, has tried to pull all of the industry together so that we fight together from coast to coast across this country against what is no more than American protectionism when it comes to our industry.

These are your quotes in the paper. They are not Frank Dottori's, they are not the Premier of Alberta's, and it's not Mr Pettigrew up in Ottawa who said that; it's our own Minister of Economic Development and Trade. I say again, your comments are, "If other provinces have run afoul of the United States, it is up to them to get themselves out of trouble." That isn't a Canadian strategy, that's divide and conquer, and that's exactly what the Americans want.

I say again, Minister, join industry, join the provinces and work together with us to find a solution to what is yet another attack by the Americans against their so-called friends here in Canada.

Hon Mr Runciman: The member can rant and rave all he wishes—he's prone to do just that—but the reality is that we have worked with the industry. Ontario is a free trader. We believe in free trade. We are not subsidizing our industry. We have encouraged Mr Pettigrew, and we're going to continue to encourage him, to look at the route of litigation, to look at the trade bodies to have this dealt with. Our industry is not subsidized. We believe in a level playing field. If there is a legitimate case to be made with respect to other provinces, they should deal with that on a province-by-province basis. Ontario does not have a problem. We should not be penalized and that's a position we will continue to take.

CORPORATE TAX

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Minister of Finance. You've urged the federal government to cut corporate income taxes by another \$7 billion over what they had planned. To quote you, "The federal government needs to cut corporate taxes deeper." You want them to cut another \$7 billion to get corporate taxes roughly 45% below our competitors in the US. My question to you, Minister, is this: knowing the challenges governments at all levels face today, why are you recommending that the federal government cut corporate taxes by another \$7 billion?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): Because our corporate taxes are too high in Canada. So are personal income taxes. Our taxes remain too high in this country and we know it from experience since 1995.

I know the Liberals don't understand that and I don't expect the Liberals in this place will ever understand that. The Liberals in Ottawa understand that if you reduce taxes, you will indeed increase government income, you'll increase revenues. Paul Martin believes in income tax cuts. Even Jean Chrétien believes in income tax cuts. But the Liberals in this House, for some reason, have not seen the light. They have not seen the evidence, the experience in Ontario in the last six years, that if you reduce the high level of taxation in this country you will in fact increase government revenues.

Mr Phillips: I want to again say that you are recommending, Minister, that the federal government cut another \$7 billion of revenue. You want corporate taxes to be 45% below our competitors in the US, and I say to you, next week we will find out the problems we are going to face in maintaining our essential services.

I want you to answer to the people of Ontario why we need corporate taxes 45% below the US, when the US believes you have to compete on the basis of the quality of your health care system, the quality of your education system and not by having taxes 45% lower than your competitors. Why are you urging the federal government to cut \$7 billion dollars of needed money out of taxes in order to be 45% below the US?

Hon Mr Flaherty: This is the way the Liberals think. They think two-dimensionally, that if you reduce taxes, the government will have less money. That's not so. Everybody else in this country understands that. You'll increase economic activity. You'll increase retail sales tax. You'll have more people employed. You'll have more investment. We've proved it in Ontario.

Even Jean Chrétien, an old Liberal, understands that. He says our tax system is now very competitive with the Americans. If you look at Ontario, the income tax in Ontario, provincial and federal together, is competitive with New York, Michigan, California and the state of Washington; and corporate tax too. Even an old Liberal gets it. Not only that, the young Liberals get it. The young Liberals say we should have an increase in the basic personal income tax exemption from \$6,673 to \$10,500. Young Liberals get it, old Liberals get it, but these Liberals don't get it.

TAKE OUR KIDS TO WORK DAY

Mr Bart Maves (Niagara Falls): My question is to the Minister of Education. Next week many grade 9 students from my riding and indeed from all across the province will be taking part in the Learning Partnership's Take Our Kids to Work job shadowing experience. One year ago today two children were tragically killed in an accident during the annual Take Our Kids to Work event, while visiting an industrial site in Welland. Minister, can you tell me what has been done since this terrible accident to safeguard children for this year's event?

Hon Janet Ecker (Minister of Education, Government House Leader): I thank the member for Niagara Falls for this question. I know all the members of this House would certainly wish to again convey our con-

dolences to the families on the anniversary of the tragic death of two students who were on the Take Our Kids to Work experience.

This program has actually been offering for many years now valuable experience for all the grade 9 students at a crucial time when they are making decisions about what kind of jobs or professions or trades they might want to pursue. It's not a mandatory program, but this government, through the Ministry of Education and the Ministry of Labour, has been very supportive of it.

1510

I'd also like to congratulate the Learning Partnership, because when the tragedy occurred last year, they immediately had an expert safety panel; it's come out with 14 recommendations. The Learning Partnership has moved very, very quickly to put all of those recommendations in place for this year's Take Our Kids to Work Day, and I'd like to congratulate them for all of their work on this to keep this opportunity there for our students.

Mr Maves: Thank you, Minister, for your answer and for your assurances. I agree with you that the experience of Take Our Kids to Work Day is a very positive experience for our children. In fact, next week my nephew Matthew will be attending work with me all day and I look forward to that.

I also understand that the Learning Partnership has been quite responsible in dealing with the tragedy, although I still have some concerns about some of the day's activities. I understand that participating students will still be allowed to visit industrial sites that are similar to the site where these two children died last year. What steps were taken by the Learning Partnership specifically regarding student safety on industrial sites during the Take Our Kids to Work event?

Hon Mrs Ecker: There were, as I said, 14 recommendations for improved health and safety in the program, for example, mandatory supervision of students, sessions on health and safety rules, a ban on driving motorized vehicles, special supports for the teachers who are involved in this program. The Learning Partnership has moved forward with all of those recommendations to make sure that all of our students who participate in this are safe.

As I said, there's valuable experience in that our students are getting to visit a wide range of workplaces, including small businesses, large offices, plant sites. This is all part of our education plan to help our young kids, our students, to succeed when they leave high school by giving them more opportunities during their high school years so they can make better decisions about their choice of career or profession. My congratulations to all of the individuals who have helped make this happen again this year.

NORTHERN MEDICAL SCHOOL

Mr Michael Gravelle (Thunder Bay-Superior North): My question is for the Minister of Health. Minister, earlier this year there was great excitement all

across the north when you announced a new medical school would be established in northern Ontario. However, that elation quickly turned to dismay in northwestern Ontario when it was revealed that the equal, dual-campus model that was the unanimous made-in-the-north solution to our long-term doctor shortage crisis was not in fact the model that was going to be put in place.

Despite encouraging signs over the summer that this equal-campus proposal was being seriously reconsidered by your ministry, we received another shock this past week when the implementation committee for the new school was announced.

Northerners believe that a shared Lakehead-Laurentian Universities campus for this new school is absolutely crucial to bring medical graduates to all parts of northern Ontario. We want to retain hope that this option is still a real possibility.

My question is this: is the door still open for the original proposal that recommended the medical school should be an equally shared, dual campus at Lakehead and Laurentian Universities?

Hon Tony Clement (Minister of Health and Long-Term Care): I want to assure the honourable member and this House that there is a model that I embrace of a dual campus, if you want to use that language. I think Lakehead, regardless of the verbiage you want to use or the language that should be employed, is going to be a critical component of the northern medical school, just as other rural areas, other remote areas in the north have to feed into either Lakehead or Laurentian.

The fact of the matter is that there's a significant aboriginal component available and possible and doable, and should be doable in Lakehead, which I think has to be a critical component of any northern medical school. So the fact of the matter is, regardless of the structure and regardless of the incantation that one wants to use—and I'm not suggesting the honourable member is fooling around with words; he's not. He wants the best for Lakehead and I understand that. So all of that is possible and a dual campus is, I think, what you're going to get.

Mr Gravelle: Minister, that's not particularly reassuring from the point of view of the terms of reference for the implementation committee. They are clearly designated to move forward with the model that has Laurentian University as the main campus, with Lakehead University serving only as a satellite campus focusing on political studies. These restrictive terms of reference appear to limit the committee's flexibility in altering the model that is now on the table.

Minister, what we need to hear from you is that the option of the dual campus in terms of the original proposal is one that can be brought forward. We need to understand, can it continue to be brought forward to the implementation committee or should it be brought forward to you? We want to know whether or not the door is still open for the original proposal and I would very much appreciate if you could respond directly to that. People in northwestern Ontario are very keen to see that option still in play.

Hon Mr Clement: We might be just quibbling over words here. The fact of the matter is that the committee that was set up by Mike Harris, Dan Newman and myself is one that is going to be developing the business plan and the implementation plan for the northern medical school. They are appropriately charged with the responsibility of looking into all of these issues. So whatever representations the honourable member wants to make, I encourage him to make those representations, just as I encourage representatives from Lakehead and so on.

Let me just make it clear, though. I know he didn't mean to do this but he sounded dismissive of clinical education. The fact of the matter is, when you do your clinical education, that's when you drill down roots into the community. You are doing work in the community, you're doing work in the hospital. You perhaps are meeting other people in your community and sometimes you marry them, sometimes you start to have kids with them. That's the kind of activity, quite apart from the clinical activity, that you want to see happening with the medical students. That's really the nub of the issue. If you've got the clinical education going on in the community, that's when you start to retain the physicians in that community. I want to assure the honourable member of that fact.

OAK RIDGES MORaine

Mr John O'Toole (Durham): My question is to the Minister of Municipal Affairs and Housing. Today, like many days this week, I want to commend you for your hard work, commitment and leadership in the area of, for instance, Bill 56, the brownfields legislation, Bill 111, the new Municipal Act, and today, more importantly, the Oak Ridges Moraine Conservation Act. It clearly shows the work that you've put into this.

I'm surprised as well, reading the press. The early response in the press is—Rick Symmes, the former director of the Federation of Ontario Naturalists, who sat on your advisory council, says this is an excellent achievement. He said the protections are stronger than the 1994 moraine strategy put forward by the government of the day, the NDP. Also, Glen De Baeremaeker was very supportive in his comments in the Toronto Star.

Minister, I would ask you to respond. What recommendations from the panel encouraged you to move forward?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I'd like to thank the member for Durham for his question. He, along with our colleagues who have ridings in the 905, has been very supportive of this whole process. I would like to congratulate them for their hard work.

The question was around the advisory panel and that came out of the six-month time-out that was passed by this House, unanimously endorsed by all three parties. This problem has plagued three successive governments—the Liberals in the 1980s and the NDP in the 1990s, as you pointed out. This advisory team was put together from representatives of competing interests on

the moraine: the aggregate industry, the agricultural community, the environmental groups. There were three mainstream, responsible environmental associations that came to the table, along with developers, municipal representatives and others to find a consensus. Their recommendations formed the basis of a document in the summer called Share Your Vision for the Oak Ridges Moraine. It went out to public consultation. I'm pleased to say that the vast majority of the recommendations were improved on by public consultation, and that's what we've recommended here today as we come forward with legislation.

Mr O'Toole: Thank you very much for that response, Minister. I'm very familiar with the partnership that you formed and how hard you've worked with caucus. I would mention Frank Klees, of course, and Steve Gilchrist, but of course our Premier and cabinet were part of that very important decision and commitment to our environment and to our quality of life. Further, environmental leaders from many areas have spoken with me, and with most of the members, I'm sure, and I'm sure they will come forward and commend you for your hard work.

I do want to be on the record in recognizing my constituents Catherine Gusell, who worked for years with the Save the Oak Ridges Moraine Coalition and the SAGA group, Save the Ganaraska Again, Denis Schmiegelow, as well as Roy Forrester and others. But there's a long way to go and I understand that. I wonder how you can tell we can move forward with the land trust that was mentioned in the report, and will there be other partners in the land trust as we move forward?

1520

Hon Mr Hodgson: This is a legacy issue. You will really see the benefits of this announcement and this legislation, if it's passed by the Legislature, in 50 to 100 years. It calls for 100% protection of all the natural features on the moraine. It calls for new and improved water protection, both for the quantity and the quality of the cold water streams and wellhead protection. It calls for a linkage, a corridor from one end of the moraine to the other on an east-west basis, with a trail that's accessible to seniors and people with disabilities, so it's accessible to all.

This is something that forms a legacy, but it also means a quality of life for the people of Ontario. This partnership and the foundation which will oversee this Oak Ridges moraine stewardship for land securement, for monitoring and for educational programs will be a partnership between the Ontario government, with today's announcement of \$15 million in cash and substantial amounts of land to be matched by the federal government, and to be matched and contributed to by the environmental community and municipalities and the private sector. That's how we'll make this work.

ORGANIC WASTE

Mr Michael Prue (Beaches-East York): My question is to the Minister of the Environment. I hope she

can hear me from up there. Madam Minister, will you shut down the Ashbridges Bay incineration plant and stop the burning of sewage sludge? An \$80-million plant has been built by the citizens of the city of Toronto to pelletize organic waste, for which you gave a certificate of approval. Today it sits idle while our air is being polluted with toxins. Will you shut down that plant?

Hon Elizabeth Witmer (Minister of the Environment): We take very seriously any issue related to health and safety of citizens in this province and we always take every step necessary to ensure the protection of these citizens.

Mr Prue: The certificate of approval was issued by the province. The biosolids project meets all the requirements, as well as those of the federal Fertilizers Act. What is being marketed in those pellets is exactly what Milwaukee has marketed for 75 years and what is available in the stores in the province, which have been approved for sale, by the province and the federal government, right here in Ontario under the name Milorganite, as well as 12 other products of similar derivation. Why are you delaying approval and continuing to poison the air we breathe and, at the same time, allowing foreign competition on the same product?

Hon Mrs Witmer: If the member would check and take a look at what has happened, it is that they were not in compliance with the Fertilizers Act under the jurisdiction of the federal government. Now that they are in compliance, the Ministry of the Environment in this province can give final approval. That's the situation, clear and simple. There seemed to be a tremendous amount of confusion and there wasn't any understanding, it appears, on somebody's part that there was a need to be in compliance with the Fertilizers Act, which is the responsibility of the federal government. Now that they are, we can give our final approval.

ONTARIO PROGRESSIVE
CONSERVATIVE CAMPUS
ASSOCIATION

Mrs Marie Bountrogianni (Hamilton Mountain): My question is for the Minister of Training, Colleges and Universities. Earlier this afternoon, we proclaimed Wife Assault Prevention month, a series of re-announcements of funding that you had taken away earlier and now gave back. The women in the shelters are happy that money is back.

However, I have a question for you: how can front-line workers in shelters have confidence in this government's leadership capabilities when the Ontario Provincial Conservative Campus Association releases a top 10 list of the worst university courses in Ontario and half the courses on that list tend to do with gender issues?

This list clearly illustrates that the tiny Tories are intolerant toward a dialogue dealing with women's issues. In the words of Premier Harris, "The OPCCA has been active for many years. It has a track record of

producing people who have gone on to become major players in our party and our province."

I sent an open letter to the minister last week dealing with this. If the members of the OPCCA are the future Tory leaders of Ontario, judging by the contents of this list, are issues dealing with women's issues a waste of money? And what are you going to do with these young Tories who continue this bias against women, starting last year with the Montreal massacre insults and this year with gender issues courses?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): I don't believe the member's opening statement about us just getting our levels back is a fair one. As a matter of fact, we've gone far beyond the \$100 million that was being spent when we first came into government. I wanted to make that clear first of all.

With regard to ourselves as a government, we do not interfere in any way with academic decisions made at our universities with regard to the programs offered.

With regard to young people, who are often presenting us with ideas, whether they're serious or otherwise, we're not consulted, nor do we get involved. But I absolutely do believe that young people have a right to make their statements. We don't have to agree with them, but I will say that we encourage their input. For as many lists as that, there were very many more young people at that convention talking to us about positive responses to needs in education, health and social services.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I'm seeking unanimous consent for members to wear these T-shirts which read, "Not Enough Nurses: Your Tax Cuts At Work."

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

Ms Marilyn Churley (Toronto-Danforth): On a point of order, Mr Speaker: I'm seeking unanimous consent to affix to our desks these stickers which read, "Not Enough Nurses: Your Tax Cuts At Work." Do I have permission?

The Speaker: Unanimous consent? I'm afraid I heard a no.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: I'm seeking unanimous consent to put on these buttons that say, "Not Enough Nurses: Your Tax Cuts At Work."

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

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I seek unanimous consent to give the NDP a chance to ask a question about nurses since they didn't see fit to do that with their other questions today.

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

The government House leader, for the order for next week.

Hon Janet Ecker (Minister of Education, Government House Leader): We appreciate the thought of the Liberal Party, Mr Speaker.

BUSINESS OF THE HOUSE

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

Monday afternoon will be a Liberal opposition day; Monday evening, third reading debate on Bill 109.

Tuesday afternoon we'll continue the debate on Bill 111. Tuesday evening's business will be determined.

Wednesday afternoon we'll continue debate on Bill 30. Wednesday evening's business will be determined.

Thursday morning, during private members' business, we will discuss ballot item number 31, standing in the name of Mr Spina, and ballot item number 32, standing in the name of Mr Johnson; and Thursday afternoon's business will be determined.

PETITIONS

LONDON HEALTH SCIENCES CENTRE

Mr Steve Peters (Elgin-Middlesex-London): The petitions keep rolling in, with hundreds of names from all over southwestern Ontario.

"To the Legislative Assembly of Ontario:

"Whereas the London Health Sciences Centre is a world-class academic health sciences centre serving people throughout southwestern Ontario; and

"Whereas the Ministry of Health has forced the London Health Sciences Centre to find \$17 million in annual savings by 2005; and

"Whereas the London Health Sciences Centre has agreed to cut 18 programs in order to satisfy directions from the provincial Ministry of Health; and

"Whereas these cuts will put the health of the people of southwestern Ontario, and particularly the children of southwestern Ontario, at risk; and

"Whereas these cuts will diminish the London Health Sciences Centre's standing as a regional health care resource; and

"Whereas these cuts will worsen the continuing physician shortages in the region;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand that the Mike Harris government take immediate action to ensure that these important health services are maintained so that the health and safety of people throughout southwestern Ontario are not put at risk."

I'm in full agreement and will affix my signature hereto.

HOME CARE

Ms Shelley Martel (Nickel Belt): I have a petition that was sent to me by constituents from Nickel Belt. It reads as follows:

"Whereas the Manitoulin-Sudbury Community Care Access Centre delivers vital home care services to local

seniors, the disabled and those discharged from hospital so they can remain in their own homes; and

"Whereas the Manitoulin-Sudbury Community Care Access Centre needs an additional \$1.8 million from the Ministry of Health this fiscal year just to deliver its current level of health care services; and

"Whereas the Ministry of Health has refused to fund this necessary increase and has further failed to provide the CCAC with equity funding last year and this year, despite a 1998 promise made by the former minister responsible for seniors, Cam Jackson, to do so; and

"Whereas this deliberate underfunding by the government of the Manitoulin-Sudbury CCAC has forced the CCAC board to adopt a deficit reduction plan which severely reduces the home care services it provides; and

"Whereas this reduction has a drastic impact on clients who cannot afford to pay for these services and will be forced to go without necessary health care or be forced into long-term-care institutions;

"Therefore, be it resolved that the Conservative government immediately fund the additional \$1.8 million requested by the Manitoulin-Sudbury CCAC this year, and further, provide the equity funding which was promised in 1998."

I agree with the petitioners, and I affix my signature to this petition.

1530

SENIORS' HOUSING

Mr Carl DeFaria (Mississauga East): I am pleased to present a petition signed by approximately 2,000 people from Mississauga and other parts of Ontario. On behalf of the seniors from my riding of Mississauga East, I want to thank Elsie Rossi for her work on behalf of seniors.

The petition reads as follows:

"Whereas there is currently a shortage of affordable housing for seniors; and

"Whereas the waiting lists for subsidized seniors housing surpasses a period of eight years; and

"Whereas the Tenant Protection Act does not prevent rent increases upon moving; and

"Whereas seniors find themselves committing over 80% of their income to rent alone;

"We, the undersigned, hereby respectfully petition the Legislature of Ontario as follows: that the government of Ontario will:

"Subsidize current homeowners to remodel their homes and bring possible rental units up to current regulatory standards through low-interest or no-interest loans and funding;

"Provide subsidized housing for seniors in their current residences until more housing is made available."

I am pleased to affix my signature to this petition.

CRUELTY TO ANIMALS

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I have a petition to the Legislative Assembly of Ontario:

“Whereas puppy mills and other cruel animal breeding activities are unregulated and unlicensed in the province of Ontario;

“Whereas the Ontario SPCA needs more power to inspect and control animal kennels or breeders;

“Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

“Whereas there are no provincial penalties to punish people guilty of abusing animals that are bred and sold to unsuspecting consumers;

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

“That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities and also strengthens the powers of the Ontario SPCA to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the SPCA to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public.”

I am pleased to sign this petition.

OCCUPATIONAL HEALTH AND SAFETY

Mr David Christopherson (Hamilton West): I have further petitions from the Canadian Auto Workers, a union that continues to put the issue of cancer in the workplace on the front burner. The petition reads as follows:

“To the Legislative Assembly of Ontario:

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

“Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens; and

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

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

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

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

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

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

DOCTOR SHORTAGE

Mr John O'Toole (Durham): I am pleased to submit a petition on behalf of my constituents in Durham.

“Whereas the provincial Durham riding, including Clarington, Scugog township and portions of north and east Oshawa comprise one of the fastest-growing communities in Canada; and

“Whereas the residents of Durham riding are experiencing difficulty locating family physicians who are willing to accept new patients; and

“Whereas the good health of Durham riding residents depends on a long-term relationship with a family physician who can provide ongoing care; and

“Whereas the lack of family physicians puts unnecessary demands on walk-in clinics and emergency departments;

“We, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: that the government of Ontario will:

“Do everything within its power to immediately assess the needs of Durham riding and the Durham region and work with the Ontario Medical Association, the College of Physicians and Surgeons of Ontario, local health care providers and elected officials to ensure there are enough family physicians available to service this community;

“Make every effort to recruit doctors to set up practices in underserved areas and provide sustainable incentives that will encourage them to stay in these communities;

“Continue its efforts to increase the number of physicians being trained in Ontario medical schools and also continue its program to enable foreign-trained doctors to qualify in Ontario.”

I'm pleased to sign this in support of my constituents.

AIR QUALITY

Mr James J. Bradley (St Catharines): This petition is to the Legislative Assembly of Ontario and it reads as follows:

“Whereas the Harris government's wholly owned Nanticoke generating station is North America's largest dirty coal-fired electricity producing plant and Ontario's largest producer of the chemicals and acid gases which contribute to deadly smog and acid rain; and

“Whereas the Nanticoke plant, which has more than doubled its dangerous emissions under the Harris government, is now the worst air polluter in all of Canada spewing out over five million kilograms of toxic chemicals each year; including many cancer-causing chemicals and mercury, a potent and dangerous neurotoxin; and

“Whereas the Ontario Medical Association has stated that 1,900 Ontarians die prematurely each year and we pay \$1 billion annually in health-related costs as a result of air pollution; and

“Whereas the Harris government has the opportunity to make a positive move on behalf of the environment by proceeding with the Sir Adam Beck 3 generating facility, which would produce air-pollution-free electricity in this province and would provide an alternative to the constantly increasing demands placed upon the Nanticoke coal facility; and

“Whereas the Beck 3 generating facility would also provide a major boost to the economy of Ontario through investment and employment in the construction and operation of the facility and, in addition, would offer additional energy for the power grid of the province of Ontario;

“Therefore, be it resolved that the Mike Harris government, as chief shareholder of Ontario Power Generation, order the immediate development and construction of the Sir Adam Beck 3 generating station.”

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

OHIP SERVICES

Ms Shelley Martel (Nickel Belt): I have a petition addressed to the Legislative Assembly. It reads as follows:

“Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

“Whereas these restrictions will cut off access to diagnostic hearing tests, especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

“Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures, including physical therapy and therapeutic exercise; and

“Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, transcutaneous nerve therapy stimulation and biofeedback; and

“Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

“Whereas delisting these services will have a detrimental effect on the health of all Ontarians, especially seniors, children, hearing-impaired people and industrial workers; and

“Whereas the government has already delisted \$100 million worth of OHIP services,

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services.”

I agree with the petitioners, and I affix my name to the petition.

CRUELTY TO ANIMALS

Mr Carl DeFaria (Mississauga East): I have a petition that reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

“Whereas those who commit crimes against animals currently face light sentences upon conviction; and

“Whereas those who operate ‘puppy mills’ should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment that they have inflicted on puppies under their so-called care;

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

“That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible.”

I am pleased to affix my signature to this petition.

1540

COMMUNITY CARE ACCESS CENTRES

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

“Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

“Whereas community care access centres now face a collective shortfall of \$175 million due to a funding rollback by the provincial government; and

“Whereas due to this funding rollback, community care access centres have cut back on home care services affecting many sick and elderly in Ontario; and

“Whereas these cuts in services are forcing Ontarians into more expensive long-term-care facilities or back into hospital;

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately lift the funding freeze for home care services so as to ensure that community care access centres can provided the services that Ontario's working families need and deserve.”

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

HIGHWAY 407

Mr John O'Toole (Durham): On behalf of my constituents and, more specifically, the membership at the Kedron Dells Golf Course, a public course:

“To the Legislative Assembly of Ontario:

“Whereas the province of Ontario has proposed the extension of Highway 407 into Durham region and the proposed routing, designated as the technically preferred route, will dissect the property of Kedron Dells Golf Course Ltd in Oshawa,

“Whereas such routing will destroy completely five holes and severely impact two additional holes, effectively destroying the golf course as a viable and vibrant public golf course,

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

“To change this routing to one of the other identified alternate routes, thus preserving this highly regarded, public facility patronized annually by thousands of residents of not just Durham region but all of the GTA.”

I'm pleased to sign this in support of my constituents.

CRUELTY TO ANIMALS

Mr James J. Bradley (St Catharines): I have a petition which is solely within the jurisdiction of the provincial government.

“To the provincial Legislature of Ontario:

“Whereas puppy mills and other cruel animal breeding activities are unregulated and unlicensed in the province of Ontario;

“Whereas the Ontario SPCA needs more power to inspect and control animal kennels or breeders;

“Whereas Ontario consumers have no way of knowing if the animals they purchase as pets have been abused;

“Whereas there are no provincial penalties to punish people guilty of abusing animals that are bred and sold to unsuspecting customers;

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

“That the province of Ontario pass legislation that outlaws puppy mills and other cruel animal breeding activities and that strengthens the powers of the Ontario SPCA to establish a provincial registry of kennels and breeders subject to SPCA inspection, and to allow the SPCA to impose fines and jail terms on those found guilty of perpetrating cruelty to animals for the purpose of selling these animals to an unsuspecting public.”

I affix my signature. I'm in complete agreement with the sentiments expressed in this 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 Tilson, on behalf of Mr Young, moved third 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.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I would like to make some comments with respect to this bill, specifically in my capacity as parliamentary assistant to the Attorney General.

This topic has been with us for some time. Mr Flaherty, when he was Attorney General, did a substantial amount of research on this bill, and it was originally introduced by him. I think the number of the bill at that time was 155. He did a great deal of groundwork with respect to this bill when he was the Attorney General of the province.

The purpose of the bill is to protect Ontario's communities, to protect the people of Ontario and, more importantly, to assist victims. The threat of unlawful activity to the security of residents in this province can take many forms. I believe, as has been expressed many times, that this bill, if passed, would do just that.

We have now gone through second reading. It has been before the justice committee and we have gone through clause-by-clause. So now here we are with respect to third reading.

The bill, if passed, would allow the province to do a number of things. It would ask the court to freeze, seize and forfeit to the crown the proceeds of unlawful activity, as well as assets that could be used as instruments or tools in the commission of future unlawful activity.

Second, it could take to court two or more people who conspire to engage in activities that harm the public—

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I would like to know whether there is a quorum.

The Acting Speaker (Mr Ernie Hardeman): Is there 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 was just outlining to the House what this bill, if passed, will allow the province to do. The second position is that it could take to court two or more people who conspire to engage in activities that harm the public.

Finally, it would enable victims of unlawful activities that lead to forfeiture to claim compensation against those forfeited proceeds.

This legislation, if passed, would focus on the property—the proceeds and the assets—not the individuals.

This legislation would enable civil actions which would be entirely different from criminal prosecutions. That, of course, is an issue that has been raised throughout the hearings, asking whether we are going into criminal prosecutions. We are not. This is dealing strictly with civil procedures for recovering property under civil actions.

Notwithstanding what the province would be doing with this legislation, the government of Ontario would continue to vigorously investigate and prosecute organ-

ized crime figures in criminal court. We would continue to do that notwithstanding what we would be doing under this bill.

In the budget, our government committed \$6 million annually for police and dedicated crown attorneys to enhance the comprehensive, multi-pronged approach to combat organized crime. When charges are laid, dedicated crown attorneys would prosecute the cases.

With the civil legislation under debate today, our government recognizes that Ontario would be breaking new ground in Canada if this were passed. Notwithstanding that, this is not the first legislation of its kind as far as the world is concerned. Similar measures have been introduced in a number of countries, including the United States, Australia, Ireland and South Africa. In each of these countries, the authorities have successfully used the civil law to seize the proceeds of unlawful activities and to hit the corrupt organizations behind these activities where it really hurts, which is in the wallet. In our discussions with other jurisdictions, it has had without question an effect on organized crime in other countries.

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This legislation on which we are in third reading today would achieve the same objectives. We believe that Ontario would improve on the legislation of these other countries with the innovative proposal to compensate victims.

We have balanced those objectives with protection of individual rights and privacy. No action could be taken without authorization from a court. The Attorney General, the police—no one could take any action against anyone without approval from the court. Each step, from the initial freezing, the seizing of the assets, to forfeiture would require the province to successfully argue its case before a judge.

The basic standard of proof for civil forfeitures would be the balance of probabilities. I expect my friends in the New Democratic caucus will contest that, but that is a position that is standard and has always been used in civil cases, the balance-of-probabilities test. As long as there has been common law, property disputes have been adjudicated with the balance-of-probabilities standard. This legislation would be resting on the same legal foundation that has always existed in these types of cases in Ontario.

As another safeguard, the burden of proof would rest on the province with respect to the seizure or the freezing of the various items I have referred to in these civil proceedings. It would rest on the province and not on the defendant. There would be no reverse onus clause. The province would have to prove its case.

The court would also protect the interests of people who legitimately owned property or a share of property that has an unlawful origin. This provision could protect 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.

One of the issues that was raised at different times in these proceedings was the topic of privacy, a question that has been raised by all sides. I believe the Attorney General has dealt with that issue and has confirmed that personal information would be protected. He has worked with the Information and Privacy Commissioner, Dr Ann Cavoukian, to develop legislation that would strike the proper balance between the interests of the province and the protection of personal property. The privacy commissioner wrote a letter to the Deputy Attorney General in which she said, "I am satisfied that these concerns have now been addressed." So if this bill is passed, the mutual objectives would be met. Investigators would have access to the information that they need, and the privacy of individuals would be protected.

This bill would establish an independent gatekeeper or a reviewing authority that would screen all personal information. There would also be specific criteria governing the disclosure of information. If the personal information meets the criteria, the gatekeeper would pass it on to the Attorney General.

Personal health information such as medical files would be disclosed only through court proceedings. The province of Ontario would have to prove in court that the health information was necessary and relevant to the case.

Civil asset forfeiture legislation has been used successfully in a number of other countries, so once again this is not a new initiative; it has been used successfully in other jurisdictions. We have heard about these successes throughout the hearings which took place after second reading on Bill 155, the predecessor of Bill 30. We heard about these successes from experts who spoke not only in those proceedings, but at the Ontario government's organized crime summit in August of last year. They were frank about what works and what doesn't work. As I said, the committee hearings during the last session of the Legislature also heard from several witnesses with expertise in this area. They talked about the prevalence of organized crime and the role of civil forfeiture in countering these unlawful activities.

It's clear to our government that 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. That said, it's also clear that civil asset forfeiture has an important role to play.

Several countries have passed civil forfeiture legislation. Civil asset forfeiture could play a similar role in Ontario. It would help prevent the proceeds of unlawful activity being used to fund more unlawful activity and creating more victims. In other words, it would help restrict the financial capital that's available for organized crime. It would also help prevent Ontario from becoming a safe haven for unlawful assets. Most importantly, this bill would compensate direct victims of unlawful activity.

The province of Ontario has jurisdiction over property rights and clearly has the constitutional power to enact

civil forfeiture legislation. By passing Bill 30, Ontario would be a leader in this country in protecting the public from further victimization. We would also be leaders in disrupting and disabling corrupt organizations in Canada and in helping victims.

Those are the few brief comments that I'd like to make with respect to this bill. Presentations have been made through Bill 155, with Bill 30, and in the various public hearings that the justice committee has conducted to deal with those bills. So I would urge all members of the House to support this legislation.

The Acting Speaker: Questions and comments? The member from Welland-Thorold.

Mr Kormos: I'm pleased to pose both questions and comments to the brief introduction by the parliamentary assistant on this occasion of third reading of this recycled bill.

The parliamentary assistant acknowledges that there are fundamentally two arguments in the approach to this bill. The government and the parliamentary assistant adopt one; the New Democrats adopt another. We are committed to our position and we look forward to hearing the Liberal position. I think I know what it's going to be, but it will be seven or eight more minutes before we hear it declared clearly.

I'm hoping that the Liberal members will join the New Democrats in standing up for the right of Ontarians, when they are put at risk of having property forfeited, to be judged on the criminal standard when the reason or the rationale for that property forfeiture is criminal activity, criminal behaviour.

Our fundamental concern about this bill: We agree that any exercise, like the Criminal Code exercise, that enables the authorities, the crown, to pursue the forfeiture of properties, the proceeds of organized crime and otherwise, are legitimate goals and we support them. We support that exercise. We support that activity. It's rational, it's logical and it's just. But this bill puts at risk any number of perfectly innocent people where, because of its adoption of that low standard of balance of probabilities, innocent people could well be overwhelmed by the power of the state.

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The Acting Speaker: I apologize for the wrong name. The member was from Niagara Centre. Further comments?

Mr Michael Bryant (St Paul's): I listened closely to the speech of the parliamentary assistant to the Attorney General. These are words and arguments we've heard in this House many times before. The history of this bill is not unlike many bills that have come before this House. The fear is that they are paper tigers at times, and in the case of this bill, I sincerely hope not. I sincerely hope this bill actually passes because the government has been talking about passing this bill for a very long time.

At least we're on third reading right now. We never got to third reading with Bill 155. At least it has not died on the order paper like Bill 155. At least it looks like we're now on the home stretch in getting these new tools

for law enforcement officers and crown prosecutors. I hope we complete third reading, as I know we will, and that it'll actually become the law of Ontario.

The fact we are still talking about it causes me some concern and I'll speak to that when I have an opportunity to speak, but as ever, I enjoyed hearing an outline of the government's position from the very able parliamentary assistant to the Attorney General and I look forward to engaging in debate when the time comes for the official opposition to speak.

Mr Garfield Dunlop (Simcoe North): Thank you very much for the opportunity to make comments on this bill on third reading. I appreciated listening to my colleague from—I call it Orangeville because I know it covers that whole area.

I thought he made some important points on the value of this bill. When we talk about value we often have to talk about what it really costs Canadians. One federal study estimated that organized economic crime costs Canadians between \$5 billion and \$9 billion a year. That's just phenomenal when you think of it: \$5 billion to \$9 billion per year in lost revenues to Canadians is a third of what it costs us to run our health system here in Ontario for a year, and we all know it's been climbing at an enormous rate. I think anything we can do to improve this, to take away some of these crimes that are committed against Canadians, is good legislation.

There are often negative comments from the members opposite and I enjoy listening to their comments. I'm sure there will be some interesting comments for the rest of the afternoon. But I support this legislation and I appreciate the comments made by the parliamentary assistant for the Ministry of the Attorney General. I know they've worked hard on this legislation. I think it's another important step we've taken toward improving the life of Ontario residents.

Mr Michael Prue (Beaches-East York): I place some great value on this bill and I think every Ontarian, every Canadian, every person, would support that no one profit from organized crime. Of course we have organized crime in this country. We cannot be naive and think that it is not here. It exists in many forms, everything from biker gangs to international criminals to people who have imported organized criminal activity when they have come here to Canada.

The question I have, and what I'm going to be very interested in hearing about when my colleague Peter Kormos stands up to talk, is how you take away the rights of people. Organized criminals, of course, should have no rights, but we always have to be careful with whom we're dealing because we do not know for a fact that anyone is an organized criminal until they are convicted in a court of law. We do not know that until they have had due process, and the due process that finds them criminally guilty is a tough process. It has to be beyond a reasonable doubt. That is the process by which one is found to be an organized criminal and is convicted.

I think the due process to seize their property, their chattels, their assets, has to be one of similar rigour. I

know Peter Kormos will be talking about that and I'm looking forward to seeing it, because above all else in this society, one thing that marks us as such a special place here in Canada is that we are a country of laws and of people who obey those laws and who recognize the civil liberties of all persons until those persons are found guilty in a court of competent jurisdiction. I would not want to take away anything from any Canadian until I was satisfied that those criminal tests had been met. I'm looking forward to hearing what my colleague has to say about that.

The Acting Speaker: The member for Dufferin-Peel-Wellington-Grey has two minutes to respond.

Mr Tilson: Nothing is new, of course, from the opposition side. The Liberal caucus has indicated that they will probably be supporting this legislation. They put forward some amendments during the committee hearings. I'm sure my friend will be talking more about that.

I think we all agree that we want to do whatever we can to slow this organization process down. We read the papers. Our friend from Beaches-East York has spoken. You open up the papers every day and there are stories of organized crime, biker gangs and different nationality gangs, just bad things that go on. We should be doing whatever we can within provincial jurisdiction to stop that.

The New Democratic caucus, under the leadership of the member from Niagara Centre, has been quite clear. Even he, I think, supports those types of principles, but he has continually expressed that he's opposed to the different tests the government wants to use with respect to seizing these assets.

Just to comment to the member from Beaches-East York with respect to due process, I only reiterate that each step we take, whether it's seizing assets, freezing assets or doing any of the things set forth in the legislation, must be approved by a court of law. Each step must be taken. The position of the New Democratic caucus appears to be more specific, and that has to do with the test of "beyond a reasonable doubt" versus the balance of probabilities. I can only repeat what I have said in this House and what I have said in the committee, that the test of "beyond a reasonable doubt" as to whether one should seize assets is used in criminal proceedings. These are civil proceedings. We only have jurisdiction in this province to deal with civil proceedings, and that's the test we're using, the balance-of-probabilities test.

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The Acting Speaker: Further debate?

Mr Bryant: I'm pleased to rise today to speak on behalf of the official opposition with respect to Bill 30. The government seems to have expressed some consternation that the official opposition has not been cheer-leading this bill from the moment it was introduced. This Bill 30, in fact, has had a somewhat interesting history—not a fascinating history, but a somewhat interesting history. We might as well start with the political announcements from the government itself.

Back in—I want to make sure I get my dates right—1996, the Solicitor General at the time, the Honourable Mr Runciman, made an announcement about proceeds-of-crime legislation. This was said to be fulfilling a 1995 election commitment, but of course, between 1995 and 1999, no proceeds-of-crime bill passed in this Legislature. It was a promise, a reannouncement, but then no results. In 1999, the promise showed up again in the Blueprint document, which was the Progressive Conservative election platform, and again promises were made for proceeds-of-crime legislation.

In May 2000 in a Toronto newspaper, the Honourable Mr Flaherty, then the Attorney General, announced that proceeds-of-crime legislation was actually going to be introduced, finally. Then of course Bill 155 came along soon after that. This was after Attorney General Flaherty had attended four summits on organized crime: one in Vancouver, then he flew east to New Jersey, then over to Delaware for another conference, and there was another organized crime conference he went to in Washington, DC. Remember, these announcements and summits all took place five years after the party had promised in 1995 that proceeds-of-crime legislation was going to come forward. So this is a serious public relations exercise by the government.

It was interesting when the parliamentary assistant to the Attorney General said, "We're going to do everything we can to slow this process down." I know he was referring to organized crime, but it could have been a Freudian slip: "We want to do anything we can to try and string this announcement along." I understand the government's going to say, "Why are you playing politics?" The truth is that a promise was made in 1995 and it has still not been kept here in November 2001. It looks like the bill is going to pass, but of course we haven't had a vote on third reading, so it's premature to say that. It looks like we're actually going to get a vote on third reading, and in turn, there is going to be proceeds-of-crime legislation in the province of Ontario.

It will be interesting to see, and I want to speak to this in a moment, to what extent the events of September 11 have changed the government's approach to using Bill 30. On the one hand, organized crime and its link to terrorism increases the importance of using these tools; on the other hand, using the resources we have and devoting them to fighting terrorism may mean taking crime-fighting efforts away from the exercise of Bill 30. I'll be interested to hear what the government has to say in debate about that. I'm concerned that the government has not put its mind to that. In any event, we'll hear from the government perhaps later on.

So the public relations machine works on, the announcements and reannouncements move forward, Bill 155 goes to second reading debate in this House and then, lo and behold, the House prorogues and Bill 155 dies on the order paper.

Of course Bill 30 is introduced, permitting yet another flurry of announcements and reannouncements. But I have to tell the House it ended up being a bill that was

different from Bill 155. It had some very important differences. I have already given credit in committee to Attorney General Young for making changes to Bill 155, responding to serious concerns about the incursions upon Ontarians' privacy that were found in Bill 155. In committee I also—and want to do so here again—gave credit to the people who, frankly, blew wind into the sails of the government to make those changes. It was as a result of persistent questioning by Dalton McGuinty and Lyn McLeod that led to, among other things, a meeting between Ministry of the Attorney General officials and opposition and third-party officials to hash out what I've referred to as the J. Edgar Hoover clauses in Bill 155. And changes were made. As a result of those changes, and as a result of the removal of the J. Edgar Hoover clauses, and as a result of the protection of those privacy interests, the official opposition could say, yes, we have forced changes to this bill; and while, yes, we still have concerns and we share the concerns that I know will be expressed by the third party with respect to civil liberties, as opposition parties have to do sometimes, we have to weigh the importance of the objectives here; we have to weigh the extent to which we are concerned about the incursions upon privacy with the job of the official opposition, which is not to cheerlead government bills but in fact to be critical of government bills. If at the end of the day support can be provided, it's done so that we can say we've made changes and it's a better bill because of the efforts that we made.

The Attorney General made the changes to the bill, so the government has got to accept that that which was the subject of great concern by Dalton McGuinty and Lyn McLeod and the Ontario Liberal caucus has been responded to and acknowledged by the government of the day. I know they don't like to admit that there were J. Edgar Hoover clauses in there, and they're not going to stand up and say so, but they made the changes nonetheless.

What am I talking about? On December 12, Dalton McGuinty asked Attorney General Flaherty about the J. Edgar Hoover clause in Bill 155. This was a clause that would permit the Attorney General to collect personal health information without appropriate checks and balances. Keep in mind that Bill 155 had a companion J. Edgar Hoover clause in the health privacy bill, which also died on the order paper. The history of that bill, what happened with that health privacy bill and what happened with Bill 155 and the interaction between Attorney General Flaherty and the health minister at the time, the Honourable Elizabeth Witmer, I think is going to be a fascinating one for Ontario politics as we head into leadership races. Here were circumstances where Minister Witmer had introduced a bill which included a J. Edgar Hoover clause and, in essence, said she didn't know it was there. She couldn't explain how that got into her bill. Of course, it was something that was put in there by Minister Flaherty. It was perfectly clear from the clause that it came from the Ministry of the Attorney General.

It will be interesting to see to what extent those ministers, Minister Witmer and Minister Flaherty, will be able to explain that as time goes on. There was a clash there and it was one in which one minister was inserting a particular brand of Conservatism into another minister's bill, somehow unbeknownst to her. Of course, it had to be fixed, it had to be changed. Minister Witmer had to remove that J. Edgar Hoover clause from her bill. Minister Flaherty had that clause removed by his successor, Mr Young.

At the time this debate was taking place, in December 2000, the Attorney General scoffed at the opposition. We were told, "Don't be silly. There's no problem with privacy. You just can't read the bill." This is the kind of arrogance that I think Ontarians have had enough of. This is what the Attorney General said on the 12th, after being asked by Dalton McGuinty about the J. Edgar Hoover clause in the organized crime bill: "By virtue of those sections"—he makes reference to the bill—"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." And we're supposed to just swallow that and accept it because it was the word of the Attorney General.

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It's interesting. At the time, Attorney General Flaherty was providing his view on Bill 155, on this concern about privacy interests. He was saying, "Look, I'm the Attorney General. You're going to have to take my word for it." To be fair, maybe that was not his intention. But that's how it came across. He said, eventually, "Come for a briefing and we'll explain it to you." It was patronizing—it was. And it ended up being something which I know he must have regretted, obviously, because they had to change the bill.

But the problem here is the Attorney General saying, "I'm the chief legal officer to the executive council, so you're going to have to take my word for it." That's not the way our parliamentary system works. That's not the way the separation of powers works in Ontario, or nationally, otherwise. The Attorney General does speak for the executive council in terms of its legal position, but he is not infallible. The Attorney General is the most frequent litigant in our Ontario courts.

Mr Kormos: What's his track record?

Mr Bryant: Well, he wins some and he loses some.

Mr Kormos: You're being very generous.

Mr Bryant: It's because of the great crown counsel that they're able to win the ones they do.

Mr Kormos: The ones that he lets the crown counsel do.

Mr Bryant: When the Attorney General lets the crown counsel do their job, lets the best constitutional and criminal lawyers make the arguments, then the crown has got surely the best counsel before the courts. But they win some and they lose some. There's dialogue between the courts and Legislatures. Sometimes the Attorney General pushes the envelope, as it were, and the judiciary

responds. It is my view that we aren't here to play judge. And it is not the job of the Attorney General to play judge, but nor should he purport to be able to play the role of judge and say, "Here is the law of Ontario."

This happened another time. I remember the same Attorney General at the time in which this tragedy continues whereby the squeegee bill in fact is inhibiting charities all across Ontario from engaging in traditional fundraising activities because their activities end up running afoul of the overbroad squeegee law. The government was told at the time, "Look, unless you make a specific exemption or otherwise deal with the overbreadth of this law, you are going to end up capturing charities." And I remember very well what the answer was. I remember the heckles, "Oh, come on. The crown counsel will exercise discretion." Well, nobody doubted that the crown counsel would exercise discretion, although surely the rule of law must prevail always and nobody can be exempt from the law.

Our concern was, and of course it turned out to be the case, that municipal councils would not give out permits to charities or other groups seeking access to the streets of their town or city with the boot; you know, the firemen passing the boot? They couldn't get the permit. Why? Because, quite rightly, the municipal lawyers or otherwise, a legal opinion or otherwise, the democratic opinion of the council, was expressed, and that was, "This is against the law; you can't solicit under any circumstances." Hence the absurdity of that bill, the squeegee bill.

I remember at the time there was a meeting with members of charities, and I'm pretty sure it involved multiple sclerosis and muscular dystrophy charities. The minister said, "Don't worry. I'll write a letter." So he gave his legal opinion and I guess sent it around to the municipalities. Well, again, the Attorney General is not a judge; the Attorney General expresses the legal opinion of the government of Ontario and, as I said, he's not infallible. The crown wins some and they lose some.

In the most famous loss—it's the way I guess it's sometimes referred to in litigation terms; I don't know if that's right or not—the Attorney General intervened on a challenge to the federal gun control legislation, and in fact his position was rejected by the Supreme Court of Canada. That was the position of the Attorney General of the day. The position was that the federal gun control laws were ultra vires, and the Supreme Court of Canada said, "No, you're wrong." My point here is that the Attorney General is not infallible. His or her opinion that something is lawful or unlawful is hardly the final word. Yet when it came to determining the validity of the J. Edgar Hoover clause in the organized crime bill and the health privacy bill as well, he was presenting it to this House as if it were the final word, and it was not. We know it was not because the government had to take a different direction. The government had to change its mind. The government had to say, "OK, you're right. There are problems with these provisions. We're going to have to take them out."

The official opposition leader, Dalton McGuinty, kept at it in question period on this day, December 12, 2000. He said to the Attorney General, "Here's my reading of the bill, and it's pretty clear there are no such protections." It's an interesting exchange, given what ended up happening. To which the Attorney General said, "The accusations and the interpretation made by the member opposite are inaccurate." Of course, his assessment turned out to be inaccurate. It was overturned by his successor, but perhaps it would not have been, and I would argue that it would not have been overturned, but for the vigilance of Dalton McGuinty.

Also, I should give credit to Lyn McLeod, who asked the health minister, Minister Witmer, on December 13, the next day, "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?" That's the kind of question Ontarians want to have answered. They don't want their health records getting into the hands of government based on some suspicion, with no checks and balances, with no gatekeeper, with no supervision by the courts.

I remember Minister Witmer's full outrage. She stood up and said, "This is unbelievable, and I'm going to refer it to the Attorney General to answer." The gist of it was, "Didn't you hear from the Attorney General? He's the Attorney General. We have to take his word for it." Again I say, no, we don't, especially in this case. It proves the point. The Attorney General turned out to be wrong.

The Attorney General said he had told the official opposition three times that there was no problem with the bill, and he invited Dalton McGuinty and Lyn McLeod for a briefing, as if that would solve it. Of course, government briefings are welcome always, as rare as they may be.

Subsequent to that, on February 20, 2001, Attorney General Young announced in the justice committee—I think it was the first time he had spoken to the justice committee as the new Attorney General—that the privacy protections would be put in place. A gatekeeper would be provided to make sure that ministry officials could not get information that they otherwise might get under these new powers under the bill. Furthermore, when it came to getting health information, the Ministry of the Attorney General could not do so without a court order. So you would have a judge supervising that.

I have to tell you, I have never stood up in this House, and I never will stand up in this House, and suggest that judicial supervision is necessarily inadequate. Not in every circumstance will the laws be written in a way that the judges will have the tools to get to the bottom of it and provide the protections to privacy and other civil rights that Ontarians own; not always will they be there, and I'll be the first to raise them. But as long as we have that gatekeeper in this case and as long as we have a judge supervising the exchange of information, then those protections are satisfactory. Are they ideal? Is anybody comfortable with ministry officials getting private

information? Of course not. That's why we have checks and balances and due process.

Liberals are concerned that this bill will give rise to unjustified incursions on civil liberties. But most bills introduced by the Ministry of the Attorney General impact civil liberties one way or another. Certainly that's also the case with the other justice minister, the Solicitor General. Most bills are going to have some impact. So many bills that we deal with in this Legislature are going to have some impact on the rights and responsibilities of Ontarians, and we cannot cower, simply because civil liberties are so important.

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In this case, after a close look at the bill, we are satisfied that the protection is in place. Hard-fought protections, I might add, are in fact going to be satisfactory. But it will now go to the courts and the dialogue will occur. The courts will say whether or not the bill is in fact consistent with the charter and consistent also with the Constitution Act, 1867, because besides the concern with respect to the charter, the Advocates' Society came and provided excellent advice on February 20 during committee hearings on Bill 155 and expressed concern that in fact here was the province legislating in full force in an area in which the federal government had already legislated. There's no doubt that they've occupied the same field as the federal government has occupied, either before, with the Criminal Code asset seizure provisions, or this new omnibus antiterrorism bill. There's no doubt that they've occupied the field, but simply because they're both in the same field does not necessarily mean that in fact it's going to be held to be unconstitutional. They have to be incompatible or at least there has to be some significant or direct conflict.

So the official opposition supports Bill 30. Why? First, our chief concerns with respect to the privacy interests at stake have been addressed and the J. Edgar Hoover clauses have been removed. But, secondly, every day, it seems, certainly every week, we read in the newspaper about the effect of organized crime on Ontario. I don't think anybody in this House doubts what organized crime is doing to this province and this country. Statistics were revealed today—I don't have the article in front of me—indicating the millions of dollars lost every year to this province, \$1 billion lost to organized crime; economic losses, \$1 billion lost to organized in the province of Ontario since 1995.

I understand that the government cites this as support for their bill, but I have to say that this bill was not unknown to them in 1995. They promised to bring it in in 1995. I wonder, had they kept that promise and vigilantly passed proceeds of crime legislation in 1995 or soon after, how many millions of dollars might have been saved to the Ontario economy and not gone into the hands of organized crime.

Local break-and-enters, at least I can tell you in the riding of St Paul's, a car theft, a bicycle theft: there's a pretty good chance that that crime has some connection to organized crime in one way or another, particularly if

the break-in involves someone who comes in and takes nothing but electronics, for example. That's going off somewhere down the chain, and it's going to be resold somewhere somehow. I guarantee where it's resold, they won't be paying PST or GST.

If we think that organized crime is something out of the movie theatre or out of *The Sopranos* series, we need to understand that local crime, local break-and-enters and an enormous amount of fraudulent activity—seniors who get phone calls via telephone fraud. Of course, it's the fraudulent activity that costs the most to investigate, enforce and prosecute, because it is so complicated. Organized crime has extremely well-funded defence mechanisms to avoid laws as they now stand, and the resources they pour into their criminal defence efforts obviously have to be countered with comparable resources from the government of Ontario to try and crack down on organized crime, particularly in the area of fraud.

As we heard from one of the deputants to the justice committee on the 21st, Roddy Allan from Kroll Lindquist Avey said that in essence you need an army of friends like accountants to fight organized crime, to break through the frauds, because they're so complicated. With the current caseload for most crown counsel, many of them are just unable to devote the time they need to devote to those fraud cases.

If we didn't already know it, now we do: a terrorist's best friend surely is a mobster. In the post-September 11 world, all those reports from the Senate committee on security and intelligence, from CSIS, and all those counterterrorist experts who have been telling all of us for years that there are terrorist activities taking place in this country, all those voices are now much louder and are quite rightly being heard.

The link between organized crime and terrorism is well established and irrefutable, and Canadians—at least foreign affairs officials—have known this for years. Terrorism is of course necessarily an international crime, and so is organized crime. Hence Canada has supported a number of UN General Assembly resolutions that have acknowledged the link between organized crime and terrorism, and in particular with respect to some resolutions the way in which the drug trade is used to finance terrorism.

If that weren't enough, the special committee on security and intelligence, in its report of January 1999, reiterated this link and gave one example. I just want to read a short passage from that report, "The evidence before the committee indicates that alien smuggling rings generate substantial profit from smuggling and in some cases involve organized crime." "There is a concern," the committee went on to say, "that such rings could be used to smuggle terrorists."

We heard during justice committee hearings from the Criminal Intelligence Service Canada director, Richard Philippe. The director said that in 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. It's remarkable. We refer to it as an underground economy, and that's what it is. It's a whole other underground world generating money for bad guys by sucking money out of the good guys. This is to the tune of over a billion dollars in this province alone since 1995, an entire underground economy profiting from crime.

To crack down on organized crime, on what it does to our economy and of course what it does to our citizens—I'm not even speaking yet of the victims of crime who are the victims of these organized crimes, whether it's one in which the face of the mobster is not present because they picked up the phone and they're a victim of telefraud, or their bike disappears but it ends up being part of an organized crime ring, but of victims in a neighbourhood. If you have a neighbourhood where a crack house moves in, that crack house in turn of course will bring more crime. Prostitution and the drug trade will come and the sex trade will come, and together, of course, there goes the neighbourhood. I say that perhaps inappropriately, because it is no joke. The neighbourhood is gone when organized crime moves in.

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Many of these crack houses have a link to organized crime in one fashion or another, and the level of organization is stunning. It cannot be a coincidence that if someone wants to get to that crack house, they are able to climb into a cab and certain cabbies just know where to find that crack house. It's a problem. The police tell me it's a problem, the crowns tell me it's a problem, the neighbourhood groups all know about this. Who is organizing this? It's organized crime. It may not get the ratings *The Sopranos* gets, but the effectiveness is extraordinary.

We need to hit terrorists in the pocketbook, just as we need to hit organized criminals in the pocketbook. Along those lines, I submitted amendments to Bill 30 on behalf of the official opposition to give antiterrorist, profit-from-crime tools to law enforcement and prosecution officials through this bill. Those amendments were brought in in part because it appeared the government was not going to fulfill a commitment the Premier made on September 24 to bring in new laws and new amendments to Bill 30.

I don't want to dwell on this point too long, because I've spoken to it in the justice committee, and democracy has unfolded the way it does sometimes, unjustly in my view. A vote has been taken, and the government voted against antiterrorist amendments to Bill 30. For the life of me, I don't understand why, and for two reasons: first, because the government's leader, the Premier, made a specific commitment to do this in his statement to this House on September 24 and, secondly, because it's become clear, based on the statement made yesterday by Attorney General Young, that contrary to what the ministry representative was saying in the justice committee, contrary to what the parliamentary assistant to the Attorney General said during committee debate, Bill 30

does not have those powers. Why? Because they're not saying they are going to turn to Bill 30 to hit terrorists in the pocketbook. Instead, the statement by Minister Young was that he would be working with Minister Sterling. So it makes the arguments a little specious.

I have to say this is a time when government's numero uno boilerplate response to any questions from the official opposition is, "Be a patriot, not a partisan." This would suggest that in fact it was time for the government to be patriots and not partisans. I certainly hope that, and I fear the amendments were struck down because they were proposed by Liberals.

What am I talking about? On September 24, my chief witness for this particular case for antiterrorist amendments, the Honourable Michael Harris, told this House that changes were coming. The Premier said, "We will ... look at strengthening any provincial legislation that could be used to prevent terrorist acts, including possible changes to the Remedies for Organized Crime Act to cut terrorists off financially."

I can't emphasize enough that this statement was not made off the cuff. This was not said in a scum. This was not said in answer to a question. This was not the subject of some speculation by the parliamentary assistant to the Attorney General or even by the Attorney General. This was a well-crafted, well-thought-out statement by the Premier of Ontario. I cannot emphasize enough how much—I know the resources of the government and of that gigantic and bloating cabinet office that go into statements by the Premier. The Premier said clearly that we needed changes to Bill 30. Why? Because he said it. If Bill 30 was fine and didn't need any antiterrorist amendments, then why on earth would the Premier of Ontario say that amendments were needed?

When I asked the Attorney General about that, he basically confirmed that the government was not going to proceed with amendments; I still don't understand why. He said, "I anticipate this bill will spend some time at committee"—he clearly hasn't been to committee in a while; nothing spends much time in committee—"as has been negotiated between the parties. I suggest that if you have any suggestions as to how to improve this legislation in relation to organized crime or in relation to some other lawful activity, we're prepared to consider it." Thank you, Attorney General, for being prepared to consider it. In fact, you don't have a choice. Amendments are filed in clause-by-clause, and the government votes them up or down.

In fact, that isn't true in this case. They weren't prepared to consider it. They threw up a bunch of artificial obstacles to bringing in these amendments. That's clear. Why? Because the arguments contradicted what the Premier of Ontario said and, secondly, in his statement to this House yesterday the minister indicated that the government was going to—I'm going to have to paraphrase unless I can find it in a second. I did find it. In the words of Minister Young yesterday, "We will also be looking at a means of cutting off the lifeblood of terrorism, and that of course is money."

This was the point of the Liberal amendments. We wanted to cut off the lifeblood of terrorism. Instead of reinventing the wheel, we had the bill right there. Why not add these new antiterrorist powers, these new tools, to Bill 30, a bill that took six years to get the point where we're going through clause-by-clause in committee? I don't want to wait another six years before we get antiterrorist proceeds-from-crime tools in the hands of our crime fighters.

The Attorney General went on, "I will be working with my colleague the Minister of Consumer and Business Services to review provincial laws governing charities," and made reference to freezing a charity's assets. Bill 30 gives you the opportunity to seize assets and to trace the profits of crime. That's what this bill did, and we could have hit terrorists with this bill.

The government said, "No, don't worry. Bill 30 already covers this. Don't worry. It already covers this." Again, that contradicts what the Premier of Ontario said. If it already covers it, then why was the Premier proposing changes to Bill 30? Secondly, if it already covers it, then why is Minister Young not going to use Bill 30? I understand it's not the law yet; I accept that. But there's no reference to Bill 30, no reference to using that tool. Instead you have to go through the Minister of Consumer and Business Services—again, a lost opportunity by the government. I fear that for reasons of partisanship instead of acting in the name of fighting terrorism, the government did the wrong thing. The tabled amendments that dealt with focusing Bill 30 and also with adding anti-terrorist amendments as well as a level of proportionality were voted down by the government, all along party lines.

Bill 30 has raised a controversy that I know will be the subject of some discussion by the third party, and that's with respect to the difference between the federal tools to seize assets through the Criminal Code, which require among other things a finding beyond reasonable doubt in terms of the burden of proof—Bill 30, of course, involves a balance of probabilities, and that's been the subject of great concern. I know the third party expressed concerns. I want to speak to that for a moment and say this: our tort law right now, our common law, probably already permits the seizing of assets and probably already permits the tracing of profits from crime. To a large extent Bill 30 is codifying and certainly, I hope, extending the common law in this regard. The tort law, if in fact this statute is codifying the tort law, of course requires a burden of proof which is a balance of probabilities. Our tort law does not have the level of scrutiny, does not have the same liberty interests at stake as does our criminal law. The ultimate comparison of this is the criminal result of OJ's trial and then the civil result. One had a different level of proof; one had a different balance of probabilities. Of course there was a wrongful death finding on the civil front; acquitted on the criminal front.

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In my view, Bill 30 is a codification of our tort law, and if we would not ask more of our tort law than a

balance of probabilities, then I will accept, with of course some hesitation—I'm not pretending that I'm accepting this without some hesitation—that this is the way to go. Why? Because we need to get ahead of these guys. I just cited the amount of money that is going into the hands of bad guys at the expense of good guys. I've just cited the link between terrorism and organized crime. They're getting ahead of us, and we hear that again and again. I don't think anybody doubts that for a moment. So this is an effort to try and catch up, if not to try and get ahead of the bad guys. That's what this bill is supposed to be about.

Of course, it's going to be worth nothing, it's going to be a paper tiger, if the resources are not devoted to the bill, if the army of forensic accountants is not brought in, if the inherent, just structural, organizational, prosecutorial conflict is not resolved within the Ministry of the Attorney General to figure out who's going to carry these files.

I asked the ministry official during justice committee hearings, "Right now, the Ministry of the Attorney General criminal division could bring a Criminal Code asset seizure motion. With this new Bill 30 they will be able to do it more easily, obviously." I shouldn't say "always," but in most cases it's going to be easier to get. "What are you going to do? What if you've got a criminal investigation underway and you're going to complicate it by bringing the civil action?"

The answer was, "That hasn't been worked out." The other answer was, "No, we're going to beef up the criminal side too. We're going to beef up the criminal side as well as providing the resources for the civil side." As I've said before, that is not borne out in the last budget and I would be surprised if it will be borne out in any statements forthcoming from the Ministry of the Attorney General or the Minister of Finance.

Particularly in circumstances where we heard from the director of the Nathanson Centre at Osgoode Hall Law School, Dr Margaret Beare, Dr Beare said that Ontario uses the Criminal Code asset seizure provisions less than any other province. I don't know if you knew that. Ontario uses it less per capita than any other province. So we're not using the Criminal Code provisions. That quite naturally led many of us in this House to say, "Wait a minute. You're not even trying to use the federal tools. You're saying the federal tools don't work and so you're coming up with Bill 30. You're not even trying." I would imagine they're going to use it even less now that they have Bill 30. That's an important decision that needs to be made, and I look forward to at some point finding out from the Ministry of the Attorney General how they're going to do it.

The concern is that we end up having a patchwork of laws, we end up having one division of the Ministry of the Attorney General going its own way, and maybe that's going to end up conflicting with what the criminal side is doing or maybe with what's going on across the country or internationally.

I would argue that our system of federalism is not built to deal with a national war against terrorism here in

Canada. Why do I say that? The province has jurisdiction for administering or prosecuting federal Criminal Code laws. But it gets more complicated, because the federal government has its own crowns and uses the RCMP to prosecute federal criminal laws that are what are referred to as federal non-criminal penal laws; for example, under the narcotics act. Then it gets more complicated, because the province has jurisdiction over police; they can set up their provincial police force. Ontario has one, the OPP; Quebec has one. But they're the only provinces. The other provinces will contract that out to the RCMP, but it's the provincial Solicitor General who's the contractor, so they're the boss. Then of course in the municipalities the provinces are the boss, because the municipalities are subordinate to the provinces.

In the midst of this potential jurisdictional crossover, you also have a national counterterrorism plan that was the subject of discussion in the special Senate committee on security and intelligence. But wait, there's also an Ontario counterterrorism plan. Manitoba has one, because they needed one for the Commonwealth Games, and Ontario has decided that it needs one too. Look, I'm all for Ontario being a leader in our Confederation and leading the pack; I'm all for that. But we can't do it in a way that creates a patchwork of laws such that terrorists can sort of move around to the province that is prosecuting the least or not enforcing the laws as it should be.

The provincial counterterrorism plan has some conflicts with the national counterterrorism plan. Why do I say that? I don't say that, sorry. The special Senate committee on security and intelligence, in its report in January 1999, said that. They said that there were conflicts that were, in their word, "troubling." The gist of it is this: in the event of a terrorist activity taking place in the province of Ontario, in essence, under federal law and under the national counterterrorism plan, the federal Solicitor General gets the last word. Under the provincial counterterrorism plan, they're saying that Solicitor General Turnbull gets the last word. While they're fighting over who does what, nothing gets done. It all becomes to the benefit of terrorists, who thrive on legal chaos; to the benefit of organized crime that thrives on legal chaos.

Yes, we support this bill and, yes, this finally, after six long years, looks like it is actually going to become law. But the real challenge here is going to be to see how this government uses these tools in a way to effectively crack down on organized crime and on terrorism, in cooperation with federal authorities and other provinces. That's the challenge of this law.

It is a burden that is borne by this government, if only by virtue of the public relations efforts that it has made on Bill 30. We look forward to seeing what this government does in terms of putting its money where its mouth is when it comes down to cracking down on organized crime.

I'm going to share my time with the member for Eglinton-Lawrence.

Mr Mike Colle (Eglinton-Lawrence): I certainly want to follow up on the insightful comments of my

colleague from St Paul's, my neighbouring riding here in Toronto.

I guess the critical thing that I want to look at is that there are some very appropriate amendments made by our critic for the Attorney General, Michael Bryant, where he asked for certain initiatives to be included in this bill which would essentially also focus on the activities of organized, international terrorism and how they in essence are the imminent and present danger. I would have hoped that the government would have listened to his thoughtful amendments, because this is a dramatically different world we live. Perhaps the way we looked at criminal activities in Ontario before September 11 is dramatically different than today. Just around the corner from the Legislative Building, on Church and Wellesley here—a five-minute walk—the RCMP raided a premise that was supposedly possibly involved with international organized terrorism. I know we've been the product of days gone by when we were certainly out to crack down on organized crime and we all agreed that was especially needed, but now job one, and we have to get up to speed quickly, is cracking down on organized international terrorism, which has cells in almost every major city in this country. They are in over 60 countries in the world.

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What's most disgusting about organized terrorism is that not only do they terrorize and destroy buildings or kill innocent victims like they did in New York City, but they also make it more difficult for a lot of Canadians and Ontarians who are immigrants from other countries. All of a sudden, people are concerned about where their neighbours come from because they may come from one of these countries that have perhaps been associated with the takeover or the involvement of terrorism. So they not only do irreparable harm and disgusting things to innocent people at large like they did in New York City at the twin towers, but they're doing harm to the fabric of Ontario society by essentially making us very, very vulnerable to more hate crimes. Because these terrorists really don't care. That's what they want to ferment. They want to ferment hate and destruction. They want to undermine democracy and respect and the hundreds of years we've spent building those treasured hallmarks of Canada. These terrorists want to bring them down. That's why I think we have to react decisively in a focused way to stomp out terrorism.

Terrorism is an international financial network too. It is probably much more diabolical and international than any organized crime has been in our history. That's why I thought it was appropriate and very learned of the member from St Paul's to ask why we don't include these added measures here in Bill 30. We know these terrorists funnel money to each other, launder money and will put up front organizations. There is a whole list of them in the United States' Attorney General's office; federally, we've done it.

This is job one right now, and that's why I had hoped this bill had been beefed up to take on those cowardly, cold-blooded murderers we call international terrorists. I

think they deserve the full weight of the law, and that's why I hoped Bill 30 had included that.

The other thing we've got to realize is that we also have to make sure we follow the lead of the existing federal and local agencies, which are also literally in day-to-day combat with terrorism here in our cities in Canada. For instance, our RCMP, under the very, very capable leadership of Giuliano Zaccardelli, needs to have the support of the Ontario government in every way, shape or form. Zaccardelli has 30 years of experience fighting terrorism. His second-in-command, Ben Soave, has 32 years of fighting terrorism all over this globe—he has that kind of expertise.

So what really dismays me today is the pattern I've seen with the Solicitor General, where he didn't even have the common decency or the foresight to phone or contact the chief of police of Toronto, Julian Fantino, before he devised certain antiterrorism measures which they introduced yesterday and the day before. I just wonder whether our government is, instead of fed-bashing, sitting down with experts like Zaccardelli from the RCMP, sitting down with experts like Ben Soave from the RCMP, and saying, "How can we help you root out these hate-mongers?" That's what they are. Terrorists are basically hate-mongers. That is why I thought our government should also do more to co-operate with the local Toronto police. They've been dealing with these hate-mongers too, on a local level. Ask them what we can do to help them do their job better. Perhaps if we can give more supplement to the Toronto police, they can use more of their resources to go after the terrorist hate-mongers, the cold-blooded murderers.

For instance, in the city of Toronto, I talked to the head of the Toronto fraud squad. This detective said he has six years of work piled up on his desk. It's basically him and another officer who are trying to handle six years of work because they don't have enough resources to do the day-to-day stuff.

These terrorists are involved in fraud. They're all fraud artists. What they were allegedly doing over here at Church and Wellesley, right under the nose of the Legislative Building, was copying false documents, passports—all kinds of documentation being done in a photocopy shop. That hasn't been proven, but that's why the RCMP raided it, because they had good evidence that even that disgusting mass murderer Mohammed Atta was seen by witnesses three blocks away from this Legislative Building.

These things are going on in our city, and our police forces don't have the help to do the day-to-day work. They're taken away from shutting down some of these murdering hate-mongers, this international web of terrorism which makes some organized crime look like Boy Scout activities. That's how bad they are. We know how bad the traditional form of organized crime is. We've got something that is diabolically a thousand times worse than whatever these so-called mobsters, organized criminals, try to do, in what they are trying to do to innocent people from the Philippines to the Sudan, what they're

trying to do in Egypt and Algeria, what they're trying to do here in North America. These diabolical killers must be met with direct force. We have the force of law where we can perhaps get rid of these hate-mongers and stop this hate they are spreading.

That's why with Bill 30 we could have put in some measures that gave our existing forces like the RCMP and the Toronto police the resources to deal with the threat these hate-mongers have perpetrated on the free countries of the world. It's not only the western countries, if you go and see what these hate-mongers have been doing in Algeria for the last 10 years, where they've been butchering families and children from street to street because they won't adhere to their hate-mongering extremism. They are perpetrating this war on all peace-loving people. That's why we have to be firm, we have to be just, we have to ensure that we're tolerant and root out this small minority of hate-mongers who are doing a disservice to all Canadians, wherever they come from. That's why I'm in favour of strong measures to deal with this kind of diabolical threat that we face here in Canada.

The Acting Speaker (Mr Bert Johnson): Comments and questions?

Mr Kormos: In approximately eight more minutes I'm going to have my chance to do what we call here the leadoff response. I'll have an hour of floor time, an hour of speaking time. I won't get my comments completed today, so folks who want to listen to them or watch them, if their cable's working and if it's not too fuzzy to interfere overly much with the reception—because cable television is problematic, which is why people should be looking to satellite dishes or getting back to old-fashioned antennae instead of being ripped off time and time again by cable operators.

But I've got to tell you, I clearly knew where the government stood. There were no two ways about it. The parliamentary assistant has, as a matter of fact, been fair in his consistent presentation of the government approach and, quite frankly, in recognizing that there are different perspectives here. I say to the parliamentary assistant, you have been fair.

I am very concerned about this legislation. I'm concerned about what I fear can be a lack of effective and meaningful debate about it. I'm concerned that incorporating and bringing the events of September 11 in the United States and our not unnatural reaction to them, including the fear, into the debate may be compelling people or driving people to take positions with respect to this bill that they wouldn't have otherwise taken.

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We're already seeing in Ottawa Criminal Code amendments and, again, a critical debate remaining around sunset clauses that effect a serious impact on civil liberties and the strong likelihood that no sunset clause, no foreclosure date will be a part of that legislation.

We're dealing with very dangerous stuff here, especially in light of the passions that have been inflamed by September 11.

Mr Carl DeFaria (Mississauga East): I would like to join in this debate. I want to thank the members who

have participated. I am glad to see that the Liberal members see it right to support this bill. I was surprised, however, that members often, even though they support the bill, still find faults with the provisions, like the members from St Paul's and Eglinton-Lawrence. I'm surprised my colleague from Niagara Centre is opposed to this bill, because he usually supports bills of this nature. I am a bit disappointed that this time he is not supporting this kind of bill.

Organized crime affects all facets of Ontario life, not just urban communities but also rural communities. Some examples of organized crimes are credit card frauds, the drug trade and all of its spinoffs, which have hidden and damaging impacts on our communities. Telemarketing fraud is another example; motor vehicle theft rings, all kinds of activities that really affect our citizens in Ontario.

Organized crime and other unlawful activities are major threats to the people of Ontario. It is difficult to truly understand this threat in our daily lives. Most of us are not aware of all that is involved in organized crime. It often exists behind the scenes, in the shadows, but it surely affects all the people in Ontario.

I'm glad to see that the official opposition is supporting this bill, and I will be supporting this bill.

Mr Gerry Phillips (Scarborough-Agincourt): I want to compliment my colleagues from St Paul's and Eglinton-Lawrence on their comments on the bill. I'd just say to the previous speaker that one of the jobs of opposition is to challenge the government, to challenge the ideas in the government, to try to make bills better. I'm very proud of the fact that my leader, Dalton McGuinty, challenged this bill very vigorously when it was first introduced. The government initially did what it always does and said, "Oh, no, this is all fine. You're just being mischievous," but then finally recognized that my leader had some significant points that the government was forced to incorporate in the bill. Frankly, Mr DeFaria, we'll continue to challenge bills and we will continue to try and improve bills.

My colleague Mr Colle points out that we're at a time when we should have an unprecedented level of co-operation between our levels of government and the organizations trying to deal with it. And I must say I've been disappointed this week in what I regard as the government attacking the federal government for no good purpose other than to get at some old wounds about not liking the federal government.

I think that on this particular issue the public are saying to all of us, "Listen, set aside your old arguments and your old political battles and your anger and your support of the Alliance Party against the Liberal Party federally and get on with working co-operatively, at least on this one issue."

So I would urge the government, on behalf of the public, to set aside its anger with Trudeau. I guess Mr Flaherty is still mad at Trudeau from years gone by. Mr Chrétien is now the Prime Minister, and you may be angry with him. Work co-operatively to stamp out organized crime.

Mr Prue: I listened in some awe to some of the speakers here tonight, especially my friend the member from St Paul's, who pointed out what happened right through this entire bill process. I found his remarks particularly helpful about how the process sometimes gets misinterpreted, from the Legislature, down through the courts and to the municipalities, and he gave some very good examples.

I also listened to what my friend Mr Colle from Eglinton-Lawrence had to say. I think he hit right on the nub of the problem here. I'm not convinced yet that this is the legislation that is needed, but what he said was absolutely right: the police do not have the resources in this province to do what is necessary to combat organized crime or terrorism or simple pickpockets. If a police sergeant has six years of fraud cases on his desk that he cannot get to, then that is the problem. The problem is making sure there are sufficient resources to the men and women in those various police departments so they can go out and do the job they need to do. They do need help from this Legislature.

I think there are some parts of this legislation that may in fact be good, but I continue to be troubled again and again by the general provisions of what constitutes how you can seize someone's property, particularly if those people have not been convicted and in fact are acquitted.

I have some real difficulties with the rule of law, on which we in this country have prided ourselves. I'm going to listen with some awe to the member from Welland when he talks about balancing the protection of the rights of the individual and what the law of this country has always been, because we have succeeded in building a great country.

The Acting Speaker: The member for St Paul's or Eglinton-Lawrence has two minutes to respond.

Mr Bryant: I thank the members opposite for their comments. I have to say to the member for Mississauga East, surely it is the purpose of debate here to express concerns about legislation. I note that while the anti-terrorism bill is going through Parliament, there are members federally, not of the cabinet—and apparently also the cabinet—who are willing to talk about the faults of that bill. I think, for example, of MP Irwin Cotler. Surely you cannot begrudge the official opposition, and the third party, for that matter, for doing its job and raising concerns with respect to the bill.

In any event, the chief criticism of the position we are taking, I take it, is that we are supporting a bill that does not strike the balance, if you like, between civil liberties on the one hand and protecting the public on the other hand. I would say again, yes, I understand that, pre-conviction, this may seem to be onerous, but on the other hand, we are talking about whether or not organized crime can profit from organized crime and whether or not we can get our hands on those assets. We are not talking about the liberty interest of locking these people up. There's a difference, and our tort law recognizes that difference. That's why there's a distinction between the tort law and the criminal law.

I would say, if we're going to catch up, if we're going to hit them in the pocketbooks and we're going to do to terrorists and organized crime what in essence historically we've had to do in order to crack down on organized crime, then it means we're going to have to sometimes try to do indirectly what we can't do directly, and I don't mean in terms of civil liberties, I mean in terms of getting our hands, in this case, on their assets to shut them down. That's the goal. That's what we support, with great trepidation, but this is in the interests of working families. Along those lines, I would say that this is a bill we must support.

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The Acting Speaker: Further debate?

Mr Kormos: First and foremost, New Democrats oppose Bill 30 and we will vote against it. We understand where this stuff comes from. This is part of this government's law-and-order agenda.

"This bill today"—referring to Bill 30 in an earlier reading—"is nothing more than simply another exercise in Tory public relations stunts," nothing more than that.

A similar comment: "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."

Both are perfectly accurate comments. The first was made by the Liberal member from Hamilton East. The second one was made by my colleague the member from St Paul's.

There had been clear debate around the bill and the standard of proof that it imposed, or provided, during the course of the committee hearings around the first version, the first incarnation of this bill. New Democrats adopt the analysis, quite frankly, of the Canadian Civil Liberties Association. Alan Borovoy was their spokesperson at those committee hearings, when he said, "There is very little in this bill that is worthy of enactment," and when he said, "What is not acceptable, in our view, is, as between alleged perpetrators and alleged victims, for the power and resources of the state to be marshalled against one in favour of the other on the basis of a judgment made at the political level, and then for the state to have to do nothing more than prove its case on a balance of probabilities."

You see, there already exists legislation in this country that permits the seizure of the proceeds of crime and the seizure of those assets that are used in the commission of crime. They're in the Criminal Code of Canada. You've already heard that crowns and police in Ontario have been disinclined to use these provisions in the Criminal Code as aggressively as their counterparts in other jurisdictions, that is, the other provinces, have. The provisions in the Criminal Code in fact require that there be a crime proved on the traditional basis of what is necessary to prove the offence or to prove a crime, that is, on the basis of proof beyond a reasonable doubt.

Part V, section 16 and section 17 of this bill, are the crux of the matter, because they permit the state to marshal all of its resources and go after the assets, the personal property, without there ever having been an

offence charged or even if that person has been found not guilty or the charge has been withdrawn by the crown attorney. I'm sorry, but we New Democrats find that an unacceptable standard. The citizenry, the residents of this province have to be protected from the incredible power that the state can muster in its pursuit of an individual. We are prepared to stand with those people who believe that innocent people should not be exposed to that incredibly powerful and intrusive mechanism, the state armed with this bill. This bill poses real dangers, in our view and in the view of a lot of other people, for innocent people here in Ontario.

Look, we had a pre-September 11 climate, and that's where it was organized crime. Fair enough, there isn't a member of this Legislature who wouldn't like to see organized crime stamped out as effectively as possible and, ideally, totally or, for that matter, any other element of crime or type of crime, disorganized or not, stamped out as well. Our view as New Democrats is that you don't do that by lowering the standard, by eroding civil liberties, by eroding the rights and freedoms that every person who sets foot on Canadian soil acquires and that makes our country a model for the rest of the world and the ideal, the standard, to which so many other countries aspire and for which people are dying in the course of that exercise of fulfilling that aspiration.

Look, the hot button before September 11 was organized crime and the incredible impact it has societally, economically and on people's day-to-day lives. I mean, there are victims. There are clear victims. But we mustn't let our zeal to fight crime override our concern for the rights of the innocent and our desire to protect the innocent from heavy-handed intrusion into their lives and their affairs by the incredible power that the state can muster.

After September 11, of course, the zeal was enhanced, because the bottom line is that after September 11, unless you're talking really tough about terrorism, you're somehow less patriotic than your neighbour. If you're not talking about using the toughest measures and looking under every bed in every household in Ontario or Canada for terrorists, you're somehow going to be portrayed and possibly perceived as less scornful and disdainful of terrorism and terrorists than your neighbour who is ringing the alarm bells.

I think it's very regrettable that this government would call this bill after September 11, because I think we're in a climate right now, we're in conditions right now, where many people may not be thinking as clearly, as calmly, as soberly about this bill and its impact as they ought to be. There are some serious impacts and repercussions, especially when—

Interjection.

Mr Kormos: Exactly, and you heard what I said. I regret that this bill has been called again so soon. The bogeyman before was organized crime, and we acknowledge that. Now you throw terrorists into the hopper. To be fair, the government hasn't done that. The government

rejected the Liberal amendment that tried to add terrorism to the list of offences here.

Mr Bryant: Whose side are you on?

Mr Kormos: Exactly, whose side am I on? I'm being challenged now. My fidelity to my neighbour is being made suspect. This is like Diane Francis in the National Post who labels every progressive group. Just recently, one that I'm involved in, a human rights trip to Colombia—and Rosario Marchese came along with us—was labelled as a front for a terrorist organization, because she disagrees with our sympathies and with our interest in human rights in Colombia. You see, it's this kind of climate that's being provoked by September 11.

But let me say this: there had been, pre-September 11, some element of competition about who can be tougher on law and order than the other, and since September 11, we've seen some significant competition in this Legislature about who can be tougher on terrorism than the other.

Let me put this into perspective. I have some regard for the member for St Paul's. I have some regard for some of his colleagues. I recalled and reread the observations that the member for St Paul's and his colleague Mr Agostino had made about Bill 30 before September 11.

Mr Bryant: You read that out of context.

Mr Kormos: I read those to refresh my memory as to what was actually said. Let me illustrate how this zeal to be holier than thou, to be purer than the other, can hurt people.

Mr Bryant: This could only come from a New Democrat.

The Acting Speaker: Member for St Paul's, come to order.

Mr Kormos: Let me demonstrate how this zeal can hurt people.

Interjection.

The Acting Speaker: Member for Scarborough Centre, come to order.

Mr Kormos: We have 103 elected members in this House. By virtue of being elected, you would think that that member, chosen by the people of his or her riding, would at least have the right to stand in their place here and engage in debate, the right to participate in members' statements, the right to ask questions during question period. We instinctively think that's what being elected here gives us. But in the zeal to become holier than thou—and I appeal to my Liberal counterparts here as I make this analogy—one of their members, Ms Boyer, has been denied those rights. By virtue of her expulsion from caucus, Ms Boyer from Ottawa has been denied the right to stand in her place and participate in debates. Ms Boyer has been denied her right to participate in question period. Ms Boyer, the member for Ottawa-Vanier, has been denied her right to engage in the rotation of member's statements. The residents of her riding have been denied their right to a representative. Let's understand how this happened, because I tell you this is all about the zeal to make oneself holier-than-thou.

We know that Ms Boyer was elected by the voters in her riding. She's of a different political persuasion from me and I say, fine, so be it, but I also know her to be a distinguished person and a strong advocate for her community. I respect her ability in that regard.

1730

Hon Norman W. Sterling (Minister of Consumer and Business Services): On a point of order, Mr Speaker: I think it's important for the people who are watching to understand that an independent member of this Legislature does get the opportunity to make statements, does get the opportunity to speak from time to time, does get the opportunity to do those kinds of things.

The Acting Speaker: Very informative, very interesting, but not a point of order.

Mr Kormos: And when the moon is blue we will once again hear from Ms Boyer in the Parliament, in this chamber.

Now, here again, an illustration of what happens when zeal overcomes reason.

Mr Rosario Marchese (Trinity-Spadina): Political positioning.

Mr Kormos: The zeal—Rosario Marchese says it's political positioning—on the part of the Liberals to position themselves on the anti-organized crime side, clearly, even at the abandonment of any strong commitment to civil liberties. It seems that the same Liberals who would, in my view, compromise with Bill 30, have compromised with respect to their colleague Ms Boyer from Ottawa-Vanier.

You see, what happened is that before she got elected—this is as I understand it—she got involved in an incident that resulted in a criminal charge being laid. The matter was investigated and she—and this is what's very interesting—pleaded guilty to the charge. Some lawyers speak about that as being demonstrative of contrition and remorse. She didn't try to weasel her way out of it, and too, the court, in assessing the facts, granted her a conditional discharge. They didn't even convict her, notwithstanding that she pleaded guilty of what can be a very serious criminal offence.

The discharge was conditional on a six-month period of probation. I understand from reading the press—and this is certainly my view—because Ms Boyer was expelled from the Liberal caucus on the occasion of pleading guilty, I presumed, however improperly, that once the six months expired, once she was completely then aloof of the justice system, that she would be returned to her stature in caucus and thus acquire once again all those rights she would have as a member of the Legislative Assembly to speak out and advocate on behalf of her constituents or participate in debates like this and so many other debates.

I believed that the leader of the Liberal Party would have enough regard for the rights and interests of those people in Ottawa-Vanier that he would respect their right to have their elected representative participate fully in all of the processes that happens.

Let's understand, when you're expelled from caucus, you've got no access to any of the resources that caucuses have here—more and less depending upon their size. No access to the research teams, no access to all of the sorts of things like, in the case of the Liberals, a huge number of staff. There were eight staff people sitting behind the Speaker today from the Liberal caucus and there was our one House Leader-whip-staff person, Allie Vered, who seems to manage to do as much as the eight Liberal staffers. I couldn't count the number of Conservative staffers back there. They were standing on each other's shoulders and peering over each others' shoulders.

But I would ask us to consider how much judgment can be distorted in the course of political positioning, because the only conclusion I can come to is that the leader of the Liberal Party is merely trying to position himself. Again, I'm making a presumption that he's trying to present himself or he doesn't want to expose himself to accusations of, let's say, being soft on crime. But I say that at the same time he's exposing himself to accusations of incredibly poor judgment, that the leader of the Liberal Party is exposing himself to accusations of being disdainful of the people of Ottawa-Vanier, the people who count on and should have a right to count on Ms Boyer to represent them here.

I suspect that the leader of the Liberal Party, by virtue of his persistence and his ongoing exclusion and indeed—

Mr Bryant: On a point of order, Mr Speaker: I would never want to gag the member who is currently speaking, but we've now been on this for 15 minutes and it's got nothing to do with Bill 30. Would you get him back on the bill?

The Acting Speaker: That is a point of order. To the member for Niagara Centre, it's a very interesting and very informative discourse to this point, but I too would like to have it referred to the bill that's in front of us.

Mr Kormos: Thank you kindly, Speaker. Bill 30 and the judgment that one exercises about one's support for Bill 30 should not be impaired, should not be distorted by one's zeal to somehow be tougher on crime than somebody else. I question, with great respect, the judgment being exercised by the people exercising influence or control in the official opposition caucus, just as I question its judgment in excluding Ms Boyer and its continued persecution of Ms Boyer in its attempt to appear tough, notwithstanding that the court considers it appropriate that the disposition as a result of the offence with which she was charged for behaviour which occurred before she was elected, quite frankly had nothing to do with or would suggest an inability to serve in this Parliament.

There wasn't any suggestion of any number of offences—of taking bribes, for instance—to affect one's vote. Nothing in my view, and I've read the reports as to what the court had to contemplate in determining how to resolve Ms Boyer's matter, had to do with anything that

would reflect on her ability to sit in this Parliament or represent her constituents.

We're talking about targeting people. I'm talking about Bill 30 in the capacity that it generates in the government to target people, and I'm talking about the phenomenon of the eagerness to position oneself, either individually or as a party politically and the consequences that can have in terms of how accurately or judiciously you exercise particular judgment. Bad judgment is a human fault and bad judgment can more often than not be corrected by acknowledging the error and saying, "No, that was the wrong position to take." I quite frankly respect that. If upon reflection somebody, anybody here, says, "No, I've reflected on the matter, I've analysed it, I've reviewed it, I've mulled it over and I'm sorry. I perhaps shouldn't have taken that position and I retract that position," that's fair enough.

I'm calling on people in this Legislature to show good judgment in response to Bill 30. I'm pleading with the members of the Liberal caucus to show good judgment with respect to Bill 30 and perhaps acknowledge that the effort to position the Liberal Party on the "get tough on the bad guys" is the same sort of pressure that has led this Liberal caucus to beat up on Madame Boyer from Ottawa-Vanier. It has resulted in Ms Boyer sitting quietly in the far corner, deprived of the tools and resources she needs to do her job for her constituents.

1740

Ms Boyer has been incredibly faithful to the Liberal caucus. She has, as far as I've been able to observe, voted consistently with the Liberal caucus. She has still felt some sense of caucus discipline. I understand Bill 30. Ms Boyer has demonstrated an ongoing sense of caucus discipline. She has not been critical of her leader or her caucus in a public way. She has shown great fidelity to her former caucus mates and to the leader of that party and caucus. Do you not begin to question the judgment when a caucus will treat one of its members that badly? We're getting back to the caucus's position with respect to Bill 30, aren't we, Speaker?

The Acting Speaker: I hope so.

Mr Kormos: Of course we are. So here's a caucus that shows such poor judgment with respect to one of its own and is prepared to sacrifice its own, to literally roast her, leave her out there hanging and deny her constituents of their right to an effective MPP, as she would be.

I knew her when she sat right where the member for St Paul's is sitting now. She was a good MPP. She was an advocate for women and an advocate for francophones.

Interjection.

Mr Kormos: She did and she was.

For her leader, Dalton McGuinty, to punish her to improve his own stature or at least to appear to improve his own stature I think is something that should be of concern to all of us.

Mr Bryant: On a point of order, Mr Speaker: As much as I never want to inhibit the political debate, particularly when coming out of the mouth of Mr

Kormos, I fear the member is not following your decision of two minutes ago. We're now at 25 minutes of debate with respect to my friend Ms Boyer and I believe we need to get back to Bill 30.

The Acting Speaker: That is a point of order. I would ask the member for Niagara Centre to make this a debate on the bill that is before the people of Ontario. I would ask for your indulgence in that. I respect the skill you have in debate. I know you can do it.

Mr Kormos: Like that Dylan album called Bringing it All Back Home. Remember that one? That was around 1965. Mr Tilson, you remember.

I appreciate it's frustrating for some people here, but I'm trying to talk about how we are drawn into making decisions for political positioning. I'm suggesting that is why some people are being drawn to support Bill 30. We're drawn into making decisions for political positioning that cause us to abandon our sense of fairness, of what's just, of what's right, and indeed to abandon good judgment.

Ms Boyer has been dealt with by the courts. We have the Liberal caucus supporting Bill 30. We also have a Liberal caucus that appears to be supporting Dalton McGuinty in his persecution of Madame Boyer. I say to you, Speaker, that it's the very parallel that makes it very relevant, because it's the effort to position oneself politically that draws a caucus and their leader to take the wrong decision, the unfair decision, the unjust decision, the injudicious decision. Just as they've done it to Ms Boyer, just as they've barbequed her or roasted her on the barbeque of Dalton McGuinty's ambition, it seems they're prepared similarly to abandon the civil liberties of innocent people in Ontario in an effort to align themselves with the Tories and the Tory law-and-order agenda, one which I insist—

The Acting Speaker: I don't like to keep on the same subject, and obviously you don't either, but the subject is Bill 30. I realize that there are all sorts of reasons for including different things in debate, but I'd rather not get into those. I would ask you to bring yourself, not within the confines, but within the spirit of the bill. I haven't found that yet, so I want to express some sense that I'm not being listened to. A person in a different situation might be frustrated. I don't get frustrated, but if I'm listened to, I'd feel much more comfortable about things.

Mr Kormos: Speaker, please, I apologize. It is not one of my many ambitions to cause you discomfort. I respect and appreciate your guidance. I value your guidance. I listen carefully to you, sir, and that's why I will return to the matter of Bill 30: justice and fairness for innocent victims and for people whose welfare is put at risk by Bill 30.

Take a look at sections 16 and 17 on the balance of probabilities, and take a look at the fact that people who have been acquitted, people who have been found not guilty of a criminal offence can then—the state had one kick at the can, but then can mobilize that same police power and technology and have a second kick at the can. Where they couldn't get in through the front door,

they're going to get in through the back door. No, it's wrong.

If we're talking about criminal offences, we let the Criminal Code provisions prevail, because those Criminal Code provisions permit the very seizures and forfeitures with an adequate standard of proof that ensures innocent people are protected. You see, I trust the court's power to make appropriate decisions with the provisions of the Criminal Code. I trust that the court that tried Ms Boyer after her plea of guilty determined what the appropriate penalty would be, and that would be probation and a conditional discharge—no conviction upon completion of that probation.

Look what's happening here. This Liberal caucus wants the court to have two kicks at the can. Why, indeed, Mr Bryant said, "It is my view that we're not here to play judge." Mr Bryant said that an hour and a half ago. I took note of what Mr Bryant said because it's what provoked me to raise my concerns about Ms Boyer, because in fact the Liberal caucus is playing judge and judge again and judge again. They aren't satisfied with the disposition of Ms Boyer's case by the provincial judge who gave her a discharge as a result of a plea of guilty.

This Liberal caucus wants to re-sentence her, and not only re-sentence Ms Boyer, but it wants to re-sentence her constituents.

The Acting Speaker: Order. Perhaps I haven't been blunt enough. I would like you to bring your debate within the bill, or we'll have a difference of opinion.

Mr Kormos: Thank you kindly, Speaker. I've been working as hard as I can and as long as I can because I want the opportunity to speak to this whole matter again in this Legislature.

Mr Bryant: The whole matter of what?

Mr Kormos: The whole matter of how sometimes our political positioning, our desire to position ourselves politically, can interfere with good judgment. The whole law-and-order aura is one created to a large extent by the Conservatives. It was one used to win two elections. Mr Bryant, the member from St Paul's, has had occasion to stand in this Legislature, frequently, and condemn this government for creating chimera, mere chimera out of the fear and the trepidation that the public has about law and order. In fact, we forced this government to say that the public needs to be protected from the perception of crime or from the fear of crime. You notice that, don't you? They've shifted their language because they know that much of what they've come up with in terms of their so-called law-and-order agenda is mere fluff. It's feel-good stuff.

1750

The other reality is that Bill 30 will not achieve the results that you anticipate. Mr Bryant said so, and I trust his observation on that occasion.

Mr Bryant: That's out of context.

Mr Kormos: That was then; I appreciate this is now. But I took great notice when Mr Bryant—he's a lawyer and his judgment in terms of lawyerly things ought to be

given some weight; I think that's how they say it—said, “Our concern with this bill”—Bill 30—“is that it is neither effective nor will it stand the test of time.” I took some comfort—

Mr Bryant: That was then. It's fixed now. We fixed it.

Mr Kormos: That was Bill 30, that wasn't its predecessor.

Mr Bryant: No, we fixed it. That was before we fixed it.

Mr Kormos: There were no amendments made subsequent to that observation by Mr Bryant. There were no amendments made to the bill subsequent to the observations of Mr Bryant.

I have to say, what causes rational people like Mr Bryant, for whom I have regard—

Mr Bryant: I love you too.

Mr Kormos: Well, I like you very much, Mr Bryant.

But what causes people like Mr Bryant, who is held in high regard and has exercised a good understanding of the law, to make this significant shift? What causes Mr Bryant to do that? I suspect the motivation, the motive, and I wonder what the motive is. So that's when I have to look at other things that are happening around us to see if we can determine the motive. Isn't that fair? We have to understand why people have made significant shifts on positions with respect to this bill, and then we have to try to say, what would cause them to do that? Would it be the persuasiveness of Mr Tilson's arguments?

Interjection: I doubt it.

Mr Kormos: No, it could be. You look at all of the options. It could be the persuasiveness of Mr Tilson's arguments. That could be why the Liberals seem to have made this significant shift from, “The bill is neither effective nor will it stand the test of time,” to “We're going to vote for it. Maybe we're a little concerned about some elements of the bill but, by goodness, we're going to vote for it.”

I also understand the tactic of showing up at committee with amendments so that you can say, “We were going to support it but you guys didn't accept our amendments. OK, that does it. We're not friends any more. We're going to oppose your bill.” That is a technique that's used to straddle the fence. It's a technique that's used from time to time to try to move from an uncomfortable position to a similarly uncomfortable but appropriate position. I understand that. It's a tactic. I thought for the briefest of moments when the Liberals came forward with these amendments that that's what they were going to do; they were going to say, “OK, that does it. If you had accepted our amendments—now we can tell the people out there, the Toronto Sun readers”—because it was going to add terrorism as one of the offences; very good. So the Liberals would say, “We were going to support this bill if only the Tories had included terrorism. Since the Tories aren't going to include terrorism, make this bill the tough piece of legislation that it should be so we can seize terrorists'

assets, then to heck with the Tories. We're not going to support their bill.” You sort of appeal to both groups.

Then you wonder whether Ms Boyer is caught in the same kind of tension—just a passing observation, strange observation. There will be more time for me to appeal to the Liberal caucus to show some generosity of spirit to Ms Boyer.

Look, was this bill difficult for us in terms of sitting down and saying, “We understand what the goals of the bill are and we laud those goals”? We did that, and I've stated time and time again, yes. I've also stated that of course the police would like a lower standard of proof, and if you sit down on one-to-ones with police officers, they'd like to have greater powers of arrest without warrant. If you sit down with police, the ones who have to do their day-to-day jobs, they'd usually prefer that you didn't have to advise the accused person in detention of their right to counsel because it would make their jobs much easier. I acknowledge it would make their jobs easier. Of course it would. It would make the whole judicial system's job easier if those safeguards weren't in place. If the standard of proof for criminal convictions was the balance of probabilities, as it is in this bill, there wouldn't be a single acquittal in any court in any province, in Ontario or across the country.

Would that make the jobs of some people easier? Of course it would, but would it make the system more just? To the contrary. We cannot let our passion for, yes, civil liberties be eroded by our fear of terrorism or by our fear of being identified and being pointed out as not being zealous enough, and therefore somehow suspect in this North American, indeed international, opposition to terrorism, its tactics and its very existence.

The New Democrats live with the observations made by Alan Borovoy and others like him. We live with the fears expressed by laypeople who appeared before that committee. One woman, Judy MacDonald, said, “I'm in this very scenario. I'm the sort of person who I tell you right now would be found liable to the state under this bill.” She appeared at the committee hearings. “I tell you I'm an innocent person, but to use the test of balance of probabilities to determine whether or not anything I own is the proceeds of crime, well, because I married an ex-con who is notorious in our community and who was admittedly a participant in organized crime, yes, my dry cleaning shop and my home could very easily fall prey to a zealous political decision to mobilize police forces and state resources against me when the test is merely the balance of probabilities.”

I've been in too many courtrooms too many times and witnessed too many good judges who have indicated quite clearly that suspicion, even suspicion upon suspicion upon suspicion, is not proof of guilt. The exercise—

Mr Bryant: This isn't about guilt.

Mr Kormos: It's very much about guilt, because it says that even if you haven't been charged with a crime, you're guilty of a crime and therefore the proceeds of

that crime, which we presume to be proceeds because we've presumed you guilty of a crime even though you haven't been convicted of a crime, even though you may never have been charged with a crime, even though you may have been found not guilty of a crime. This bill says we can still go after your assets, your property, your home, your car, your furniture, your bank account, every last cent, and seize it. Boom, like that, it becomes the property of the state. It's no longer yours, no matter how

hard you worked for it, no matter how long it took you to acquire it.

That's not legislation that should be presented in a society that cares about the innocent, that cares about the victim. The pursuit of criminals—

The Acting Speaker: Thank you very much. It being 6 o'clock, this House stands adjourned until 1:30 pm next Monday.

The House adjourned at 1800.

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