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**Assemblée législative
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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 11 December 2001

Mardi 11 décembre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 11 December 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 11 décembre 2001

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

SPECIALISTS' SERVICES

Mr David Ramsay (Timiskaming-Cochrane): The Timiskaming Municipal Association is asking the Ontario Ministry of Health and Long-Term Care to make a commitment to fund the visiting specialist clinic program at the level of days designated in January 1999. The TMA wants the ministry to commit to this level until a policy decision is made to establish an efficient and effective model for delivering specialist clinics.

The TMA, which met in Earlton the other day, believes that the changes in the program that have been recently implemented are going to threaten to reduce the availability of visiting clinicians to the hospitals in the Timiskaming area. The planning, management and delivery of medical specialists' services has already been impacted because the ministry is not providing a long-term-care policy nor stable funding for these clinicians.

It's a very important matter for those of us who live in isolated areas and small towns that don't have readily accessible specialists' services. We rely on this program to bring the specialists to us. As you know, in northern Ontario we have the health travel grant, but that's a lot of money being expended and a lot of time being wasted as a lot of our patients have to go to centres like Sudbury and, in the northwest, Thunder Bay to receive those services.

It makes efficient use of everyone's time to bring the visiting specialist to our centres and it saves the government money, but there's a total lack of coordination in the Ministry of Health in funding access to specialists. We need to get that coordination, and the way to do that is to let northerners make these decisions for themselves.

GOOD NEIGHBOURS CAMPAIGN

Mr Gerry Martiniuk (Cambridge): In my riding of Cambridge, a long-standing institution, Gmelin Flowers, has organized a Good Neighbours campaign dedicated to help the families of the victims of September 11 and those involved in the relief efforts in Afghanistan. The campaign is symbolized by this rather pretty ribbon of three colours, along with the Canadian flag in the middle.

Gmelin Flowers and a group of dedicated volunteers have, to date, raised over \$25,000 in donations for this

important cause, to be distributed through the Canadian Red Cross.

I would like to thank everyone who has donated to the Good Neighbours campaign, and especially acknowledge the rotary clubs in Cambridge for their support: the Preston-Hespeler Rotary Club, the Galt Rotary Club, the Cambridge North Rotary Club, the Cambridge Sunrise Rotary Club and the Kitchener-Conestoga Rotary Club. They have all put forth a tremendous effort.

This important project has been a huge success due to the hard work of dedicated organizers, strong community response and countless hours put in by volunteers such as my good friends Dede, Carl and Bob Gmelin, David Mitchell, Diane Cooper, Kathy Murphy and Donna Diamond, just to name a few.

This campaign is a true example of what makes Cambridge and Ontario a great place to live. I hope everyone will support the Good Neighbours campaign.

HOSPITAL RESTRUCTURING

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): In my community we are struggling with a made-in-Toronto solution: plans to restructure our hospitals. I think the city, the united counties, the local hospitals and the provincial government need to sit down and actively discuss the possibility of a brand new hospital. I would be more than willing to facilitate the process.

Three years ago the government's hospital closing commission went against the local committee and told us that one of our hospitals would have to close to acute and chronic care patients, and the other would have to have substantial renovations. Since that time the estimated cost of the restructuring has ballooned to close to \$67 million, and our community has been told that they have to come up with \$20 million to pay for the decision, a decision that was forced on them by the government.

Every day I hear from constituents who feel the only way the community will raise \$20 million is to go for a brand new hospital, a state-of-the-art facility. Hardly anyone wants to pay for expensive renovations of an old building that will likely be inadequate to meet the needs in a few short years. And nobody who has spoken to me wants the municipality to have a tax levy for the renovations.

Two weeks ago I asked the Minister of Health to make a commitment to the people of my community. I asked him whether or not he was prepared to provide new money before Christmas. Well, Christmas is two weeks

away and nothing has changed. My community is still on the hook for \$20 million for a decision that was made in Toronto, and the only thing this government is committed to is big corporate tax cuts and \$234 million worth of government advertising. The government is not committed to working families in the province.

RAMADAN

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): The month of Ramadan is drawing to a close. Ontarians of the Islamic faith will soon be celebrating Eid ul-Fitr.

During the month of Ramadan, over 14 centuries ago, the word of God, which we refer to as the Qu'ran, was revealed to the prophet Muhammad. Peace be upon him.

Ramadan is a time of fasting. This fasting is one of the five pillars of Islam. It is an act of self-purification and self-discipline, to become more conscious of God and of the suffering of other human beings.

The Eid celebration comes with the new moon. This weekend, Muslims all around the world will be celebrating Eid ul-Fitr. Families in Ontario will be among the celebrants. Ontario has a growing and vibrant Muslim community. More and more Ontario Muslims are descended from immigrants, but are themselves born and bred here in Canada. And that means that Eid is becoming more and more a part of the fabric of Canada's multicultural holiday season. There will be Eid parties, people will share gifts with each other, and especially with the poor and less fortunate in the community. They will be thankful to God for the health, strength and opportunities that he gives.

To Ontario's over 300,000 Muslims, I wish Eid Mubarak, or a blessed feast.

INTERNATIONAL ADOPTIONS

Mr Joseph Cordiano (York South-Weston): Back in March 2000, the Minister of Community and Social Services levied a \$925 head tax on international orphans. The head tax was nothing short of discriminatory. The processing of these adoptions occurs in the child's country of origin and the tax is only levied on those adoptions finalized outside Ontario.

In September 2000, I introduced a private member's bill designed to rescind this head tax, and it passed second reading with the support of five cabinet ministers. This government should do all it can to honour the families that are adopting internationally. They make a huge financial and emotional commitment to raise a family, and this head tax is nothing but offensive to them and to their families.

As we near the end of this session, I call on the government to pass this act because my private member's bill would provide tax relief for families being charged intercountry adoption fees. Other jurisdictions, including Quebec, provide internationally adopting families with \$5,000 in tax relief. The tax relief I am proposing will

require less than \$1 million in total. Your education tax credit, the tax credit that you will provide for private schools, will cost \$500 million. You have the money to support private, wealthy schools but you don't have the money to support hard-working families.

Do the right thing. Move my private member's bill immediately, as it will implement the tax credit for these hard-working families. These families deserve nothing less.

1340

COMMUNITY CARE ACCESS CENTRES

Mr David Christopherson (Hamilton West): This government yesterday rammed through another closure motion—and of course we'll be dealing with yet another one this afternoon—on Bill 130, which is the government's provincial takeover, and a hostile one at that, of the CCACs. In the process of the debate, I've heard an awful lot of government members pointing to the review of the service in Hamilton. To be sure, there were structural problems that needed to be addressed, but in defence of the Hamilton CCAC, let me put a few things on the record.

First of all, the people who were on that board—I know most of them—were good people who cared about the clients, who cared about our community and cared about providing the kind of services that CCACs are mandated to do. Secondly, before this government could step in and do anything about changes in the Hamilton CCAC, they had to cough up more money. At the end of the day, that's the core problem: not enough money.

When you've got a group of people who have to make decisions that in some cases are close to life and death and there's not enough money, no matter what they decide, in part it's going to be the wrong decision because all the needs aren't being met. Further to that, the managed competition has been a total disaster. All it's doing is pushing non-profits like SEN and VON out of the home care service business, where they have been for decades providing an excellent service.

Before you go pointing fingers and saying, "That's why we have to do this across the province," take a close look at your underfunding for home care in this province.

FEDERAL HEALTH SPENDING

Mr Ted Arnott (Waterloo-Wellington): Canadians consider health care to be their most treasured social program. Citizens want their governments to understand this and make health care the number one spending priority. Unfortunately, the government of Canada doesn't understand the priorities of Canadians, because yesterday the federal budget dismissed the concerns of Ontario residents by allowing federal underfunding for health care to continue.

The facts are clear. The Ontario government's operating spending has increased by \$6.8 billion since 1995, and 90% of that increase was given to health care. As

compared to the federal funding levels in 1994, the federal cuts to health care represent \$2 billion per year in Ontario alone. The federal government has increased overall spending by 9.4% in this budget and they did so, to quote the Premier from today's *Globe and Mail*, without "one cent for Canadians' number one priority, which is health care. I do think it's wrong," he said. I say the Premier is absolutely correct.

I introduced a private member's resolution in this House two years ago that addressed the fact that the federal government was not paying its fair share for health care. In it, I called for a full restoration of the funds that were cut and the establishment of an escalator clause to increase funding to match rising costs such as those needed to take care of an aging and growing population.

With the support and leadership of the former Minister of Health, Elizabeth Witmer, a similar government resolution was brought to this House on April 2, 2000, with the Premier leading off the debate and vigorously defending Ontario's interest. On April 13 of that year, all members of this Legislature supported my resolution and it passed unanimously.

Although yesterday's federal budget demonstrates a lack of understanding, I remain optimistic, for Ontario is not alone in our sentiment. There is an outcry from provinces across Canada, and they continue to voice the need for fair funding for health care. The federal government will have no—

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

PUBLIC SAFETY

Mr Pat Hoy (Chatham-Kent Essex): Today I want to bring a very serious issue to the attention of this House and of the citizens of Ontario.

Recently I've been working with the grieving parents of children whose deaths were preventable. These parents have been fighting the coroner's office for measures that would ensure that an inquest would be automatic for such deaths in schools, in hospitals, on provincial roads or in any provincial public body.

When public safety is at risk because of deficiencies in any provincial public sector entity, the recommendations of the coroner's jury must be mandatory. For grieving parents who have experienced the tragic and senseless loss of a child, solace and sometimes peace can be found in changing the system to protect others: maybe your child or loved one. This is a very noble motivation, and I am honoured to introduce a private member's bill today to help them achieve that goal.

I want to thank Mike and Brenda Neuts and Nancy Brown for their support of this bill. I hope that for once—just for once—this government will put aside their partisan politics to support this bill to help save lives.

Jeffrey Brown died because of a preventable medication error and young Miles Neuts was a victim of a

senseless tragedy in the bathroom of his Chatham school. When a coroner's jury makes recommendations to protect the public, they must be implemented regardless of cost and regardless of any internal politics or shameless damage control by this government.

FEDERAL HEALTH SPENDING

Mr Bart Maves (Niagara Falls): I tentatively stand today to applaud the security measures announced by the federal government in yesterday's budget. I am encouraged by the funding for border safety finally announced after years of neglect.

However, at the same time, I must also condemn yet another anemic performance by federal Health Minister Allan Rock. Once again, no new federal investment in health care.

In 1993 the Mulroney federal Tory government contributed 18 cents toward every dollar spent on health care in Ontario. The federal Liberals have since decreased that funding to 11 cents out of every dollar. Thanks to Premier Mike Harris, the Liberals have started to increase their share. It's now at about 14 cents out of every dollar—still far below what it was in 1993. Initially, I want to point out, health care was funded 50-50 between the federal government and the provinces. We are only asking that the federal government reinstate funding to 1993 levels.

We are not alone. Let me quote New Brunswick Premier Bernard Lord: "The big story is what's not in the budget. What's not in the budget are additional investments for health care." The PQ finance minister says, "Nothing for health care. Nothing for transfer payments. Martin wasn't swayed by the unanimous demands by the provinces." The NDP Premier of Saskatchewan: "Like every other Premier, I was hoping to see some movement on a commitment to greater resources to health and it just wasn't there." Shame on the federal Liberals.

VISITORS

Mr Ernie Parsons (Prince Edward-Hastings): On a point of order, Mr Speaker: I would like to introduce and welcome, in the visitors' gallery, Peter Callaghan and a group of third-year business students from Loyalist College. I can only hope they forget what they see here today.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON ESTIMATES

Mr Steve Peters (Elgin-Middlesex-London): I beg leave to present a report from the standing committee on estimates.

Clerk at the Table (Ms Lisa Freedman): Mr Peters from the standing committee on estimates presents the committee's report as follows:

Pursuant to standing order 60(a), the following estimates (2001-2002) are reported back to the House as they were not previously selected by the committee for consideration and are deemed to be received and concurred in:

Office of the Assembly:
201 Office of the Assembly program, \$89,449,700;
202 Commission(er)'s program, \$9,935,400.
Office of the Chief Election Officer—

Interjections: Dispense.

The Speaker (Hon Gary Carr): Dispense? Dispense.

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr Ted Chudleigh (Halton): I beg leave to present a report from the standing committee on general government and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bill as amended:

Bill 129, An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act / Projet de loi 129, Loi modifiant la Loi sur la Société de protection des animaux de l'Ontario.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

INTRODUCTION OF BILLS

CORONERS AMENDMENT ACT, 2001

LOI DE 2001 MODIFIANT LA LOI SUR LES CORONERS

Mr Hoy moved first reading of the following bill:

Bill 150, An Act to amend the Coroners Act to require that more inquests be held and that jury recommendations be acted on / Projet de loi 150, Loi modifiant la Loi sur les coroners afin d'exiger qu'un plus grand nombre d'enquêtes soient tenues et que les recommandations du jury soient appliquées.

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

The member for a short statement?

Mr Pat Hoy (Chatham-Kent Essex): This bill, on behalf of grieving parents in my riding, would require an automatic inquest when preventable deaths occur in Ontario's public domain. When public safety is at risk, this bill would also require that the recommendations of a coroner's jury be implemented.

1350

TORONTO WATERFRONT REVITALIZATION CORPORATION ACT, 2001

LOI DE 2001 SUR LA SOCIÉTÉ DE REVITALISATION DU SECTEUR RIVERAIN DE TORONTO

Mr Flaherty moved first reading of the following bill:
Bill 151, An Act respecting the Toronto Waterfront Revitalization Corporation / Projet de loi 151, Loi concernant la Société de revitalisation du secteur riverain de Toronto.

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

The Minister of Finance for a short statement?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): I'll make a minister's statement.

ORDERS AND NOTICES

Mr Dwight Duncan (Windsor-St Clair): Mr Speaker, I rise pursuant to the standing orders dealing with the Orders and Notices paper. You'll note in today's Orders and Notices paper that under "Orders of the Day," the matter to be considered this afternoon, in roughly an hour and a half, is "to be announced."

I've just been informed by the government House leader a few moments ago that the government intends to call time allocation on Bill 30, which they gave us notice of yesterday. However, we have a problem that requires your attention.

Clause-by-clause consideration of Bill 86 was not completed in committee this morning. Our members on that committee want the opportunity to finish that clause-by-clause consideration. The dilemma we have in the opposition is that if the time allocation motion on Bill 30 is called this afternoon, we would not be able to agree to do the clause-by-clause on Bill 86, because our critic would effectively have to be in two places. We think that is not the proper way to do business. It's very clear in the standing orders. It's very clear that the government is attempting to put us in a position of saying no to a bill which quite frankly we'd be prepared to support if it was given due consideration.

Accordingly, Mr Speaker, I would ask two points of order: first, why would we even publish an Orders and Notices paper if probably the most important element of the day is left "to be announced"?

Second, we need your intervention to protect the opposition's ability to discuss legislation in a meaningful way. Failing that, we in the official opposition would be prepared to introduce a motion now to allow the House to sit next week and to allow the House to sit in January.

We are being put in a position where approximately 12 minutes ago we were told what the item to be considered today is. How are we supposed to function

effectively as a Legislature if we don't know what matter is going to be discussed in the House on any particular afternoon until an hour before we're supposed to discuss the matter? We need your help, sir.

The Speaker (Hon Gary Carr): I thank the member. The government House leader on the same point of order.

Hon Janet Ecker (Minister of Education, Government House Leader): Mr Speaker, just to respond to the honourable member, as he well knows, in the last days of the Legislature there are a number of matters that all three parties are interested in discussing. We've been attempting to work out arrangements for a number of pieces of legislation. I appreciate the fact that sometimes the notice is shorter than we would all like it to be. But as he well knows, having been House leader many times, there is an attempt to try to see if we can focus the time of the House on bills that all three parties think are most important, and others might well carry over to the spring session, to be dealt with at that time.

The other thing I would like to say, as the House leaders of both parties are aware, having had a conversation with them just earlier: it was certainly my intent to seek unanimous consent of this House to finish clause-by-clause of Bill 86, the youth prostitution bill, this afternoon. Originally, they had thought they could be finished this morning. They were not able to be finished. I appreciate that there's great interest in this bill. I had thought that it might be helpful if we could finish clause-by-clause on it this afternoon and was prepared to ask for unanimous consent of the House to do that. It is certainly the purview of the other two parties whether to agree or disagree with that procedural issue.

The Speaker: The member for Niagara Centre on the same point of order.

Mr Peter Kormos (Niagara Centre): Indeed, and the reference of course is to 69(d) of the standing orders.

Look, the government knows what the committee's agenda is. The government chooses what to call in orders of the day. The rationale for 69(d) is so that a critic, for instance, doesn't find himself or herself split between two obligations. It's not a matter that can be resolved so readily as is presumed by unanimous consent, because unanimous consent doesn't resolve the conflict that a critic has; it's one of government exercising its choice. The rule is there to preserve the orderliness of debate, the orderly passage of matters through committee as well as the House, and the committee should expect to be bound by 69(d) come 3:30 or orders of the day this afternoon.

The Speaker: I thank the members for all their input. The House leader for the official opposition will know that the government is at liberty to call anything on the order paper. There is no requirement to indicate daily business in advance. I know at these times when discussions are going on with the House leaders there is a tremendous give and take back and forth, but there is no requirement.

Also, the committee consideration: nothing is now out of order. If the order is called this afternoon and that same policy field is being discussed in the committee, then it can be raised in the committee dealing with that

matter, and I'm sure the committee Chair and the committee will deal with that. So the proper place to raise that would be, if the order is called and there is other consideration, to raise it in the committee.

I thank all the House leaders for the points they made on this point of order.

Hon Mrs Ecker: Concerning Bill 86, youth prostitution, I seek unanimous consent to move a motion respecting standing order 69(d) and the standing committee on justice and social policy and that the question on the motion be put immediately without further debate or amendment.

The Speaker: Is there unanimous consent?

Interjections.

The Speaker: That was very clear. Thank you.

Interjection.

The Speaker: Believe me, he just happened to be the loudest. Right behind him there was another no. The member for Windsor-St Clair?

Mr Duncan: I seek unanimous consent to introduce a motion to extend the House calendar to allow the House to sit next week and into January, if necessary.

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

STATEMENTS BY THE MINISTRY AND RESPONSES

TORONTO WATERFRONT

Hon Jim Flaherty (Deputy Premier, Minister of Finance): I am pleased to announce today the introduction of enabling legislation to establish a permanent Toronto Waterfront Revitalization Corp, delivering on an earlier provincial commitment to take the lead on this important initiative. It's the next step in realizing our shared vision for the revitalization of the Toronto waterfront.

The proposed Toronto Waterfront Revitalization Corporation Act, 2001, would achieve a number of important purposes, including enabling the city of Toronto to participate in the corporation and any subsidiary corporations that may be established and providing a broad outline of the corporation's purpose, powers and mandate.

It also provides a framework for future decisions regarding the corporation in such key areas as business planning, financial accountability and annual reporting requirements.

In that regard, the province will continue to work cooperatively with the federal government and the city of Toronto, our partners in this venture, to develop regulations and agreements to further empower the corporation in the months and years ahead.

The proposed legislation also sets out the structure of the corporation, providing for a publicly appointed board of directors.

1400

It also enables a smooth transition from the current interim waterfront corporation, which was announced November 1, 2001, to the permanent entity being proposed today. Robert Fung, the author of a high-profile report on the future revitalization of the waterfront, is the chair of the interim corporation and will also become the chair of the permanent corporation.

As members know, in October 2000, the Ontario and federal governments and the city of Toronto announced a total investment of \$1.5 billion, \$500 million each, to revitalize and transform the Toronto waterfront. Under the proposed legislation tabled today, a permanent waterfront corporation would be charged with the responsibility to leverage the three governments' initial investment to become financially self-sufficient and to attract private sector investment to the waterfront area. To ensure accountability, the corporation would require approval of the three governments to borrow funds, mortgage its assets or generate revenues.

As I stated in budget 2001, the province is making a \$500-million investment through SuperBuild to revitalize the Toronto waterfront, strengthen the city's international competitiveness, and create jobs and neighbourhoods in its downtown. Waterfront revitalization will be an opportunity to put into practice the main principles of the province's Smart Growth initiative: to build strong communities with strong economies and a safe and healthy environment.

The waterfront revitalization project is also an excellent opportunity to make full use of the province's brownfields redevelopment initiative that is designed to facilitate the transformation of derelict and contaminated land into vibrant, productive uses.

The waterfront revitalization corporation would be responsible for developing business strategies, implementing projects and championing innovation to achieve the three governments' goal of revitalizing Toronto's waterfront in a financially self-sustaining and environmentally responsible manner. These are the principles underlying the city of Toronto's proposed central waterfront plan. The waterfront revitalization corporation would be required to undertake its responsibilities in a manner consistent with Toronto's plan, once it's approved by city council.

The proposed legislation also envisions that a permanent waterfront corporation would focus on creating an accessible and active waterfront for living, working and recreation; promoting and encouraging private sector involvement in waterfront development and redevelopment; and encouraging public input in the development plan.

We have lost no time moving forward with this critical economic and urban renewal initiative. The interim corporation is already mandated to begin work immediately on long-term business and development plans. To kick-start the renewal process, the interim corporation will

soon launch four initial capital projects worth a total of \$300 million that are tied to Toronto's central waterfront.

Today's announcement underlines Ontario's strong commitment to revitalize Toronto's waterfront and to continue to work co-operatively with our federal and municipal partners through the proposed Toronto Waterfront Revitalization Corp to realize our shared vision.

The Speaker (Hon Gary Carr): Responses?

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to respond on behalf of my leader, Dalton McGuinty, and our caucus, first to say that this is an extremely important asset for the city of Toronto, and all of us appreciate the importance to the future of the city of Toronto that it be developed well. We only really get one chance, certainly in a generation, at our waterfront, and it's extremely important not just to the city of Toronto but in many respects to Ontario that this be done very well.

So we're very supportive of the plans to regenerate the waterfront and recognize it as a significant economic asset to the city of Toronto, and we look forward to debating the legislation to ensure that it fulfills the mandate that I think all the people want for the city of Toronto. We're pleased that Mr Fung, with a very good reputation, appears to be prepared to take on the chairmanship.

We'll be very supportive of positive moves that allow the city of Toronto to substantially enhance our waterfront. As I said, urban environments around the world treasure their waterfronts, and I look forward to an outstanding development there, and frankly I hope an improvement on what took place in the rest of the waterfront in the city of Toronto.

I will express several questions as we proceed with this; one is in terms of the resources. If you look at the 2000 budget, the province budgeted about \$200 million for what was called the SuperBuild millennium fund, designed to move projects like this ahead. When you look at what happened, I think \$14 million of the \$200 million was spent. For those of the public who care to look, the capital budget of the province of Ontario for this year is the smallest it's been in at least 20 years. It's under \$2 billion, and there's a modest amount in the budget this year for the project we're talking about today. I always say I spend more time watching what the government does than listening to what they say, and so I would just caution us to follow the money.

The second thing is that there's much mention in here of private-public sector partnerships along the waterfront, which we look forward to with interest. The one private-public sector partnership that this government embarked on was the 407. We think there's considerable evidence that the 407 owner benefited substantially. The 407 deal closed on May 5, 1999, literally the day the election was called, and it provided a \$1.6-billion slush fund for the government's re-election platform. But the 407 users, the people we are supposed to be here representing, have been ripped off. I reinforce that for us, because that has

been the government's centrepiece of private sector partnerships. In my opinion, and in our caucus's and our leader's opinion, the government of Ontario did not look after the people we were elected to look after, and that is the taxpayers. They were left out to dry.

The third thing about the legislation that we will be interested in is transparency. I said earlier in my remarks that the waterfront is an enormous asset and we only really get one crack at this in a generation. I would hope that the legislation, which I just received literally five minutes ago, provides for some public transparency, that what takes place on the waterfront shouldn't be done behind closed doors and without the opportunity for the public to have input and to understand what's happening.

Again I go back to the 407. Our caucus has been fighting now for two years to find the details of what tolls are going to be charged on the road, which should be, in my opinion, a right of the public to know. As we look at this legislation, it is our hope that the waterfront development won't be done behind closed doors, out of the sight of the public, because after all, this is their asset, no one else's.

1410

Mr Michael Prue (Beaches-East York): The waterfront in the city of Toronto is and could be the jewel of the entire city. Today, though, if anyone wanders by there, if anyone has an opportunity to drive down or to look at the derelict factories, if you look at the Ataratiri site that is so badly polluted that it is beyond use—if it cannot be used for any public purpose—if you look at the pollution which is literally everywhere, the weeds that are growing through the cracks in the concrete, someone would wonder what this real jewel was.

However, there is an opportunity to move forward on that, and I welcome the government's tabling this legislation.

However, the lands are largely in public holding. The lands belong to the city of Toronto; the lands belong to the province; the lands belong to TEDCO and to the port authority. The lands already belong to the people and they need to be protected for the people. The city of Toronto is of course anxious to proceed. The city of Toronto is anxious to name the people and to have the legislation, I would assume, passed at some point in the future.

But I have to question and I need to know from the government, and we haven't heard this yet: when do they intend this to proceed? Are there going to be public hearings? Is there going to be transparency? Are the people of this city going to be allowed an opportunity to comment on this bill: who sits on the board of directors, what their plans are, where they are going to raise funds?

There was some rush, and I admit there may have been some rush had Toronto been successful in its Olympic bid. But as we all know, Toronto was not successful in its Olympic bid. We now have a bill which is setting up a corporation to redo the waterfront, and

we're thankful for that, but we need to know how fast this is going to be pushed through.

With the greatest of respect, subsection 13(1) of this particular legislation, and I did have an opportunity to read all of it in those five minutes—

Interjection.

Mr Prue: I did—sets out that the corporation will exist for 20 years; 13(2) sets out that the corporation can be extended for 25 years. If we are going to be doing this right, clearly, to set up a 25-year corporation, we should be willing to take the time to do it right. We need to protect those public lands. We need to make sure the public has full input. We need to make sure that those lands remain in public hands and are used for public purposes. We do not need to repeat the mistakes of the city of Toronto and the province and the federal government around the harbour front, where all of the prime public lands are now owned by condo owners. We do not want to see, and I think nobody in this House wants to see, those lands sold off to the highest bidder and have condos to the sky, blocking out the views of the people who want to come down and use those public lands.

We need to know that a smooth transition is going to take place, that the financial impacts of \$1.5 billion are going to be wisely spent.

We need to know and have an opportunity to figure out who the 13 members are going to be. Only nine of them are listed, and we need to know who the other ones are.

We need to know about the accountability and the financial reporting. Although it is set out in the legislation, it is vague and it requires regulations to flesh it out.

Everyone needs to know—and where is the reference within the legislation, the minister's statement, the compendium or anything else that is attached to this? Where is the reference to the city of Toronto's official plans, and must those official plans be followed? It is absolutely clear and crucial that the city of Toronto's official plans should have paramountcy, that the statements made by Robert Fung in what many consider a brilliant report on the waterfront are going to be followed, and not necessarily that in the rush to involve the private sector, large amounts of money are going to be made for building condominiums, possibly for building other structures. There was some discussion about gambling establishments and everything else that might be located there.

There needs to be discussion of where the transportation fits in and how the transportation is going to be actioned by the board of directors, how the environmental cleanups are going to take place, whether in fact affordable housing is going to be built anywhere on that site.

There need to be clear statements on how the instructions are handed down to the board of directors, although I do see in subsection 7(1) some reference to that.

There is the entire question of paramountcy that has to be asked. We have not yet signed a memorandum of understanding with the city of Toronto or any municipality or AMO.

All of that has to be decided, and I ask that we take our time in doing it.

ORAL QUESTIONS

DEFERRED VOTES

MUNICIPAL ACT, 2001

LOI DE 2001 SUR LES MUNICIPALITÉS

Deferred vote on the motion for third reading of Bill 111, An Act to revise the Municipal Act and to amend or repeal other Acts in relation to municipalities / Projet de loi 111, Loi révisant la Loi sur les municipalités et modifiant ou abrogeant d'autres lois en ce qui concerne les municipalités.

The Speaker (Hon Gary Carr): Call in the members. This will be a five-minute bell.

The division bells rang from 1415 to 1420.

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

Ayes

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

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

Nays

Agostino, Dominic	Crozier, Bruce	McGuinty, Dalton
Bartolucci, Rick	Curling, Alvin	McLeod, Lyn
Bisson, Gilles	Di Cocco, Caroline	McMeekin, Ted
Bountrogianni, Marie	Dombrowsky, Leona	Parsons, Ernie
Boyer, Claudette	Duncan, Dwight	Patten, Richard
Bradley, James J.	Gravelle, Michael	Peters, Steve
Brown, Michael A.	Hampton, Howard	Phillips, Gerry
Bryant, Michael	Hoy, Pat	Prue, Michael
Caplan, David	Kennedy, Gerard	Pupatello, Sandra
Christopherson, David	Kormos, Peter	Ramsay, David
Churley, Marilyn	Lalonde, Jean-Marc	Ruprecht, Tony
Cleary, John C.	Levac, David	Sergio, Mario
Colle, Mike	Marchese, Rosario	Smitherman, George
Conway, Sean G.	Martel, Shelley	Sorbara, Greg
Cordiano, Joseph	Martin, Tony	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 48; the nays are 44.

The Speaker: I declare the motion carried.

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

MFP FINANCIAL SERVICES

Mr Dalton McGuinty (Leader of the Opposition): My first question today is for the Chair of Management Board. We have learned that since your government took office, you have paid MFP Financial Services \$425 million. That's a lot of money. We've also learned that every single provincial ministry has done business with this same company.

You will know that the alarm bells have been rung when it comes to dealings with MFP. Municipalities and other public institutions are in the process of reviewing their business dealings with this company. Some have launched lawsuits. We're hearing now about forensic audits. We've also heard of cases where contracts were actually being ripped up by people who entered into these contracts with MFP.

We think the responsible thing to do in the circumstances is to release the contracts your government has entered into with MFP, and at the same time give the Provincial Auditor an opportunity to review those same contracts on behalf of the public. Will you agree to that, Minister?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet): This is actually the same question that was asked by the member for Essex yesterday. If the Leader of the Opposition had been here yesterday, he would have known what the answer was.

When the member from Essex raised this originally back in October, both in a letter and also in a question in the House, I indicated at that time that I have asked my officials in Management Board to review these contracts and report back. They have reported back to me, and what I said yesterday is the same as I'm going to say today: they reported back saying that all contracts we have appear to be above-board, and certainly they have no legal disputes between them or any of our government ministries at this point in time.

I have confidence in our officials at Management Board. If the Leader of the Opposition has any information upon which he can base any allegation of anything that is untoward, I ask him and urge him to bring it forward. If not, if he is just speculating, I would urge him as well to cease doing that.

Mr McGuinty: Minister, what are you hiding? Why won't you just simply make these contracts available? Why wouldn't you simply allow the Provincial Auditor to review those and report to the public?

If you're looking for some facts, I have some for you. Brock University had its contracts with MFP revised. The region of Waterloo is suing MFP. Windsor yanked a \$2-million leasing agreement from MFP and is now conducting a forensic audit. Essex-Windsor Solid Waste Authority is conducting a forensic audit of its contracts. The Union Water System is conducting a forensic audit of its contract with MFP. There is smoke out there.

We think the responsible thing to do under the circumstances is make public the contracts you've entered into on behalf of the government and ensure that the Provincial Auditor has an opportunity to review those same contracts and provide us with the reassurance you are trying to give us here but which we don't accept. We want the Provincial Auditor to take a look at these contracts. Why won't you allow that?

Hon Mr Tsubouchi: I might inform the Leader of the Opposition that the Provincial Auditor certainly has the right to go into whatever areas he decides to, as you full well know. In his year 2000 report, the Provincial Auditor recommended to MBS that we formally assess the desirability and cost-effectiveness of leasing IT equipment, follow a competitive process, work with ministries to ensure competitive prices are achieved through implementation of the proposed total-cost-of-ownership concept.

The Deputy Minister of MBS responded in the report and recently wrote to the auditor outlining how MBS will achieve lower costs for desktop computer systems, regularly evaluate equipment pricing, continue with public-service-wide training programs, implement government-wide vendors to get the best value for the money.

I've asked the ministry to review these contracts. They have come back and are satisfied that these contracts are legitimate—

The Speaker (Hon Gary Carr): The minister's time is up.

Mr McGuinty: Minister, you should know by now that your blithe and bland assurances really have very little meaning. What we want to happen here is to have the Provincial Auditor, who is on the side of taxpayers in Ontario, on the side of working families, take a very close look at these same contracts. Why can't he do that?

Let's understand again what we're talking about here. Every single ministry has done business with MFP Financial. Your government has already paid them \$425 million. We're talking about contracts that over the long term, 20 and 30 years out, are going to cost us in the neighbourhood of billions of dollars. We already know that lawsuits are mushrooming around the province of Ontario. We think the responsible thing to do in the circumstances is not to have you bury your head in the sand; instead, we think the appropriate thing to do is make the contracts public and give the public auditor a chance to look at the same documents.

Hon Mr Tsubouchi: I prefaced the last answer by indicating that the Provincial Auditor has the right to enter into any type of investigation or review he desires to do.

I guess the Leader of the Opposition doesn't like a bland response. The fact of the matter is, and what I'm indicating is, there is the Provincial Auditor's report for the year 2000. That's what I'm talking about. You want the Provincial Auditor involved. These are his recommendations. The Deputy Minister of MBS reported back to the Provincial Auditor in response to this report indicating that these are good points that the Provincial

Auditor was making and that the government was complying with his advice, which is the prudent thing to do, quite frankly.

If the Leader of the Opposition has any information, please bring it forward. We will be interested in seeing that. But as I said before, the Provincial Auditor has every right to do this. This is his job. If he does embark on any type of review, of course all ministries of government will comply.

1430

HIGHWAY 407

Mr Dalton McGuinty (Leader of the Opposition): The question is for the Minister of Finance. Just days before calling the last election, your government made a very specific promise to motorists in the 905 area. You told them that while you were selling the 407, you would do everything you could to protect them against unfair and outrageous toll hikes. I can tell you that during the past two years what has happened to motorists in the 905 travelling the 407 is that they have in fact been subjected to outrageous and unfair toll hikes.

When is it that you decided, Minister, because it's important for us to know now, that you were going to be on the side of the highway owner as opposed to on the side of the motorists?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): Mr Speaker, the Minister of Transportation.

Hon Brad Clark (Minister of Transportation): I thank the leader of the loyal opposition for the question. I have a question for the Leader of the Opposition. I have in my hand a study commissioned by the David Peterson government in 1989.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: We ask the questions. They're supposed to answer them, not—

The Speaker (Hon Gary Carr): That's not a point of order. Take a seat. Minister, sorry for the interruption.

Hon Mr Clark: Here's what the government under the Liberals proposed regarding Highway 407. Your study, sir, found that in order to finance an eight-and-a-half-kilometre section of Highway 407, toll rates would have to be \$1.86 for automobiles and \$9.30 for trucks. That works out to 22 cents a kilometre and \$1.09 for trucks. Your deal under your government was outrageous. Thank goodness we didn't accept your advice, and, sir, clearly Ontarians know—

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

Interjections.

The Speaker: Order. Supplementary, the leader of the official opposition.

Mr McGuinty: Thank you, Mr Speaker. I can see why the Minister of Finance is trying to put some distance between himself and his predecessor on this one. I can see that.

Minister, I've got a release here put out by the Office of Privatization dated April 13, 1999, and it's all about

the deal, of course, for the sale of Highway 407. It says specifically in it, "This would mean that tolls could" only "increase by about three cents per kilometre over the first 15 years." In 15 years, tolls would go up three cents a kilometre. Well, we're not 15 years since then, we're a little over two years, and we've discovered that in many cases, for many motorists, tolls have gone up by close to eight cents per kilometre.

Again I come back to the same question that I put to the Minister of Finance, which he chose to dodge, and I ask you the same thing: when exactly was it that your government decided in this particular public-private partnership that you were going to take the side of the highway owner as opposed to standing on guard for Ontario motorists?

Hon Mr Clark: I do find it interesting that the leader of the loyal opposition only reads a part of the back-grounder. It states very clearly in there that 2% per year plus inflation for 2001-02—it very clearly states what it's going to be.

The rate currently is 11½ cents a kilometre, yet your financial analysis when you were in government stated that it should be 22 cents a kilometre and \$1.09 a kilometre for trucks.

I'm having a little bit of difficulty, sir, taking credibility from you criticizing us, when clearly we offered the taxpayers of Ontario a far better deal than you were contemplating when you were in government.

Interjections.

The Speaker: Order. Sorry for the interruption. Leader of the official opposition.

Mr McGuinty: I guess those answers are going to lend a great deal of comfort to motorists who feel that they've been gouged and abused because you decided to take the part of the highway owner as opposed to honouring a campaign commitment, which was to protect motorists against unfair toll hikes.

I want to bring the minister kicking and screaming into this millennium. I want to make him talk about this contract that was signed by his former finance minister, and I come back to the same quote. You said in here that tolls could increase by about three cents per kilometre over the first 15 years. You have failed to honour this promise. You have failed to respect the interests of motorists.

I ask you again, when exactly was it that you decided, when it came to this particular contract with that particular company, that you were going to stand on the side of the highway owner—not only that, you were going to act as a strong-arm agent when it comes to taking away licences—instead of standing up for motorists and protecting them against gouging?

Hon Mr Clark: Clearly, not only are we protecting the taxpayers in the province of Ontario, but by the Liberals' own document we're protecting the people who are driving Highway 407. Highway 407 invested \$3.5 billion—

Interjections.

The Speaker: I don't like to do this but I have to get up. Come to order, please. Sorry again, Minister.

Hon Mr Clark: As a result of the negotiations of this government, \$3.5 billion of taxpayers' money was taken from a roadway and put into hospitals and education. Clearly, by your own document you were willing to charge twice what we are charging on cars and three times what we're charging on trucks. I don't know how you can stand there and criticize this government for offering a far better deal than your own financial analysis did when you were in government. It's absurd.

MFP FINANCIAL SERVICES

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

Interjections.

The Speaker (Hon Gary Carr): Order. The leader of the third party has the floor.

Mr Hampton: We know that a \$100-million financial scandal is eating its way through municipal budgets, and for some reason your government doesn't care. Toronto, Windsor, Waterloo and at least two other organizations have all been taken to the cleaners financially by a group of MFP companies.

Each municipality that MFP has done contracts with has found that tens of thousands of dollars more—in some cases tens of millions of dollars more—have somehow been thrown into the contract than ever should have. With more than \$100 million of taxpayers' money in question, we called on your government last Friday to send in the Provincial Auditor. You refused.

As this scandal grows, we're asking you again: will you direct the Provincial Auditor to go in and audit these contracts between MFP and the assortment of municipalities?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): The Minister of Municipal Affairs and Housing.

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I think we can all appreciate the concern of local residents and municipal councils about this issue, and I support the need for accountable and transparent local government. I would like to point out, though, that some of these cases in the examples that he uses are going to appear before the courts or they're filing motions to appear before the courts, and so I think he knows, as a former Attorney General, that that would be inappropriate for me to comment on.

I can say that the new Municipal Act that you just voted on has a section in it that calls for more transparency around leasing arrangements, where the terms of the repayment have to be made clear to the public and, most importantly, to the councillors.

Mr Hampton: There is absolutely nothing that stops your government from sending in the Provincial Auditor. That is not in conflict whatsoever with whatever legal actions may happen. But I think I know why you don't want to send in the Provincial Auditor—because we've learned that the MFP companies have contributed over \$110,000 to the Conservative Party in the last three years.

At the same time that they've contributed \$110,000, they have received over \$252 million in government contracts.

1440

Mr David Christopherson (Hamilton West): There's a good investment.

Mr Hampton: That is a great investment: they contribute \$110,000 to the Conservative Party; they get \$252 million in contracts with your government. I think taxpayers might be curious. Why won't you send in the Provincial Auditor to look at this? Why won't you even show any concern about this?

Minister, send in the Provincial Auditor to examine the circumstances around the \$252 million in provincial government contracts and the over \$100 million in municipal contracts. This is taxpayers' money, and you ought to be concerned about what's happening to it.

Hon Mr Hodgson: I think we're hearing more of the NDP Christmas smear. You know full well that the Provincial Auditor can take a look at any of the contracts signed by the Ontario government. The Chair of Management Board has stated that to you repeatedly in the last few days, and we welcome that, we welcome the auditor's reports.

In terms of the municipalities, for the last three weeks your party has argued against supporting the Municipal Act, because you thought the city of Toronto and other municipalities should have more autonomy. Today you're saying, "No, we should have the right to take a look at every contract a municipality signs," when they're democratically elected, accountable bodies, and they're doing a fine job right across the province. The arrangements you're talking about are either before the courts or the councils are implementing lawsuits to get to the bottom of their own affairs. Your own member was part of a council that signed some of these contracts. So if you want to smear anybody, go ahead. It's your own party.

Mr Hampton: Minister, this is not about signing contracts. This is about municipalities coming forward and saying very clearly that they were misled by MFP, and you refuse to investigate, you refuse to require a special audit by the auditor. Now we find out, because MFP is so deep into the Conservative Party pockets, that you don't want this information out there—\$252 million, and all your colleague has to say is, "Well, the company is in compliance." He doesn't say if these contracts were awarded without tender. We'd like to know that. I think the taxpayers would like to know. How were the \$252 million in contracts tendered, or were they properly tendered at all? And we want to know, finally, what did the government get for this \$252 million?

I say to you again, Minister, there's over \$352 million in taxpayers' money at stake here. You don't want to investigate. Are you merely incompetent, or are you corrupt?

The Speaker: Order. Will the member take his seat. You're going to have to withdraw that.

Mr Hampton: Is the minister merely incompetent, or is it something else?

The Speaker: Order. You need to withdraw it.

Mr Hampton: I withdraw.

The Speaker: Chair of Management Board?

Hon Mr Tsubouchi: Speaker, it's very unfortunate that the member of the third party was practising his question and wasn't listening to the Leader of the Opposition. I will repeat the answer I gave earlier today, and I will make reference once again to the fact that the Provincial Auditor has the perfect right to review any contracts, to review anything to do with government. This government has clearly indicated that we will comply and work with the Provincial Auditor in any type of review he undertakes.

I did make reference earlier on to the 2000 report of the Provincial Auditor, where he made certain recommendations to MBS. As a result of these recommendations, the Deputy Minister of MBS responded and recently wrote to the auditor and outlined how MBS will achieve lower costs for desktop computer systems, regularly evaluate equipment pricing, continue its public-service-wide training program, and implement government-wide vendors to get the best value for money.

Clearly we've taken steps at MBS to indicate that. When the member from Essex raised the question earlier, I asked the ministry to review the contracts we had with this particular company. They reported back that these contracts were in compliance.

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

Mr Hampton: My question, back to the Deputy Premier: \$352 million in government contracts are at stake, allegations are being raised by municipality after municipality and you do not want to have a special audit by the Provincial Auditor.

Your colleague from Management Board was very careful in how he chose his words. He said, "We have no legal disputes with the company, and we believe they're in contractual compliance." I want to ask another clear question and I want to ask if anyone in the government has checked on this: of the \$252 million in contracts with your government—I'm not talking about the municipalities now—can you guarantee us that they were all properly tendered?

Hon Mr Flaherty: The Chair of Management Board of Cabinet.

Hon Mr Tsubouchi: Once again, I can only speak upon the obligations to the provincial government here and, yes, I spoke about this and answered this question back in October from the member for Essex and once again just recently.

I did indicate as well—he's quite accurate—that I had been advised by the officials from my ministry that we have no legal disputes with any of the contracts and that the government—and all the ministries, by the way—have assured me that there's compliance with their contractual liabilities and their obligations to the province of Ontario.

Once again, I can only go to the procedural recommendations that the auditor made back in the year 2000,

which the deputy minister from this ministry agreed to comply and deal with, and we have been compliant. As I said before, the Provincial Auditor has the right to review, and we will certainly comply with any review that he does undertake.

Mr Hampton: The minister knows that the Provincial Auditor has a limited budget. To do a special audit of this kind would require resourcing and would require the direction of this government. Without the resources for a special audit, you know that this will not happen.

But, my question to you was very clear: in view of the fact that these companies, the MFP companies, contributed over \$110,000 to the Conservative Party, can you assure us that the \$252 million in government contracts were all properly tendered? Yes or no, Minister? Were they properly tendered or not? Have you even bothered to find out?

Hon Mr Tsubouchi: The leader of the third party makes reference to the Provincial Auditor and his budget. It's my understanding that's controlled by the Board of Internal Economy, of which his party is a member. As I understand it as well, they also got an increase in the budget for the Provincial Auditor.

The auditor in the past, and certainly recently, has not let anything stand in his way of reviewing the areas he chooses to review and, quite frankly, he's done a good job in terms of reporting back to the Legislature and many of the ministries.

Once again, I can only comment on the fact that, of our contracts for the provincial government, when I've asked the officials for our ministry to review these contracts and they answer back to me that they have compliance with these contracts, that there are no outstanding legal issues, I think that's the best that can be. Quite frankly, as a result of the auditor's report in 2000, there are certain measures that the ministry—

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

TUITION FEES

Mrs Marie Bountrogianni (Hamilton Mountain): My question is for the Minister of Training, Colleges and Universities. Minister, fees paid by Ontario students for post-secondary education have more than doubled in the last decade and the average debt load at graduation is now over \$20,000. As a consequence of your government's cutbacks to post-secondary education, the president of Queen's University last year submitted a plan to deregulate undergraduate tuition. This would lead to large tuition increases to now regulated programs.

The other week, representatives from Queen's met with the finance minister and the Premier's office, where they were promised an answer to their deregulation scheme by the end of December. Can you tell the Legislature and the students of Ontario whether you will stand by your commitment to cap tuition fees and preserve to some extent an accessible university education in this province, or will you allow a lame-duck Premier to shift post-secondary policy in his final hours in office?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): We have many considerations in our office right now and into the new year. This may be one of them. We also have considerations with regard to the work of the quality assessment board. We're waiting to hear what private universities and what applied degrees could come forward.

There are lots of things happening within the ministry; this could be one of them. I'm not prepared to discuss anything that we're considering in the House that is between myself and another university, or the quality assessment board recommendations at this time.

On the issue of tuition and capping students' tuition, I'm pleased that the member opposite has recognized that that was a good five-year plan. She is absolutely correct that 10% a year in increased tuition was not acceptable. That is the record of both the Liberal government and the NDP government. Thank you for the question.

1450

Mrs Bountrogianni: Minister, check your facts. The increases, the significant increases, occurred under your first mandate. Under the second mandate, you did attempt to do the right thing by capping it at 2%. Queen's University wants to undo that, Minister, and I asked you, are you going to let them? Your frightening answer was: it's a consideration. I want the students of Ontario to hear that.

How long before the other universities—McMaster, University of Toronto—follow along? Do you want an Ivy League system as in the United States, where the rich go to the expensive universities and the rest of our children go to the state universities? Is that what you want? Is that what you're going to let him do to our post-secondary education?

Interjection.

Mrs Bountrogianni: I'm not finished. It must be very tempting to the finance minister. Tuition deregulation would be an opportunity for him to further cut operating grants to universities to solve the deficit problems that your careless tax policies have caused.

We already know that deregulated programs in medicine are out of reach. Minister, yes or no? Are you going to allow Queen's to set this—

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

Hon Mrs Cunningham: There are a number of initiatives in place to help our students. Different universities have, over time, come with different proposals. Every university, including McMaster University, when they have come forward with their deregulation requests, has been considered. Some have been approved, others have been rejected. If we are in the process of looking at a proposal, we will look at the proposal. We will look at proposals in the best interests of quality education and choice for students.

I should remind this House that students who have debt at this point in time, every penny of debt over \$7,000 that has been borrowed through OSAP, is for-

given every single year. With our partnership with the federal government, because it was thrown at us and planned so badly, those students are allowed to be forgiven any penny over \$6,500. No government has taken the interests of students with regard to their ability to go on to post-secondary education more seriously with regard to—

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

FEDERAL HEALTH SPENDING

Mr John O'Toole (Durham): My question is to the Minister of Intergovernmental Affairs. Minister, yesterday the federal Liberals brought down their first budget in two years, and in it Finance Minister Paul Martin again completely ignored the province's call for more health care funding. Surprise.

When it comes to health care, Mr Martin has not just stolen Christmas, in fact he's pilfered the entire new year.

The federal minister missed an opportunity to respond to the number one concern of not just my constituents in the riding of Durham, but of all Canadians; certainly the number one concern in my riding.

I was talking recently with Dr Chuck Rowe, Dr Tony Stone and Dr Pat Morra. They gave me a tour of the Lakeridge Health hospital. I spoke with front-line providers in the emergency room. Clearly, all of them, including workers at GM, senior citizens, small business—in my entire riding the number one priority, Minister, is health care. It's obvious that the federal government has just ignored them and gone on their own little spending spree.

Last week the Premiers from across the country, not just our Premier, led an assault on the federal government to fulfill their original—

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

Hon Brenda Elliott (Minister of Intergovernmental Affairs): We have been anticipating the federal budget for some time now. Ontario has been very consistent in saying that health care is our number one priority here.

A recent Ipsos-Reid poll indicated that 82% of Canadians want health care to be their number one priority and only 16% indicated security was their priority.

Premiers and leaders from across the country have called upon the federal government to invest in health care, to restore the health care level to what it actually was in 1994, which is 18%, and to introduce an escalator. Yesterday, it was very clear that the federal Liberals have not listened to leaders across the country. They haven't listened to the provinces and territories and, more worrisome, they haven't listened to the needs of the citizens. They did put some money in health: \$170 million for research. Here's what the Premier of Manitoba said, "The federal government is going to spend money to count nurses. We've got to hire them. We've got to retrain them"—

The Speaker: Order. I'm afraid the minister's time is up. Supplementary.

Mr O'Toole: Thank you, Minister, for that very detailed response. I know these are complex issues. The federal government doesn't get it. Actually it all boils down to dollars and cents. The federal government has clearly—the people of Ontario understand—not stepped up to the plate on this one. In fact, since 1994 the federal government is spending \$400 million less on health and social transfer payments since they took office. The question still lingers: will the federal government do what the provinces are calling for and increase funding to health care and understand that it is Ontario's and Canada's top priority?

Hon Mrs Elliott: I thank my colleague for bringing this up in this Legislature. We're talking about a federal budget. My colleagues across the way often complain that we talk about federal matters, but this is important for Ontario and it's puzzling to us why the federal Liberals don't respond. Every Premier and territorial leader across this country has said to the federal government, "Health care is the number one issue." They want the principles of medicare to be respected, which were 50-50, and they don't understand why the federal government will not respond to their citizens' needs.

The federal government says it spends \$23.5 billion in health care to the CHST. That is correct. What they forget to say is that they cut \$25 billion out of the CHST budget previously. Whether you're from Manitoba, whether you're a Liberal leader, the story is the same and I think New Brunswick's Premier put it just right, "The big story is what's not in the budget: additional investments in health care."

The federal Liberals have not responded and the Ontario Liberals don't get it. Ontarians are asking—

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

ONTARIO DRUG BENEFIT PROGRAM

Mr Ernie Parsons (Prince Edward-Hastings): My question is to the Minister of Health. Minister, on October 23, I asked you about your unwillingness to fund the treatment of age-related macular degeneration. Your answer at that time was that there were problems and there was stalling by the federal government on their approval, even though that happened in February 2000. You said, "We have the issue under advisement and would like to report back to him and to this House at the earliest available opportunity." People are going blind every day while your ministry fights internally as to which branch of the ministry should fund it.

I would like to introduce Marie Thurston and her son Carl from Waupoos. Mrs Thurston has lost her vision in her left eye due to macular degeneration and is losing it in the right. There is a cure for this. Her problem is not lack of medical technology; her problem is lack of \$15,000. Mrs Thurston has paid taxes all of her life. Her vision depends on your making a decision to fund it for her and the hundreds of other Mrs Thurstons. Will you now, today, agree to fund the treatment for macular degeneration for the seniors of this province?

Hon Tony Clement (Minister of Health and Long-Term Care): I can say to this House that of course the issue is presently with the government. I can confirm that. The honourable member knows that there are not only issues of technology with respect to the new treatment, but there are also issues with respect to physicians and the application, who's going to be applying this technology and so forth. The issue is a bit more complicated than your typical medication, and we are moving in an expeditious way to deal with an issue which is complicated and has to be treated in the proper way for the health and security of Ontarians.

Mr Parsons: You should be ashamed of yourself. The other provinces fund this. She has the doctor and Visudyne exists. What she needs is \$15,000 of the tax money she has paid over the years. You will pay almost \$1,000 a month to her as a pension if she goes blind. Minister, that is cruel. Authorize now, for her and the hundreds of others.

We will be waiting outside at the end. Will you meet with Mrs Thurston now and explain why the millions of dollars for the health care ads are more important than curing her blindness?

Hon Mr Clement: I would be happy to schedule a meeting between the honourable member and his local member of Parliament because in fact, as he well knows, the federal Liberals are the ones who are underfunding our health care system. They should be ashamed of themselves. They spend—

Interjections.

The Speaker (Hon Gary Carr): Minister?

Hon Mr Clement: The federal government is a government that has a \$36-billion EI surplus on the backs of Ontario workers and employers. That is a shame, that is unacceptable and I'd be happy to work with the honourable member—

Interjection.

The Speaker: Order. The member for Prince Edward-Hastings, please come to order. He's asked the question. The minister needs to have a response. Sorry, Minister.

Hon Mr Clement: I would be happy to work with the honourable member and with the Leader of the Opposition, the leader of the Liberal Party, to shame the federal Liberals to end their pork-barrelling, to end their wasteful administration, and to spend the money on the number one health and spending priority of the people of Ontario and Canada: health care, health care, health care.

1500

ICE FISHING

Mrs Julia Munro (York North): My question is to the Minister of Tourism, Culture and Recreation. In my riding, ice fishing is an important winter tourism and recreational activity. My riding hosts the annual Canadian Ice Fishing Championship, which will be held this February 22 and 23 off Jackson's Point on Lake Simcoe. I want to make sure tourists know about this event and about the great ice fishing in York North all winter long. What can your ministry do to help in this regard?

Hon Tim Hudak (Minister of Tourism, Culture and Recreation): I appreciate the member for York North's interest in ice fishing and her strong promotion of this important recreational tourism activity in Ontario. No doubt it fits with our goal to make sure Ontario is a four-season tourism destination. Certainly events like the Canadian Ice Fishing Championship can have important spinoffs for the local and regional economy.

I would encourage the member—we talked about this already—to have them get in contact with the ministry for the tourism event marketing partnership, the TEMP program, which helps to market and bring new tourists into the area by helping to address new markets and attendance, and obviously there's an economic impact. Finally, there's an industry partnership proposal program that helps to create packages of not only ice fishers, but guides, hotels and other attractions in the area. No doubt this will help to market Lake Simcoe as one of the country's premier ice-fishing areas.

Mrs Munro: Minister, I was pleased to hear about your ministry's new \$14-million plan to market Ontario as a must-see four-season destination. Can you tell the House what initiatives you have currently in place to market ice fishing as a fun winter activity in Ontario?

Hon Mr Hudak: I appreciate the kind words. We have increased the tourism marketing budget for this year by some \$14 million, more than doubling what we normally do in North America, an increase of \$10 million in Minister Flaherty's recent economic statement to help the tourism industry bounce back.

Some publications that are part of our program include the Fish Ontario guide, which features a full page on ice fishing; the Snow Country Ontario guide, which has text and photos of ice fishing throughout; and certainly the Ontario Adventure guide, which tells readers to "head for the huts," advising them to come and book their package, and rightly calls Georgina, in the member's riding, the ice-fishing capital of the world.

I encourage local businesses and municipalities to get involved. Check out our Web site at Ontariotravel.net and our 1-800-Ontario line. As well, the Northern Ontario Tourism Marketing Association has their own dedicated guide, called Ice Fishing in Northern Ontario, for those who want to travel even farther north after experiencing Georgina.

COMPETITIVE ELECTRICITY MARKET

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy. Yesterday, I raised the published comments of John Mayberry, president and chief executive officer of Dofasco. He says point-blank that your dirty deal to sell off our electricity system will cost the Ontario economy a lot of jobs. He also says your deal to privatize and deregulate our electricity system will mean that energy companies that export electricity to the United States will not have to pay a stranded debt charge on the electricity that is exported, but Ontario electricity consumers will have to pay a debt retirement

charge for every kilowatt of electricity they consume. It means that under your scheme to privatize and deregulate our electricity, Ontario consumers would be paying more and would, in effect, be subsidizing electricity exports to the United States.

Minister, is Mr Mayberry right? Yes or no?

Hon Jim Wilson (Minister of Energy, Science and Technology): Mr Mayberry is right, but the honourable member is wrong again. Mr Mayberry wants us to actually sell off more of our electricity system faster, so that we'll have more competition and large companies like Dofasco and many others in the province will have an opportunity to shop around for competitive prices for electricity. He's totally misunderstood Mr Mayberry's comments and the concerns expressed by large industrial users in the province. They want us to move faster and harder to make sure there's more competition, so they don't have to buy just from Ontario Power Generation but can actually, for the first time in a hundred years, shop around for lower prices and more competitive prices than the monopoly has been able to provide in the past. That's Mr Mayberry's point. It's the exact opposite of what the honourable member contends.

Second, any power we sell to the US, to Quebec, to Manitoba, or power they sell us, is surplus power. It's opportunity power. It's pure profit, in terms that it's power that otherwise would go to waste or not be generated. We have high-paid workers sitting there ready to—

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

Mr Hampton: I don't think I misunderstood Mr Mayberry at all. An Ontario consumer, whether residential or industrial, is going to pay a debt retirement charge of seven cents a kilowatt hour under your scheme. At the same time, if a company like British Energy or TransAlta exports that electricity to the United States, there is no debt retirement charge. It means that Ontario consumers are going to be paying a special charge and, in fact, subsidizing the export of electricity to the United States. It means exactly what Mr Mayberry says. You're going to put Ontario industries in an uncompetitive position relative to American industries.

Throughout all this, I ask, why are you in such a hurry to benefit the economies of Michigan, Ohio, Illinois and New York by providing them with cheaper power while you force up the price of electricity here in Ontario? What is it that you've got against Ontario consumers and Ontario industries that you're so hungry to give away our electricity at a reduced price?

Hon Mr Wilson: The whole restructuring of the electricity system, just like everything else this government does, is about creating jobs here in Ontario, so that people can raise their families, get off the welfare cycle and have the dignity of a job, which is the greatest thing a politician can offer. If you do anything positive in this House, Mr Hampton, you might want to try that agenda. It might actually bring you up in the polls.

You have the Power Workers' Union, which owns 4% of the Bruce plant. They're quite capable of producing

good, cheap, clean electricity. Again, the independent market operator, the regulator, will make sure that Ontario is served first. But if there's surplus power, if those good workers at the Bruce want to make some money for their company, if Ontario Power Generation wants to make some money which goes to paying down the debt that the Liberals and NDP left—some \$38 billion, which desperately needs to be paid down because the interest payments are a killer, and they're hurting our jobs, they're hurting our electricity rates. If we can make money on surplus power in the United States, we're damn well going to do that. We're going to pay our debts, we're going to pay our way and we're going to have the best electricity system in North America. I guarantee it.

1510

ONTARIO DRUG BENEFIT PROGRAM

Mr Dalton McGuinty (Leader of the Opposition): Speaker, my question is for the Minister of Health.

Interjections.

The Speaker (Hon Gary Carr): Sorry to interrupt. We'll just wait; it's a little noisy. Thank you, members.

Mr McGuinty: My question is for the Minister of Health. I want to return to the matter raised by my colleague just a few moments ago relating to Mrs Marie Thurston, who is sitting in the gallery today. Minister, your answer, in a word, was unacceptable.

Marie Thurston, so you are a bit more familiar with her, is 72 years of age. She was widowed some 28 years ago. She raised her three children on her own. She worked as a store clerk. She has gone blind in her left eye. She is now losing sight in her right eye. She can't afford the treatment, Visudyne, that costs \$2,000 per treatment. The total treatment will cost her at least \$15,000.

Maybe you lost sight a long time ago of what government's all about. But do you know what it's about, Minister? It's about helping people like Mrs Thurston here overcome those challenges that are too big for her to overcome on her own. I think it is wrong for us at the beginning of the 21st century here in Ontario, when seven provinces are covering this treatment, seven other provinces.

Hon Tony Clement (Minister of Health and Long-Term Care): Five.

Mr McGuinty: Seven. You go and count them, Minister. You say five somehow justifies it. If five are doing it, that's OK, that makes it legitimate and responsible? I think you've got a responsibility to help this woman. I think you've got a responsibility to make sure she doesn't lose sight in her remaining good eye. I think that's fundamentally what government is all about. Will you help Mrs Thurston?

Hon Mr Clement: I'd be happy to help individuals he mentioned, individuals in this province who expect a health care system to be there when they need it. That's what we all want on our side of the House as well, and

we are doing it each and every day—\$6 billion of new spending since we got elected. We're doing it without a partner. They're not partners on that side of the House. They have not supported a single measure we have tried to take to get the federal government to live up to their responsibilities.

Yes, I'd like to help the lady you mentioned. I'd like to help every single lady and man who needs help. We need the help of you and your Liberal crony—

Interjections.

The Speaker: Order. We have a guest in the gallery who would like to hear the answer. She's not going to get to hear the supplementary. She's come a long way to hear the minister and to hear the question. I would ask all members if they would kindly be quiet so we can ask the question. Otherwise, she will have come a long way and we won't get to ask the question. The time is clicking down. We have a guest here who wants to hear an answer from the minister. I would suggest you let the leader of the official opposition place the question.

Mr McGuinty: Minister, how can you tell us you don't have \$15,000 for Mrs Thurston, but on the other hand you have \$2.2 billion for corporate tax cuts, you've got half a billion dollars for private school tax credits, and you've got close to a quarter of a billion dollars for partisan political advertising? Don't tell me you don't have the money. What you're really telling me, Minister, is that she's not a priority.

This is the face of Ontario right here. That's what it's about. This is the privilege of government. This is the privilege of public service, so you don't lose sight of these people and their fundamental needs. You lost sight of that a long time ago. I feel sorry for you, but not as sorry as I feel for Mrs Thurston and the fact you simply lack any sense of responsibility to help her out.

I'll ask you again, Minister, understanding how fundamentally important this is to Mrs Thurston—

Interjection.

The Speaker: Sorry to interrupt, leader of the official opposition. Minister of Training, Colleges and Universities, please come to order. I've yelled three times at you. You don't even hear me yelling, you're yelling so much. Please come to order. Sorry, the leader of the official opposition.

Mr McGuinty: Minister, just listen. Give your answer to this woman, who played by all the rules, raised her kids, worked long and hard, paid her taxes. She's 72. I feel we owe her now. We should make sure she can get this treatment so she doesn't lose sight in her remaining eye. I think that is a responsibility we all share. You look her in the face and you tell her why it is that in five other provinces—you say; I say seven other provinces—where they're covering treatment—they all share, by the way, the same federal government. You tell her why in your Ontario we can't afford this treatment.

Hon Mr Clement: I'd be happy to answer the question. There are a lot of things he's just mentioned right now. I could tell you that there are hundreds of procedures and hundreds of medications that we cover in

Ontario that aren't covered in other provinces because we're—

Interjections.

The Speaker: Order.

Hon Mr Clement: Come on, Mr Speaker.

The Speaker: I know we like to hear you, but we can't, and it was your minister who was yelling when he was asking the question. We've got it both sides. You're going to get an opportunity. We have a guest who's come a long way and wants to hear the Minister of Health. It's your side that was yelling and interrupted the leader of the official opposition when he was in his flow. I know it's very disruptive for members when they're trying to think of a question, but unfortunately it's members from both sides who are doing it, not just one side, I say to the Minister of Health. I apologize for the interruption. I want to make it quiet so he can hear you, because if I can't hear you, I can assure you that our guest, who has come a long way, can't hear you. Again I apologize to the Minister of Health. It's now the Minister of Health's time. Sorry.

Hon Mr Clement: The honourable member uses compassion like it's some sort of commodity, that there's some sort of unflowing commodity on this side of the House. We have compassion on this side of the House.

Mr Gerard Kennedy (Parkdale-High Park): Prove it.

Hon Mr Clement: Walk a mile in our shoes, I say to the honourable member. He doesn't know the first thing about leadership, the first thing about tough decisions. Every day of the week, every minister and every caucus member on this side of the House makes some tough decisions, trying to find the money, trying to find the resources to help people like the lady in the gallery. That's our job. We know it's a tough job. We take that job willingly because we have the compassion to make the right decisions for the people of Ontario.

FIREARMS SAFETY AND CONTROL

Mr Doug Galt (Northumberland): My question is directed to the Solicitor General. Typically, jurisdictional responsibility is a pretty straightforward situation. However, there are areas of federal responsibility and areas that are provincial responsibility, and sometimes these areas overlap. Firearms is one of those areas. Minister, can you tell this House and my constituents in Northumberland how that responsibility for firearms safety and registration works?

Hon David Turnbull (Solicitor General): The Canada Firearms Act requires that all firearms be registered and licensed. Ontario chose to appoint its own chief firearms officer to administer the licensing provisions of the act, and indeed Ontario gun owners support this. The federal government continues to be responsible for administering the registration provisions and the Ontario chief firearms officer is responsible for investigating those who apply for licences to ensure that they are not a risk to the public safety, also for revoking licences where

that is deemed necessary and for notifying the police if firearms should be seized. The Ontario Chief Firearms Office maintains an excellent working relationship with law-abiding, responsible firearms owners.

Mr Galt: Certainly Ontario's law-abiding gun owners made it clear that they wanted the province to administer the federal act; however, are they pleased in how it's going?

Also, I'm regularly being contacted by members of the firearms community about a rumour that keeps going around that you are planning on closing the firearms office in Orillia. I don't need to tell you just how upsetting that would be to the people in my riding. Minister, will you stand in your place, come clean and explain to us, are you in fact planning to do this or are you not?

Hon Mr Turnbull: Support for Ontario's role in firearms safety continues to be very, very strong. In fact, a recent edition of Canadian Shooting Sports magazine praised Ontario's decision to appoint its own chief firearms officer and reported that Ontario's Chief Firearms Office has credibility and trust with the firearms community.

I certainly understand that there has been this rumour circulating, concerns about the office in Orillia closing. It's simply not true. It will remain open to provide law-abiding Ontario gun owners with the services they need. This government supports the work of the chief firearms officer and is confident of his abilities to promote responsible ownership.

1520

HÔPITAL MONTFORT

M^{me} Claudette Boyer (Ottawa-Vanier): Ma question s'adresse au ministre de la Santé. Depuis vendredi dernier, les Franco-Ontariens et Franco-Ontariennes ont un nouveau slogan qui dit : « Montfort ouvert et pour toujours ». Tel est le slogan que nous pouvons maintenant crier haut et fort à la suite de la décision claire et unanime que vient de rendre la Cour d'appel de l'Ontario face à Montfort. Comme le disait très bien la présidente de SOS Montfort, Gisèle Lalonde, « Montfort est vivant. » Dans le foyer même de l'hôpital, vous avez vous-même exprimé quelques jours avant la décision votre confiance en l'avenir de Montfort.

La crise de Montfort a assez duré. Il est temps de passer à autre chose, d'accepter qu'un jour nouveau se lève en Ontario et qu'enfin l'heure est à la réconciliation et à la coopération.

Monsieur le ministre, pouvez-vous nous assurer que vous allez enfin mettre fin aux procédures judiciaires et que vous allez ajuster le financement de Montfort en conséquence et reconnaître sa mission académique comme hôpital de formation pour les francophones ?

L'hon. Tony Clement (Ministre de la Santé et des Soins de longue durée): Il est important de savoir que l'hôpital Montfort est un hôpital qui a beaucoup de mandats : pour la santé et aussi pour les soins de longue durée, par exemple. Il y avait bien sûr une décision de la

Cour d'appel de l'Ontario au sujet de l'avenir de Montfort. Le procureur général et le gouvernement de l'Ontario sont maintenant en train d'étudier cette décision. Il y avait une décision complexe, une décision qui contient 71 pages de paroles, et j'espère que, dans les quelques semaines à venir, il sera possible d'avoir une réponse pour cette Chambre et pour les francophones de l'Ontario en ce qui concerne l'avenir de Montfort.

M^{me} Boyer : Je comprends, mais vous avez le jugement en main depuis vendredi dernier et la décision de la Cour divisionnaire depuis quelques années. Soixante pages, ce n'est quand même pas si volumineux.

Monsieur le ministre, rendez-vous donc à l'évidence et admettez qu'après deux décisions unanimes vous avez bel et bien perdu la cause. Je suis convaincue que la Cour suprême trancherait en faveur de Montfort.

La décision est claire. La cour confirme le jugement de la Cour divisionnaire, annule les directives de la commission et, de plus, rejette l'appel de la province. Le jugement confirme aussi que les Franco-Ontariens et Franco-Ontariennes ont des droits : des droits constitutionnels, des droits intouchables aux institutions qui sont vitales à leur épanouissement.

Je me répète : allez-vous enfin ajuster le financement de Montfort en conséquence et, s'il vous plaît, reconnaître sa mission académique comme hôpital de formation pour les francophones ?

L'hon. M. Clement : Je peux dire aussi que surtout le gouvernement de l'Ontario appuie les services francophones pour la francophonie d'Ottawa et des autres endroits. Il est important de protéger ce service francophone. C'est un travail très important pour ce gouvernement. Bien sûr il y a eu un jugement, un jugement complexe, comme j'ai dit, un jugement long qu'il est important d'étudier parce qu'il y a beaucoup de questions, beaucoup de défis dans ce jugement. Il faut répondre à ce jugement. Il y aura 60 jours pour répondre, et le procureur général et nous, le gouvernement de l'Ontario, voulons répondre aussitôt que possible.

PETITIONS

HOME CARE

Mr Rick Bartolucci (Sudbury): This petition is to the Legislative Assembly of Ontario. It will probably be the last time before the hostile takeover of CCACs that I'll be able to present this petition.

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres to purchase home care services for their clients are rising due to factors beyond the control of our CCACs; and

"Whereas the funding provided by the Ontario government through the Ministry of Health and Long-

Term Care is inadequate to meet the growing need for home care services; and

“Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

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

“(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

“(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of community care access centres in the volumes needed to meet their communities’ rapidly growing needs; and finally

“(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of this fiscal year.”

I give this petition to Kathryn after I’ve signed my signature in support of it.

PROFESSIONAL LEARNING

Mr Peter Kormos (Niagara Centre): I have a petition addressed to the Legislative Assembly of Ontario. It reads:

“Because we, the undersigned, believe in our responsibility as teachers to maintain a high degree of professionalism; and

“Because such professionalism is best served when professional learning is self-directed and based on teacher need, improves professional skills, improves student learning, is based on best practice accountability and is funded by the appropriate educational authority; and

“Because we oppose the government’s teacher testing program and the College of Teachers’ professional learning program because they do not meet the objectives of effective professional learning,

“We, the undersigned, respectfully request that you repeal all clauses and references to professional learning from the Stability and Excellence in Education Act, 2001.”

That’s signed by Joe Caporicci, Brad Bissonnette, Rose Digout, indeed, 709 Catholic teachers. I agree with them. I support them. I have affixed my signature as well.

SENIORS’ HOUSING

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

“To the Legislative Assembly of Ontario:

“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.”

ONTARIO DISABILITY SUPPORT PROGRAM

Mr Michael Gravelle (Thunder Bay-Superior North): To the Legislative Assembly of Ontario:

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

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

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

“Whereas their basic needs are no longer being met because the Ministry of Social Services has not increased the shelter and basic needs allowances of disabled Ontarians eligible to receive benefits to reflect the increased costs of shelter and basic needs; and

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

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

1530

OHIP SERVICES

Mr David Christopherson (Hamilton West): I have further petitions from Sudbury, Hamilton and Welland regarding hearing tests being denied. The petition, entitled It's Time to Listen, 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,

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

On behalf of my constituents and the NDP caucus, I add my name to this petition.

EDUCATION TAX CREDIT

Mr Ted Chudleigh (Halton): "To the Legislative Assembly of Ontario:

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

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

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

"Whereas legislation has been passed to implement an equality in education tax credit;

"We, the undersigned, petition the Legislative Assembly of Ontario to encourage the government to stay the course. Fairness in funding is long overdue. We ask the government to move as quickly as possible to phase in the equality in education tax credit."

I'm pleased to affix my name to this petition, and I'm particularly pleased that Nicole Agro is here to accept it from me.

PROFESSIONAL LEARNING

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

"Because we, the undersigned, believe in our responsibility as teachers to maintain a high degree of professionalism; and

"Because such professionalism is best served when professional learning is self-directed and based on teacher need, improves professional skills, improves student learning, is based on best practice accountability and is funded by the appropriate educational authority; and

"Because we oppose the government's teacher testing program and the College of Teachers' professional learning program because they do not meet the objectives of effective professional learning,

"We, the undersigned, respectfully request that you repeal all clauses and references to professional learning from the Stability and Excellence in Education Act, 2001."

CHILD CARE

Ms Shelley Martel (Nickel Belt): I have a petition signed by my friends from Blaydon Community Day Care in North York, A Child's World in Port Colborne, Byng Avenue daycare in Oshawa and as well from Debbie Bent from St Catharines. The petitions read as follows:

"Whereas an internal government document states the Conservative government is considering cutting the regulated child care budget by at least 40%;

"Whereas the same internal document states the government is also considering completely cutting all funding for regulated child care and family resource programs in Ontario;

"Whereas the Conservative government has already cut funding for regulated child care by 15% between 1995 and 1998 and downloaded 20% of the child care and family resource program budget on to municipalities;

"Whereas Fraser Mustard and Margaret McCain identified regulated child care and family resource programs as integral to early childhood development;

"Whereas the Conservative government will receive \$844 million from the federal government over five years for early childhood development;

"Whereas Ontario is the only province which didn't spend a cent of this year's federal money on regulated child care;

"Whereas other provinces are implementing innovative, affordable, and accessible child care programs such as Quebec's \$5-a-day child care program; and

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand the Conservative government protect the current regulated child care and family resource program budgets and invest significant federal Early Years funding in regulated child care and family resource programs.

We demand future federal Early Years funding be invested in an expansion of affordable, regulated child care and in continued funding for family resource programs.”

I agree with the petitioners and I sign my signature to it.

LORD'S PRAYER

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I have a petition to the Legislative Assembly of Ontario:

“Whereas the Lord’s Prayer, also called Our Father, has been used to open the proceedings of municipal chambers and the Ontario Legislative Assembly since the beginning of Upper Canada in the 18th century; and

“Whereas such use of the Lord’s Prayer is part of Ontario’s long-standing heritage and a tradition that continues to play a significant role in contemporary Ontario life; and

“Whereas the Lord’s Prayer is the most meaningful expression of the religious convictions of many Ontario citizens;

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

“That the Legislature of Ontario maintain the use of the Lord’s Prayer in its proceedings, in accordance with its long-standing established custom, and do all in its power to maintain use of this prayer in municipal chambers in Ontario.”

PROFESSIONAL LEARNING

Mr Dave Levac (Brant): To the Legislative Assembly of Ontario:

“Whereas the government of Ontario wants to implement a teacher testing program in the province of Ontario and the College of Teachers professional learning program; and

“Whereas we, the undersigned, believed in our responsibility as teachers to maintain a high degree of professionalism and, as such, professionalism is best served when professional learning is self-corrected and based on teacher need, improves professional skills, improves student learning, is based on best practices, accountability and is funded by an appropriate educational authority; and

“Whereas we oppose the government’s teacher testing program and the College of Teachers professional learning program because they do not meet the objectives of effective professional learning,

“We, the undersigned, respectfully request that you repeal all clauses and references to professional learning from the Stability in Education Act, 2001.”

I affix my name to this petition and give this to Alim.

CHILD CARE

Ms Shelley Martel (Nickel Belt): I have more child care petitions, these from St Joachim Children’s Centre of Ancaster in Ancaster, Rainbow Nursery School in

Welland, Sunnyside Garden Daycare in Toronto and A. Newell of Lansdowne. They read as follows:

“Whereas an internal government document indicates the Conservative government is considering cutting the regulated child care budget by at least 40%;

“Whereas the same internal document indicates the government is also considering completely cutting all funding for regulated child care and family resource programs in Ontario;

“Whereas the Conservative government has already cut funding for regulated child care by 15% between 1995 and 1998 and downloaded 20% of the child care and family resource program budget on to municipalities;

“Whereas further cuts would run counter to the support identified for regulated child care and family resource centres by Fraser Mustard and Margaret McCain;

“Whereas the Conservative government will received \$114 million this year for early childhood development and will receive \$844 million from the federal government over the next five years for the same;

“Whereas Ontario is the only province which didn’t spend a cent of this year’s federal money on regulated child care;

“Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“We demand the Conservative government guarantee the current child care and family resource budget is secure and will not be cut under this government’s mandate and we demand that future federal Early Years funding be invested in an expansion of affordable, regulated child care.”

I agree with the petitioners and sign my name to it.

HIGHWAY 407

Mr Joseph Spina (Brampton Centre): “To the Legislative Assembly of Ontario:

“Whereas the province of Ontario has proposed the extension of Highway 407 into,” my colleague’s area, “Durham region and the proposed route, designated as the technically preferred route, will dissect the property of Kedron Dells Golf Course Ltd 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 golf course;

“We, the undersigned,” and this is for my colleague from Durham, “respectfully petition the Legislative Assembly of Ontario 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 Durham region and the GTA,” and my colleague from Durham, the honourable John O’Toole.

Mr John O’Toole (Durham): On a point of order, Mr Speaker: I’m a bit perplexed because sequentially, in reading the petitions, it went around and went by me. Perhaps there’s an explanation. You didn’t see me?

The Acting Speaker (Mr Michael A. Brown): I saw you.

1540

LONDON HEALTH SCIENCES CENTRE

Mr Steve Peters (Elgin-Middlesex-London): I have a petition to the Legislative Assembly of Ontario.

“Whereas the London Health Sciences Centre is a world-class academic health sciences centre serving the 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 the directions of the provincial Ministry of Health; and

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

“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 shortage in the region;

“Therefore, be it resolved that we, the undersigned,” 5,000 individuals from southwestern Ontario, “petition the Ontario Legislature to demand the Harris government take immediate action to ensure that these most important health services are maintained so that the health and safety of people throughout southwestern Ontario are not put at risk.”

I present these petitions on their behalf and have affixed my signature in full agreement.

The Acting Speaker (Mr Michael A. Brown): This completes the time allocated for petitions.

Hon Dan Newman (Minister of Northern Development and Mines): On a point of order, Mr Speaker: I seek unanimous consent for the member for Durham to present a petition.

The Acting Speaker: The Minister of Northern Development has asked for unanimous consent for the member for Durham. Agreed? I heard some noes.

ORDERS OF THE DAY

TIME ALLOCATION

Hon David Young (Attorney General, minister responsible for native affairs): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 30, An Act to provide civil remedies for organized crime and other unlawful activities, when Bill 30 is next called as a government order, the Speaker shall put every question necessary to dispose of the third reading stage of the bill without further debate or amendment; and

That, notwithstanding standing order 28(h), no deferral of the third reading vote may be permitted; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Acting Speaker (Mr Michael A. Brown): Minister.

Hon Mr Young: Mr Speaker, Bill 30 has received considerable attention. It has been the subject matter of considerable debate and deliberation, not just in this past session—although that, of course, is true, and I’ll talk about that a little more in a moment—but has also been a matter that was considered by this honourable assembly in the previous session. A very similar bill, not an identical one—and again, I will come back to the distinction between the two pieces of legislation—was the subject matter of considerable debate last year, not only in the formal assembly chamber in which we’re privileged to serve this day, but also at the committee level; and not only at the committee level, which is part of the formal Legislative Assembly in which we participate, as do members of the public in various ways, but also at forums that have been hosted by my ministry and others in order to discuss what needs to be done in order to deal with a growing and very, very serious problem in this province, in this country and, indeed, throughout the world. That problem is organized crime.

Let’s be clear about what we’re talking about here. We are talking about an insidious operation that takes place every day across this province. We’re talking about an operation that takes hard-earned dollars from hard-working Ontarians, an operation that takes money from individuals who in many instances don’t even know they are being defrauded until it is too late and the money is long since gone.

We are not just talking about the type of organized crime that has plagued our society for some many decades; we’re talking about a new type of organized crime. We’re talking about an organized crime that reverts to and utilizes computers, credit cards and ATM technology to take from individuals their hard-earned dollars. We’re not just talking about drugs and thugs. We’re talking about a very sophisticated, international in many instances, approach to organized crime, one that we have not experienced previously on that scale in this province or in this country.

The Mike Harris government came forward last year with some relatively innovative measures that we felt were necessary—and I’ll explain why we felt that way—in order to combat this growing and very serious problem. As I indicated, we held a forum at which experts from around the world came to talk about their approaches to organized crime, and a good deal of time was spent talking about a civil remedy to organized crime. It was from that forum and the discussions that ensued thereafter that the original bill was developed, presented, debated in this Legislature at some length, and ultimately sent to committee, where it spent two days. Again, experts from the United States, Canada and around the

world came to testify about the pros and the cons. Not everyone embraced the bill. There were some who came forward and had some problems with it.

By the way, you will see that the original bill as compared to the bill we have tabled today is reflective of the comments of some of the individuals who have come forward to discuss this in what was a very thorough, comprehensive and fulsome debate over the past year and a half. Some of those changes that we have made to the original legislation come from the very thoughtful dialogue that took place about the original bill and about the subsequent bill. In fact, we have come forward to this Legislative Assembly with a bill that I am indeed very proud of, a bill that is modelled on the experiences in other countries, because there is no similar approach to battling organized crime in existence in law in Canada. In other countries, countries like the United States, Ireland and South Africa, they have in the past reverted to this approach to crime with some considerable success in many instances.

I'm reminded of the comments made by an inspector from Ireland who came forward as we were developing this bill to say that their experience in Ireland was such that whole families, groupings of organized criminals, left the jurisdiction. Why? Because their civil remedy approach took the profit out of crime. What it did is it took the lifeblood away from their criminal activity. Let there be no mistake: whether they be in Ireland, South Africa, the United States or Canada, they are engaged in this criminal activity primarily for the purpose of making money. They want to make money. If you take away the money they make, if you take away their ill-gotten gains, there is no purpose, no incentive, no reason for them to continue that activity.

We have drafted this bill with that in mind. We have, as I indicated, spent a good deal of time debating it both formally within the Legislature and informally outside of the Legislature, as well as in committee hearings.

1550

I will say to you that there comes a time when the debate must end, when the talk must stop and action must take place. We are hearing this from law enforcement personnel including chiefs of police of many major cities and smaller jurisdictions across this province. Chief Fantino, for one, has repeatedly asked for the passage of this legislation. I know that Chief Robertson has again expressed his desire to have this tool in place to assist his force to battle organized crime. We are here today and we have come forward with this time allocation motion with a view to acceding to their request, with a view to providing them with a further tool—not a panacea, but an additional tool to assist them in their battle, which is not an insignificant battle. It utilizes a great deal of the resources of our law enforcement personnel and crown attorneys, and this will make their job that much easier.

It's important, though, to stress that this civil law is not being brought in to replace any criminal remedy. The Criminal Code and any criminal law that exists today that has been passed by our colleagues in Ottawa will con-

tinue to operate, will continue to exist and will continue to be another tool, an existing tool, that can be utilized, in appropriate cases, by law enforcement personnel and others to battle organized crime. This isn't "instead of"; this is "as well as."

Let's talk a little bit about what would happen if this bill passes. If I can jump to the conclusion, the goal here is to help victims. The goal here is to return money to those from whom money was taken as a result of illegal activity. That's the goal of this bill.

How do we accomplish that goal? Well, we have said that the same law that has existed in this country for approximately 140 years, the same law that has existed throughout the Commonwealth, the common law dealing with the return of property to its rightful owner—that same civil property law should apply in relation to criminals. So we have said in this bill that civil courts should be allowed to do what they do every day but should be allowed to do that in relation to the activities of organized crime. They should be allowed to freeze, seize and forfeit to the crown the proceeds of unlawful activity or the instruments likely to be used in the future commission of unlawful activity. If this bill passes, that will be one additional tool that courts will have.

In addition, civil courts would be able to grant remedies against unlawful conspiracies by two or more people to harm the public. Again, if the bill is made law—as I hope it will be shortly—that would be an additional remedy that the civil courts of this province would have.

A third remedy that's worthy of note at this point in time is that it would enable victims of unlawful activity to claim compensation against the forfeited proceeds from that activity.

That determination as to whether or not property should be seized or frozen or forfeited, as to whether or not property should be returned to its rightful owner, will not be made by anybody in this Legislature. That won't be made by police officers on the street. That determination will be made by, and only by, a judge, a judge who will hear all the evidence, consider the evidence, and then on a balance of probabilities will make a decision as to whether or not it is appropriate to return that money to the victims.

The reason that doesn't happen nowadays, the reason that doesn't happen without this new law, is quite simple. Individuals find themselves to be the victim of, let's say, credit card fraud or Internet fraud and they've lost the \$100 or \$200 to some unnamed entity out there. They could, in principle, go and retain a lawyer who would then commence a lawsuit, who would then proceed to court and argue the case in front of that very same judge, by the way—the very same individual would be the trier of fact. They could proceed to do just that. Ultimately, if they could find that individual and if they had the resources to proceed with the lawsuit and have it prosecuted and get a judgment, and if they were in a position where the judgment could be satisfied, they would be made whole. But realistically, practically, that doesn't happen very often.

What we needed to do was find some means, some mechanism, whereby those individuals could be given that power in a practical, reasonable way. What we've done here is that we have said that the state, the province, would act on their behalf, particularly in situations where you have multiple individuals, all of whom have lost amounts of money that cumulatively amount to a lot of money.

The state would intervene, with all sorts of safeguards in place, and I'll chat about those in just a moment. There would be a reasonable, functioning mechanism where the Attorney General would come forward, present a case and try to convince a judge, in reasonable cases, on a balance of probabilities, that it is appropriate to have the item seized or frozen or forfeited and somehow or another returned to the rightful owner. To me, that makes a great deal of sense. I can think of no reason why one wouldn't want to see that happen.

It's important also to remember that this is not a situation where the province of Ontario is battling with the federal government. This is not a situation where the federal government has said, "You're encroaching upon our territory. You're into federal domain. Stop. Don't do that." And it's not a situation, frankly, where I'm saying the feds should have done more in this regard, which is, by the way, true in many other instances, including in relation to the Young Offenders Act, where their actions have been woefully inadequate and have let down the people of this province and the country time and time again, and the successor legislation will be no better. In any event—I digress for a moment—this is a situation where both the federal government and the provincial government have taken time to stop and applaud each other on the initiatives they have brought forward, because it is through that sort of collaborative, combined approach, a united front in this battle, that we are going to be able to defeat organized crime.

I am pleased to say that in my discussions with Justice Minister McLellan, I have said to her that I appreciate many of the proposed changes she has brought forward to the Criminal Code. In fact, we talked about that just two weeks ago when I was in Ottawa for a federal-provincial-territorial meeting. Many of the changes that the federal government has suggested in relation to organized crime are welcome and thoughtful, and I applaud them for moving forward in that regard. I've also asked them to take further steps in certain areas in relation to organized crime, but I think what they have done is a good next step.

By the same token, the federal minister has said to me that she welcomes the civil forfeiture approach. She thinks Ontario is doing the right thing. She hopes other provinces will follow our lead, because it is another tool. This bill, this law, would be another tool that would be able to assist law enforcement personnel and the courts in doing the right thing.

I'm going to allow many of my colleagues to speak to this bill, because I know it's a matter of great interest to them as well, but before I relinquish the opportunity to

speak to this assembly, I do want to talk briefly about one of the changes that has been put in place, one of the safeguards in this bill.

It relates to an enhanced protection to personal privacy in relation to health records. There was some concern expressed about health records getting into the wrong hands. As a result of that concern being expressed, we did engage in rather lengthy and very productive discussions with Dr Ann Cavoukian, who many in this assembly will know is the Information and Privacy Commissioner. We talked to her at some length—I did, shortly after I was sworn in—about this issue and about the best way to approach it. It is trite to say that we can't simply run and hide from health care fraud. Where it exists, it must be prosecuted. Where money has been taken improperly, it must be returned. So we did dialogue with Dr Cavoukian and she was very helpful.

Dr Cavoukian, in a letter to my ministry, said she is satisfied that her concerns have been addressed. She also said that the bill "is far better, thanks to the level of cooperation," and I want to take this opportunity to thank Dr Cavoukian for her help and assistance.

1600

I think anyone who reviews this legislation, as the privacy commissioner did, would find quite clearly that there are appropriate safeguards in place, that no one need worry about health information getting into the wrong hands because of the passage of this bill. They should be relieved by the fact that if this law passes, there is now going to be legislation in place that will cause would-be criminals and those who would commit fraudulent activities in the field of health care, or any other field, to think twice, to think about not only the criminal consequences that have always been there and will continue to be there, but also to think about the practical fact that they may not be able to keep the property they have improperly obtained, that that property will be returned to the victim.

With the passage of this legislation, I think we will be sending a very loud and very clear message to all those who consider engaging in this sort of untoward, unlawful activity that we will not tolerate that activity and that the consequences of their engagement in that activity will not be ones they desire. The property will be returned to its rightful owner.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to rise this afternoon to speak to Bill 30, the Remedies for Organized Crime and Other Unlawful Activities Act. I thank the Attorney General for his comments and for his difficult work on this bill.

Bill 30 has received considerable debate and deliberation both here in the Legislature and in committee. During second reading, Bill 30 received seven hours of debate, and so far during third reading it has been debated for four and a half hours.

It has also been carefully examined at the standing committee on justice and social policy. Its predecessor, Bill 155, was the subject of two days of public hearings. Experts from Canadian and American law spoke before

the committee, as did legal experts and concerned members of the public. They all offered a wide range of views on this bill. Bill 30 likewise appeared before the standing committee on justice and social policy, where it was the subject of clause-by-clause examination.

In total, Bill 30 has received a great deal of consideration by members of all parties.

The intent of Bill 30 is twofold: first of all, to use civil law to disrupt and disable corrupt organizations by taking away their illicit profits, and second of all, to help victims.

A British report found that most unlawful activity is committed for profit. That may seem self-evident in the context of this debate, but most people don't realize that organized crime is involved in a wide range of activities and they don't understand the impact of organized crime on their lives.

This point was highlighted in an Ipsos-Reid public opinion poll conducted in March of this year on behalf of the federal government. The poll found that three quarters of Canadians don't believe that organized crime affects their lives. When asked to identify definite examples of organized crime activity, 81% correctly identified drug importation and 78% identified drug trafficking. However, less than half of Canadians identified prostitution and car theft as definite examples of organized crime, while only 24% picked stock market fraud.

When the results were broken down by province, Ontario scored lower than the national average. In general, the public doesn't see the impact of organized crime in their lives. The public doesn't make the connection between organized crime and the quality of life in their communities or the costs they pay for services. The impact of these activities ripples outward throughout Ontario, beyond the direct victims.

One example is drug trafficking. The size of the illicit drug market is staggering. A federal study estimates the value of the illicit drug market in Canada is between \$7 billion and \$10 billion a year. Drug use leads to higher costs for health care and social programs, while the personal suffering of the drug users and their families can't be measured.

Drug trafficking is an illegal activity the public recognizes as organized crime. What about the activities they don't recognize?

In Ontario in 1999 there were 50,000 motor vehicles stolen—about 137 cars stolen each and every day. In Toronto during the same year, more than 18,000 motor vehicles were stolen, and that's about 50 a day. Ottawa and Hamilton, while having far fewer cars stolen in total, actually had far higher car theft rates per capita. This information was compiled by Statistics Canada.

The Insurance Bureau of Canada and the police say that most of these thefts are the result of organized gangs that ship these stolen cars to other cities, other provinces, even overseas.

So thousands of Canadians are victimized by organized crime each year although they may not even realize it.

Actually all of us are victimized by organized car theft. According to the Insurance Bureau of Canada, this activity costs the insurance industry \$600 million a year. It costs an additional \$250 million a year in police, health care and court system costs. These costs are passed on to each and every one of us.

The cost of stock market fraud in Canada was estimated to be more than \$3 billion, according to a federal study. The same study estimated that telemarketing scams cost Canadians \$4 billion a year.

Mr Rosario Marchese (Trinity-Spadina): Give it some passion, Garfield.

Mr Dunlop: I'd like to do the Emmy award presentation like the member from Trinity-Spadina, but I'd rather have the Hansard report it accurately.

These and other types of fraud extract both a financial and emotional cost on families. In total, organized crime is estimated to cost the Canadian economy up to \$9 billion a year.

The experts tell us that organized crime does not stand still. Organized crime changes with the times and creates new ways to make illicit profits. Commissioner Gwen Boniface of the Ontario Provincial Police, in speaking to the Ontario government's Summit on New Approaches to Fighting Organized Crime last year, stated, "Not only are organized crime groups tolerating each other, they are building the networks required for efficient business operations. This evolutionary nature presents new challenges for law enforcement as we are continually forced to play catch-up."

Just a quick comment on Commissioner Boniface: I don't know if everybody in the House is aware of it, but just last week she was given the Order of Ontario here in the provincial Legislature, and is very deserving of that prestigious award.

The challenging nature of organized crime is a global phenomenon. Authorities in other jurisdictions have noted that different groups and individuals will come together to collaborate in a scam and then go their separate ways after they've made their profits.

They understand the inner workings of the financial world and global commerce. They have the financial expertise to hide their illicit money and make it that much harder for law enforcement to track down the profits and return them to victims.

There is no doubt that organized crime is a real threat to our way of life.

We conducted thorough research before developing the proposed legislation. As a result, we were able to learn what works and doesn't work elsewhere. We have developed a made-in-Ontario approach to suit our province's specific problems and circumstances.

The United States, Ireland, Australia, South Africa and others use civil law to seize the proceeds of unlawful activities, disrupting the organizations behind the activities by taking away their profit motive. The United Kingdom is considering similar legislation and has released a draft for public discussion.

By focusing on the proceeds and assets, we would do the following: first, we'd remove the proceeds of unlaw-

ful activity and compensate victims; second, we would starve corrupt organizations of the capital needed for financing other unlawful activities; finally, we would deter the corrupt organizations from victimizing more people.

Bill 30, if passed, would allow the courts to freeze, seize and forfeit to the crown the proceeds of unlawful activity. It would allow the courts to forfeit assets that would likely be used as instruments or tools in the commission of future unlawful activity. It would allow the province to take to court two or more people who conspire to engage in activities that are harmful to the public. Most important, it would enable victims of unlawful activities that lead to forfeiture to claim compensation against those forfeited proceeds.

1610

Ontario consulted authorities in several other jurisdictions about using this approach. The international experts who spoke at last year's organized crime summit told the audience about some of their successes in applying civil forfeiture laws.

For example, Detective Superintendent Felix McKenna of the Irish Criminal Assets Bureau said that some people have simply left Ireland rather than risk losing the money they have made from unlawful activities.

Mr Marchese: How much?

Mr Dunlop: I'm not sure how much they've taken. We haven't got the data on that.

South Africa has also had its successes. It introduced civil forfeiture in 1998 and has seized more than C\$14 million. Certain people who were openly involved in unlawful activities and flaunting their wealth have had their assets removed by the South African authorities. In a short period of time, South Africa's civil remedies legislation has sent a strong signal to all citizens that the country will not tolerate those who are engaging in unlawful activities.

The threat to the people of Ontario is real. The people involved in organized crime do not stand still. It is our duty as a government and our duty to the people of Ontario not to stand still either.

With this bill, we are taking what we've learned and applying it to the made-in-Ontario strategy. As a result, we have proposed legislation that deters unlawful activities and helps victims, balanced with protection of property and privacy rights.

I urge all members of this Legislature to support this very important bill, and I appreciate the opportunity to say a few words here this afternoon.

The Acting Speaker: Further debate?

Mr David Tilson (Dufferin-Peel-Wellington-Grey): This is a time allocation motion and normally we'll hear the rants of the opposition as to how we're ramming this bill through and—

Mr Marchese: It's so unfair.

Mr Tilson: The member says it's unfair, but we have had a substantial amount of debate in this House on this bill and on the predecessor, Bill 155. Bill 155 was introduced back in December of last year. It was reviewed by

the standing committee on February 20 and 21, 2001, and it died on the order paper. Of course, this bill—

Interjection.

Mr Tilson: Mr Speaker, I'm having trouble from my friend here. He's interrupting me. He wants to hear—

The Acting Speaker: Order. Then you will address your comments through me and he will not say anything.

Mr Tilson: This bill has had, therefore, substantial discussion and it is a shame that we have to spend additional time with respect to having this bill passed by this House. The standing committee on justice and social policy did spend two days on the hearings. We heard from reputable speakers from the province of Ontario and from the United States. The chief of the Toronto Police Service, Julian Fantino, spoke to the committee. The Office for Victims of Crime, Scott Newark, spoke to the committee. There were some representatives who came from New York state, where similar legislation is in existence: the Office of the Nassau County District Attorney, Mr Robert Nigro; Mr Vaughn Collins of the Ontario Provincial Police. All of these people recommended that this legislation be introduced in this province and be passed, as it is working successfully there.

The United States has had it the longest in its history, as has been stated by the other two speakers.

Interjection.

Mr Tilson: They've been active since 1789, member from Trinity-Spadina—I believe that's where he is from. There's a long, long line of cases in the United States Supreme Court and all of the circuit court levels to learn from. There are at least 140 federal United States statutes that deal with civil forfeiture. Virtually every state has civil assets forfeiture of one kind or another. We focused on New Jersey and New York simply because they provided a comparative base for us to study.

A great deal of time has been spent by members of this House on the purpose of the bill. If passed, as indicated, it would allow the courts 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 unlawful activity. Our American friends indicated what happened to many of these assets. Ultimately, after a conviction has taken place, these seized assets which were used to commit crime and organized crime activity were then used against the organized crime. So it has been most successful in the American jurisdictions.

The second purpose of this legislation would be to take to court two or more people who conspire to engage in activities that harm the public.

Third is to enable victims of unlawful activities to claim compensation against these forfeited proceeds.

Mr Borovoy I think was one of the civil liberties people who were trying to put forward the view that this was against the civil liberties of individuals.

Mr Marchese: And what do you think?

Mr Tilson: In answer to your question, no, I don't think it is. I think this legislation is civil legislation. It's not criminal legislation, as has been suggested by others.

It will focus on property, the proceeds and assets, and not on individuals. The Criminal Code, of course, focuses on individuals. The civil actions under this legislation would be entirely different from criminal prosecutions. So, as the Attorney General has stated, Ontario would continue to investigate and prosecute organized crime figures in criminal court.

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 will prosecute the cases.

So with the legislation which is under debate here today, we recognize that Ontario would be breaking new ground in Canada if this legislation were to be passed. I do recommend that all members support the legislation.

In each of the countries that I and other members have indicated—South Africa, Ireland, Australia, the United States—authorities have successfully used civil law to seize the proceeds of unlawful activities and to hit the corrupt organizations behind these activities where it really hurts, and that's in their wallet.

There is a need for this legislation. To quote Vaughn Collins, who is the deputy commissioner of the office of provincial command, investigations/organized crime unit, who spoke to the committee on Bill 155 on February 21 of this year, "Over the past 15 years there has been a dramatic increase in the number of established criminal organizations in Canada. Their primary goal is the acquisition of wealth and the pursuit of power. Organized crime activities affect the lives of all Canadians, socially and economically. The average citizen would probably identify the crimes of drug trafficking and illegal gaming as associated with organized crime groups. Today, organized crime groups are involved in a wide range of criminal activities which include money laundering, prostitution, illegal immigration, alcohol, tobacco and weapons smuggling, securities fraud, credit card fraud, document fraud and telemarketing."

With that need, we believe that this legislation will assist in combatting organized crime in the province of Ontario.

1620

Mr Bruce Crozier (Essex): I'm pleased to rise this afternoon and speak to Bill 30, An Act to provide civil remedies for organized crime and other unlawful activities. As my colleague suggested at the outset of his comments, the member for Dufferin-Peel-Wellington-Grey, I won't rant on about this being a time allocation motion; I'll just give my normal objection to the fact that, when it comes to important legislation such as this, crime legislation, I would hope that every opportunity is given to every member in this Legislature to speak to it. But once again we find ourselves with a motion to limit debate, and because that's an unfortunate habit of this government, we're going to have to contend with it.

I can say at the outset, of course, and I suspect that other colleagues of mine have said, that we support this bill. The government has reintroduced what was Bill 155,

which died on the order paper after the previous session, which would allow the crown to use civil legal proceedings to seize assets through criminal activities, using a civil standard of proof, that being the balance of probabilities.

The major amendment to Bill 155 was the removal of the so-called J. Edgar Hoover clause that would have permitted the collection of personal information, including health records, without any court or other supervision. The reason that we were so concerned, at the time, that this clause was in the previous bill is evidenced by the fact that, just in the last few days, health records have been able to be obtained through hacking on the Internet. That goes to show how absolutely imperative it is that we take every step we can to retain the privacy of one's individual health records. I suggest that there isn't anything about ourselves that is more private than our health records. There are things that we tell doctors that we would not tell anyone else, in some cases not even family members. So I am pleased that in this version of the bill, in Bill 30, the J. Edgar Hoover clause has been removed.

The bill, though, would allow the Attorney General to seek a court order ordering the forfeiture of property that is the proceeds of unlawful activity. A similar action or application may be brought concerning property alleged to be an instrument of unlawful activity. A court would have to hold a hearing in order to determine whether the property would be forfeited. The court proceedings occur in a civil court in this case, even though we are talking about proceeds of crime. Accordingly, a person who is not yet subject to criminal proceedings may still have his or her property seized. I think we have to take into account how serious that is. Our civil liberties, our right to justice, our right to a trial, our right to be presumed innocent until proven guilty are one of the foundations of our country and of a western democracy. Yet in this case, we have to be very careful to understand that, under this bill, action can be taken when someone has not yet been charged. Notwithstanding that, before the final hearing for an order for forfeiture, the Attorney General can bring an interim motion to have the property in question seized and preserved. The interim motion may be made without notice to the respondent, meaning that the property owner won't get a chance to respond. Again, we have to caution government officials, and I know the court will be cautious, that these steps not be taken lightly. This is our inherent right. Property is something that we hold dearly. The actions taken under this bill must be taken very carefully.

"Any unlawful activity" is an act or omission that is an offence under any federal or provincial law. An offence may be found by a judge even if no person has been charged with the offence, as I have said, or where charges were withdrawn or stayed or the person was acquitted on the charge. This definition is so broad that someone who contravenes, for example, the Bees Act, which outlines the responsibility of beekeepers, could have his or her property seized. Liberals did seek some amendments to the bill that would prevent this. I know

that's an extreme case, and that's why I point out that this legislation will only be used in those extreme cases and when those who make the judgment can be reasonably assured that there are criminal offences involved.

When property is forfeited, the Minister of Finance may make payments from the property to victims. The crown or a municipality, for that matter, can have payments made to them in the case of losses that they have incurred. The Attorney General may bring an action or an application for any order the court considers just, where two or more persons conspired to engage in an unlawful activity and the activity resulted in injury to the public. The court also may order that the injury to the public be prevented or reduced. The court may also order that damages be awarded to the crown.

In the first draft of the bill introduced in the fall of 2000, there were significant concerns about the protection of personal and health information, as I outlined initially. The bill, thankfully, has since been changed, and the Information and Privacy Commissioner is now satisfied that adequate protections for personal and health information exist. Again, I refer to the recent incident where health information has been obtainable by hackers through the Internet. The Information and Privacy Commissioner in that case had been informed throughout the whole process as to what it was the Ministry of Health intended to do. What happened, though, was after the commissioner had understood what process was being used, there were other mitigating circumstances that weren't passed on to the Information and Privacy Commissioner. Again, I caution the government or anyone who may use this legislation once passed that they be very careful how that information is used.

A gatekeeper will be appointed by the Attorney General, and that gatekeeper must oversee the collection of any information. A court order is required to collect any personal and health information.

Now I'd like to just briefly tell you why it is that we in the Liberal caucus and our leader, Dalton McGuinty, agree with this bill and support the bill. There is a well-established link between organized crime and terrorism, which has been recognized by Canada through the United Nations General Assembly resolutions. Bill 30 would permit the seizure of assets of organized crime and terrorists alike, hitting them in the pocketbook, as recommended by CSIS and other security experts. That we agree with. What is crime all about? It's generally about profits. If you can hit criminals in the pocket, we agree with the government that that's the right thing to do.

1630

It might be interesting to note that Ontario has lost over \$1 billion to organized crime just since this government took office. We're falling behind in the fight against organized crime and this bill is a step in the right direction.

I've commented in the last few days that we've used the term in this Legislature "first steps." Our concern is often that there's no second step. In this case, we agree, again, that this is a step in the right direction. I hope and

expect that the government of the day will keep their eye on this legislation and if there are any problems that arise with it, those will be dealt with expeditiously.

There are some problems with the bill, though, Speaker, and that's what we want to bring to your attention and to the attention of the government. We hope that when it passes—and I have no doubt this bill will pass—we will keep an eye on these problems.

Unless the government commits an army of forensic accountants and prosecutors to enforce the bill, we are concerned it will be rendered useless. In other words, we can't just use this for public relations. We can't just say to criminals, "You better behave because we have this kind of protection under the law." It's something that I think we will have to be aggressive in enforcing.

We in the Liberal caucus are wary of supporting anything that is simply a public relations issue and will hold the government to its commitment to beef up enforcement on both the criminal and the civil side of fighting organized crime.

This government has only committed some \$4 million to fight organized crime, when we all understand the extent of organized crime, not only in Ontario but trans-border in the provinces. That amounts to a staggering \$7 billion a year in Canada.

The government has repeatedly reannounced this initiative but they haven't taken any action until now. I hope, when this bill is passed, that it receives speedy royal assent and is enacted.

This initiative was first announced in the Toronto Sun in May 2000, a year and a half ago. The Attorney General of the day, Mr Flaherty, attended four summits on organized crime—in Vancouver, New Jersey, Delaware and Washington. Then in August 2000, Attorney General Flaherty hosted a summit on organized crime in Toronto.

Mr James J. Bradley (St Catharines): He must have a lot of frequent flyer points.

Mr Crozier: I would imagine he does have a lot of frequent flyer points and is probably going to get more in this leadership race.

The government introduced this bill in the fall of 2000, as I and others before me have said in the Legislature, only to let the bill die on the order paper late last year.

Ontario Liberals have significant concerns that the bill is overly broad, potentially capturing activities that have nothing to do with organized crime. We had hoped that some Liberal amendments would be accepted on this, but, as has often happened in the eight years that I've been here, opposition amendments aren't received as being very friendly, and unfortunately this bill hasn't been amended to the extent we would have liked.

There are already significant powers of seizure available to the crown under the Criminal Code. The Attorney General just a few minutes ago acknowledged that, and acknowledged that he had worked with the federal Attorney General in drafting and working on this legislation and that this is not anything in opposition or

opposed to federal criminal legislation but that it is intended, through the civil courts in Ontario, to enhance that.

In committee hearings, Professor Margaret Beare of Osgoode Hall Law School said, "Ontario is the province that tends to use" this, the existing power of seizure under the Criminal Code, "less than some of the other provinces." So therefore, as I said before, we hope that this legislation is used in a very proactive way.

I just want to point out that it was our leader, Dalton McGuinty, who aggressively brought to the Legislature our concerns about the so-called J. Edgar Hoover clause that was previously in the legislation and that we wanted to be absolutely sure and ensure that privacy protections were put in place in this bill. Ontario Liberals support the efforts to crack down on crime and its causes. I can say that with all sincerity. I don't think there's anyone in this Legislature who doesn't want an aggressive stance taken by the government of the day on crime. We in the opposition will put the government's feet to the fire to ensure that resources are committed to this bill to ensure that terrorists and mobsters are hit hard in the pocket-book.

It's a bit unfortunate that probably within the next couple of days this Legislature will be recessing for what may be four or five months. We've made the offer that we will come back next week or next month and support any legislation that's on the order paper that would help fight crime. In fact, I might point out that at the present time there are some bills that I would hope we'd have the opportunity to deal with before this Legislature breaks in addition to this crime bill; for example, the Victim Empowerment Act, which is at the second reading stage. We would hope that the government sees fit to bring that forward. We would hope the Prohibiting Profiting from Recounting Crimes Act, Bill 69, gets brought forward.

Mr David Caplan (Don Valley East): Bill 134.

Mr Crozier: Bill 134, thank you. We would hope Bill 134 is brought forward as well.

As I said, we're willing to sit next week, we're willing to come back next month, because there is a lot to be done. There's a lot to be done in just a day and a half, and we want to support the government in those areas where we feel the legislation would be tough on crime, and other pieces of legislation as well.

So I conclude by pointing out once again that although we have some reservations with this bill and although we won't be in the Legislature to keep the government's feet to the fire, we will be busy in our ridings and back here at Queen's Park from time to time in order that we may see that this legislation, once passed, once enacted, becomes effective.

The Acting Speaker: Further debate?

Interjection.

Mr Gilles Bisson (Timmins-James Bay): If anybody wants to know what that was all about, I looked at my colleague, saying, "Is my tie straight?" Now I have no idea.

Mr Caplan: Now I feel like his mother.

Mr Bisson: No kidding. Does it look OK, guys?

Interjection.

Mr Bisson: Thank you. I've got to fess up one way or another, so if it's crooked you'll know I didn't look in a mirror.

I've got four of our colleagues, including myself, who want to speak on this time allocation motion for a number of reasons. I want to deal specifically with the time allocation portion and I'll leave our critic and others to speak about the details of the bill.

1640

You will know that this is not the first time the government has brought a time allocation motion to this Legislature. In fact, it is now the norm. There are very few times in this Legislature under this current regime that we have seen the government actually introduce a bill that went the regular course when it comes to passing through this House. I think that is really a problem, not only for us in the opposition but, I would argue, for the government and backbench members as well. I think it speaks to the point that this Legislature has become dysfunctional as a result of the various rule changes we've seen in this House.

To the government I'm going to say you're greatly responsible for that, but you're not the only ones. All parties, quite frankly, have had their hand at changing the rules in this Legislature, to the point we are now, that there isn't really good debate any more where there is an exchange of ideas to bring to the floor of the assembly the points our constituents raise with us with the full knowledge that the government might listen and make amendments to legislation.

I bring to your attention, for example, my good friend Tony Martin, who right now is working on the Ontarians with Disabilities Act. He has travelled the province with the committee for a mere five days. We've had to do that during the session. In many of the places people have gone, they have found there was not adequate time to deal with the issue. But the point is, there are a number of really good amendments that Mr Martin is trying to put forward on behalf of the disabled community at committee as we speak, and the government has time-allocated the bill to the point that there is virtually no time to deal with the amendments. Even if the opposition was to have the time, there would not be an attempt on the part of the government to make any changes to their legislation because the rules in this House have made it such that a government can pass anything it wants and doesn't have to have due regard for the process of the Legislature or for what opposition members have to say. I say that's a really sad point and that we need to change the rules in this House and we need to find a way to make this Legislature work yet again for the people of Ontario.

I, as an individual and also as a New Democrat and as the critic on this particular issue, want to speak to that issue. There are a number of things that I believe we need to do, and I want to propose what we could do in order to make this Legislature work well. Our party, the New Democratic Party, under the leadership of Howard

Hampton, is presently working on a number of issues, and has been for the past six or seven months, that deal with the whole issue of democracy and how people can find a voice in this Legislature. Part of the issue is what happens during elections. The other part of it is how the House deals with business once it gets here.

We as a party will propose that when it comes to elections, the provincial government should be selected by means of a different type of balloting system. We believe the current system of first past the post, where the provincial government gets elected on 43% or 44% of the vote, as in the last election, and clearly has over 50% of the seats in the House, is really the wrong way to go. Canada and Great Britain are the only ones that use that system today. Every other Parliament, every other Parliament that is based on the British parliamentary system—New Zealand, Australia and all others—has moved to proportional representation. Even the Mother of Parliaments is now talking about moving to a PR system.

I would propose as a New Democrat that we move to a PR system. If elected as a government, the NDP would move forward with legislation that would change the electoral process to move us to a PR system. The model, I think, could be debateable. Some argue, as the Liberals have, that there should be a referendum by which people would decide what the model is. I think it's much better, quite frankly, to propose a model.

The model I would propose is very simple. There are now 103 seats in the province of Ontario. We would have an election as we do all the time. There would be 103 ridings and in each of those ridings there would be candidates who would run. The member elected would be the member first past the post, just as now. The only difference is that after the election you would look at the percentage of the vote each of the parties got and you would adjust the members in the House by the percentage of vote they received in the election as parties. So in the last election, Mike Harris, who got 43% or—

Mr Bradley: Did you propose this in 1990?

Mr Bisson: That's what we should have done in 1990 or 1987 or 1995. The point would be, if the Tories got 44% of the vote, they would be the government but they would only get 44% of the seats in the House, and each of the opposition parties would be adjusted according to their percentage to make sure there was proportionality in this House. Why? Because that way at least there would be an opportunity for the government to have to listen to what the opposition parties say. Every person who votes in the province of Ontario would have their vote count for them, because no matter where you were, no matter who you voted for, you would know that your vote counted for two reasons: (1) because your member who is elected would obviously have more ability to make sure the views of the constituents are heard; and (2) no matter how and where you vote—for example, if you live in the riding of Timmins-James Bay, where the Conservative Party is lucky to get 10%, the person would still be able to vote knowing that the percentage of vote

would count toward the overall aggregate of the party. If you're a New Democrat, a Liberal or a Tory, if you're voting in a riding that's strong or weak for your particular political party, your vote would count in the end, and that to me is very important.

The other issue is that I would move toward trying to change the rules of the House. I believe the only way we're ever going to change the rules in this House, quite frankly, is when we're in a minority Parliament. I don't believe that any government coming to power is going to make the changes to the rules that need to be made. I know that Mr Stockwell mused today about the idea of making some changes, but I believe the only way that's going to happen is if we move to a minority Parliament.

I would propose that we do a number of things. The first thing is we have to accept that a government that is elected has a right to pass legislation. There's no argument. I don't argue, at the end of the day, that the Tories don't have the right to pass legislation. That is how our democratic system works. But we must be able to temper the power of the government to pass legislation in such a way that they at least have to slow down, listen to what the public has to say, take into account what the public has to say through their politicians in the opposition or the backbench of the Tory government and make changes accordingly.

One of the things we could do around here is change the rules in the Legislature to temper some of the power of the government, so they don't have the ultimate power they do now to pass legislation. I would remove the whole issue of time allocation from the rules. That's something the NDP did that was totally wrong, in my view, and something this government has accelerated beyond where we thought it was ever going to go.

There are a number of other things I would do to the rules, but in the few minutes I've got left I wouldn't have enough time to cover them off. I just want to end with this: when we were the government, the Tories while in opposition for a long time argued that they were going to be different. I was part of a government that invoked closure, I think, some 20 times in the five years of our government. The Tory party at the time made us believe that if they were the government they would never invoke closure in the way the NDP had or the way the Liberals had before us; they were just as bad as far as I'm concerned. These Tories, on being elected, have moved to closure on almost every piece of legislation the government has introduced over the last number of years. We now far exceed the 20-some time allocation motions that were put in place by the New Democrats and the equal number of time allocation motions that were put in place by the Liberal government.

I say this government doesn't walk the walk. This government said one thing while in opposition and is doing something quite opposite now that they've come to government. Quite frankly, that is a breaking of a promise. The Tories said very clearly that they were not going to be bullies in the Legislature, that they would listen to the opposition, something they haven't done. By way of

this time allocation motion, I have the opportunity to raise that issue and to propose what we would do as a government. I know that other colleagues in my party would also like to speak, and I'll leave the rest of the time for them.

Mr Marchese: It's good to have an opportunity to say a couple of things—not a lot, because so many others want to speak in such limited time, as you all know. When we move closure on most of these bills, it's tough. Of course, the government argues, "It's time to move on; we've had enough debate." So much so, they argue, that we even had a bill that was introduced in the previous session very much related to this bill.

Mr Tilson: You do go on and on and on.

Mr Marchese: I want to say to my friend from Dufferin-Peel, because he was one of the three who talked about the fact that there was a similar bill before—I wonder to myself, and you good taxpayers probably wonder too, if this bill was as important as they claim, why they couldn't have found the time to pass it in the previous session. If indeed we have had so much debate on this issue and if indeed it is so important, please pass it in a timely way. This is a reintroduced bill. I have to say, taxpayers, that it is my view as a non-lawyer that much of what the Attorney General wants to do by way of using civil law to freeze, seize and forfeit to the crown the illegal profits of organized crime is already achievable by current common-law laws. They can do it. The problem is they want to introduce a bill that makes it appear, once again, that this government is tough on crime.

1650

Ms Marilyn Mushinski (Scarborough Centre): We are. We are.

Mr Marchese: Yes, but Marilyn, you're as tough on crime as you were with the bill that pretended to give rights to victims through the Victims' Bill of Rights, only to discover from Judge Day that there were no rights in it. That's how really tough you are. You are so tough that you pass bills that have no power in law. That's how tough you are. The only thing you can go after, Marilyn, are squeegee kids, because then you can show how tough you are on crime. You go after those poor little squeegee kids, right? That's the kind of power you've got. It's like the power to beat up on little kids, right? And you need to pass a law to do that. As if you don't already have the power to do that, you need to pass a law to go and beat up on little kids cleaning cars. That's how tough you people are. Is that really tough? I don't know. I don't see it. It's like being a parent who wants to beat up his child. Why? Because you can if you want to.

All this is about politics. It's about the perception of going after organized crime. You just have to say, "We are against organized crime and we are going after organized crime, unlike any other government before," and by saying it you hope the taxpayers watching are going to believe you. It's really all about that. There's nothing more to it. If 90%, more or less, is covered by common law at the moment, why is it you need a bill? You need it

because you want to pretend to the people of Ontario that that's not good enough and you want to be tougher on crime.

We have argued in this place that the Criminal Code exists. The provisions of the Criminal Code use a criminal standard of determination of a crime that must prove beyond a reasonable doubt, and we believe that standard is the most appropriate standard to use when you're going to go after someone who may have committed some crime.

The problem with this bill is the government is saying it should have the right to seize property and money when there hasn't even been a conviction or when an individual has been found not guilty. That's the kind of power you are giving yourself and the police. That worries many of us. For you to give yourself the power to seize property and money when there hasn't been a conviction is worrisome, and that's why we're opposed to the law.

We won't argue like some other members here that we're going to keep an eye on you after you have passed the bill. It's not going to work. The point is to prevent the government from doing something that we think is going to be harmful in some cases to some individuals, and to do it before they put it into place, not to argue that once you've passed the bill we will be vigilant to make sure the innocent will be somehow protected. That's not the way it ought to work.

One individual, Tom Naylor of the Nathanson Centre, says this: "Organized crime is mostly made up of small-time operators with short career life expectancies, whose earnings are generally modest and almost always blown on fast living, leaving little or nothing left to seize. Forfeiture will, at best, fill the coffers with trailer homes, cars and motorboats of ordinary citizens with no sign of the narco-barons, mansions, yachts or gold-plated bathtubs."

These people, we presume, are experts in this field and they're saying you're not going to get the gold-plated bathtubs. You're going to go after some individual who commits these petty crimes, and you'll be able to get to some of them that the Criminal Code isn't getting. That's probably true. My point and our point is: at what cost? It's at that cost that we worry about the nature of this law, the purpose of this law and the effectiveness of this law with respect to what you're trying to accomplish.

David, you're a lawyer. I don't get it. You're a lawyer. So many of you are lawyers. Some of you lawyers frighten me, I've got to tell you.

Mr David Christopherson (Hamilton West): Forgive them.

Mr Marchese: Forgive them, for they do not know what they do. They're lawyers, for God's sake. They ought to be using a higher standard. There ought to be a higher threshold for them to argue these cases, but I'm not quite sure what the heck they argue in this place. They frighten me when they do that.

The standard we use under civil law is a lower standard that, in our view, potentially threatens many innocent

people. So it may not accomplish what you set out to do. In fact it may endanger some. All for what, if the current code allows you to do it?

Mr Tilson: I'm not talking about—

Mr Marchese: What are you talking about?

Mr Tilson: I'm talking about civil proceedings.

Mr Marchese: What am I talking about? I'm not even a lawyer? What am I talking about? Yes, I'm talking about civil proceedings; that's what I'm talking about.

Interjection.

The Acting Speaker: Order, the member for Dufferin-Peel-Wellington-Grey. The member for Trinity-Spadina has the floor.

Mr Marchese: Common law already gives you that power. I know you want to codify it, because in some ways you think it'll be much more effective if you do that, and some of you will argue that. I argue, being a non-lawyer, at what cost? Do you want to use the lower threshold? David, at what cost? All because you, Attorney General, want to be tough, right? You want to be perceived as one tough Attorney General. David, the other lawyer, from Dufferin-Peel, wants to be seen as tough too because he knows, when they do polls, that appearing to be tough is the way to go.

Is it effective? It doesn't matter. Do the people like it? Yes, because the polls they do with our taxpayers' money reveal that when you appear to be tough on crime, it works. That's what the member for Dufferin-Peel knows. Any lawyer would know that, but you don't have to be a lawyer to know that. Most of the other guys know the same. You do polling, you come back and you say, "OK, what law are we going to pass next to beat up on somebody or other?" The only thing you're good at is being tough on those little squeegee kids cleaning windows.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): Why do the police chiefs support it?

Mr Marchese: They love power, of course. The chief of course loves to have power and to have more power, as much power as you can give him. What the chief also wants are more policemen and policewomen on the streets, which you haven't given them in the last six years.

Ms Mushinski: No, that's not true.

Mr Marchese: "It's not true," they say. Of course they're going to say it's not true. So who's telling the truth?

Mr Tilson: We are. We're telling the truth.

Mr Marchese: The member for Dufferin-Peel, the lawyer, is telling the truth. What the chief wants are more men and women policing those streets, which they don't have. They had more under the NDP in a recession than they get with this government in good economic times. I know it's hard to believe, David. I know you want to shut your ears to it. The member for Dufferin-Peel will insist, in spite of all the facts—by the way, Speaker, he doesn't have the facts in front of him, so he can claim, with all legitimacy, that of course there are more policemen and

policewomen on the streets than ever before. He can claim it and he says it. It's irrelevant.

Mr Christopherson: If he says it often enough, he believes it. It doesn't matter if it's true or not.

Mr Marchese: They all say they believe it. "Oh, yes, we have more." The member for Dufferin-Peel, I know. Just look at the numbers. Ask somebody in your ministry, "Is it true what Marchese is saying? Is it true what Mr Christopherson is saying and the critic from Niagara Centre? Is it true that there are a thousand fewer men and women on the streets today than there were in 1994?" Just ask them, and then come back in this House and say, "Marchese, you were wrong." Just do that for me. Can you do it? You're a lawyer. You'd be able to do that rather quickly. Ask the Attorney General to give you that info. The Solicitor General would have that info.

We are opposed to this bill and we say it clearly. We're not frightened to say to the taxpayers of Ontario that this bill will not accomplish what they want. It won't do it. The Criminal Code exists and it's more effective. Common law exists at the moment to be able to get to this issue in a way that protects innocent people, and that's what we are about as a party, and that is why we are opposed to this bill, unequivocally and very clearly.

1700

Mr Bradley: This is indeed an interesting bill, but what's even more interesting right now is the time allocation motion that faces us. For the people who are watching this perhaps on their television sets at home, I should clarify that. That is the choking off of debate, the ending of debate or the government allocating how much time there shall be for the debate on a piece of legislation. We are operating in this Legislative Assembly at this time almost exclusively on what are called time allocation motions. That's most unfortunate, because it's what you would call anti-democratic. Is this the first government that ever used a time allocation motion or a closure motion? No. But this government has consistently used these motions to pass legislation through this House even after this government imposed upon the Legislature drastic changes to the procedural rules of this House to grease the skids for legislation that it deems appropriate for the province.

The best way to deal with legislation is to have the government sitting most of the year so that it can receive careful analysis and debate in this House and in committees and, in fact, in committees that travel across the province to get meaningful input. We do not have that.

People at home will be surprised to know that this government actually wants to end this session this Thursday. Most people I know have to work virtually to Christmas Eve. That is, they're on their jobs doing primarily what they do until virtually Christmas Eve; they have Christmas off and perhaps Boxing Day off. They might even have that week off between Christmas and New Year's and New Year's Day itself. It makes sense, it seems reasonable.

In this Legislative Assembly, this government wants to end everything on the 13th, pack up and head out for

about five months. Our House leader, Dwight Duncan, MPP for Windsor-St Clair, has written a letter to the government House leader saying we're happy to come back next week, we're delighted to come back in January. I always hear these people talk about the federal government. I never hear them say that the federal government brings the House of Commons back into session at the end of January, the last week of January. In this Legislature, it is likely these people will not bring the House back till April or May of next year. That will be about five months without the House in session, without the government being accountable to the elected representatives of the people of this province.

You say that to people and they look at you as though somehow you're putting one over on them. "That can't be," they say, "because I turn on the television set and I see the Parliament on." The Parliament they will see, of course, is the federal House of Commons, which is in session in January, February, March, April, May, June, while this House does not sit.

This does not mean—I like to be fair-minded—that members of this assembly are doing nothing during that period of time, but it eliminates the opportunity for the kind of scrutiny we need. Of course, people in Perth, people in Algoma-Manitoulin, people in Hamilton West and people in Oakville are looking for the people sitting in the chair and wondering where they are. "Where is the person we know affectionately as Bert Johnson in this House? We don't see him in the chair. David Christopher, we don't see him in the chair. Mike Brown, we don't see him in the chair, and Gary Carr." We know each other by these names. It's not appropriate in the House to call each other by those names, but people will wonder where they are.

We could be spending time dealing with other pieces of legislation if this bill would go through, and I think if there was an agreement or a package of legislation that was put together, you'd see some pieces of legislation such as this moving more quickly.

But I have a situation in my riding you would be familiar with where the executive director—as I refer to the person—of the community care access centre appears to have lost her job. This is what the St Catharines Standard had to say about it:

"Cathy Chisholm, outspoken chief executive officer of Access Niagara, was recently forced out of her job, the Standard learned on Monday. Board chairman Ross Gillet, who disagreed with the way Chisholm's contract was handled and also with the proposed provincial legislation that will change the way access centres are governed, resigned November 28."

This is startling in our area because we had a very good community board; top-notch people in positions, and they're being fired out the door. I wondered why this was happening and then I read what my colleague from Niagara Falls, Bart Maves, had to say. It says:

"Niagara Falls MPP Bart Maves, who is parliamentary assistant to Health Minister Tony Clement, said ... there will be some 'new blood' brought into boards and senior staff positions across the province."

I think the member for Niagara Centre would agree with me that probably he didn't mean new blood, he meant blue blood, because I see now appearing on these boards across the province well-known Conservative financial supporters and Conservative adherents who will be silent—the cat will have their tongue—in their criticism of this government.

Make no mistake about it, if we were dealing with that bill today, the bill that establishes the new regime for community care access centres—in other words, the hostile takeover of community care access centres—we would clearly be able to expose the fact that it's all about muzzling the people who are critical of this government. When the boards and employees of community care access centres—that's the home care deliverers in various parts of the province—dare to be critical of the government, they end up losing their jobs or having to leave the board. So we're going to see a brand new regime. Bart Maves says new blood; I say blue blood is what we're going to see on those boards.

I would like to be dealing further with that legislation, to persuade the government, and perhaps be prepared to move this kind of legislation, but this government makes no such proposal to the opposition. So our only conclusion is that we should come back next week and in January and perhaps in February to deal with legislation that is before the House.

Right now, the trick that they're using—and the NDP and Liberals know this—is they phone their various groups and say, "Phone the opposition and tell them to stop delaying the legislation."

Mr Rick Bartolucci (Sudbury): I've gotten those calls, Jim.

Mr Bradley: The member for Sudbury has had those calls. We've all had those calls.

I explain to the people, "Do you not remember when the Mike Harris government imposed new procedural rules on this Legislature which allow the government to dictate the timetable and the schedule for all legislation?" I also tell them, "You might want to tell the government to come back earlier instead of coming back so late in September." They sit day and night and they still are unable to get their legislation through. So that's one problem we have out there that we should be dealing with.

This bill will require financial resources to implement it. I want to say again in this Legislature, because you can never say it too much, that I think the government members, in their heart of hearts, know what I'm saying is right. I don't expect the cabinet to agree with this, but the government members, in their heart of hearts, know that there's a panic on in the office of the Minister of Finance, and the panic has spread to the Management Board of Cabinet. The reason for that is they're implementing these huge, enormous tax cuts, the kind of tax cuts that Jeb Bush, brother of the President of the United States, is saying, "We can't afford these tax cuts and provide services. So in Florida, we're going to forgo those tax cuts." That's what they're going to do. So I understand the panic that has set in.

1710

Interjection: He's a good Republican.

Mr Bradley: A good Republican, says the minister.

In case some of the government members didn't know it, panic has set in in the finance minister's office, because he realizes he's going to lose \$3.7 billion in tax revenue because he's unwisely proceeding with yet another round of tax cuts.

Interjections.

Mr Bradley: I disagree with that as well, I say to the member.

Some \$2.2 billion for the corporations, \$500 million for the private school tax credit that I know some of you don't agree with, and about \$950 million to \$975 million in more personal income tax cuts. Anybody I talk to says, "Forget about the tax cuts. Invest in health care." After the federal budget, we had the solemn face of the Premier and the angry face of the Minister of Finance blathering on about wanting more federal money. What they want the money for is to pay for the tax cuts. I don't blame them for wanting more money, because they're losing so much money to these tax cuts that they're having to make big cuts in government services or they're going to have to run a deficit.

The Honourable Chris Stockwell, the Minister of Labour, says, "No more tax cuts. I can't promise to proceed with these tax cuts." I understand today he also introduced a package of reforms designed to attract more backbench members of the caucus to his cause, something about formulating government policy and backbench involvement. He is what you'd call—I'd like to say "delegate-challenged," but that's not correct. He's MPP-challenged right now in terms of his support, so perhaps this will gather more on the government side to his particular cause.

Mr Jerry J. Ouellette (Oshawa): Are you giving him a plug?

Mr Bradley: I wouldn't call it a plug. I'm happy to see that he finally agrees with the Liberals. He finally agrees that you can't have these tax cuts and have quality health care, education and environment, and, of course, the implementation of this bill through the resources that are required to implement it.

I also see in our communities, and I'm sure most members would agree that this is the case, a deficiency of accommodation and services for people who are developmentally delayed. What happens is that these individuals, when they are children, are often looked after well by their parents. There are some real challenges there, some difficulties encountered, but they are looked after by their parents. Then they become a little older, get into their late teens, into their twenties, into their thirties. These individuals are not going to develop further in terms of their intellectual abilities. They are people who have disabilities, and they require our assistance. What happens is, the parents lose control. Perhaps there's violence in some cases, depending on the particular challenge the person faces, and they are beside themselves

looking for accommodation. We simply do not have that accommodation.

Again, I would say that most people would say, "Please don't give me a further tax cut. Provide some accommodation for people who are in this category." The parents who are having great difficulty, and the individuals themselves, through no fault of their own, require some government assistance.

Today, the Leader of the Opposition and the member for Prince Edward-Hastings raised the issue, as we in the Liberal caucus have on a number of occasions, of macular degeneration, the wet form of macular degeneration, which can be helped using the drug Visudyne.

Interjection.

Mr Bradley: The question was—I believe it is the wet form. It's age-related. We had a person in the members' gallery today who is afflicted with that situation.

I thought the Leader of the Opposition put it appropriately: the role of government is to help people like that. The individual who was in the gallery was a person who had paid her way through society, raised her kids herself, had a job out there, tried to work hard, lost the sight in one eye and is losing the sight in the other eye. According to the Minister of Health, at least five other provinces, and perhaps two other provinces to a certain degree—so that's seven provinces out of 10—actually provide funding to look after macular degeneration. We have raised this on numerous occasions. It appears to be a bureaucratic bottleneck in the best of cases, and simply an exercise in saving money in another case.

Mr Ouellette: I think it's ideology.

Mr Bradley: The member for Oshawa and I have engaged across the House in some questioning and discussion on this. I understand that you can't simply pull a drug or a treatment out of mid-air and say, "Away you go with it," and finance it, but this has been approved. Approval goes through Health Canada for any of these drugs or treatments, so it's approved in a medical sense. Seven provinces, in one way or another, assist in meeting the cost of Visudyne.

Mr Ouellette: Does it help people with gene problems?

Mr Bradley: It is hard to say how many people it will help.

Hon Mr Young: On a point of order, Mr Speaker: I know that the members opposite have expressed some concern about the lack of time that is available to debate the organized crime bill, yet during this very time when we are discussing that matter, we have my friend talking about subject matters that seem to have absolutely nothing to do with the matter at hand. I wonder if he might direct his comments to the issue.

The Acting Speaker: As you know, we are speaking to a motion referring to time allocation. Those debates can be very broad in that people can talk about issues that may be foregone etc. Given the fact that they are also time-allocated to caucuses, the Speaker will permit a little bit of latitude. The member for St Catharines has

maybe wandered a little far, but I am sure he will relate that back to the particular motion.

Mr Bradley: I understand, as members on this side will understand, that that is a touchy subject with the government. I understand that. I understand why the Attorney General of this province does not want me to talk about the problems of developmentally challenged individuals in this province and why he doesn't want me to talk about those who are having problems with macular degeneration. I understand that. We're talking about a time allocation motion.

Hon Mr Young: On a point of order, Mr Speaker: I wonder if you might rule as to whether or not the member's comments subsequent to your ruling do indeed comply with your ruling. Is he addressing his comments to the time allocation and the subject matter in front of us?

The Acting Speaker: I explained the Speaker's position. I'm sure the member for St Catharines will tie those back to the motion.

Mr Bradley: The tying back to the motion is quite simple, as all members understand; that is, if we didn't have to debate this time allocation motion, then we could be debating things that would be more important than this time allocation, such as macular degeneration and the other problems. You cannot win this one. This is not one to be won. When your government brings in time allocation motions, I say to the Attorney General, you sacrifice the ability to stifle the opposition. If we were talking about your bill, I would certainly understand that.

You want me to get back to your bill and why you need the financial resources. I'm trying to help you out. As always, I'm trying to help the government out. I am trying to help the minister get more resources for the implementation of this bill. For instance, there is going to have to be a lot of auditing taking place by forensic auditors. You're going to need more police officers. You're going to need more law enforcement capability.

Hon Mr Young: That's not what the police say.

Mr Bradley: Well, I haven't found a police officer yet, or a chief, who doesn't say he needs more resources. Of course they need more resources. I'm trying to help out by finding a place for it. I'm saying, why don't you take the money that you're going to give away in tax cuts to the wealthiest people in this province, to the corporate sector, which is already very competitive, and to those people who want private education, and give it to the Attorney General, partially, so he can implement the provisions of this bill?

I see several members on the government side nodding. I don't know whether they're nodding off or nodding in agreement, but they're nodding at this time.

1720

We're back to these time allocation motions and why they're bad. They are bad because they prevent us from talking about several other issues. The member for Niagara Falls is coming in, and I'm glad he's present. I mentioned his name earlier; his ears must be burning. I mentioned that he had talked about the fact that on the

CCACs they were going to need new blood. I was suggesting he had perhaps misspoken himself and that it was blue blood they would be putting on these agencies. I see that the new treasurer of Access Niagara is in fact a good Tory supporter, a contributor to the Conservative Party and might even be a fundraiser for the Conservative Party.

Interjection.

Mr Bradley: Not a fundraiser, says the member—but at least a contributor. So we can see the manipulations that are taking place in that regard.

How I wish we didn't have to debate this time allocation motion and instead we could talk about community care access centres and their underfunding and the services that are no longer available to frail seniors and to other people who are coming out of hospitals quicker and sicker than was the case in years gone by, because under the new rules of the Harris government people are forced to leave hospital at a much earlier stage than was the case in the past and often are forced to return to hospitals because they have been let out too early.

To wrap up my remarks this afternoon—and I know the New Democrats would agree that I have not unduly strayed from the contents of this particular resolution—I simply want to say that once again we see the government using its iron fist on the opposition in the form of using the new rules they imposed on this House to grease the skids for legislation.

Ms Mushinski: And you didn't?

Mr Bradley: Never did. We didn't have these rules, I say to the member for Scarborough. We did not have the rules that you put in place. These are draconian rules, to say the very least. I intend, as do my colleagues, I'm sure, to vote against this time allocation motion.

Mr Christopherson: Let me say to the Attorney General at the outset that quite frankly I thought the member for St Catharines was far more focused on the motion than he usually is. He was very relevant today, and I'm glad you eventually realized you weren't going to win the game of trying to nail him down. He's been here far too long and understands the rules and process of this place better than most, and frankly he's going to say whatever the heck he has on his mind and wants to say. He proved that again today, and all the power to him, because his points are highly relevant.

On the motion, though, and the bill it relates to, I just want to revisit a couple of points in the short time I have. The first thing is that this government is trying to spin another line that they're the only ones in this place who really care about law and order. My friend from Trinity-Spadina nailed it when he said you've done your polling. All along you've tried to position yourselves to make sure you're to the right of where anybody else might be, because you want that segment of the population that looks at law and order as the number one decisive issue and you flat out want that vote and you're prepared to position yourselves wherever in order to embrace that vote.

What is so galling about that is that I for one, and I think other members of this House and other people across Ontario, am not going to let you off the hook and am not going to forget what you did vis-à-vis the Victims' Bill of Rights. In my opinion, you can't have a debate in this place about a government initiative with regard to law and order without putting right back in front of you what you did with the Victims' Bill of Rights. Every government member here knows exactly what I'm talking about.

A few years ago, the government's Attorney General of the day stood up and talked about the fact that they were introducing a Victims' Bill of Rights and that they were imposing—excuse me—giving rights to individuals, to victims, and no other government cared enough to do it, no other government was compassionate enough for victims of crime to do it. Only you had the compassion to bring forward that kind of legislation and ensure, you went on at great length, that victims, innocent victims, had rights and that they were treated with respect.

What happened? We witnessed two Ontarians who took you at your word and said, "All right. They made an awful lot of noise about the Victims' Bill of Rights, passed a law that said I've got all these rights." They looked in the bill and said, "OK, I've got these rights," and they tried to have those rights enforced.

What did the government do? The government took them to court. Two Ontarians, victims of crime, both women, who tried to take you at your word and have the rights you said they had upheld: you took them to court. You brought in government lawyers—I still find it so hard to believe this happened, but it is an absolutely true story. The government brought in government lawyers, who went into court to argue in front of a judge, Judge Day, that those Ontario citizens did not have the rights you said they had. That's exactly what happened.

And you argued that based on the wording in the legislation, although there was a great preamble and there was a lot said by the minister, the actual law meant that the judge had no choice but to rule that those victims did not have the rights they claimed, based on what you said they had.

What did the judge do? The judge agreed. But the judge pointed out very clearly that in essence you had misled—my words—the people of Ontario, that they did not have the rights you said and that in fact the government lawyers were right. Based on the technicality of the wording in the law, which you knew—that's why you sculpted it that way—it meant that those Ontarians and any other Ontarian who tried to have those rights enforced would have them denied and should have them denied. That's what you did.

If it was some kind of mistake, we still await new legislation to change that so it won't happen again. But as it stands right now in the province of Ontario, Ontarians do not have, as argued by their own lawyers, the rights their Attorney General said they would have. Once again they say one thing and do another. Two different worlds:

the world they talk about and the world the rest of us are expected to live in.

And this is no different. All the speeches, everything we've heard so far about Bill 30 is spin. The fact of the matter is, as has been pointed out by my colleagues, and I'm sure it may be pointed out by our critic and House leader Mr Kormos, the powers you say you have to have in order to honestly deal with organized crime—and, let's be very clear, don't try to paint anybody who's opposed to this as soft on crime. That's why I started with the Victims' Bill of Rights, because as I recall the debate, it was the attempt by government members to say, "You just don't care about victims. That's why you're opposed to it." We were opposed to it because we saw and read the legislation and said, "Hey, what you said is not what's in here," and ultimately that's the way things turned out to be.

We're saying again that everything you're seeking right now could be accomplished by existing federal legislation in the Criminal Code, because of course the Criminal Code is a federal responsibility. But, oh, they can't take credit for that: (1) it's existing legislation; (2) it's federal and not provincial; and (3) it's the evil Liberals. So what do they do? They say, "I'll tell you what, let's just find a new mechanism that will be ours, using provincial law. Even though it achieves the same thing as the feds, it will be ours. We can stand up and do more of our law-and-order speeches, because we like giving those speeches." That's really all it is—speeches.

1730

What did law professor Margaret Beare of Osgoode law school say? She said, "Ontario is the province that tends to use the existing Criminal Code provisions for powers of seizure less than some of the other provinces." It seems to me that if you want to make an argument that the federal legislation doesn't go far enough, and therefore you need to step in with this provincial legislation, the first thing that would have happened is that you would have exhausted all avenues and opportunities under the federal legislation. Wouldn't that make sense? You'd come into this place and say, "Look, we tried through the federal legislation, through the Criminal Code, through the asset seizure legislation, and no matter how much we try, we keep banging our heads against the wall. We're not getting anywhere or we're not getting as far as we should." That would at least make some common sense. That doesn't happen. You did not use the legislation anywhere near as much as you could have and you didn't even use it as much as other provinces which quite frankly aren't making the same claims.

If there's already federal legislation that would do what this government says they want to accomplish, and you don't even have a history of having used that to the maximum, it really does just leave one answer to the question, "Then why are they doing this?" Public relations. It's all spin. But what's dangerous about it is that you change some of the thresholds upon which guilt or innocence is decided in a matter that is currently felt to be important enough to be under the scope of the

Criminal Code, and you want to bring that into other legislation with lower thresholds. If all it was was a public relations exercise, we probably wouldn't be quite as incensed. We'd be politically outraged, but not quite as deeply concerned.

In doing this hocus-pocus, you're going to do some harm, or at least you run the risk that an innocent Ontarian will be found guilty of something that, if it were in the Criminal Code and in the federal jurisdiction, they wouldn't be guilty of. The screen would work. The innocent wouldn't be found guilty. That's what's dangerous about this. Do your political thing, but don't do it at the expense of the rights of innocent Ontarians who may inappropriately be found guilty.

Given their past track record, can anyone really doubt what they're up to here? The only thing that remains to be seen is whether or not the backbenchers truly understand some of the implications of the bill they're prepared to give their precious vote to, to allow it to become law in this place.

Mr Peter Kormos (Niagara Centre): Yet another time allocation motion, and this one, you will note—oh, so interesting—doesn't allow any debate on third reading: not 90 minutes, not an hour. It doesn't allow any debate whatsoever on third reading. Indeed, it doesn't even permit a deferred vote. This is as complete a violation of the spirit of democratic exchange and debate and the right to vote as any time allocation motion this House has ever seen—ever.

I want to comment on the incredible gross incompetence of this government that's been displayed so remarkably over the course of the last couple of weeks, their inability to even prioritize the legislation they want to see passed before their so-called Christmas or winter break. They're in a panic over there. They're in just a flurry, not deciding which bills are going to be prioritized, which bills are going to be presented for second or third reading, which bills are going to be the subject matters of a time allocation motion. They couldn't organize a drunk-up at a brewery. The Conservatives have displayed incredible mismanagement skills this past week and a half, which one can only conclude are deeply rooted in their caucus and in their Premier's office, now vacant, I presume, and that's probably part of the problem, and in the incredible competition between ministers, and ministers supporting ministers, competing for the leadership of the party. But in the course of this panic on the part of this gang of Tories, they have no qualms about shutting down debate here in the Legislature.

Conservatives know we oppose Bill 30. We've made it very clear. At one point the official opposition opposed it as well and they made it very clear, but they changed their minds, and so be it. I refer to the speeches of the member for Hamilton East. He was talking about the same bill, not a previous incarnation of the bill and not the bill that was subject to amendment. He was talking about the very same bill we're debating now. My friend—and I do regard him as a friend both personally and professionally, in terms of our roles here—the

member for St Paul's, I referred to, and I took comfort in his condemnation of this bill.

Interjection: Who?

Mr Kormos: The justice critic, my counterpart in the official opposition. They've changed their minds. Far be it from me to attempt to analyze the caucus meeting that might have promoted the change of heart of those people. Jeez, far be it from me, but that's OK. The fact is that the New Democrats do stand firmly opposed to this bill. We regard it as dangerous legislation.

You've already heard from my colleagues here in the New Democratic Party. You heard Howard Hampton when he spoke at second reading about the fact that the history of this type of legislation indeed in the United States has resulted primarily in an attack on the assets of basically the little hoodlums and gangsters, not on the big guys. Far be it from me to have conclusive evidence on this. It's places like the Cayman Islands that are going to have jurisdiction, where the big bucks are stashed. This bill will allow the police to go after proceeds of organized crime but, more often than not, and if the American experience is any illustration, it's going to be the little hoodlum, the little gangster. Sure, you'll be able to take his or her Cadillac or Lexus or Jaguar, but at the end of the day, the big guys are going to be hiring phalanxes of lawyers and it's not their assets they're going to receive.

Having said that, at the end of the day the Criminal Code legislation clearly exists, enabling the police, indeed authorizing the police, to seize the proceeds of crime, and it requires that a crime be established beyond a reasonable doubt, which is our traditional or historic standard for a determination of whether or not somebody has committed a criminal offence. It's a healthy standard; it's a good standard. It's there for a reason. It's designed so that innocent people don't get convicted. Even at that, as the recent history in this province, in this country, demonstrates to us, it has failed more than a few times.

Here this government wants to lower the bar, so it uses the civil standard of proof, proof on the balance of probabilities, 51%, 49%, to determine that somebody has committed a criminal offence, and as a result of that to seize their assets, to take their home, their bank account, their business, to clean out everything they may have earned and worked hard for all of their life because of the suspicion of having committed a crime. Canadians don't believe in that. But oh, the arrogance of these Herrenvolk across the way, yes, self-established Herrenvolk who with their arrogance and their heavy fist would want to beat up on—and understand that there's a capacity to ensnare innocent people in this huge net they want to send out under the guise of law and order—and who want to silence the opposition, who want to ensure that the opposition don't have the opportunity to fulfill our responsibilities to debate.

The last couple of weeks have been all about that. Night after night, New Democrats and opposition members have been standing up engaging in the debate and government members have been sitting silently, hoping this thing goes away as quickly as it can, because some-

how they know better. The opposition is but a nuisance to them. These people, this government, its backbenchers, haven't even the most fundamental understanding of parliamentary democracy and the incredibly important role and obligation that an opposition has. Well, I tell you that New Democrats are not going to abdicate our responsibility in this instance as opposition members.

This government has no interest, clearly when you look at Bill 30, in standing up for innocent victims; New Democrats will. This government has no interest in preserving the fundamental rights and freedoms and civil liberties of Ontarians; New Democrats will, and we've demonstrated that. We demonstrated that during the course of the debate around Bill 30. We have demonstrated that during the course of the debate around Bill C-36 from the federal government and its very direct attack on the fundamental rights and freedoms of not just every Canadian—because, understand, in Canada we don't acquire those rights and freedoms by being Canadian citizens or being born here; one acquires those fundamental Canadian rights and freedoms by stepping foot and standing on Canadian soil. It's New Democrats who have fought to protect people from the intrusion on those rights, the incredible, egregious intrusion by a federal government that wants to wrap itself in the flag of anti-terrorism to justify legislation far more dangerous than a former Prime Minister's War Measures Act ever could be.

We will not be silenced by this government's arrogance. We will not be silenced by this government's time allocation motions. We won't be silenced by this government's mismanagement of the legislative agenda. We won't be silenced by this government's haste to just get the heck out of here and avoid question periods—not for a month but, I tell you, this government won't be back until June. This government, when it shuts down, is going to send itself on a six-month vacation. Well I say to this government, do you want your legislative agenda to be debated and pursued? Come back January 14, not June 14. Come back January 14; New Democrats will be here to debate your legislation, to debate your bills, to debate your motions, and we'll resist them as we have until now.

The Acting Speaker: Further debate?

Mr Young has moved: That, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 30, An Act to provide civil remedies for organized crime and other unlawful activities, when Bill 30 is next called as a government order, the Speaker shall put every question necessary to dispose of the third reading stage of the bill without further debate or amendment; and

That, notwithstanding standing order 28(h), no deferral of the third reading vote may be permitted; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

Shall the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1744 to 1754.

The Acting Speaker: Order. Mr Young has moved government notice of motion number 110.

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

Ayes

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

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

Nays

Bartolucci, Rick	Crozier, Bruce	McMeekin, Ted
Bisson, Gilles	Di Cocco, Caroline	Parsons, Ernie
Bountrogianni, Marie	Dombrowsky, Leona	Patten, Richard
Boyer, Claudette	Duncan, Dwight	Peters, Steve
Bradley, James J.	Gravelle, Michael	Phillips, Gerry
Bryant, Michael	Kormos, Peter	Prue, Michael
Caplan, David	Lalonde, Jean-Marc	Pupatello, Sandra
Christopherson, David	Levac, David	Ramsay, David
Churley, Marilyn	Marchese, Rosario	Ruprecht, Tony
Cleary, John C.	Martel, Shelley	Sergio, Mario
Colle, Mike	Martin, Tony	Smitherman, George
Conway, Sean G.	McGuinty, Dalton	
Cordiano, Joseph	McLeod, Lyn	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 50; the nays are 37.

The Acting Speaker: I declare the motion carried.

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

The House adjourned at 1758.

Evening meeting reported in volume B.

CONTENTS

Tuesday 11 December 2001

MEMBERS' STATEMENTS

Specialists' services	
Mr Ramsay	4415
Good Neighbours campaign	
Mr Martiniuk	4415
Hospital restructuring	
Mr Cleary	4415
Ramadan	
Mr Gill	4416
International adoptions	
Mr Cordiano	4416
Community care access centres	
Mr Christopherson	4416
Federal health spending	
Mr Arnott	4416
Mr Maves	4417
Public safety	
Mr Hoy	4417

REPORTS BY COMMITTEES

Standing committee on estimates	
Mr Peters	4417
Report presented	4418
Standing committee on general government	
Mr Chudleigh	4418
Report adopted	4418

FIRST READINGS

Coroners Amendment Act, 2001,	
Bill 150, <i>Mr Hoy</i>	
Agreed to	4418
Mr Hoy	4418
Toronto Waterfront Revitalization Corporation Act, 2001, Bill 151,	
<i>Mr Flaherty</i>	
Agreed to	4418

STATEMENTS BY THE MINISTRY AND RESPONSES

Toronto waterfront	
Mr Flaherty	4419
Mr Phillips	4420
Mr Prue	4421

THIRD READINGS

Municipal Act, 2001,	
Bill 111, <i>Mr Hodgson</i>	
Agreed to	4422

ORAL QUESTIONS

MFP Financial Services	
Mr McGuinty	4422
Mr Tsubouchi	4422, 4425
Mr Hampton	4424
Mr Hodgson	4424
Highway 407	
Mr McGuinty	4423
Mr Clark	4423
Tuition fees	
Mrs Bountrogianni	4426
Mrs Cunningham	4426
Federal health spending	
Mr O'Toole	4427
Mrs Elliott	4427
Ontario drug benefit program	
Mr Parsons	4427
Mr Clement	4428, 4429
Mr McGuinty	4429
Ice fishing	
Mrs Munro	4428
Mr Hudak	4428
Competitive electricity market	
Mr Hampton	4428
Mr Wilson	4429
Firearms safety and control	
Mr Galt	4430
Mr Turnbull	4430

PETITIONS

Home care	
Mr Bartolucci	4431
Professional learning	
Mr Kormos	4432
Mr Hoy	4433
Mr Levac	4434
Seniors' housing	
Mr DeFaria	4432
Ontario disability support program	
Mr Gravelle	4432
OHIP services	
Mr Christopherson	4433
Education tax credit	
Mr Chudleigh	4433
Child care	
Ms Martel	4433, 4434
Lord's Prayer	
Mr Tascona	4434
Highway 407	
Mr Spina	4434
London Health Sciences Centre	
Mr Peters	4435

GOVERNMENT MOTIONS

Time allocation, government notice of motion number 110, <i>Mrs Ecker</i>	
Mr Young	4435
Mr Dunlop	4437
Mr Tilson	4439
Mr Crozier	4440
Mr Bisson	4442
Mr Marchese	4444
Mr Bradley	4445
Mr Christopherson	4448
Mr Kormos	4450
Agreed to	4452

OTHER BUSINESS

Visitors	
Mr Parsons	4417
Orders and Notices	
Mr Duncan	4418
Mrs Ecker	4419
Mr Kormos	4419
The Speaker	4419

TABLE DES MATIÈRES

Mardi 11 décembre 2001

PREMIÈRE LECTURE

Loi de 2001 modifiant la Loi sur les coroners, projet de loi 150, <i>M. Hoy</i>	
Adoptée	4418
Loi de 2001 sur la Société de revitalisation du secteur riverain de Toronto, projet de loi 151, <i>M. Flaherty</i>	
Adoptée	4418

TROISIÈME LECTURE

Loi de 2001 sur les municipalités, projet de loi 111, <i>M. Hodgson</i>	
Adoptée	4422

QUESTIONS ORALES

Hôpital Montfort	
M ^{me} Boyer	4431
M. Clement	4431