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(Hansard)**

**Journal  
des débats  
(Hansard)**

**Thursday 6 December 2001**

**Jeudi 6 décembre 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Thursday 6 December 2001

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Jeudi 6 décembre 2001

*The House met at 1000.  
Prayers.*

**PRIVATE MEMBERS'  
PUBLIC BUSINESS**

CARLEIGH AND EMILY'S LAW  
(EDUCATION AMENDMENT ACT -  
SPECIAL EDUCATION ADVOCATE), 2001

LOI CARLEIGH ET EMILY DE 2001  
MODIFIANT LA LOI SUR L'ÉDUCATION  
(CONSEILLER À L'ENFANCE  
EN DIFFICULTÉ)

Mr McMeekin moved second reading of the following bill:

Bill 114, An Act to amend the Education Act to provide for a Special Education Advocate / Projet de loi 114, Loi modifiant la Loi sur l'éducation en vue de prévoir un conseiller à l'enfance en difficulté.

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

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** Each of us who is privileged with the opportunity to serve the people of Ontario in this wonderful place gets to see and experience many things. Some of those things touch us deeply. It may be a volunteer doing incredible work to build stronger, healthier communities, like that young youth champion we were introduced to the other day. I think you know the person I'm speaking about. The young 16-year-old lady who was here had just received the Order of Ontario, had won several medals at her special games, and had raised, I think, something like a million dollars for the MS Society through her fundraising efforts. Special people. At other times it's a situation that simply breaks your heart.

Today I rise in the Legislature to speak on Bill 114, subtitled Carleigh and Emily's Law. Let me get something out of the way right up front. Those who know me best know I'm no saint. From time to time I've been as guilty as anyone of falling into the trap of being a knee-jerk political partisan. I've learned to cope with this place and even enjoy the cut and thrust of debate that so often characterizes our life and time together. But I've got a confession to make. On most days I would prefer it if we could find ways through select committees and other vehicles to work together in a bipartisan or tripartisan

way to grab hold of the good ideas that all members of this House have from time to time, and use them in the name of the common good.

It is said that for everything there is a season. I want to suggest this morning that perhaps today is one of those seasons when we should hear and respond to the challenge to rise above whatever other things may be driving us this morning, and simply look at this bill on its merits.

Bill 114 is a very simple bill. It represents an honest effort on my part to try to point direction rather than fingers, to rise above, if you like, the sometimes partisan nature of this place in order to do something right and useful.

This bill, if passed, would establish a new position of special education advocate in Ontario. If passed, this advocate would be charged with the responsibility of investigating and reporting to the Minister of Education on special education matters, including a review of best practices, something the auditor pointed out in his report, and yes, special education funding, and with the duty of making recommendations to the minister on these important matters. Bill 114 is part of a comprehensive plan, a toolbox if you like, that we can use to ensure that special-needs students are receiving the supports and services they require. Like baptism, it's a beginning and not an end.

From talking to individual members from all three political persuasions in this House, I know that each and every one of us in the communities we represent across Ontario sees special-needs students every single day, students who for one reason or another unfortunately seem to be falling through the cracks.

I want to stress that I don't think there's any deliberate effort out there to hurt anybody. It's not like somebody's going out and saying, "How do we make it tough for kids who have special needs?" That's not happening. It's just that many of these children, through circumstances beyond their control, become the innocent victims of our Ontario education system, a system that from time to time seems unable to respond to and cope with the demands for specialized services that they place on the system. It's tragic to see and hear the very real stories of these families struggling as that son or daughter goes without the support and services they need to survive, thrive and learn in our system.

Every member of this House knows very well of the special-needs parents calling their office because their son's or daughter's education supports have been reduced or, in some cases, eliminated altogether. These are real families with young children who are asking, "Why are

my child's needs not being addressed by the Ontario education system?" I think it's a fair question and, frankly, one that this government and previous governments have had a great deal of difficulty answering.

In my local riding of Ancaster-Dundas-Flamborough-Aldershot, the Hamilton-Wentworth District School Board has many special-needs students who are no longer receiving the level of support services required to assist them in obtaining a quality education, one that will equip them with the knowledge, skills and tools they will need for later success in life. These are often students who must cope with the challenges of a developmental disability: Down's syndrome, autism, severe behavioural problems, medical vulnerability, deafness or blindness. They are very vulnerable students in need of special assistance and program supports to cope while trying to fit into his or her learning environment.

One area of great concern at the Hamilton-Wentworth District School Board is what appears to be a lack of funding for special-education students who require help. The Hamilton-Wentworth District School Board's professional staff, just for the record, has spent over 5,500 hours meeting with families and other professionals, assessing and completing mandatory ministry forms. This has cost local taxpayers thousands of dollars.

#### 1010

After all is said and done, unfortunately, like so many other things in life, there's more said than there is done. They identified over 1,000 young people in need of an education assistant, but only had enough funds to front 431 of these assistants to help with students in need. That means many of the students have had their time and the time of their education assistants cut, even though their circumstances haven't changed. I want to stress this fact to all members at this point, because it is the exact reason why a special-education advocate is so drastically needed. We have special-education students whose needs have not changed, but we have a system that just seems incapable of responding to those needs.

Like other boards in Ontario, the Hamilton board has seen the number of students who require this assistance go up every single year. In fact, we're graduating fewer students with special needs than we are receiving students with special needs each year. The lack of education assistant support has left principals and teachers scrambling to make do with an ever decreasing amount of support that they're able to provide in their schools. Principals are now stuck and have to try to figure out how best to ration support. So often they're left asking the question, "How much further can we dilute the soup before it's no longer nutritious?"

The problem goes deeper than just education assistants. The Hamilton board has had to close 20 special-education classes, some of which involved speech and language pathologists. There are very long waiting lists for many of these programs. I want to suggest this isn't a unique situation only to Hamilton. We've heard comments from Ottawa, Toronto and other places as well.

Mr Speaker, perhaps you're aware that Bill 114 is named after two young girls in Waterdown, Carleigh

Dunbar and Emily Carey, who with their mothers have fought a very courageous fight to advance special-education issues in the Hamilton area. Fortunately, together with some members opposite, we were able to advocate for Carleigh and Emily. But there's something that haunts me to this very day. It's the realization that, in all likelihood, being able to get the assistance for Carleigh and Emily was received at the expense of somebody else not getting the help they needed. That's not right. Your special-education needs ought not to be contingent on whether you've got an MPP to go to bat for you, somebody who can pull political strings. It ought to be more than that.

I'm a big believer in case-to-cause advocacy. I'd like to see the benefits of something accrue to all children and people in this province. I'd like to see somebody review best practices, take an independent overview, someone who can point direction rather than fingers. To be perfectly blunt, I think we need some help, and we need it soon, to get our system shortfalls identified and responded to. We need to make sure there are no more Carleighs and Emilys, who through no fault of their own fall between the cracks. We certainly can't go wrong with taking a step that can only pay great social and personal dividends down the way.

**Mr Michael Prue (Beaches-East York):** We will be supporting this. We feel this is a very important bill for many children and many families who, through no fault of their own, of course, through accident of birth, through accidents, through any of life's travails, find themselves with children, with young adults, who need special education, who are special-needs people and who are people whom society should be doing everything possible to help.

Parents always want the best for their children. I don't believe I've ever met a parent who does not want the best for their children. Every parent wants something more for their own children than they had themselves. They want a better education, they want a better opportunity in life, they want better housing—they want everything for their children that they'd either had themselves or that they wish they'd had. Oftentimes those same parents do not have the knowledge or the wherewithal to provided it, and oftentimes they do not have the money, but the need still remains. People come from all over the world to Canada because it's a land of opportunity. They come from all over the world, not always for what will be the best for themselves, but almost exclusively for the dream of what will be the best for their children.

Those children often are the ones who are the true beneficiaries of Canadian citizenship, the true beneficiaries of their parents' insight. What is needed, both for new immigrants and for those who are born here, is for a government to be compassionate, it's for an education system to work. What is needed is a champion for those who are unable to look after themselves. Parents, because they may not speak English as a first language, because they may not be educated, because they just simply do not understand a very difficult system, are unable at this

time always to act in the best interests of their children. They want the best. The best may be there and it may be available, but they don't know how to access it.

In the last few weeks in Beaches-East York there has been much debate, not particularly about this bill but about potential school closings. The parents are often—

*Interjection.*

**Mr Prue:** These are the Catholic school closings this time; the public school's already gone through its own trauma. There's a whole debate going on there about how the parents can best save the schools, how the parents can best try to help their children so they don't have to get on buses every day, how the parents can best do 100 things to try to give the opportunity for their children to have the kind of education they had or in fact the kind they wanted. Tonight, of course, the Catholic school board of Toronto will be meeting to decide the fate of many of those schools.

The parents have called my office, have called the office of the school trustees, have called many things, because they do not understand how the bureaucracy of the system works. These are parents with children, some of whom have special needs but most of them who do not, parents who still want the very best for their children. They want to be able to understand what is happening, they want to be able to influence what is happening, they want to change decisions that they think in the long term will be harmful for their children, be that busing, be that special education. They need an advocate who understands and can work through a bureaucratic system, which to many people is amazingly difficult.

Having been a former bureaucrat myself for some 20 years with the immigration department, and having been a politician for the last 13-plus years, both in a municipal government and now more recently here at the province, I will tell that you one of the most difficult jobs any person, any citizen, can possibly have is trying to wind his or her way through the maze of bureaucracy that exists at all levels of government. The maze of bureaucracy that is there in education is absolutely no different. They need an advocate who understands the programs that are available; they need an advocate who knows how to work through the system and find out the programs that are best available for the individual student; and they need an advocate who will provide them with advice on training that the parents in fact may need in order to better understand the needs of their own children, better understand how they can plug into the system and help them to read and write better, plug into the system and help them to get the necessary tools or aids to make their life at school better, and to give them the encouragement that they can go on.

**1020**

There are many special-needs people in our society who have proven to have done wonderful things once given an opportunity and a few basic tools so that they could not only compete with others who do not have special needs but use their unique abilities in ways that many of us could not have foreseen. We saw the other

night, those of us who were privileged enough to go to the awards ceremony, the investiture of the Order of Ontario, a remarkable young woman who has already been spoken of, a remarkable young woman who has represented Canada at the Special Olympics, who has done fundraising work. She was but one of many recipients. I draw the attention of the members of this House to other people you may know as well.

I still have frequent contact with, and hold in some esteem and awe, Gary Malkowski, who was a man who was born deaf and who is, of course, to this day profoundly deaf. I hold him in awe because of his ability to communicate once he had the special tools and the skills made available to him as a student, who was able to communicate in this Legislature, who was able to communicate with the people of his riding, who was able to articulate and advocate for the needs of special individuals. He once told me that when he was a young man his goal was to be a janitor. He didn't really know much else or figure out much else that he would be able to do, and he wanted to be a janitor. It was only some time later, learning American Sign Language, going to study at university, understanding the unique and great gifts that he had, that he was able to profoundly change his life and to make an enormous contribution to this Legislature and the people of this province. He went on after politics and continues to work for the Canadian Hearing Society in an executive position, and has done remarkable work for the deaf community and all of the community of Ontario. That is a man who had some special needs that were met.

But for every Gary Malkowski there are others whose special needs are not being met. They need an advocate. They need someone who understands and can plug into the program. They need an advocate, someone who can speak on their behalf. They need an advocate to explain to people like Gary Malkowski's parents that he need not be a janitor—nothing wrong with being a janitor, but that if he had other goals, those goals could be met and that they had a role in inspiring him and supporting him to meet those goals.

I remember also a colleague in university. She was a year behind me, but she did share a class with me on one occasion. She was both deaf and blind. Every day she came to the class with a person who signed on her palms and made her understand what the class was. She had been trained to use a typewriter, she had been trained to communicate through her interpreter, and she came to the classes with us with her written notes, she came to the classes and the tutorials and explained what she had learned. She graduated a year after me from the University of Toronto, the first deaf-blind graduate in the history of the university. She went on to do some remarkable work on behalf of the people of Ontario. Unfortunately, she died a very young death. But I remember her and the opportunity that was available to her and the fact that she was able to do that with the help of people who had advocated on her behalf, who were there and prepared to help her to learn to work and then to

make the remarkable contribution that she did during her all too brief and short life.

We are here today to support this motion because we believe that special-needs young people need an advocate. But more importantly, we believe that their parents also need an advocate to try to get that which is best for them. There are all too many people on the waiting lists. There are all too many people waiting for special-needs education. There are too many in a province as rich as this province. There are too many in a country as rich as this country. Every time we fail one of those special-needs students, we fail ourselves as a society. We fail ourselves because they do not have the full potential to offer what they may offer. They do not have the full potential to advocate, to work at the Special Olympics, and to come back and advocate for all people, to make Canada proud. We fail because we do not have other people like Gary Malkowski in this House, who, with a little training and a little help, would be able to make remarkable contributions. We fail because, as a society, we are poorer without their contributions.

An advocate will make sure that doesn't happen. An advocate will be something like an auditor—and I don't want to scare the members opposite. An advocate will be somebody who will stand up and speak, and say that the system is not working—the system that is supposed to work—will point out those things that are wrong. He or she will be able to articulate and study and know where improvements can be made. All members of the House would be able to turn to them for advice. The staff would be able to phone them when constituents came in looking for help for their special-needs students.

To my mind, this is one of the best things we can possibly do in the education program, to look after those students who need that extra little bit of help. For years, school boards across this province have been giving a little bit extra to special-needs schools, a little bit extra to schools in areas that have lower socio-economic status and where the students need a little bit more one-on-one counselling, or where the educational grades haven't been as good as in some middle-class schools. The province and the school boards have made great efforts to provide every child with an opportunity. This is but one more means to provide that opportunity, and to do it well. It is but one more means to take that large list that exists for special education students, and to narrow it down and focus it, and to make sure that the problem the student is encountering is remedied, to make sure that it does not recur, to make sure that the opportunity exists for each and every one of them to be exactly who they can be, the best they can be—and proud of the education system, proud of the government of Ontario, and proud of their families—that they have been able to attain a goal which only a generation or two generations ago or three generations ago would have been impossible. That is what we must do.

We should not stand in the way of what, I think, is an excellent bill, proposed by my colleague here, that will help every single child in this province.

**Mr McMeekin:** On a point of order, Mr Speaker: I'd be sadly out of place if I didn't take a moment to introduce Linda Carey and Karen Dunbar, the inspiration for the bill. Linda is Emily's mother, and Karen is Carleigh's mom. Welcome. You've been a real inspiration.

**Mr Garfield Dunlop (Simcoe North):** I'm pleased to rise this morning to say a few words on Bill 114, Carleigh and Emily's Law. I thank the member for Ancaster-Dundas-Flamborough-Aldershot for his initiative in what is intended to improve special education. I'll be sharing my time this morning with the members for Barrie-Simcoe-Bradford and for Kitchener Centre.

Specifically, the bill recommends the creation of a special education advocate who would advise and assist parents and guardians of students with special needs, investigate and report to the minister on matters related to special education, and advise the minister on special education programming, services and funding.

Our response to this bill is that it is not helpful. It merely duplicates the expert advice already in place in the system to support both the ministry and the school boards.

#### 1030

There are a number of reasons that the bill does not deserve the support of this House, and I will be detailing them. In addition, I want to describe for members the impressive strides our government has been making to improve the quality of special-education programs and services throughout our province.

Our government's education reforms have a simple and clear goal: it's a provincial education system that is focused on student achievement and on giving our students the best education possible. We are building a system with higher standards that has the will and capacity to measure its effectiveness, assess its success and take action to improve.

This vision of a modern and capable education system includes students with special needs. That is why we have taken a number of important steps to protect and increase funding for special education, to build consistent, province-wide standards for special education, and to improve accountability for special-education programming to parents.

There are approximately 193,000 students with special needs in our province. Our government believes they deserve the same opportunities to learn, grow and reach their full potential as all other students. We fully recognize that many special-needs students face significant challenges and that their parents only want the best for their children.

All school boards are required by the Education Act to provide special-education programs and services to students who have been identified as exceptional pupils. This requirement also extends to pupils who attend school earlier than age six and to students with special needs up to the age of 21.

When our government began its first mandate, we quickly became aware of a number of important issues in special education that had to be addressed.

We knew that the involvement of parents in their child's education makes a major contribution to learning and achievement. Yet parents of students with special needs told us they were often frustrated by the lack of a voice and a role in making decisions about special education for their children.

We found that special-education students' needs were not being addressed in a consistent manner throughout our province. The problem was particularly apparent when a student moved.

We had a funding system that provided funding for special education but didn't make school boards accountable for spending that funding on special-education programs and services.

In addition, the old approach to funding did not attempt to match funding to need. It did not respond to the needs of students who required high-cost specialized equipment or intensive classroom support.

In our first term, we made significant changes to special education to address these issues.

We started by giving parents a legal right to participate in all meetings, discussions and decisions about the identification of their child as a special-education student.

In addition, we introduced individual education plans as the centrepiece of each child's special-education program. The IEP is the key to an effective special-education program because it describes the individual student's strengths and needs, expectations for the current year, and the programs and services that will be provided to help the student reach his or her goals. We also provided parents with the right to provide input into this plan.

We introduced protected funding for special education for the first time in Ontario. School boards can now spend their special-education funding only on special-education funding and programs.

We set up a two-part special-education grant that matches funding to need. First, there is general special education funding based on each school board's total enrolment. Second, there is intensive support funding for students who need a relatively high level of specialized programs and services.

Following the introduction of these changes, the government monitored their implementation carefully. Members of the minister's special education advisory committee and local special education advisory committees provided their advice. What we found was that parents were not satisfied with the support their children were receiving through special education. They told us that further changes were required to ensure that their wishes were respected, and that we needed to hold boards accountable for following the regulations and meeting the needs of exceptional students.

As a result of the advice we received from parents, in early 2000 the minister announced a three-year plan for improvements to special education. The focus of this plan included greater accountability to parents, the development of province-wide standards for special-education

programs and services, and increased funding. I am pleased to advise members that we have been making significant progress towards all of these goals.

Mr Speaker, I'd like to thank you for the opportunity this morning and pass it over to the member.

**Mrs Marie Bountrogianni (Hamilton Mountain):** I'm not sure if I need to say this, but I'll be sharing my time with the member for Brant.

It's almost a shame, isn't it, Mr McMeekin, that we need this bill. We shouldn't need a bill to advocate for the weakest in our societies. That is the Canadian way. That is what makes us unique in the world. And for us now to have to bring this important bill in is an embarrassment. It's an embarrassment to us as Canadians, as Ontarians, as educators, and definitely as parliamentarians.

The good member opposite from Simcoe North talked about the old approach versus the new approach. I was there during the old approach and I was there during the new approach, and I can tell you, the new approach is why I am here. The reason why I came here is because of what you did to special education.

As I've said many times before, I worked with special-needs kids as the Hamilton board's chief psychologist and I saw special education decimated under this government. I am not saying that you purposely got up every morning and said, "Let's see how we will attack the weakest in society." No. I know that you have good intentions. All I'm saying is, your plan didn't work, isn't working and won't work, and you need to listen to the good member for Ancaster-Dundas-Flamborough-Aldershot. You need to listen to the parents who are in the galleries. You need to listen to, I'm sure, the hundreds of letters you're getting in your constituencies. I get them and all our colleagues get them.

When I was chief psychologist, we saw children within three months—children with learning disabilities, children with behavioural problems, children with emotional problems. Within three months we were able to see these kids; within six months able to have a program in place. When I left in 1999, the waiting list was one year. I was being influenced to instill a moratorium on the waiting list and I refused. Sadly, the new regime at the Hamilton board did institute a moratorium, which means that parents whose children have difficulties can't even get a psychological assessment to pinpoint the reasons for those difficulties. They can't even do that. Why is that? Because the waiting list would have been two years and it looked bad.

What I say is, let the waiting list be what it is. How else are you going to show this government that there's a need?

The member opposite talked about the old approach versus the new approach and he made it sound like this government discovered IEPs, the individual education plans. They've been there for 20 years. It was the good Progressive Conservative government of Premier Davis that instituted that over 20 years ago.

He talked about the advisory groups that they have put into place. Those advisory groups have been there for 20

years. It is those advisory groups that are saying to us that it's not working.

I have three constituents' children who I am sure would like an advocate. Bryan Woods is a speech and language disabled child who has Tourette's syndrome and ADHD and, due to the new criteria, the new approach of ISA funding, is no longer eligible for an educational assistant. He once had one-on-one educational assistant support. Last year, he had one-on-one for half days. This year, he has a tiny bit of it only when he visits the comprehensive classroom, and he's failing badly for the first time since before his identification. The new ministry criteria for ISA funding severely restricts children like Bryan from accessing the extra necessary assistance.

Laura Zaffiro-Smith has an autistic child in kindergarten. He requires major assistance with occupational therapy. Due to cutbacks in funding to CCACs, regular systematic occupational therapy is not available. Finally, in November, after a lot of advocacy, Mr McMeekin, some schools on the east mountain were allotted a minimum of OT time. To make a long story short, her little five-year-old gets OT help once a month. If it wasn't so serious, it would be a joke. Once a month. Hamilton is a very high-need area. The constituent knows of unequal funding across the province in special ed and feels that funding should be in line with the needs in any particular area.

Then there's Kelly and her son Brett. He's 15 but his mental age is 10. He has severe mental and emotional problems. He's not attending school since there isn't an appropriate program. I have a 10-year-old. I can't imagine this 10-year-old not attending school, but he's not attending school. There isn't a program. We used to have programs in the Hamilton board for kids like this: hard-to-serve kids. We don't now. They were cut with this government. He is medicated with very potent drugs to control his mental illness episodes. He has side effects, severe incontinence problems, and there's no respite available for his mother. He's on a waiting list for assessment for an alternative school placement, and the waiting list is over two years long. He's at home alone when his mother works part-time. These are serious social problems.

These three kids came to my attention in November, last month. We could talk for hours here about the kids who need help.

Theoretically, we have advocates within the school system for special ed children. They're the special-ed consultants and the psychologists, the speech and language pathologists. But they don't have a voice. They go to their superiors within the board and the superiors say, "Sorry, there's no money." They go to their MPP. We write you letters. We write the minister letters. We bring it up here in the Legislature. And finally, maybe, one or two children out of 50 that come to our attention may get the help after a lot of political pressure. Think of the taxpayers' expense just for that process. Wouldn't it be easier to put that funding back into special education?

I agree with the member from Beaches and I agree with my good colleague from Ancaster that we as Canadians definitely need to look at this and fulfill our obligation to the weakest in society. It is embarrassing, but at the same time I have faith in my colleagues, I have faith in the system and I have faith in democracy that at the next election the people will see what is truly important and should be truly important in Ontario and will elect a government that cares for the weakest. Because when we care for the weakest, that is truly when we have progress in this province.

1040

**Mr Dave Levac (Brant):** I am very privileged and honoured to speak to Bill 114, An Act to amend the Education Act to provide for a Special Education Advocate.

I want to thank the member for Ancaster-Dundas-Flamborough-Aldershot for choosing very carefully in his private member's time—and I want to reiterate "private member's time"—to tackle this issue in a very non-partisan and very caring way. My seatmate is to be congratulated for this gesture. It's not just a gesture, and I want to make sure that's understood. This isn't a symbolic motion by the member. This is a passionate plea for assistance for those students who, through no fault of their own, have been left behind.

Quite frankly, I want to talk a little bit about what was mentioned by the member for Simcoe North. My disappointment is not just in him but in the fact that I think, by the way he spoke, he was speaking for the entire party on a private member's issue, and unfortunately he forgot to mention that this province has an Ombudsman, this province has an auditor, this province has, through their design, a Red Tape Commission to make sure things are done in a proper way. It's really unfortunate to now say, in their logic, that there need not be an auditor of some sort to ensure the delivery of a system for those students who need that special help, who through no fault of their own require the levelling of the playing field for their educational purposes.

This request for an advocate is absolutely visionary to ensure that people across this country get the message loud and clear that Ontario cares for those children. Quite frankly, we have heard from OSSTF, we've heard from OECTA, we've heard from school boards, we've heard from thousands of parents across this province responding to my colleague's bill saying thank you, because there's a trap here. They're falling into this trap, and you have not provided them any way to get out. Why should a parent have to come to a legislator in the province of Ontario to seek help for their child inside a system that already exists? It's because of the bumbling of special education.

Why do I say that? In 1998 and 1999, I was the principal of an elementary school. In 1998, I went through the process for the ISA grant structure. I received two special assistants, two EAs, in my school to assist two students. The following year the ISA structure was completely revamped. What did this government do to assist



those students? They raised the bar on the ISA grant structure so that those same students who received help—I had to tell those parents with heads in their hands and crying that they couldn't have that EA help any more. Why? Because they raised the bar, and they had to have that much more difficulty in their structure.

Those two students I received help for the previous year had advanced a year and a half in grade level. Guess what happened to them the following year with no assistance? They went behind a year and a half. Quite frankly I was disgusted to think that this government would look at, "How do I save money on the backs of those children?" They implemented the system, and I compliment them for doing that, because it did focus on the kids. But when they discovered it was going to cost them too much money to provide that help, they had to come up with a system that said, "No more. We can't give you any more money. As a matter of fact, we've got to cut down on the amount."

This bill should be, must be, supported by this Legislature in order to ensure that the parents have a place to go, that the students have a place to go, that the school board has a place to go and the government has a place to go, to rely on the fact that they are doing the right thing. I support this member wholeheartedly, and I beg and plead with the members on the other side: don't play the game of how much money you've spent and how great the special-ed system is, because it isn't working. They're telling you it's not working. So please, please pay attention to this bill. It's the right thing to do.

**Mr Gerard Kennedy (Parkdale-High Park):** It's a pleasure to join this debate today, because finally for many people around the province, for many parents and most importantly for many kids, there is a ray of hope after five years of neglect by the government; after five years of a problem that is governmental in a way I have not seen problems in many years, a tying up of the most intimate personal attributes of some of these children in bureaucratic paperwork and procedures in a whole Soviet-style approach that denies the very essence of what these children are and what they need.

This is about special-needs children. It's about the kids who are most vulnerable in our education system. What the government has done—and I guess at this point, especially in private members' hour, we don't care whether it was deliberate—is to make these children be evaluated four times in the last five years, using huge amounts of resources that can be quantified at about \$85 million a year in teacher time alone, not counting the medical specialists on OHIP and on private fee to parents, who are being used to do assessments, so that this government can have a warehouse full of paperwork to look over the shoulders of the special-needs teachers, the trustees and the boards around this province, but to no end. Every single year this paperwork has been done—this huge amount of paperwork occasioned by this government's requirements—they don't even look at this paperwork. They sample it, and at the end of the day they don't even use this paperwork to help these kids. Instead we have kids out there who need someone to help them.

We say to the members opposite: cancel the paperwork and start fixing this problem. This bill we have today, Bill 114, Emily and Carleigh's bill, is an example of what could be done as a beginning, not as total solution. There are many more things we need to do to live up to the implicit promise we make to vulnerable kids in this province that they will be treated with the same kind of respect as other kids. There are members on all sides of this House who know what I mean. They've sat across from these families. They may even know some of these families. They may be part of some of these families.

I was in Windsor last week in a room full of them to hear them tell me and tell others about these children who were successful one year ago, two years ago or three years ago. These children with autism, with incredible challenges in their lives, were working successfully in their environments, and those supports had been taken away from them. The idea of an auditor is simply to start putting us on our marks. We simply cannot be in a position, even if it is inadvertent—this morning we offer the government the possibility that this isn't something they planned just to cut money; we know the directors of education said \$300 million was taken out of special education when the government took it over.

More relevant today is whether there's an intent in the House to do something that is better for these children. There's something we can do about the anxiety and the frustration parents are feeling. Stop labelling their children by their negative deficits. Stop calling them things that I think we can't even say in public conversation any more, that have to go down on forms for the government, rather than an effort being made to put as much resources as possible to helping people. The current rules would have us stop helping children with special needs, with reading problems, with medical problems as soon as they improve. It doesn't make any sense. An auditor—any fair-minded person who looked at that and had the power to do something about it—could fix this for those children.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I am very pleased to join in the debate with respect to the bill brought forth by the member. Certainly there's a lot of style to this bill and very little substance.

I'll tell you this: the province has done a lot of work with respect to special education, not only in terms of funding but also in terms of standards across the province, to make sure that special education is implemented across this province with respect to fair standards that respond to the need for special education. The ministry has implemented those standards with special advisory education committees working with parents and school boards.

**1050**

The bottom line here is accountability. What I think the member is proposing here is a school board czar. They're saying there's a need for parents to have a place to go, for boards to go and for the ministry to go. What system do we have in place right now? As far as I'm

concerned as the member from Barrie-Simcoe-Bradford, in terms of working with the education partners, we have a system that's set up, in place, and I have confidence the school boards are doing their job. They're also part of the implementation process with respect to these standards. The parents have a place to go. In terms of the situations I have dealt with, they deal with the principal, the superintendent, the director. If that doesn't satisfy them, they deal with a trustee. That's the process that's in place.

The member is not proposing a solution here. He's basically setting up what he considers, and what I can see is an adversarial situation. He's talking about investigating and reporting, he's talking about recommendations to the minister, and then he's also talking about advising and assisting the parents and guardians of the pupils in special-education matters. How much of a bureaucracy are we going to create, in addition to the ministry, in addition to the regional offices the ministry has, and in addition to what we have with respect to the school boards, to actually implement what the member is talking about?

He's talking about, in a singular sense, a special-education advocate. There is nothing singular about this. When you look at what is required here, at what they're proposing this individual will be, this individual is going to stand above the Ministry of Education. This is a school board czar. It's not addressing the needs and the concerns parents have with respect to special education.

The funding formula: this is the first government that has basically set forth in very clear terms what the board's responsibilities are in terms of protecting funding for special education. What they're doing here is they have to spend the money for special education—it's very clearly set out—on special-education programs and services. I understand that in the current fiscal year, school boards are receiving in excess of \$1.37 billion for special-education programs and services. That's an increase of 17% since 1998. As well, boards have been given flexibility to use \$360 million in increased funding to address local priorities, which would include cost pressures related to providing support to students with special needs.

In addition, the minister has committed to continue refining the funding mechanism. That's what's been going on ever since this funding formula has been brought in: refining, dealing with the partners and trying to make sure the money goes to the places it's needed. What we want to do and what the funding formula is set up to do is to provide fair resources to school boards for the delivery of special-education programs and services to students, including all students with high levels of need.

What is being asked for here today is to set up a special education advocate. Let's not misrepresent what this can actually accomplish. This is not going to solve what parents need in dealing with their boards. The boards are responsive to the parents in terms of what their concerns are with respect to this. We have given the school boards the responsibility to implement and make sure that the special-education programs and services are provided to their respective school boards—

**Mr David Christopherson (Hamilton West):** But you didn't give them the money.

**Mr Tascona:** They have been given the money—and to make sure that school boards are not taking money out of special education. That's a very firm part of the special-education funding formula.

Formerly, I was parliamentary assistant to the Minister of Education. We were dealing at that time with bringing standards across the province so there were fair services provided to all school boards. We have set up a special education advisory committee that works with parents and the boards in implementing what is important with respect to these standards, and getting more ideas. So this is not a fixed situation; it's a fluid situation—I think the member opposite recognizes that—in terms of refining the funding formula and looking at what is needed in special education. That's why the standards were brought in, to deal with this situation.

The point of this is that what's being proposed here today is not a solution. It's not a solution for parents who have concerns with what is going on with their children. What's important is for parents to recognize that the relationship they have with their school board is a very important one in terms of what they can have to accomplish that. Otherwise, why do we have school boards? This is basically a shot across the bow, saying, "School boards are not doing their job. They're not the vehicles to provide it." I can't interpret this in any other way, because they're basically saying, "Set up a school board czar above the Minister of Education and above the school boards and this person is going to have all the powers necessary to deal with special education problems."

That's just not going to be fair and is not going to be the reality of how this will be dealt with. The province has set up standards for special education. The province has set up a funding formula for special education. They have a system in terms of delivering special education, and that's through school boards.

**Mr Wayne Wettlaufer (Kitchener Centre):** I rise to address the specific provisions of the bill. The bill calls for the creation of a special education advocate. We've heard that before. If this bill were to be adopted, the special education advocate would have to investigate and report to the minister, make recommendations on program changes, funding and services, and would advise and assist parents with special-needs children. There are significant problems with this. The Minister of Education already has in place a number of bodies with clear mandates to provide advice. The proposed role and function of the special education advocate would duplicate the roles and responsibilities of these bodies.

First of all, the Minister's Advisory Council on Special Education is mandated by order in council to meet three times a year to provide advice on special education policy, programs and funding. The council is made up of representatives from parent groups, professional groups and the education sector. It responds to ministry proposals and provides advice to the minister on a variety of special education issues.

Secondly, there are special education advisory committees, mandated through regulation 464/98 to provide advice to every school board in the province on any matter concerning the establishment, development and delivery of special-education programs and services. They provide information to parents as requested and participate in the board's planning and budgetary processes.

Next we have school councils. They provide an avenue for parents to provide advice to principals and school boards concerning education in their own schools. This may include advice about special education, to the extent that it's offered in and impacts on the schools.

Finally, there is the restructured Ontario Parent Council. It now includes regional representatives of school councils, providing school councils with a voice at the provincial level. The Ontario Parent Council continues to advise the Minister of Education on issues that concern the parents of elementary and secondary school students in Ontario.

I think that's a pretty impressive list of advisory bodies. Those four advisory bodies were either established by this government or have had their mandates significantly strengthened by this government. I believe it's difficult to mount an argument that the special education advocate is needed because there are no avenues for parents' voices to be heard, as the member would like us to believe.

**The Acting Speaker:** Response?

**Mr McMeekin:** The only people who aren't impressed are the parents of special-needs kids who see their children falling between the cracks. I'm not advocating any school board czar here. In fact, I'm pleased to report that at least half a dozen school boards in the last week have, by resolution, actually endorsed this option. If they were fearful, unlike the government, they wouldn't be doing that sort of endorsement.

1100

I want to be clear here: whatever failures exist, no one's guilty but we are all responsible. This bill simply attempts to put in place a process that would enable those who really care about the special needs and equal opportunities for our kids to be able to share their dreams together, to be able to celebrate, to find a way to rise above the fragmented structure that the member opposite was describing, to celebrate and to share best practices and to commit to working together to point direction rather than fingers.

Do you know what happens right now? The school boards say, "We don't get enough money." The minister says, "Oh sure you do." Then you send it off to a whole fragmented group of so-called referees who don't have the power to implement any change anyway. This bill would give somebody oversight responsibilities. I would think only a government with the wrong look in its eyes would fear putting someone in place to supplement, to augment, what they want to believe is a system on the verge of being flawless. Why would a government fear putting somebody in place to work with all those who

share the dream of an Ontario where everyone could stand and grow? I just can't understand why members opposite wouldn't support it.

**The Acting Speaker:** This completes the time allocated for debate on this ballot item. I will place the questions needed to dispose of this item at 12 o'clock.

PUPPY MILL BAN AND ANIMAL  
CRUELTY PREVENTION ACT, 2001  
LOI DE 2001 SUR L'INTERDICTION  
DES USINES À CHIOTS  
ET LA PROTECTION DES ANIMAUX

Mr Colle moved second reading of the following bill:

Bill 100, An Act to ban puppy mills and other cruel animal-breeding activities and to protect animals bred for commercial sale from abuse by amending the Ontario Society for the Prevention of Cruelty to Animals Act / Projet de loi 100, Loi visant à interdire les usines à chiots et autres activités relatives à l'élevage qui sont cruelles et à protéger des mauvais traitements les animaux élevés à des fins commerciales en modifiant la Loi sur la Société de protection des animaux de l'Ontario.

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

**Mr Mike Colle (Eglinton-Lawrence):** I appreciate that, Mr Speaker.

As you know, over the last six months or so, it has been brought to our attention that across Ontario there are individuals who, for profit, are systematically abusing defenceless animals and are doing it essentially in 400 different locations that are known across Ontario. These locations are called "puppy mills." If I could read from an article from the North York Mirror of December 5, by Lorraine Houston, it defines this practice for everybody out there:

"Puppy mills are a multimillion-dollar business in Canada. They are breeding operations where dogs are bred for financial gain under substandard conditions. These so-called businesses excel in assembly line puppy production. Their goal is to make as much money as possible. They have little or no regard for the welfare of the puppies."

This is an attempt, hopefully, by this Legislature to put an end to these practices, which are proliferating for profit right across this province.

I would like to first of all thank all the people across Ontario who have come to the aid of these defenceless companion animals and have signed petitions. I've got over 15,000 citizens who have signed petitions, all the way from Thunder Bay to Cornwall to Kingston. They have written letters, e-mailed, saying, "Please do something. Enough is enough. These people have to be put out of business."

As you know, Mr Speaker, the famous case north of Toronto, the Misener case—this despicable group of individuals has been in this business of puppy mills going back to 1964, repeat offenders who are making money off these defenceless companion pets.

I would like to thank my colleague Jim Bradley, who saw the urgency of this and allowed me to bring my bill forward and switch places for this bill to come here today. I'd really like to thank him for sacrificing his time slot. I'd also like to thank the work that my colleague Sandra Papatello has done in Windsor, raising awareness about puppy mills in Windsor—certainly Dominic Agostino has done the same thing in Hamilton—and all the members of both sides of the House who care deeply about stopping this incredibly inhumane so-called business activity.

What my bill attempts to do is strengthen outdated and very weak provincial laws that exist. The provincial laws that are on the books don't even give the humane societies or the societies for the prevention of cruelty to animals the ability to inspect one of these premises. They have to get a warrant to do so. This is one of the reasons why I put in my bill that an officer of a humane society or of the SPCA should have the right to inspect one of these business operations and certainly be able to fine them and close them down. Right now, they do not even have the right to enter the premises where these business activities are going on. That is uncalled for.

These premises are usually known, because in this province we've got a great number of reputable, excellent breeders and kennels that love their animals. They're sensitive people. These are the good people we don't want to go after. We want to go after these mercenaries who are operating, basically selling dogs at the roadside, selling them in newspaper ads and sometimes, sadly enough, through pet stores. That's why in my bill I'm also saying not only to fine the puppy mill operators \$50,000 if they're found to be doing this practice, but also if a pet store knowingly and willingly sells a pet from a puppy mill, because that also puts an onus on them that, before they sell pets, they make sure the animals are well taken care of and don't come from these puppy mills. Sad to say, right now many of these pets you buy in pet stores have no guarantee that they don't come from a puppy mill. In my bill, I'm also saying you have to let the pet store owners know they could be fined if they collaborate with these puppy mill operators.

Also in my bill, I ask for some licensing to be done of breeders. Essentially, it would be a simple process, that if you allow the SPCA or the humane society to come to your place of business to make sure you have a clean, hygienic operation, you have veterinary support, you are a reputable business operation, on that inspection you could get a licence. Therefore, you could have a licence posted in your place of operation that shows the customers, potential purchasers of a pet, that you've been inspected. Right now, anybody can claim to be a breeder. You don't need a licence to be a breeder in Ontario. There are no provincial laws governing the breeding of pets in this province. The laws that are there say that you can operate without any licence. So I'm saying there should be a licence provincially, that you pay every 10 years or whatever, that at least you've been inspected and are subject to inspection if there's a complaint, like any other licence.

In this province, we license dogs. If you own a dog, you have to have a licence. But if you're a breeder of dogs, you don't need a licence. I think good breeders would want to support a licence, because they are the ones who are good business people. They're not out to harm their animals as these puppy mill operators are. We also regulate, license and inspect restaurants. We inspect cars through the Drive Clean program. We inspect workplaces. We have health inspectors and building inspectors. Yet there are no inspectors in this province who could enter a premise to make sure animals aren't being abused. They have to get a search warrant. That is not necessary. If they have probable cause, they should be able to go in there and make sure the animals aren't mistreated. That would close these places down very quickly.

#### 1110

I want to thank all these people who have certainly educated me in this area. I've got people like Candice Ptolmey, from Angel House Rescue; Pauline Gallie, from Georgina; Kimberley Kent-Rodgman, from Sherlock's Maple Haven Animal Sanctuary; Leanne Potter and Krystyna Hunt, from No Puppy Mills Canada; Kerri Vincent, who is an animal behaviour consultant in Cobourg; Brenda Stevenson, who brought her dog Bell, whom she saved from the Miesner puppy mill; the SPCAs all across this province, that need more power.

Donna Perry from Toronto collected 5,000 names for this petition. That's how strongly she felt to do something to protect these innocent animals that can't defend themselves. Maxine Watson, from DaMax Kennels in Stratford, got 800 names. She's a kennel operator and she says, "We need to protect these defenceless pets." Barbara Jennings, from Orangeville, even went into the police station in Orangeville and asked the police officers to sign a petition. All the police officers in Orangeville at that division signed the petition. There are so many unsung heroes: Karen Stimson of the Dufferin Animal Clinic; Elaine Gaynor. All these people feel so strongly about getting our provincial government to do something.

In this Legislature we've got a golden opportunity to say that these disreputable mercenaries who abuse animals systemically across this province can be put out of business and should be put out of business immediately. It's something we have within our power. We get very tough with criminals, but we should also be tough with people who are basically bordering on the criminal on a daily basis by abusing these defenceless animals. Right now, there's a hodgepodge of regulations where in one municipality there is a strong SPCA, a strong animal control or humane society and in others there isn't. We need a provincial law that says it is illegal to take advantage of animals for profit and breed them for profit without any kind of licence.

This free-for-all has to end. These animals cannot speak for themselves, and the public wants us to do the right thing. We have a great opportunity here today.

**Mrs Julia Munro (York North):** I appreciate the opportunity to rise in the House this morning and speak on Bill 100.

It's important to recognize that all of us, on both sides of the House, are sensitive to the kind of public education we've had in the past few months with regard to puppy mills. All of us understand the fact that a mark of our civil society is the way in which we treat our animals. Certainly everyone is moved by the kind of evidence that has occurred in the province in the past few months that demonstrates that there are situations that exist in our province that leave vulnerable animals exposed to neglect, to maltreatment. It's in that context, then, that we are looking at actually two private members' bills that deal with this issue.

There are a couple of points I would like to make with regard to this particular bill, and one of those is the question of the need to license. Behind that is the notion that licensing all breeders of dogs and cats would ensure that these animals would be well served. I think there's a mistake in assuming that licensing equals good breeders. Licensing will certainly bring together those people who have that common interest. That will mean there's a network of people who have as their interest the betterment of individual breeds, who appreciate the companionship and the opportunity of owning a dog and of being able to provide a dog for others to enjoy.

But I think that's the end of the opportunity that licensing represents. If you look at those who choose to be outside that category of a good breeder, being licensed is not the answer. Good breeders, yes, by and large, are already members of the Canadian Kennel Club. They already ensure that they meet the standards of registration, that they do not knowingly sell animals for resale. So they have already established themselves in that capacity. Municipalities, recognizing their role in licensing, not only license individual dogs and their owners but obviously provide in some cases very significant bylaws that protect.

All these examples demonstrate the fact that good breeders are already in those categories of licensing. What fails to be met in this is the fact that people who want to operate outside that category will continue to do so. It really is the same kind of logic that suggests that criminals register their guns. People who don't provide adequate care operate outside the registry, operate outside the registration. For instance, those people who operate outside will offer for sale and will say to their purchasers, "We aren't providing the papers for this dog," and the purchaser will say, "It's OK, I don't really need the papers. I don't know why I would need them." The reality is that that's contrary to the federal livestock act. You are required, according to that act, to provide a registration for this animal.

The point is that what we're talking about is a question of who would be caught by this proposed legislation. I submit to you that it would not be the people who are not providing the care, who are neglecting their animals. That is the issue for all of us to consider.

**Mrs Sandra Pupatello (Windsor West):** Let me just say at the outset how pleased I am to support my colleague Mike Colle's private member's bill. As a great

show of support from my own community, we have some 2,500 signatures on a petition from the Windsor-Essex area alone in support of the Mike Colle bill that would ban puppy mills.

I find it interesting that we have a member from the other side of the House who is a breeder herself and doesn't find some level of conflict of interest in discussion of a bill that may well license breeders. If this were a discussion at other levels of government, surely that would be ruled as a conflict.

But let's go back to what it means to ban puppy mills and why this is important. It's important, as my colleagues know, to have this discussion just before Christmas when so many puppies and pets are bought for children. All those who are in the business in a professional way know this is the worst time of year to buy pets for children. There's far too much commotion, far too much emotion around the purchase of a pet, so children who are helping to make these decisions are doing so without necessarily knowing the requirements and responsibilities of being a pet owner. So this is a very good time of year to have this discussion in this House. We can make those parents aware that they should just wait until things calm down to make a rational decision about whether children are ready for pet ownership.

It's important to know what puppy mills do. Those individuals who are breeding, literally churning out puppies, are doing so at the detriment of those little puppies and their moms, the dogs having litter after litter after litter without the proper time in between. We have inbreeding going on that results in dogs with genetic disorders, with immunity issues. As a consumer protection issue, we should be concerned that these pets sent out to be sold come into the hands of families that face huge, needless veterinary bills, and often these puppies that come out with very aggressive tendencies because of this inbreeding will then be sent to the local humane society and they're going to be put to sleep. We want to ask ourselves if this is fair.

#### 1120

When we see what's happened in puppy mills across Ontario, many around the greater Toronto area that have been busted, only to be open for business again within a couple of months, we know the Mike Colle bill is going to address the demand for the puppies. If we can address the demand—that is, fine the stores for selling these puppies that come from puppy mills—we'll go a long way to cleaning up this area.

Once again, the puppy mills are overbreeding the dogs, which is unhealthy for the animals—problems with genetics. And there's the overpopulation of dogs, that we get so many. Dogs that aren't wanted because they have all these problems are given away and then euthanized by human societies. These young puppies are often shipped away from their moms far too early, so they're not there long enough to develop proper dog instincts. And they usually live in very unsanitary conditions because they're bred so cheaply. They live on mesh floors so these breeders don't have to clean up properly after these little animals.

I think society at large should be judged by how we treat these other levels of humanity in our lives. We should be judged by how we treat our animals. Any of us who own pets have to feel for how these little puppies are being bred and then brought into our families across Ontario. The Mike Colle bill addresses these issues, not just by looking at breeders who are professional and do the job well, who are very supportive of this legislation, but also by looking to the pet stores to be responsible and not sell these animals to families unsuspecting about the origins of these puppies.

I think it's important that we look at the licensing and registry that's mandated through this bill. Most importantly, it's very timely, that at this time of year when everyone is looking at the potential of purchasing pets for the family at Christmastime, we don't get ourselves into a situation of going out to make these purchases without knowing where the puppies come from. As some of the research shows, some 90% of the puppies sold in pet stores originate from puppy mills. We have got to do something about the demand for these animals and, if we can, fine the pet stores that do not take into consideration that these puppies have been bred professionally. I think it's incumbent on this House to address the issue, to take care of these little animals, which in turn are going to take care of us.

**Mr David Christopherson (Hamilton West):** I appreciate the opportunity to join in the debate. Let me say at the outset that I think the member for Windsor West makes an excellent point when she says that this is a good time to be debating this, given what a lot of parents do vis-à-vis pets. There are a lot of young people in the public galleries here today and possibly a lot of moms or dads at home watching. I think it's important that that message get out at this time.

Let me also just say that when we're talking about pets, next to our children and extended family members, a pet is about as close to a legitimate add-on to your family as you're ever going to find. As chance would have it, just this morning I got a call from my legislative assistant, Linda Mitchell, who just loves animals and is very active in supporting groups that want to protect and advocate the rights of animals. She got a little puppy just a little while ago, a couple of months ago, and last night the puppy was hit by a car. The dog's name is Babe. They think their dog is going to be fine, but it's in that period right now where it could go either way. That's where she is, and quite frankly that's where she ought to be. This is an important living creature in her life and it needs care, it needs love, it needs affection.

I would have to think the mindset that Linda has today for her pet has got to be about as extreme an opposite to the—boy, we're restrained by parliamentary language—low-lives who run these puppy mills. There's really no other description for them: an absolute, total disregard for life.

I find myself in the unusual position this morning—I may just have to lie down on the couch and be analyzed for a while, because I find myself, for the second time

within two weeks, quoting and agreeing with Christina Blizzard, which I'm sure causes her as much upset and concern as it does me.

**Mrs Margaret Marland (Mississauga South):** It's because of the season.

**Mr Christopherson:** As my friend says, it's the season.

She writes an article in yesterday's paper, the Toronto Sun, and it's headed up, "Puppy Bills: One problem with two answers means no political solution." I think that dichotomy's been set here this morning: Mr Colle advocating his bill; we heard Mrs Munro get up and defend her bill. Ms Blizzard speaks to the fact that you've got two bills that speak to the same critical issue. If we aren't careful—and I've been around here for quite a while now—we're clearly going to ratchet this up to make it a partisan thing: the government's backbencher bill versus the official opposition bencher's bill. In that kind of clash, it just comes back to who has the most numbers, who can drown out the voice of the other side. On this issue, we shouldn't let that happen.

Christina Blizzard said, in closing her article, "Both Colle and Munro make good points, and they are both motivated by the best interests of the animals. But they need to work together on this one. It would be truly encouraging if humans could put aside their differences so we never again have to see grotesque pictures of ailing, flea-bitten kittens and worm-ridden puppies that are the inhuman product of the puppy mill industry."

I suspect if we had the opportunity to ask some of the young people who are here today if they care whether it would be a government bill or an official opposition bill—if it meant eliminating this blight from our society, do they really care whose name is on it or what party is attached to it? Then ask them if they think it's right that that kind of partisan debate should stop us from taking action.

There is a point at which we have to stand back, and this is the time to do it. This is private members' time. This is the time when we come in and debate for two hours every Thursday morning without our party membership card being front and centre, because there's not one of us here who agrees with every policy that our party puts forward. This is the opportunity to speak from our heart, from our conscience, perhaps from a community perspective, one that is not driven by the party. Yet that's where we're heading here, very quickly.

I look at Mrs Munro's bill, which passed this place, by the way, on November 22, Bill 129. She obviously cares about this issue, beyond her own bill. She came in this morning and spoke. I think that says a lot about her legitimate commitment to this issue. In the explanatory note in her bill, it says in part, "It"—meaning the bill—"establishes standards for the care of cats and dogs by persons who breed cats or dogs for sale and creates an offence for the violation of any of the standards." A perfectly reasonable, well-thought-out approach.

The bill from Mr Colle this morning, Bill 100, says in the explanatory note, "The purpose of the bill is to ban

puppy mills and other cruel animal-breeding activities and to protect animals bred for sale from cruelty and abuse by amendments to the Ontario Society for the Prevention of Cruelty to Animals Act.” Another well-thought-out, well-intentioned bill.

Is it really—and I say this to all members here this morning—beyond us to pass a second bill that deals with the same issue? I grant you it takes a different approach, but isn't that the whole point of this crucible here? Isn't that why we're here: to take opposing ideas and at the end of the day, by the free exchange of those ideas, come up with a law that is in the best interests of society and is the best law that we can bring forward? Is it so far beyond us that we can't pass this bill today and send both bills, simultaneously, to whatever committee we want, with the instructions that we want them to look at both bills, hold public hearings and make recommendations back to this Legislature with regard to the best course of action on a piece of legislation that we would pass?

1130

**Mr Dave Levac (Brant):** A good idea, David.

**Mr Christopherson:** I hear one of my colleagues saying that would be a first. Actually, it's probably not; it just seems like it most days because we're always at each other. But quite frankly, there are many times when we take issues—I remember when my friend Brad Clark was parliamentary assistant to the Minister of Health. He took the issue—I can't remember the name of the bill right now—of the rights of people with psychiatric disabilities. It went off after first reading, which was a mechanism Norm Sterling brought in when he was government House leader, saying, “Let's try this. It's a way that I want to see if we can send legislation off before second reading, when we're all entrenched.” What happened was, that bill went out after first reading and there were public hearings. There was a major effort. I remember Frances Lankin, the former member for Beaches-East York, playing a key role not in going after the government but in working with the government—in this case Mr Clark—to come up with the best bill possible. Now, at the end of the day we didn't get unanimous support of the House, but the process alone defused any real anger or built-in opposition that we normally have as opposition members to a government bill. Some of us supported it.

I think the fact is that when we want to, we can do it. We just don't do it very often, I say to my friend from Brant, and that's why it seems like we never do it. We can do it. We have the capability.

I would say to all my colleagues in this place that given the importance of this issue—don't we all find it disgusting that in this day and age this is still going on? It's one of those issues where people stand back and say, “Why isn't somebody doing something? Why are we allowing cruelty to animals to exist?”

We're halfway there. We've got one bill passed through this place. I was reading Hansard around the debate that day. It was an excellent debate. Let's not lose that momentum because we're going to start to become

entrenched with, “It's my bill,” and “her bill” and “his bill” and “their bill.” It's collectively our responsibility, particularly on Thursday mornings, when it's private members' time.

So I would urge my colleagues to set aside whatever partisanship may be creeping into this issue. Let's pull back from that. Let's pass this bill. Let's have both Bill 100 and Bill 129 on second reading, which is a matter of agreeing in principle—there's nothing unparliamentary here—and saying that our intention to speak as a Legislature is to the issue that this must stop and that we are prepared to exercise the power that the people of Ontario have given us to make sure it stops. Let's leave the exact method and the regulatory process and framework that we might build to a committee. Let's have the public come in, have the SPCA come in, have people like Linda Mitchell who might want to come in and have something to say about this issue. Let them have their say, and then let a committee of this place decide what the best way to go is. Refer back here with the recommendation, and then let's get on with it.

Let's not do nothing, and let's not have a divided House on this issue, because it sends out the wrong message. The message needs to be loud and clear: “It's unacceptable to do this to innocent animals in the province of Ontario from now on. That is the law.” Let's not let it get lost or divided over partisanship. Let's keep our eyes on the prize. In this case, it's doing what's right.

I want to commend both members. I hope we would have the same sense of purpose that we had when we passed Mrs Munro's bill just a couple of weeks ago and see that take hold today. Let's pass Mr Colle's bill also and get on with doing what the people of Ontario expect us to do in this place.

**Mr Doug Galt (Northumberland):** I'm pleased to have the opportunity to say a few words about the bill brought forward by our good friend the Liberal member.

Our government has always fought animal abuse and supported tougher penalties against those convicted of animal cruelty. We've funded various initiatives for the Ontario SPCA and given funds to help in the ongoing battles against illegal puppy and kitten mills.

We're studying our own legislation to combat this intolerable situation but we are opposed to the private member's bill that was introduced by the member from Eglinton-Lawrence. We feel that Bill 100 is problematic and will increase administrative delays, red tape and inefficiencies by forcing legitimate animal breeders to obtain a licence in an unnecessary regulation.

Comparison can be made between breeder licensing and gun registration. It's costly, it's ineffective and it would target only the law-abiding. I can go on to point out that the only province I'm aware of that does have licensing is Manitoba, where only some 40% of the breeders are actually registering—it's a \$100 fee—and 60% of the known breeders are not registering. Dear knows how many more who are not known are not registering. Registration tends to drive them underground. We notice that criminals do not in fact register their weapons.

If this bill is adopted, it may require a constitutionally legal opinion with respect to charter implications of entering puppy and kitten mills without a warrant. That's rather unprecedented. This could ultimately result in unnecessary delays in rescuing at-risk animals.

If adopted, Bill 100 would levy fines against pet stores that knowingly buy or sell pets from puppy and kitten mills. That would penalize legitimate operations, and this indeed is not fair.

The public has a right to buy pets from legitimate breeders, but they should ask questions about the background of those animals. We do not support people buying pets that were raised in puppy or kitten mills. There are hundreds of unclaimed animals in humane societies across the province, and these animals need loving homes. We encourage pet owners to support their local humane society and adopt their pets from them.

We will also continue to press the federal government to quickly pass legislation that will give more teeth to the Criminal Code and increase penalties for cruelty against animals. We encourage the member from Eglinton-Lawrence to do the same.

Mr Speaker, I'm sure you'll recall my resolution in November 1999 to encourage the federal government to increase the penalties, particularly after the incident in my riding where Nikita was dragged behind a half-ton truck—a most unfortunate situation for that particular animal. I am pleased to report that she did make a very successful recovery.

Our government is serious about protecting animals and boosting animal welfare in this province, but Bill 100 would hurt legitimate breeders without stopping the proliferation of puppy and kitten mills in the province. We use the terms “puppy mills” and “kitten mills” very freely when in fact some of these evolve from people having some animals that are bred and, in ignorance, they end up in this kind of situation. We need more education out there so people are aware of the proper way.

The kind of bill that was brought forward by the member from York North, giving a code of practice on how these animals should be raised—I'm very supportive of that direction. But this direction of registration is indeed not something that's really going to be all that helpful, as proven in the province of Manitoba. The track record is there; all we have to do is look at what's been happening in another province and recognize that it indeed is not working.

Yes, I would like to see a change in the OSPCA act. It's being worked on, and the sooner we can bring it to the floor of this House to have a thorough review, I think the better for animal breeders, the better for the public who are concerned about animal welfare in general.

1140

**Mr James J. Bradley (St Catharines):** The time for private members' public business is a time where we're supposed to see a degree of non-partisanship that we don't see in other debates in the House. I thought the member for Hamilton West put it very well when he said it's time put aside the partisan differences, try to meld the

two bills perhaps and come forward with a piece of legislation that is going to be helpful to the dogs and the people who love dogs in this province.

I've got to say that I think the bill that the member for Eglinton-Lawrence has brought forward is an excellent bill. It addresses many of the problems that exist at the present time. I was moved when I was reading—as we all are when we see it in any form in the news media when some problems are encountered—the description of some of the cruelty that has taken place. The Hamilton Spectator had an editorial on August 28 that started this way:

“Imagine almost 180 ill, flea-ridden dogs and puppies confined to makeshift clapboard pens in a dilapidated barn with inadequate food and water. Such were the conditions in what Ontario SPCA officials describe as the most horrific puppy mill they have ever seen. The makeshift kennel in Vaughan north of Toronto came as a shock to Ontarians who thought that animal abuse on a scale as massive as this was largely a problem for Quebec, known as the puppy mill of Canada as a result of being the only jurisdiction in North America that doesn't have an animal welfare act.

“Whether dogs, puppies and other animals are suffering at the hands of unscrupulous individuals in Quebec or Ontario, people are outraged at both the extent of animal cruelty in Canada and the weak, outdated laws that deal with it.”

Clearly, what has happened is that this piece of legislation is designed to deal with a very serious problem, and I want to commend my colleague for it. It is one of the reasons—in fact, it is the primary reason—that I changed places in the order of precedence for bringing forward legislation, because I think this bill is an urgent bill. It's an urgent problem out there. I think it addresses many aspects of the problem that exists that perhaps previous pieces of legislation do not.

What we have, in essence, been saying is that there is a need to require the licensing of all pet breeders and kennels to operate in Ontario. We have a lot of licensing that takes place. This bogeyman that has been advanced by those opposed to this legislation apparently is most unfortunate, because we license in a number of different areas and it makes sense to do so. The people who are legitimate puppy breeders do not worry about that licensing at all; in fact, they want to see the other people put out of business.

We have to have legislation, as this legislation is, which allows full inspections of breeder and kennel operations by the Ontario Society for the Prevention of Cruelty to Animals. We need legislation that will make it a provincial offence to operate puppy or other pet mills, punishable by fines of up to \$50,000 and/or two years in jail. Those are tough, meaningful penalties. It allows the imposition of a lifetime ban on individuals found operating pet mills. It imposes fines and jail terms on pet store operators that knowingly and willingly buy or sell pets from pet mills, and is a bill which establishes a publicly accessible provincial registry of pet breeders and kennels.



We have seen a petition with some 15,000 names on it. In any community, if you put such a petition out, people would sign it quickly.

The member has given this a lot of consideration, a lot of thought. His enthusiasm for this particular issue reminds me of his enthusiasm for another issue, and that was the Oak Ridges moraine, where he took it on as personal crusade and, as a result, we had legislation coming forward in this House which was largely recommended by the member for Eglinton-Lawrence.

But I can tell you, that is not what my colleague is looking for with this—his name on a piece of legislation. I can tell you that he's genuinely concerned because he's met with the people who have brought to his attention the problems that are out there. He has, as I think we all have in this House, a genuine feeling for these animals. They're vulnerable. They require our help.

Those of us who are in government have a role and responsibility to protect the weak within our society, and that doesn't only apply to human beings; it applies to animal life as well. These helpless puppies that are bred in terrible conditions and sometimes have lifelong afflictions for that reason deserve protection. I think this bill has all of the essential components for that kind of protection and therefore I support it today.

**Mr Michael Prue (Beaches-East York):** I see I have two minutes and a little, so of necessity I'm going to keep my remarks very brief.

I think the debate here today has been most instructive from all sides of the House. I would like to commend as well the two people who have brought forward bills, Mrs Munro and Mr Colle. They've done an excellent job in highlighting the problems that exist here. I want to tell you that I wrestled between the two bills, which one I thought was the better. I don't know whether we have to get into that, because I acknowledge and appreciate the suggestion made by my colleague Mr Christopherson that this should really just go to a committee and should be hammered out, and the best parts should be taken from both bills and compromises should be made.

But what particularly brought me to Mr Colle's motion was the fact of the licensing and provincial registry, and the fact that pet store sales from unlicensed dealerships would not be allowed to happen and would be the subject of fine or imprisonment. It is not that the people who are going to run puppy mills will necessarily want to go out and get a licence. It's the secondary. It's the dealerships, it's the people who are in the stores selling the puppies and the kittens across all the malls of Ontario who will be very wary of buying from unlicensed dealerships because they, in turn, would find themselves subject to fine or imprisonment. That's the importance of the bill, not that the puppy mills are going to run out and get a licence. Of course they're not. But the secondary distributors are going to have to be very wary of it. That's what draws my mind to being the important aspect of this bill that should be added to Mrs Munro's bill.

Another point was made, and I want to reiterate it, that we are never going to stop the wanton breeding of

animals and the huge waste that is involved, the tens of thousands of animals that die in these puppy mills, nor the tens of thousands, maybe hundreds of thousands, that are put down every year at the humane societies, the SPCAs and the various animal pounds of municipalities.

The public has to be brought to understand that it is just as important to rescue the pets from those institutions and to have them in your home as it is to go out and buy a cute new puppy from a puppy mill.

**1150**

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to join in the debate with respect to the member's Bill 100, Puppy Mill Ban and Animal Cruelty Prevention Act, 2001. I think the member from Hamilton Centre indicated that on November 7 we had a bill before us brought forth by the member for York North. It was entitled the Ontario Society for the Prevention of Cruelty to Animals Amendment Act, 2001, and dealt, in the context of what we're debating today, with the same type of legislation with respect to the operation of puppy and kitten mills.

I just want to point out for the record there really hasn't been any substantial change to the Ontario SPCA act since 1919. I can say that the Solicitor General's office has been working on this in term of a working group looking to bring changes to that piece of legislation.

With respect to the legislation brought forth by the member from York North and the member before us today, there are substantial differences between the bills in terms of approach to try to deal with the problem. I think all sides agree that there is a problem that we have to deal with here, and that was certainly brought forth by the media last summer in terms of two operations in particular that could only be construed as puppy mill type of operations and certainly were not treating the animals the way they should be treated.

When you look at these pieces of legislation, both of them are looking to create a provincial offence with respect to the operation of puppy and kitten mills. Where they do differ in one part is in the licensing of breeders. That's not part of the plan with respect to the member for York North. I think it may be a false assumption to say that licensing automatically will determine that there's a good breeder. There's an assumption there that we are required to license breeders and that's going to solve the problem. There is no basis for that particular approach. The only other province in the country that has licensing is Manitoba, which has a small number of breeders in terms of the numbers that would be in this province.

The other difference in the act is that the member today in his Bill 100 is proposing warrantless entry. I think the member for Northumberland correctly pointed out that that certainly would be subject to a charter challenge. There has to be some kind of judicial overseeing of the approaches to the entry of the premises. There should be some judicial oversight and that's certainly not part of the plan of the member from York North. She proposes telewarrants and access to tele-

warrants by the Ontario SPCA inspectors where it would be impractical to appear before a JP, and that is the judicial oversight that we're looking at. You have to have some judicial oversight. You just cannot ride roughshod over people in terms of their property rights.

Fines for pet stores—that's a difference with the member for York North's bill that went through the House on November 7, and to be clear, her bill did pass through this House. The member today is proposing fines for pet stores. I would say to the member, certainly I understand the intent, but the scope may be far too restrictive in terms of the distributor of pets and the type of operations we're trying to deal with that would distribute the pets from these puppy mills or kitten mills. The scope has to be focused. It shouldn't be basically saying, "If we deal with pet store owners, that's going to solve the problem." That's a fairly narrow viewpoint of what we're dealing with here. So that's another group that the member opposite is targeting. He's targeting breeders and he's targeting pet store owners.

Both of the pieces of legislation being proposed have penalties, increasing the fines moneywise and also the prison time. Both of them are looking at a lifetime ban on operations, but one thing that the member's bill today doesn't have is standards of care, which the member from York North creates—a set of standards.

The intent is worthy of recognition and we'll see today what happens.

**Mr Dominic Agostino (Hamilton East):** Certainly I'm pleased to stand and speak in support of the bill of my colleague Mike Colle from Eglinton-Lawrence. I want to congratulate the member for the effort and dedication he has put into this issue as he's driven and continues to drive this very important issue.

As well-intentioned as Ms Munro's bill here was, it's certainly my view and the view on this side of the House of the official opposition that it doesn't go far enough. Clearly, this is a very important issue; it's a very serious issue. We have seen some absolutely horrific situations that have occurred in Ontario: repeat offenders, individuals who time and time again have continued to operate these filthy, unsanitary, dangerous puppy mills simply for profit and with total disregard for the care of the animal involved.

The reality is this: you either want to be cute and fuzzy about this and say, "Well, this is nice. We've got some legislation that makes us feel good," or you can really get tough on the violators and those individuals who decide that they're going to abuse animals for profit. This bill does that. I don't think it goes too far. It's tough, and I think it should be a tough piece of legislation. There should be some severe penalties for violators. I don't think it targets anybody who is above-board, who is a legitimate operator, who breeds puppies in a manner that is acceptable. Their licensing will take care of standards. I believe inspections are necessary. This bill gives some real powers to go after those individuals who continue and who believe it's acceptable to abuse these animals in the fashion that they do.

Clearly, we've got a decision to make here today. I'm a little surprised that the government is opposing this piece of legislation. It makes a lot of sense. I think it adds to the bill that Ms Munro had brought forward. I don't see a problem. I really have a tough time understanding why the government side would have a problem with a fine or penalty on those individuals who do not abide by this piece of legislation. It gives some real power here. It gives the SPCA some power to inspect, some powers to license.

Right now, they can only respond on complaints. I've met with the SPCA in Hamilton. I've talked to the folks there and I've toured the facility. They can tell you horror stories. They're powerless right now unless there's a complaint. Once the problem occurs, they can move in and try to rescue those animals, and often it's too late at that point. So what we need is a situation where there's a standard licensing process, where there's an opportunity for inspections and there's an opportunity to shut those things down before they become the horror stories we have seen. This is what Mr Colle's bill is all about, what this bill does.

I'm really not concerned about the fact that we're going to go after individuals who knowingly sell these puppies because, clearly, in order for the puppy mills to operate, there have to be individuals beyond that who are willing to sell these animals for profit as well. Legitimate pet store owners have absolutely nothing to worry about with this piece of legislation, because the bill makes it clear that they have to know that they have purchased this from a puppy mill that was unlicensed, unregulated, that broke the law. So if someone simply decides that they're going to make a few fast bucks by purchasing these animals and they know that these animals have been bred in a situation that's unsanitary, unsafe, unlicensed, then frankly they should be up for prosecution, they should be charged and they should be fined if they're found guilty with whatever penalties are there. So it doesn't target the legitimate breeders, it doesn't target the legitimate pet store owners; it targets those who knowingly and deliberately go about injuring, hurting and causing pain and lifelong damage and often death to these animals for profit.

I cannot understand why anyone in this House would have a problem with that. I think we, hopefully, have evolved as a province over the years, as a society, where we understand and respect the rights of animals. We understand they're simply not there to be abused and used and then discarded. Anybody who walks into an SPCA in the province can see that every single day. It's a serious problem. The government says, "We've been looking at it." I think the Solicitor General has had the study group going for five years now and we've had five years of inaction.

This piece of legislation, if supported today and goes forward, will finally give the SPCA some real power, will give them the ability to go in to inspect, license, shut down and go after these criminals, frankly, who go out there deliberately and have no problem injuring or killing

hundreds or thousands of animals simply to make a profit. I wish everyone in this House would support this bill. I want to commend my colleague Mr Colle again for the effort, dedication and commitment he has made to this cause. I certainly hope that in a non-partisan fashion today the government will support this piece of legislation and give some real protection that is long overdue.

**The Acting Speaker:** Response?

**Mr Colle:** I want to thank all my colleagues on both sides for their contributions to this bill. This bill targets puppy mill breeders, puppy mill operators. That's whom it targets. We've got to put these disgusting people out of business.

There are 400 of these things going on under our noses all across this province. All we've done is study the damned thing. We have the opportunity to close them down today if we want to. Instead, we hear the members opposite talking about the poor pet store owners across this province who knowingly and willingly are selling puppies every day when they know they're from puppy mills. I won't defend those pet stores that do that knowingly and willingly, like the member across there.

Legitimate breeders aren't afraid of being licensed and legitimate breeders aren't afraid of being inspected. Right now in Ontario, the SPCAs and the humane society can't even inspect these business operations. You can't even go on their property while they're doing this illegal practice. My bill says, give the right to inspect and license the ones that are legitimate, and if they don't meet the criteria, take the licence away.

Right now it's basically a disaster across this province. We all know these exist. The government has been studying this for five years. For five years they've talked about it. I've talked to people all across this province who are in animal rescue, SPCAs and humane societies. They've told me what would be needed to close these—whatever they call them—down. They said you need to inspect them, you need to license them and you need to close down the pet stores that sell them. They're the ones that said to put this in the bill. I'm not a breeder like Mrs Munro. I'm just an ordinary person. I'm not up here—

**The Acting Speaker:** Thank you. This completes the time allocated for debate on this ballot item.

CARLEIGH AND EMILY'S LAW  
(EDUCATION AMENDMENT ACT -  
SPECIAL EDUCATION ADVOCATE), 2001

LOI CARLEIGH ET EMILY DE 2001  
MODIFIANT LA LOI SUR L'ÉDUCATION  
(CONSEILLER À L'ENFANCE  
EN DIFFICULTÉ)

**The Acting Speaker (Mr Michael A. Brown):** We'll now deal with ballot item number 37.

Mr McMeekin has moved second reading of Bill 114, An Act to amend the Education Act to provide for a Special Education Advocate.

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

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will take the division after dealing with ballot item number 38.

PUPPY MILL BAN AND ANIMAL  
CRUELTY PREVENTION ACT, 2001  
LOI DE 2001 SUR L'INTERDICTION  
DES USINES À CHIOTS  
ET LA PROTECTION DES ANIMAUX

**The Acting Speaker (Mr Michael A. Brown):** Mr Colle has moved second reading of Bill 100, An Act to ban puppy mills and other cruel animal-breeding activities and to protect animals bred for commercial sale from abuse by amending the Ontario Society for the Prevention of Cruelty to Animals Act.

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

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will take this division after we deal with ballot item number 37.

Call in the members; it will be a five-minute bell.

*The division bells rang from 1202 to 1207.*

CARLEIGH AND EMILY'S LAW  
(EDUCATION AMENDMENT ACT -  
SPECIAL EDUCATION ADVOCATE), 2001  
LOI CARLEIGH ET EMILY DE 2001  
MODIFIANT LA LOI SUR L'ÉDUCATION  
(CONSEILLER À L'ENFANCE  
EN DIFFICULTÉ)

**The Acting Speaker (Mr Michael A. Brown):** Mr McMeekin has moved second reading of Bill 114.

All those in favour will please stand and remain standing until their name is called.

**Ayes**

Agostino, Dominic	Di Cocco, Caroline	McMeekin, Ted
Bartolucci, Rick	Dombrowsky, Leona	Patten, Richard
Bountrogianni, Marie	Duncan, Dwight	Peters, Steve
Bradley, James J.	Gerretsen, John	Phillips, Gerry
Bryant, Michael	Kennedy, Gerard	Prue, Michael
Christopherson, David	Kormos, Peter	Pupatello, Sandra
Colle, Mike	Kwinter, Monte	Ramsay, David
Conway, Sean G.	Levac, David	Ruprecht, Tony
Cordiano, Joseph	Marchese, Rosario	Sergio, Mario
Crozier, Bruce	Martel, Shelley	Smitherman, George
Curling, Alvin	McGuinty, Dalton	

**The Acting Speaker:** All those opposed will please rise and remain standing until your name is called.

**Nays**

Baird, John R.	Johns, Helen	Sampson, Rob
Barrett, Toby	Johnson, Bert	Snobelen, John
Chudleigh, Ted	Klees, Frank	Sterling, Norman W.
Clark, Brad	Marland, Margaret	Stewart, R. Gary

Clement, Tony	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Mazzilli, Frank	Tascona, Joseph N.
Ecker, Janet	Miller, Norm	Tilson, David
Elliott, Brenda	Molinari, Tina R.	Tsubouchi, David H.
Galt, Doug	Munro, Julia	Wettlaufer, Wayne
Gilchrist, Steve	Mushinski, Marilyn	Wilson, Jim
Gill, Raminder	Newman, Dan	Witmer, Elizabeth
Guzzo, Garry J.	Ouellette, Jerry J.	Wood, Bob
Jackson, Cameron	Runciman, Robert W.	Young, David

## MEMBERS' STATEMENTS

## SCHOOL CLOSURES

**Mr Mario Sergio (York West):** I want to address my remarks directly to the Premier and his failed education policies. We have seen six long years of frustration, turmoil, crisis, cuts and chaos. Tonight the separate school board is facing a very tough and very difficult decision. They are put in a very untenable position of deciding which schools they are going to close. There are five schools in my particular riding that are being contemplated to be shut down. They have the community up in arms.

Mr Premier, it's because of your misguided education policy that five schools are being contemplated to close down. You have the parents and you have the kids up in arms. You have parents who moved into that particular community because of their community school, and now the school is being closed. How are the kids going to move out to another area after they have spent many years in that particular situation?

It is because of your funding policy, it's because of the government education formula, that we are facing today the closing down of five particular schools. I don't think that this is what the kids want, that this is what's fair to the board. This is the decision they have to make tonight. It's very unfair, and I call on the Premier to fund the schools so that we can retain our schools in our community.

## ANIMAL CRUELTY

**Mrs Julia Munro (York North):** I rise today to speak to the issue of puppy and kitten mills. Although I applaud the member for Eglinton-Lawrence in his efforts to bring this issue forward, I would also like him to stay on the issue. It is easy to scream accusations and throw in red herrings, but that does not address the issue of animal cruelty. I would like to suggest that the member opposite speak to the Integrity Commissioner and take up his accusations there and then get back to the real issue of puppy and kitten mills.

Contrary to the Liberal opposition, this government is not protecting pet stores and puppy mill breeders. By implementing standards of care, we will have the ability to eliminate these mills.

I think it is important to point out that the majority of breeders operate out of their own homes. Allowing the Ontario SPCA inspectors to enter without a warrant gives them more authority than the police have in dealing with violent criminals, obviously a charter challenge issue. I don't think the member opposite thought of that.

I think it is also important to talk about Manitoba, the only province in Canada which does have provincial licensing of breeders. While licensing is mandatory in Manitoba, it is estimated that only 40% of breeders have

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 32; the nays are 39.

**The Acting Speaker:** I declare the motion lost. We'll now open the doors for 30 seconds.

PUPPY MILL BAN AND ANIMAL  
CRUELTY PREVENTION ACT, 2001  
LOI DE 2001 SUR L'INTERDICTION  
DES USINES À CHIOTS  
ET LA PROTECTION DES ANIMAUX

**The Acting Speaker (Mr Michael A. Brown):** We're dealing with ballot item number 38. Mr Colle has moved second reading of Bill 100.

All those in favour will please stand and remain standing until their name is called.

## Ayes

Agostino, Dominic	Dombrowsky, Leona	Patten, Richard
Bartolucci, Rick	Duncan, Dwight	Peters, Steve
Bountrogianni, Marie	Gerretsen, John	Phillips, Gerry
Bradley, James J.	Guzzo, Garry J.	Prue, Michael
Bryant, Michael	Kennedy, Gerard	Pupatello, Sandra
Christopherson, David	Kormos, Peter	Ramsay, David
Colle, Mike	Kwinter, Monte	Ruprecht, Tony
Conway, Sean G.	Levac, David	Sergio, Mario
Cordiano, Joseph	Marchese, Rosario	Smitherman, George
Crozier, Bruce	Martel, Shelley	Tilson, David
Curling, Alvin	McGuinty, Dalton	
Di Cocco, Caroline	McMeekin, Ted	

**The Acting Speaker:** All those opposed will please stand and remaining standing until their name is called.

## Nays

Baird, John R.	Johns, Helen	Sampson, Rob
Barrett, Toby	Johnson, Bert	Snobelen, John
Chudleigh, Ted	Klees, Frank	Sterling, Norman W.
Clark, Brad	Marland, Margaret	Stewart, R. Gary
Clement, Tony	Martiniuk, Gerry	Stockwell, Chris
Cunningham, Dianne	Mazzilli, Frank	Tascona, Joseph N.
Dunlop, Garfield	Miller, Norm	Tsubouchi, David H.
Ecker, Janet	Molinari, Tina R.	Wilson, Jim
Elliott, Brenda	Munro, Julia	Witmer, Elizabeth
Galt, Doug	Mushinski, Marilyn	Wood, Bob
Gilchrist, Steve	Newman, Dan	Young, David
Gill, Raminder	Ouellette, Jerry J.	
Jackson, Cameron	Runciman, Robert W.	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 34; the nays are 37.

**The Acting Speaker:** I declare the motion lost.

This completes all private members' public business. This House stands adjourned until 1:30 of the clock.

*The House recessed from 1214 to 1330.*

registered and 60% have not. We can see in this example that this does not work.

The only thing that can stop these horrible practices is by making sure these animals are cared for properly.

### SCHOOL POOLS

**Mr Michael Bryant (St Paul's):** School pools are to a city what the great outdoors are to much of rural Ontario. School pools are not a luxury for Toronto. They are part of an active, healthy, safe and supervised life-style.

Unless we have the funding for dozens of pools in our public schools, unless the funding conflict between the Toronto District School Board and the city of Toronto and the provincial government is resolved, thousands of kids are going to go without this opportunity. I ask the government to maybe think of this less as a jurisdictional turf war and more in terms of crime prevention. If these kids are not in healthy recreational programs, many are going to end up playing in the city's shadows, as it were. I don't think that's in the interests of anybody.

I hope the government will take a close look at this and understand that the Toronto District School Board has a shortfall. Under the funding formula, it doesn't have the money to provide for these schools. The city of Toronto has said in its finance committee that it simply cannot make up for that shortfall.

Let's make sure the kids in Toronto today have the same kinds of opportunities growing up in safe communities that many of us here in the House, I hope, enjoyed. For the sake of the kids, not for politics, let's make sure we resolve this funding conflict over school pools.

### CHRISTKINDL MARKET

**Mr Wayne Wettlaufer (Kitchener Centre):** About 700 years ago, around the year 1310, Germans in Munich participated in an annual opportunity for farmers to go to town to do some shopping and offer their wares for sale—the Nikolausdult Market. To this day, the festival continues in Munich. However, as times change, so do customs and traditions. The festival is now called Christkindl Market, or Christ Child Market.

Along with the new name, the popular festival has adopted new traditions. As the custom of giving gifts around this time of year became popular, the market adopted the custom. The market became a popular venue for crafts, gift items and foods and, of course, a place for the sale of toys for children. They became world-renowned for their ceremonies, festivities, entertainment and outstanding gifts of food.

I am proud to say that Kitchener city hall is hosting Canada's own original Christkindl Market today through Sunday, December 9, 2001. Over 25,000 people from across North America come to experience this event. I am also proud to inform the House that Kitchener's

Christkindl Market was awarded Best New Festival by Festivals and Events Ontario in 1999.

My personal thanks go to the German community of Kitchener, and especially Tony Bergmeier and the German-Canadian Business and Professional Association, who organized the event, for their hard work. I invite everyone to come to Kitchener city hall throughout the next three days to experience Kitchener's own Christkindl Market.

### CONSIDERATION OF BILL 128

**Mr Rick Bartolucci (Sudbury):** A month ago, I introduced Bill 128, An Act to permit the naming of highway bridges and other structures on the King's Highway in memory of police officers who have died in the line of duty. In the preamble to the bill I said, "We, the people of Ontario, are forever grateful to the dedicated police officers who have courageously and unselfishly given their lives in the line of duty. Our debt to them can never be repaid." Today, I challenge the Harris government to call this bill forward, to give it quick passage and to ensure that this is enshrined in law before we break next week. It is important to police officers who on a continuing basis put their lives on the line.

Today I am buoyed by a letter I received from the Ontario Provincial Police Association. It says, "91 Ontario Provincial Police officers have been killed in the line of duty serving the citizens of Ontario." This association is asking for all members in the House, in a non-partisan way, to pass this bill and enshrine it in law.

Certainly, when I met with the Ontario Provincial Police Association this summer, they gave me the impetus to put this bill together, so in many ways they are the authors of this bill. The police officers of the province of Ontario are the authors of Bill 128, and I ask the government, I demand of the government, I plead on behalf of the police officers in this province: pass Bill 128, show your respect to them, and show your respect for community safety.

1340

### HOMELESSNESS

**Ms Shelley Martel (Nickel Belt):** On December 4, the Social Planning Council of Sudbury released its third report dealing with homelessness in our community. The report confirmed, from January to July of 2001, a 50% increase in the number of people who are absolutely homeless, having only temporary housing at the Salvation Army or Genevra House, a shelter for battered women. In the same period, the total number of homeless, those with temporary housing and those staying with friends because they can't find adequate housing of their own also increased by 13%, to a new high of 399. About 40% of the homeless are women. Infants, children under 13, and seniors make up a growing percentage of the homeless. Over 25% included aboriginal people.

The researchers concluded that Sudbury has a serious problem with rents. Too many people are forced to spend more than 50% of their income on rent, and low social assistance rates are forcing people to choose between paying rent and buying basic necessities like food. They concluded that both levels of government must make homelessness a priority to reduce these appalling numbers.

It appears the federal government is moving forward with its promise to invest \$680 million over the next five years. But the Conservative government's recent response to homelessness is to trot out a repeat \$20-million program to provide a sales tax rebate to developers building affordable housing. Since the number of homeless increased the last time this program was in effect, it's clear it won't do anything to kick-start the creation of affordable housing for the thousands of people who need it.

Basic shelter is not a privilege; it is a right. It's time for this Conservative government to build affordable housing for people who need it.

#### CONSTITUENCY STAFF

**Mr Garfield Dunlop (Simcoe North):** I want to rise today to speak about the amazing effort and support we as members get from the staff in our constituency offices and at Queen's Park. Regardless of political party, the staff in each member's office play a valuable role in helping people with a variety of issues ranging from OSAP to birth certificates to the Family Responsibility Office. The staff also provide the public with valuable information and help with the many services offered by the Ontario government and the community at large. The staff in our offices also help to keep us politicians organized with our schedules, our speaking engagements and the thousands of letters and e-mails that come into our offices each week.

Sometimes the constituency office staff do not get a chance to see what goes on at Queen's Park because they are too busy with work or too far from Toronto. Today, I have invited my constituency staff from my Midland and Orillia offices to Queen's Park to see what goes on in this building first-hand. I'm hopeful that after visiting Queen's Park, they will be able to make better-informed decisions on a daily basis in the constituency offices.

I'd like to take this opportunity to introduce my staff from Midland and Orillia: Diane Burt, Marjorie Roach, Marilyn Rolland and Mary Silk, and Janet Copeland from my Queen's Park office.

#### DOCTOR SHORTAGE

**Mr Tony Ruprecht (Davenport):** Reading this morning's headlines can make you sick. As many as eight Toronto operating rooms are set to close, forcing patients to wait longer for elective surgery. Every non-emergency procedure at these hospitals, from joint replacements and organ transplants to cardiac and cancer surgeries, will be

affected. Starting Monday, Toronto General Hospital will close three operating rooms, Toronto Western Hospital shuts down two and Princess Margaret will close one. In addition, Mount Sinai will close an operating room. Why? Because this government has failed to understand the basic premise of health care.

Doctors perform operations. The reason we don't have enough doctors is because presently there are 2,000 foreign-trained professional doctors not only in Ontario but the majority are in Toronto. What are they doing? They're driving taxis, cleaning restaurants and delivering pizzas. We're asking today that the Minister of Health and the Minister of Training, Colleges and Universities get off their hands and open the doors for these foreign-trained doctors to be able to perform. There is an opportunity today. We're asking for them to open the doors. You haven't done enough. We're asking for it; do it.

#### DON DUSENBURY

**Mr Doug Galt (Northumberland):** I rise in the House today to recognize a long-time volunteer and lung cancer survivor, Don Dusenbury, who was awarded the Canadian Cancer Society's medal of courage. The presentation was made in front of some 200 people at the Canadian Cancer Society's annual meeting in Toronto last Friday.

Mr Dusenbury has been an exemplary volunteer since 1988 and currently holds a variety of positions. Prominent among these are acting president of the Peterborough and district unit of the Canadian Cancer Society, which includes the Northumberland area. He has also been a strong advocate on anti-smoking issues, serving on various committees at the regional and provincial levels.

The Port Hope resident was nominated for the award for his work with Cancer Connection, where he assists newly diagnosed cancer patients through a telephone support service. New patients have the opportunity to talk with trained volunteers who have survived similar cancer experiences. Mr Dusenbury has personally helped more than 100 people through this organization.

What makes this community service all the more poignant is that for 15 years, Mr Dusenbury has battled lung cancer himself, and yet he has still been able to find time to help out others in the same situation.

Please join with me in recognizing the outstanding achievements of this Northumberland resident.

#### SPEAKER'S RULING

**The Speaker (Hon Gary Carr):** On Thursday, November 29, the member for Windsor-St Clair, Mr Duncan, raised a point of privilege concerning a portion of the 2001 Annual Report of the Provincial Auditor. The member made reference to the part of the Provincial Auditor's report relating to the Ministry of Transportation, and specifically to a recounting by the Provincial

Auditor of difficulties he and his staff had encountered in receiving documents from the ministry in the course of an audit of the road user safety program.

The member for Windsor-St Clair quoted pertinent portions from the Provincial Auditor's 2001 annual report in which the auditor recited the nature and substance of the difficulties encountered. The member alleged that by engaging in the conduct complained of by the Provincial Auditor, individuals employed by the Ministry of Transportation had perpetrated a contempt of the Legislative Assembly by frustrating one of its officers in the performance of his duties.

I've now had an opportunity to read the Provincial Auditor's report and to review the Hansard transcripts of the submissions made last Thursday by the member for Windsor-St Clair, the government House leader and the Minister of Transportation.

There can be no doubt that the Office of the Provincial Auditor faced obstacles in the course of its review of the Ministry of Transportation's road safety user program. In section 3.11 of the report, the Provincial Auditor recounts a number of behaviours on the part of the ministry that had an effect, in the auditor's own words, of limiting his ability to fulfill his legislated audited responsibilities.

This is a serious issue that must be of grave concern to all members of the House. As I said to the Legislature on May 18, 2000, in a similar context, "In official business dealings with an officer of this House, individuals owe an obligation of accountability to Parliament."

Having now referred to my ruling of May 18, 2000, which addressed a point of privilege concerning the very similar issues raised by the Information and Privacy Commissioner to those raised in the case of the Provincial Auditor, I would now like to make a connection between and a comparison of the two.

Both of these parliamentary officers, the Information and Privacy Commissioner and the Provincial Auditor, make remarkably similar claims concerning significant difficulties they encountered in discharging their respective functions, difficulties caused by the refusal of government employees to fully extend statutorily required co-operation to these officers. As the Provincial Auditor notes in his report, "...management of the safety and regulation division hindered the audit process and, despite repeated requests for access to original or supporting documentation, did not provide complete information for this audit." For her part, the Information and Privacy Commissioner similarly informed the Legislature of nearly identical obstacles in her review of a matter concerning the Ministry of Finance.

While these officers' reports to the House are importantly similar, they are, however, importantly divergent in one key aspect: the Information and Privacy Commissioner was compelled to tell the House that the result of the persistent obstacles she faced was to prevent her from drawing complete conclusions about many aspects of the investigation that was the subject of her report. As a result, the assembly failed to receive a full and definit-

ive accounting from her on this matter. Most significantly, although the commissioner strongly disputed the raising of these obstacles, the Ministry of Finance actively and persistently declined to rectify the matter.

In May 2000, the Information and Privacy Commissioner reported to the House that she was "unable to conduct a full and complete investigation." For that reason, I found that a prima facie case of contempt had been made out.

In contrast, the Provincial Auditor reports that he ultimately obtained the personal intervention of the current Minister of Transportation who, upon learning of the obstacles his officials were presenting, ordered their full co-operation, undertook to ensure that there would be no recurrence of the experience complained of by the Provincial Auditor, and went so far as to develop a code of conduct for the guidance of the ministry employees in their dealings with the Provincial Auditor. As a result, the Provincial Auditor was able to tell the House that despite all the circumstances working against him up to that point, "Based on the information we had received by the end of our audit field work, we were able to reach the conclusions outlined in section 3.11 of chapter 3."

I am persuaded that the Provincial Auditor was ultimately able to fully discharge his duties to the Legislature and, therefore, cannot find that a prima facie case of contempt has been established.

Clearly, this is a serious matter but one that, if I can put it this way, was happily resolved in the end. The gravity of the issue has obviously been grasped by the current Minister of Transportation, who has appropriately taken full responsibility for the activities of his ministry and its employees, and who acted to correct the deficiency and to ensure it will not recur. The Provincial Auditor himself noted in his recent report the "minister's commitment to take corrective action to facilitate the work of our office." He further stated, "We are confident that the commitments conveyed to us by the new minister and deputy minister will ensure that the access to information problems we encountered during this audit will not reoccur in future audits." I am hopeful that the auditor's confidence will prove to be well-founded and that no continuing, proactive or contemptuous disregard for his role as an officer of this House is to be found or will again surface in the Ministry of Transportation.

Members will know that I have been required to rule on several recent points raised with respect to government obstacles that officers of this House have faced. Independently, each of them, while significant, for the most part has fallen short of contempt. I do, however, want to say that collectively these occurrences cause me serious concern, and I would caution the government that I will be expecting unfettered and willing co-operation in the future with all officers of this House in their efforts to carry out their responsibilities.

I want to thank the House leader of the official opposition, the government House leader and the Minister of Transportation for their submissions.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Mr Steve Gilchrist (Scarborough East):** I beg leave to present a report from the standing committee on general government and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill, as amended:

Bill 110, An Act to promote quality in the classroom.

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

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1352 to 1357.*

**The Speaker:** Mr Gilchrist has moved adoption of the report from the standing committee on general government regarding Bill 110.

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

#### Ayes

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

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

#### Nays

Agostino, Dominic	Crozier, Bruce	Peters, Steve
Bartolucci, Rick	Curling, Alvin	Phillips, Gerry
Bisson, Gilles	Di Cocco, Caroline	Pupatello, Sandra
Bountrogianni, Marie	Duncan, Dwight	Ramsay, David
Bradley, James J.	Kormos, Peter	Ruprecht, Tony
Bryant, Michael	Kwinter, Monte	Sergio, Mario
Christopherson, David	Levac, David	Smitherman, George
Churley, Marilyn	Marchese, Rosario	
Conway, Sean	Martel, Shelley	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 43; the nays are 25.

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

Pursuant to the order of the House dated Monday, November 19, 2001, the bill is ordered for third reading.

**Mr Gilchrist:** I beg leave to present a report from the standing committee on general government and move its adoption.

**Clerk at the Table:** Your committee begs to report the following bill as amended:

Bill 77, An Act to amend the Vital Statistics Act and the Child and Family Services Act in respect of adoption disclosure / *Projet de loi 77, Loi modifiant la Loi sur les statistiques de l'état civil et la Loi sur les services à l'enfance et à la famille en ce qui concerne la divulgation de renseignements sur les adoptions.*

**The Speaker:** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

**Hon Dan Newman (Minister of Northern Development and Mines):** On a point of order, Mr Speaker: I'd like you and all members of the Legislative Assembly to join me in welcoming two guests to the Legislature today. They are Councillor John Currie and Mr Randy Mosley from the town of Thessalon. Welcome.

**Mr Gilchrist:** Given the high output of the standing committee on general government, I am pleased to present another report from the standing committee on general government and move its adoption.

**Clerk at the Table:** Your committee begs to report the following bill as amended:

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

**The Speaker:** Shall the report be received and adopted?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1402 to 1407.*

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

#### Ayes

Baird, John R.	Jackson, Cameron	Runciman, Robert W.
Chudleigh, Ted	Johns, Helen	Sampson, Rob
Clark, Brad	Johnson, Bert	Snobelen, John
Clement, Tony	Kells, Morley	Sterling, Norman W.
Coburn, Brian	Klees, Frank	Stewart, R. Gary
Cunningham, Dianne	Marland, Margaret	Stockwell, Chris
Dunlop, Garfield	Martiniuk, Gerry	Tascona, Joseph N.
Ecker, Janet	Maves, Bart	Tilson, David
Elliott, Brenda	Mazzilli, Frank	Tsubouchi, David H.
Galt, Doug	Miller, Norm	Turnbull, David
Gilchrist, Steve	Molinari, Tina R.	Wettlaufer, Wayne
Gill, Raminder	Munro, Julia	Wilson, Jim
Guzzo, Garry J.	Mushinski, Marilyn	Witmer, Elizabeth
Hodgson, Chris	Newman, Dan	Wood, Bob
Hudak, Tim	Ouellette, Jerry J.	

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

**Clerk of the House:** The ayes are 44; the nays are 0.

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

Pursuant to the order of the House dated Monday, December 3, 2001, the bill is ordered for third reading.



**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: I seek your guidance. Today in committee it was suggested that there had been agreement among the House leaders as to the process with respect to the presentation of this bill in committee and the referral of the bill from committee back to this House. There was no such agreement, sir. In fact, the official opposition voted against the time allocation motion.

My question is: if that assertion is made in committee, is it proper to bring it up here as a point of privilege, or is it more appropriate to bring it up in the committee itself?

**The Speaker:** I think the member has made his point. As you know, there isn't anything we can do. There are plenty of opportunities during third reading debate to outline your position on why you did such-and-such in a committee.

**Mr Duncan:** Mr Speaker, there really are no more opportunities to discuss this bill as a result of the draconian time allocation—

**The Speaker:** Thank you. I'm sure there is plenty of opportunity to outline your reason for that.

## INTRODUCTION OF BILLS

### EMERGENCY READINESS ACT, 2001

LOI DE 2001

#### SUR L'ÉTAT DE PRÉPARATION AUX SITUATIONS D'URGENCE

Mr Turnbull moved first reading of the following bill:

Bill 148, An Act to provide for declarations of death in certain circumstances and to amend the Emergency Plans Act / Projet de loi 148, Loi prévoyant la déclaration de décès dans certaines circonstances et modifiant la Loi sur les mesures d'urgence.

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

The member for a short statement?

**Hon David Turnbull (Solicitor General):** In ministers' statements.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### EMERGENCY PREPAREDNESS

**Hon David Turnbull (Solicitor General):** I'm pleased to rise in the House today to introduce the Emergency Readiness Act. In the wake of the terrible events of September 11, people everywhere have questioned whether their governments have the ability to deal with emergencies. Our government is taking immediate and concrete action to ensure this province and all its communities are prepared for emergencies, whether natural or human-caused.

We have made an ongoing commitment to further enhance the province's counterterrorism and emergency management capabilities. We have announced significant human and financial resources to improve Ontario's emergency preparedness. We will double the emergency management budget; provide enhanced training for firefighters, police and others who are first on the scene at emergencies; establish training for volunteer emergency response teams; work with the owners and operators of large buildings to develop evacuation procedures; and develop more specialized forensic capability in the Centre of Forensic Sciences and the Office of the Chief Coroner.

The new Emergency Readiness Act builds on this solid foundation. If passed, it would improve the ability of the province and its municipalities to deal with emergencies. It would introduce the most significant change to emergency preparedness in Ontario to date. Under the new act, all municipalities would be required to develop and implement emergency management programs. These programs would have to include emergency plans. All these plans would be submitted to EMO for review and safekeeping.

This legislation would also require that municipalities provide training and exercises for staff who deal with emergencies. This will ensure that during an emergency everyone knows how essential services are supplied and what procedures to follow. These activities would also outline steps to be taken during the recovery period.

The public needs to know what to do during an emergency. That's why this bill would require municipalities to conduct public education campaigns. We want to make sure citizens are aware of potential risks to public safety and are prepared for emergencies. Having a well-constructed plan, knowledgeable and trained responders and an educated and prepared public are only part of the strategy. If this act is passed, municipalities would be required to identify and assess sensitive and critical infrastructure in their communities.

I have spoken mainly of what the government is requiring of municipalities. Let me assure the House that we will place the same obligations on the province. By way of illustration, key ministries would be required to develop an emergency management plan, train crown employees, conduct exercises, educate workers and assess risks.

We have learned many lessons from the events of September 11. One of the most important priorities is the need to get help—physical, emotional and financial—to victims as quickly as possible. That's why this bill would empower the Lieutenant Governor, on the recommendation of the Attorney General, to temporarily suspend the operation of a limited number of legal provisions. This temporary power would apply only to those provisions that establish a limitation period, deal with benefits or compensation that would be payable as a result of the emergency or require payment of court fees. This temporary step would only be taken to provide assistance to victims or to help them and the public deal with the emergency and its aftermath.

We're also introducing the Declaration of Death Act. If passed, this would streamline the process for a number of legal proceedings in the unfortunate event that a person is presumed dead but no remains can be located. The Declaration of Death Act would allow a single application to be brought for all legal purposes. It would replace the existing requirement of separate court proceedings for each specific legal purpose, such as probating a will or claiming life insurance. This would significantly ease the burden on those who have lost loved ones in a tragedy.

In closing, let me emphasize that this government is working with municipalities to ensure public safety. By working together, we are making Ontario a safer place to live, work and raise a family.

**The Speaker (Hon Gary Carr):** Responses?

**Mr Dave Levac (Brant):** I rise with honour to speak on behalf of Dalton McGuinty and the Liberal caucus on the proposed legislation and the statement from the minister. I want to begin by expressing very clearly that there is no monopoly on any side on the concerns that have been raised since September 11. There is no monopoly on the ideas that need to be floated in order to secure the citizens of the province of Ontario. There is no monopoly on the care and concern we have all expressed about firefighters, police officers, paramedics and all those who worked in emergency circumstances on September 11 and those we speak of here in the province of Ontario. On behalf of Dalton McGuinty and the Liberal caucus, I want to express once again our gratitude and support for our firefighters, police officers, paramedics and those who protect us day in and day out.

Now to speak to the bill and to the concept that's been offered, I want to make sure the public understands that very shortly after September 11, Dalton McGuinty made some statements, requests and suggestions that I believe should have been acted upon. I wait with bated breath to read over the bill, as I just received it, before endorsement can be given without any question. Here are some of the ideas that were floated earlier that I think deserve credit and some consideration by the members on the other side.

Dalton came right out and immediately said, "Let us reconvene the Legislature's all-party committee on terrorism." That in itself was a recommendation to ensure that Dalton had an idea that was beyond party, that basically said there once was a committee in this Legislature that said we should collectively be looking at terrorism and working together to ensure the safety of the people of Ontario. I think that was a marvellous idea.

Inside that committee, we would look at the mandate to target terrorism in the United States and Canada, with specific references to chemical, biological, radiological, nuclear and cyber terrorism; the security of the TTC and the public transit of all the province; public utilities, including hydro and water; financial districts; and municipal systems and courthouses. I think that's a good idea. I don't think anyone in this House could say it's a bad idea that we reconvene that, but it hasn't been acted upon.

Another idea: intergovernmental co-operation in the fight against terrorism, including coordination between the OPP, local police forces and the RCMP, CSIS and provincial crown prosecutors.

Immediately meet with all the mayors of Ontario to review Ontario emergency preparedness. Hold an economic summit with business and labour leaders to get ideas from them as to whether we can be doing things better, in a way that opens up the concept that many people are affected by it.

**1420**

I also want to mention—whether this is bragging or not—a bill I introduced to this House on November 28, Bill 141, An Act to amend the Fire Protection and Prevention Act. I want to know if the members on the other side are aware of it and whether they would support it. It basically says the fire marshal must review all the plans that are put forward by municipalities, which are now shrinking their fire departments. Believe it or not, there are municipalities now that have only one person on a truck to go to a fire. I can imagine what would happen if they had to respond to a major issue. I say to you very clearly that this bill would eradicate that problem once and for all.

I would also bring to the attention of this House that we have concerns about providing municipalities with consistent standards for emergency plans and exercises. There's no mention of exactly how much money. We've had many announcements about how much money they're putting in. The city of Toronto alone would use up to \$2 million the Solicitor General is talking about. In the city of Toronto alone \$2 million is needed for fire-fighting services under Chief Speed's recommendation. The fact that \$2 million is spent on one city alone represents an awful lot, and it points to one idea we've floated and we keep hammering home that would be a response to this crisis; that is, the Ontario Liberal emergency fund. The Liberals have proposed \$100 million that would be spent, monies that have been allocated in other directions that are not being used; \$50 million alone would go to municipalities, and inside the \$50 million, municipalities can address their security and needs right across Ontario.

I would also say that the EMA requires municipalities and designated ministries to undertake a risk assessment of all their facilities. Well, guess what? Michael Bryant from St Paul's has offered that in the water situation he brought to the attention of this House many times, and it still hasn't been acted upon. Thank you, Michael, for bringing up that idea.

Dalton McGuinty himself was talking about the security of nuclear power plants—thank you very much, leader, for making sure that's taken care of—and it was laughed at.

I look forward to working with the minister on this bill. It's a good step forward, but we've got lots of work to do.

**Mr Peter Kormos (Niagara Centre):** I want to acknowledge the assistance provided to me by staff from

the Ministry of the Solicitor General and the Ministry of the Attorney General earlier today when they attended at my office and gave me a heads-up and indeed a briefing on the content of this legislation. I thank them for that. I thank them for their candour. They were straightforward in response to the questions I put to them. I tell you, it makes the process much more mutually beneficial—I speak of the process in this House.

Having said that, first I want to make it very clear that we should be very cautious, understanding full well that September 11 has prompted a reassessment of a whole lot of things about our organization, nationally, provincially, socially and culturally. We should be very careful not to respond with proposals like this as but responses to September 11. Surely we want to avoid the Eisenhower era of bomb shelters in every backyard as a result of the cultivation of a phobia or broadly spread fear of monsters that are real or, more dangerously, created by ourselves.

Second, all of us endorse the proposition that there should be adequate standards of emergency readiness in every community in this province—every community, large and small; every community, urban and rural. Reading the bill very quickly after it was presented to me, I put this to the Solicitor General in the context of the understanding that there is a significant amount of regulation that has to be drafted and remains to be drafted for this bill to have any impact whatsoever. Indeed, I was not advised of the time frame in which those regulations could be prepared, because I was advised there was going to be consultation, as there should be. One of my requests, indeed challenges, to the minister in the course of those consultations with municipalities is to ensure that not only large municipalities but small and indeed rural and remote municipalities are included.

There is a time frame, then, for communities to comply with the standards that are set by regulation. But here's where we get to the nub of the issue, and that is the capacity of communities to comply with what may very well be reasonable standards for emergency preparedness, and the reality that at the end of the day, it's going to be firefighters, police officers, paramedics and other front-line emergency services workers who have to respond to these crises.

Whether it is indeed some crisis as the result of an external force or power, or whether it's the roof of a public building or an arena collapsing because of a heavier than anticipated snowfall and an aging structure, if our police forces, firefighting services, paramedics and other front-line emergency services are not adequately equipped and adequately staffed, all the standards in the world mean zip, mean absolutely zero. At the end of the day, if they're not adequately equipped and adequately staffed, not only are they unable to do the job expected of them, but they can't do it safely in their own respect.

The paramount consideration in the development of the regulations and the consultation with communities has to be ensuring processes whereby this province can guarantee capital and ongoing funding to ensure the adequacy of those front-line emergency services to

ensure the safety of those front-line emergency workers and the effectiveness of the job they provide.

I want to speak very briefly to what I refer to, not facetiously, as the war measures provision. That is the power to suspend a provincial statute. I understand that there are some very rigid—it would appear in the bill—restrictions on what they are. It's the suspension of the Limitations Act, period. It's a suspension of filing fees and a court process. It's designed and required, according to the legislation as it stands, that the suspension be for a stated period of time, so as to facilitate victims seeking compensation and relatives of victims seeking compensation or relief.

This bill warrants and deserves some preliminary examination through the process of committee. It warrants some serious consideration in the view that its about the province's willingness to make it effective, and that means this House and this party will give it its due regard.

#### PRESS GALLERY CHARITY AUCTION

**Mr Bradley:** On a point of order, Mr Speaker: I know all members of the assembly would like to join me in congratulating the Queen's Park press gallery for undertaking a silent auction that raised this year an all-time record of over \$22,000 for the United Way of Greater Toronto—and permitted me to do some Christmas shopping.

#### DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

**Hon Mrs Cunningham:** On a point of order, Mr Speaker: I believe we have unanimous consent from members to wear white ribbons and rose buttons in the chamber in observance of national Day of Remembrance and Action on Violence Against Women.

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

**Hon Mrs Cunningham:** I believe we also have unanimous consent for each party to speak for up to five minutes on the national day of remembrance.

**The Speaker:** Is there unanimous consent? Agreed.

**Hon Mrs Cunningham:** Today I stand in remembrance of 14 bright young women who were murdered for pursuing a goal most of us take for granted: that of getting a good education. That's what happened on December 6, 1989, when female engineering students were gunned down by a man who believed that their achievements, hopes and dreams somehow threatened his own.

The Montreal massacre cruelly demonstrated the destruction wrought when insidious attitudes about women are allowed to fester and grow unchecked.

As our nation grieved the loss of these wonderful young women, the pain was made all the more acute as we realized that these women could have been our daughters, our sisters, our neighbours and our friends.

Such a tragedy must never be repeated, and that is why December 6 has been declared a national Day of Remembrance and Action on Violence Against Women. On this day we stand united and we state unequivocally that violence against women and the attitudes that condone it have no place in this or any civilized society throughout the world.

Each one of us can make a difference by supporting women's right to choose their own paths and achieve their goals.

**1430**

While progress has been made in the 12 years since that terrible night, lingering attitudes persist because women continue to experience violence in all its forms every day. This is unacceptable. Our society has the responsibility to ensure women's safety and security, and to speak out against those who would use violence to control their lives.

Our government will not tolerate violence against women and we are committed to assisting women and their children to live free from violence. I know there are many groups and organizations right across our province that are working to do the same, not only women's organizations but men's groups as well.

When we take action to end violence against women, we honour the memory of those young women who died that terrible night. We know we cannot, indeed we must not, allow those who would use violence, intimidation and fear to prevail.

Remember December 6. Remember those women whose lives were so tragically cut short, and remember it is up to each one of us to make a difference.

**Mrs Marie Bountrogianni (Hamilton Mountain):** I rise in the House today to observe the national Day of Remembrance and Action on Violence Against Women. December 6 is a day on which we speak in memory of the 14 young women whose lives were ended by a lone gunman at École polytechnique in Montreal for one reason only: because they were women.

The tragic deaths of these bright young women have forced us as a community to take a long, hard look at ourselves and identify the values, attitudes and social structures that perpetuate hatred and violence against women.

As legislators, we have a responsibility for future generations to eliminate systemic violence against women through awareness and through legislative and institutional change. As legislators, we must accept the reality that violence against women does not know race, wealth or partisan lines.

Violent behaviour is largely learned. The key element to deterring violent behaviour is education. We must educate males at an early age that it is unacceptable to be violent against women. We must educate women at an early age to leave abusive relationships, and we must ensure there are services available to assist them once they leave. Education is the key to women securing real equality in Canada. Education is the key to preventing future incidents of violence against women.

Contrary to the opinions of the Ontario Progressive Conservative Campus Association, courses dealing with feminist and gender issues at the university level are necessary and are not a waste of taxpayer dollars. These courses teach our youth about the challenges and barriers facing women. These courses deal with the problem of violence against women, the very same issue that we, as legislators on all sides of the House, are so desperate to eradicate.

Moreover, the national Day of Remembrance and Action on Violence Against Women is not an "excuse to promote the feminist/extreme" left-wing agenda, as Professor Charles Rackoff and the Ontario provincial conservative campus association believe. These comments clearly illustrate that they have refused to acknowledge the fact that what happened on December 6 was the ultimate act of violence against women. This day of remembrance is a day for us to engage in dialogue on violence against women.

Today we are still talking about violence against women because, tragically, it still exists. In fact, in the Provincial Auditor's report, it was noted that 1,000 women last year were turned away from one shelter alone in Ontario. What we need is a coordinated plan of action. We need an effective plan where police departments, social services, women's shelters and public health departments work together in abuse situations. We need a plan like the domestic abuse intervention project in Duluth, Minnesota, commonly known as the Duluth model, which has been lauded as the best program in the world to combat domestic violence.

The 14 young women who were murdered on December 6, 1989, died in the midst of pursuing an education in engineering, a profession in which only 19% of students are female. These 14 young, bright women died during the most celebrated time in one's life: their youth, full of promise. I'm sure that we in this Legislature remember those years. It was a time when we, like these 14 young women, convinced ourselves that we were going to change the world, that we were invincible. These women were changing the world. These 14 bright women were enrolled in the program at a time when only 13% of the students in engineering were female.

The ancient Greeks stated that the definition of happiness is the pursuit of one's vocation along the lines of excellence. Before their lives came to an abrupt end, these 14 young women fit this description to the letter.

As legislators, we owe it to the young women murdered at L'École polytechnique to pursue our vocation along the very same lines of excellence. We owe these 14 young women our collective commitment that we will pursue the eradication of violence against women until all women across this province are safe. We owe this pursuit of excellence in our work to the memory of 14 young women whose lives were taken from their friends, their families and from society too soon.

**Ms Marilyn Churley (Toronto-Danforth):** Twelve years after a lone gunman armed with a semi-automatic rifle brutally killed 14 young women at Montreal's École

polytechnique, we mourn and we remember once again. Every December 6 since that horrifying day, I think of those bright young women bursting with promise, and every year since that time we remember in this Legislature.

Once again, this morning I attended a moving ceremony at Women's College Hospital, and along with 13 other women held a rose in my hand, each of us representing one of those young women who was murdered 12 years ago.

Today I held in my hand a rose to represent a symbol of the life of Sonia Pelletier. Every year I go through this ceremony, and every year I remember and think about these young women and their families and think about what they must be going through today. We can only imagine their pain and suffering.

I want to say that some of the mothers, fathers, families, friends and lovers of these women have become very active in strategies around stopping violence against women. So I think of their families and friends and how dark a day this must be for them.

We must always remember. I shudder when I try to imagine when that man walked into the Montreal classroom, shouting, "I want the women." He separated the men from the women, he ordered the men to leave and he lined the women up against an execution wall. "You are all feminists," he shouted, and he started to shoot them.

I think of that tragic day, and I lament the fact that 12 years later women are still the target of violence and hatred, sometimes because they are women who dare to speak out, sometimes simply because they are women.

I don't know if people here are aware of this, but a few years ago the World Bank did a survey, a study, and told us that the leading cause of death for women aged 15 to 44 worldwide is not cancer, not traffic accidents, not malaria; it's in fact male violence against women. Indeed, there are more women worldwide who die from male violence against women every year—I don't know if it's every year, but overall—than all of those other factors combined.

That's where I personally see an intersection between what happened to these 14 young women in Montreal 12 years ago and what happened on September 11, 2001, because I remember exactly where I was when I heard the news about these 14 women being murdered, and we will all have etched in our minds forever where we were when September 11 happened. The reason why they intersect is because the plight, the horror of the daily lives of women in Afghanistan became prominent in the news. We all know that the horror of what was happening to them was happening before September 11, but the western world saw fit, for their own reasons, to work with the Taliban, even knowing what was happening to these women, because it was in our interests. We turned our backs on these women—women and girls not allowed out of the house; no medical care, not allowed to get an education and go to school, lashed for apparent indiscretions and often stoned to death for apparent indiscretions. We hear stories about women being put in a

pit and an angry mob of men stoning these women to death, throwing stones at their heads. Horrible things are happening to women across the world.

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We here in Canada and North America are privileged in so many ways when you look at what's happening in other parts of the world. We must use that privilege and take it as a responsibility to those women who suffer so greatly across the world. We must also take responsibility to stop the violence against women here in Ontario. We must pay attention to the results of the Gillian Hadley inquest that's going on right now, as we must to the May-Illes inquest. We must take our privilege and we must become more responsible and do more as a society than we are doing now.

**The Speaker:** Would all members and our friends in the gallery please join and rise for a moment of silence.

*The House observed a moment's silence.*

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

## ORAL QUESTIONS

### DOCTOR SHORTAGE

**Mrs Sandra Pupatello (Windsor West):** My question is for the associate minister of health. Patients in Toronto were delivered some very bad news today. They were told that their non-emergency surgeries were going to be on hold indefinitely. Elective surgery is not cosmetic surgery. It's things like cancer surgery, heart surgery, hip replacement, organ transplant—serious surgeries that our working families in Ontario need. But you weren't watching. Your ministry wasn't out looking on the horizon to see what was ahead and planning for us. You were too busy firing nurses and closing hospitals to determine what our future needs were going to be in this province. You have been at the helm now for going on seven years. It's very hard to remove yourself from this responsibility. So I ask you now, why are you letting Ontario's families down, that they cannot have the operations they need?

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** I'd like to thank the member opposite for the question and say that we're all concerned about physician shortages both here in Ontario and in fact all across the globe. There's an international shortage of anaesthetists all across the province. It really has nothing to do with funding. What we know is that in 1993 the previous NDP government actually cut the number of young doctors who could enter into the medical profession. If they had gone through a specialized program, they'd be graduating in 2000-01. So in effect, we have 75 fewer physicians coming through the university system. We have rectified that problem, but everyone knows that it takes time for doctors to come through the university system. We've moved to change

that. We've done a lot of other things with respect to doctors so that we can strengthen the number of doctors we have in the province.

**Mrs Papatello:** Minister, your answer might have been acceptable almost seven years ago, but it's not acceptable today. Your government has been in office almost seven years. That's about as much time as it takes to graduate a doctor in this province. That's exactly the problem. Even then you knew it was a problem. There have been anaesthetist shortages outside of Toronto for many years, with hospitals sharing their services, moving them from small community to small community. Those are all canaries in the coal mine on this issue. You should have seen this coming. Dalton McGuinty put forward a plan last February that dealt with this issue.

Minister, it was your responsibility to follow up on good ideas, on good solutions, to resolve this problem of anaesthetist shortages in Ontario, and you did nothing. In fact, even today we are looking at what the answers could possibly be. You have been there for seven years. We are asking you now, what do you owe Ontarians? What do you owe them in the nature of getting their surgeries done in a timely fashion?

**Hon Mrs Johns:** The member opposite knows that about three years ago—actually, before the last election—I put forward a bill saying we should do something about health professionals. In fact, that was adopted as a Liberal policy, which I'm very grateful for. At that time, I talked about how we should take young doctors and have their tuition paid for if they went to underserved areas.

They say we haven't done anything, Mr Speaker, with respect to this. Let me tell you that we have expanded the capacity in our international medical graduate program from 24 to 50 positions each and every year. Of course, anaesthetists are one of those specialties that we're targeting, we're training. We're making sure that we look for those specialists to come here. We also have an assessment program for international medical graduates and we're training them so that they can come back as quickly as possible and become doctors in Ontario. We've done that also. To say we have done nothing is just false.

**Mrs Papatello:** The official opposition, year after year and month after month, continues to address the issue of a shortage of physicians and specialists in Ontario. Previous health ministers have stood in this House—one is here today—saying clearly, "We will scour the earth far and wide looking for these specialists." She may well recall that statement; that was years ago. This government has been in office far too long, long enough to have found a solution to this problem. Dalton McGuinty's plan called for a permanent office for planning of human resources, in particular in the health area. You ignored it. You scoffed at his plan.

This minister today claims that she brought forward a private member's bill. She is in the government, and this government has not responded even to their backbenchers.

When will this government realize that you owe the people of Ontario the ability to get surgery in a timely fashion, not just specialists or anaesthetists, but across the board? You owe working families in Ontario today an answer. Why will seniors do without hip replacements? Why will kids do without kidney transplants? Why will people do without required surgeries?

**Hon Mrs Johns:** I think I've heard it all now when I've heard the member opposite talking today.

Let me say that we've done a lot of work to attract doctors in the province. In fact, she's very aware that under the George report, we created a medical school in the north and we also created an education facility in Windsor, in her own hometown, to make sure we could attract young doctors, bring them forward, get them trained as quickly as possible in the areas in which we want them to work. That includes specialists. This government has moved as quickly as possible as a result of the changes in 1993 by the NDP government to bring new doctors and new specialists to the province, especially young people but also people from international areas.

There's a shortage internationally in specialists, and especially in this specific area. We're doing our best to attract them. We'll continue to do that because we want high-quality doctors to service the people of Ontario. That's one of our objectives.

#### GOVERNMENT SPENDING

**Mrs Sandra Papatello (Windsor West):** My question is for the Chair of Management Board. Minister, yesterday my leader, Dalton McGuinty, asked you where the axe was going to fall for this looming \$5-billion shortfall that you announced a couple of weeks ago. You listed three options. It was going to be expenditure controls, which is cuts to health and education; new revenue streams, which is taxes, gambling or new user fees; and privatization, which is private, two-tier health care.

Minister, will you stand up today and tell us exactly where you will be taking care of this looming \$5-billion shortfall that you spoke of?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet):** Speaker, I guess I could just refer you to Hansard from yesterday and that will give you their answer. However, I am pleased to repeat what I said. Certainly I was indicating that we had a possibility, a worst scenario, of a \$5-billion shortfall.

The government, in prudent fiscal planning, is going to approach it by looking at three possible ways: expenditure controls, new streams of revenue and the possible sale or privatization of assets. Nowhere did we ever speak about any cuts to health care. That's something in your mind, not ours. Certainly we on this side have a commitment to education and health care. Quite frankly, the problem right now is your cousins in Ottawa. You don't like to hear this, but back in 1974, they provided half the health costs in Ontario. Since then, it's leaked down to 14%. Disgraceful.

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**Mrs Pupatello:** Let me remind the Chair of Management Board of his quote: "There is a significant gap in the range of \$5 billion to close. That means cuts." That is what you said, and you said it to the media here at Queen's Park. We don't know if it's a game, if you're trying to lower expectations or what, but the people are scared because they know the cuts are coming. We want you to tell us what you're planning to do before the House rises and we're not here to question you on a daily basis about exactly what you've done with \$5 billion.

Here's what we know you've been discussing and is out there: a public sector wage freeze; delisting medical services like podiatry, chiropractics and more physiotherapy; more delays in the building of a safe drinking water infrastructure; a \$200-million cut to child care; and user fees in home care and medicine. All those are things that ministers in that cabinet have floated amongst the public. We want you to stand on your feet today and tell us—today, not when the House rises—where those cuts are going to happen.

**Hon Mr Tsubouchi:** If I could quote from yesterday's Hansard and apply this to the member asking the question, you have absolutely no idea what you're talking about. We're going through some very prudent business planning right now. These ideas being floated out here came from the minds of the Liberals and certainly not from us.

As she well knows, the problem since 1994 has clearly been the unfortunate unwillingness of the federal Liberal government, your cousins, to come to the table and provide the health care funding the people of Ontario deserve. It is disgraceful that they're only paying 14 cents of every dollar for health care. This government is paying 86 cents of every dollar. The problem here is that even though the funding by the Liberal government in Ottawa has increased, their commitment to health care has fallen by about \$400 million. That is disgraceful.

**Mrs Pupatello:** To the Chair of Management Board, it's interesting that you won't deny any of these things that have been advanced. You are having cabinet meeting after cabinet meeting with these items on your table, and the public has a right to know what to expect in cuts amounting to \$5 billion. Here is what we think: you can eliminate your \$2.2-billion corporate tax cut, you can eliminate your \$500 million to private schools. Those are things we're talking about, such as \$200 million in partisan advertising. The other things are the things that affect people. The Minister of Health is talking about home care user fees that affect the most frail and vulnerable in this province.

Minister, you have a responsibility to this House. We have five days before this House rises. We have a right to know where you will be taking \$5 billion out of the treasury. We expect an answer, and we expect to have the answer today.

**Hon Mr Tsubouchi:** In the very first part of the question, the member stated that the government is looking at three possible ways of dealing with this. First, of course,

are expenditure controls, second is looking at new revenue streams and third is the possible privatization of assets. I guess that in the third part of the question she forgot the other two parts of her first question.

Once again, we're looking at this in a prudent way. We're going to balance the budget this year. That's not a problem. What we're looking at is planning for the year 2002-03. This is a responsible way of looking at things for the people of Ontario.

But once again, I have to come down to where the main pressure is. This government has been fully committed to health care. We have spent a lot of money. We've increased the amount of health care funding, and we filled in the gap that was taken away by the federal government. I find it very unfortunate that you, the Liberals in Ontario, cannot pick up the phone, talk to Mr Chrétien and ask for more money on behalf of the people of Ontario. It is disgraceful.

#### VIOLENCE AGAINST WOMEN

**Ms Marilyn Churley (Toronto-Danforth):** I have a question for the Minister of Community and Social Services. Minister, the only thing you did last year to address the serious problem of violence against women was to introduce a domestic violence act which you won't proclaim into law.

You did two things this year. I acknowledge that you finally agreed to fund a province-wide crisis line after the request had been on your desk for three years, and you agreed to a few more shelter beds. But the lion's share of those shelter beds are in one region—your own region.

For the last year you have been sitting on a survey that shows women are being turned away from women's shelters in eight out of Ontario's nine regions. Minister, will you open up more shelter beds in the other eight regions? Will you re-fund second-stage housing and will you fund affordable housing again for women who are being abused in their homes?

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** We recognize that violence against women continues to be a huge challenge for all of us, as citizens and at various levels of government.

In my time at the Ministry of Community and Social Services we've made it a huge priority. People came forward and said we could do more to help children who are witnesses to violence against women. We came forward with a new initiative last year: \$5 million.

People said we could do more to provide support to help women transition out of a shelter and back into the community. We came forward with an additional \$5-million initiative there.

Still again people said we could do more; the government listened and we acted. In the budget presented not four or five months ago we announced, not a few more beds, we announced 300 new shelter beds across the province. We announced that 136 beds would be refurb-

ished across the province. We announced an additional \$3 million, going to \$9 million, in operational support to provide counselling to complete the thing. I think that's a record increase over the last two years.

**Ms Churley:** Minister, 300 beds, when in one women's shelter alone they turned away a thousand women and children last year? You think that 300 beds is enough? This falls tragically short—

*Interjection.*

**Ms Churley:** And that's three too many.

Minister, I want to say to you that over a year ago, and you might remember this, a coalition of 165 women's groups came to this Legislature urging you to implement emergency measures to prevent more women from dying at the hands of their abusers. You refused to do it.

While those 165 women's groups were urging you to act, you sat on a survey that showed that battered women are shunted off to homeless shelters in eight out of nine regions in the province. This is a fact. It was in the auditor's report. Now, Minister, you could make a life-or-death difference to women by fully funding women's shelters and by getting back into the business of funding second-stage housing, women's centres and affordable housing. Will you do that?

**Hon Mr Baird:** I would indicate to the member opposite that I think we've got a record that we can be proud of if you look at the last two years, in addition to the huge amount of effort that my colleague the Attorney General has placed in expanding domestic violence courts and other services, such as the Office for Victims of Crime, in addition to the efforts conducted by the Ontario Women's Directorate and the Ministry of the Solicitor General.

Our ministry has come forward with substantial budget increases. I don't think that at any time in Ontario's history, in the course of two years, have we seen a greater increase in supports to help women who are fleeing domestic violence. Is it enough? No, I believe we could do more. That's why the budget will be increasing next year. We got a multi-year financial commitment both on the capital side and on the operating side, which is an acknowledgement that we cannot rest as long as one single woman is facing the fear of domestic violence.

When a woman gets home and puts the key in the door, that should be the sign of safety, not the sign of fear, and our government is committed to doing more to help eradicate domestic violence in the province of Ontario.

**Ms Churley:** Minister, that's my point. If you're following the inquests from the Gillian Hadley case and the May-Iles case—horrible stories—there are recommendations that have not been followed. Some 40 women die in Ontario every year from domestic violence. While women are dying, you're allowing waiting lists for counselling at women's shelters to swell. You quietly defund existing women's centres. You refuse to raise minimum wage, increase social assistance or do anything to ensure battered women have adequate income supports to leave their abusers. Women's shelters are turning

women away. That's a fact and you're letting it slide. You refuse to reinstate second-stage housing. You refuse to create new affordable housing so that abused women and their children have a place to go.

The coalition of women's groups told you we need a seamless, integrated system of supports for women and children to be able to leave their abuser. Minister, why are you continuing to ignore their advice?

**Hon Mr Baird:** I think we can be very proud of the huge progress we've made over the last two budgets, an unprecedented financial commitment to support violence-against-women initiatives in Ontario. People came forward after the budget. They welcomed the news; they welcomed the expansion of refurbished beds around the province; they welcomed the additional funding and the multi-year commitment to support counselling. But they said we could do more, and the answer was yes.

Following the release of the budget in May, we worked over the summer months with the member opposite's former colleague, the former member for Beaches-Woodbine, Frances Lankin, and a group trying to expand the Assaulted Women's Helpline. We're committed to spending more than \$4 million to help women, and particularly francophone women, across Ontario enjoy the services they've had in the city of Toronto for some time. I think that at the time the former member for Beaches-Woodbine said you should give the government credit where credit is due.

We're making solid progress and we are committed to continuing that progress in the coming years.

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#### ACADEMIC TESTING

**Mr Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Education. Who is telling the truth about lost test results, you or the Education Quality and Accountability Office? Madam, I say to you, we spoke to a director at the EQAO this morning, and that person said, "We are still missing records for 14,000 students."

*Interjection.*

**Mr Marchese:** That's 1,400 students; I beg your pardon.

Yesterday I said to you that test results could not be found, and you said I was wrong. You said that "nothing has been lost." Today I tell you again that not only are test results missing, but so is the competence of this government and this ministry.

Minister, will you acknowledge what the EQAO has acknowledged today, that 1,400 test results are missing? Will you acknowledge that you don't know where they are, and that the EQAO says 1,400 test results are still missing?

**Hon Janet Ecker (Minister of Education, Government House Leader):** To the honourable member, as I clearly said yesterday, there have been data that were not scanned into the computer. Much of that is being put in manually. It does not interfere with the validity of the



board-wide results, the school-wide results. There have been some difficulties with their information technology for a portion of data, and that is being fixed. It does not in any way invalidate the results that are being put forward for boards and for schools, and the issue's being dealt with.

The importance of student testing is that it gives us the knowledge we need to make sure all our students are able to learn to the best of their ability. That's why we brought the new agency in. That's why we brought the student testing in. We are seeing, slowly but surely, improvements in student learning, and that's exactly what we all want to see.

**Mr Marchese:** Minister, what I'm saying to you is that your mismanagement has brought nothing but incredible paperwork for boards, incredible confusion, incredible chaos for everyone, which puts into doubt the validity of the testing; not only that, but it has brought a nightmare of a testing season in our school boards.

You refuse to admit that 1,400 test records are missing. The person we talked to says they're going to keep on looking. They will look until December 17, and if they still haven't found them, they will keep looking. It puts into doubt what you're doing in that office.

Will you admit you have a problem, will you admit these tests are missing, and will you bring back to those boards money they desperately need instead of putting it into this Education Quality and Accountability Office that is producing nothing but chaos for our students and our school boards?

**Hon Mrs Ecker:** Let us be very clear here. The only nightmare was the nightmare that was left in the curriculum after your government departed. We knew our students were not getting the knowledge and skills they needed. Despite the best efforts of teachers, parents and students, we knew they weren't getting what they needed. That's why we changed the curriculum; that's why we tested.

I find it quite appalling. The NDP government brought in the Royal Commission on Learning. All three parties supported it. It recommended a better curriculum to improve student learning and to have testing. That party supported it, the Liberals supported it and the Tory party supported it. We are putting it in place. Now, when the staff there are manually putting in data to make sure it's there, to make sure the results are valid, he wants to bail out on curriculum and he wants to bail out on testing. That is not the approach that is going to help our students learn better.

#### INTEGRATED JUSTICE PROJECT

**Mr Bruce Crozier (Essex):** My question is for the Chair of Management Board. The integrated justice project is accountable to a committee that represents the Management Board of Cabinet, the Attorney General, the corrections ministry and the Solicitor General. In 1998 total project costs were estimated to be \$180 million, which were to be recovered through estimated benefits of

\$326 million. As of March this year, the estimate of costs has risen to \$359 million, an increase of \$179 million or 99%. Recovery is estimated to be reduced to \$238 million, a decrease of \$88 million or 27%.

As the Chair of Management Board of Cabinet, the committee of cabinet responsible for the management of the public service and the operations of government, how could you possibly allow this obscene squandering of taxpayers' money, knowing the project will come over budget on cost and under budget on revenue?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet):** I refer this to the Solicitor General.

**Hon David Turnbull (Solicitor General):** Certainly we welcome the auditor's recommendations. We've already acted on many of the recommendations. The integrated justice project is transforming public safety and justice for the good of all Ontarians, but this is an initiative of absolutely unprecedented complexity. I'd like to read a quote from the auditor's report. It says, "No other jurisdictions had an integrated justice system in place that was as extensive as that envisioned in the project." Indeed, I must say the project is beginning to yield some very significant benefits in my own ministry.

**Mr Crozier:** Chair of Management Board, this minister has messed up the Ministry of Transportation and now, I guess, you've passed it to him to mess up the Solicitor General's ministry as well.

I too would like to quote from the auditor's report. It says: "We concluded that the requirement in the common purpose procurement policy that due diligence be performed to support the projections of costs and benefits in a business case was not adequately followed in the integrated justice project."

So I want to point my question. I repeat to you: you're going to squander over \$200 million of the taxpayers' money because it's coming in over cost on expenditures and under budget on revenue. How can you possibly defend this when you know in fact that it's not even going to be completed by the contract date of August 2002? How can you possibly defend that?

**Hon Mr Turnbull:** Let me make it clear that the private sector partner will only start to recover its investment when the new systems are delivered and implemented and the benefits start flowing. This is a very good deal for the taxpayers of Ontario and will yield us a much better justice system, with technology that is unavailable anywhere else in the world. But it is a first of its kind and there are a lot of very difficult hurdles one has to cross in developing such a broad system. Management Board Secretariat is certainly currently reviewing the common purpose procurement guidelines and has determined this is a very good project.

1510

#### FORD MOTOR COMPANY OF CANADA

**Mr Garfield Dunlop (Simcoe North):** It's great to see so many young people in the gallery today.

My question is for the Minister of Economic Development and Trade. We're talking about the auditor's report. I would have loved to have the minister comment on the federal auditor's report.

However, Minister, I would like to ask you about recent developments that have taken place at one of Ontario's automotive corporations. Ford Canada has been in the news a lot lately, from stories about just-in-time delivery problems coming out of the border clampdown after September 11 to news of their 0% financing incentive programs.

In the past week we have also read of the restructuring plans that are being formulated at company headquarters. A lot of people are concerned about how this plan will affect Ford's Ontario operations. Minister, could you please share with us what you have been hearing about the situation at Ford Motor Co?

**Hon Robert W. Runciman (Minister of Economic Development and Trade):** I want to thank the member from Simcoe North for the question. The auto industry in general is facing a tough time after 10 solid years of growth and expansion. All of the Big Three automakers have faced lower profits and loss of market share. Ford has also suffered difficulties stemming from the Firestone tire recall.

Our Ford plants here in Ontario are among the best. Just this week an article appeared in the London Free Press stating that Ford recognizes the St Thomas plant to be one of their most cost-effective and efficient plants. Ford is scheduled to unveil their restructuring plan early in the new year. We don't know yet how or if Ontario will be affected. These are challenging times, but our government continues to work to make Ontario an attractive place for businesses to invest.

**Mr Dunlop:** Thank you very much for that answer, Minister. The reports coming out of the automotive industry certainly haven't been very good lately. The auto industry is extremely important to our province, and we should all be very concerned about any report that's negative.

Minister, could you explain to the House what exactly our government has been doing to let Ford know that our province is open for business?

**Hon Mr Runciman:** Staff of the Ministry of Economic Development and Trade are in constant contact with the companies and Ford through our automotive sector experts. I personally wrote to the president of Ford Canada in September to express my concern over recent announcements from the company. On November 19, the Premier met with the president to discuss the company's current status. The Premier has also asked for a meeting with the CEO and president of automotive operations in Dearborn, Michigan.

It's our government's job to make sure the decision-makers at Ford are fully informed with respect to the benefits Ontario offers, the very attractive and competitive business climate developed in the past six years, and our plans for the future. I can assure the member that we are doing just that.

## SPECIAL-NEEDS STUDENTS

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. I want to address the situation of special-needs children in this province, particularly as raised by the Provincial Auditor, who, as you know, made a report last week talking about how, even with all the paperwork that you require of these families and of the schools, you still are not in a position—after five years and four times measuring, counting, tabulating, piling up truckloads of paperwork, you still don't know whether or not special-needs students in this province are getting the assistance they need.

Minister, principals across the province tell us that they're spending hundreds of hours on this. The community is swamped. The agencies don't have the resources to meet the deadline; they don't have the number of staff to do assessments. You're spending huge amounts of scarce resources to fill in paperwork that the Provincial Auditor says doesn't do its job. You as the minister can't stand in the House today and tell us that people are being served.

Minister, all across the province they are groaning under the weight of this paperwork. Will you relieve this, Minister? Will you cancel at least the majority of the requirement you have for paperwork that does nothing except fill warehouses at the Ministry of Education, and help special-needs kids instead?

**Hon Janet Ecker (Minister of Education, Government House Leader):** That's not what the auditor said. The auditor said there needs to be more accountability, more data, more work done to get information so we can make good judgments about how the money that is in there for special needs is being effectively used. There's been a 17% increase in the last two or three years for special-needs funding. What the auditor said is that there is not enough accountability there.

We agree. That's why a year ago I started bringing in a new three-year plan to increase resources, to put in place standards that would allow parents and boards, the auditor, the ministry to start measuring how effective we are in supporting special-needs students. I agree that we don't have the data we need to make good program judgments. That's why we're taking the steps we are.

Secondly, a whole third of special-needs children don't have don't have support this year—

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

**Mr Kennedy:** Minister, you should read the whole report. The auditor found that increasingly the classroom teachers are being consumed by paperwork. You may be proud that after five years and mountains and acres of documentation for the most needy kids in this province, you've tied up people in Kingston, Windsor, Toronto and Hamilton. They don't help these kids any more. Instead, they do your paperwork. The auditor of this province said that with all the paperwork you've required, you still don't know whether it's effective. He said that.

What he also said is that \$95 million has been spent by boards above and beyond what you give them for special education. That's roughly the amount of money being spent on paperwork. So I'm asking you, will you give back to the boards the amount of money you're making them spend uselessly on paperwork and make it available this year to the kids who have special needs, from whom you've been taking it away to fill in your useless forms and paper?

**Hon Mrs Ecker:** First of all, it's interesting that he says the auditor is claiming there's \$95 million more being spent on special education. That's a good thing. What is interesting is, that's not the number the Liberals claimed a year ago, but I guess they weren't paying attention to the information.

Let's be very clear: you're asking for paperwork to be scrapped. I guess that would be the individual education plan, where we plan for a student's education needs that year. I guess that's what the Liberals think should be scrapped. I guess the paperwork you would like to have scrapped is the paperwork that tells a school board they can get more money for students, they can get more resources to help their students. I guess that's paperwork the Liberal Party would like to have scrapped. We also have boards that have to have special-needs plans out there, so parents know what should be offered. I guess the Liberal Party would like that scrapped.

What we want in our schools in this province are good-quality programs—

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

#### SOFTWOOD LUMBER

**Mr Norm Miller (Parry Sound-Muskoka):** My question is for the Minister of Natural Resources.

**Interjection:** He's a fine minister.

**Mr Miller:** A very fine minister. We know the forestry industry is extremely important to Ontario's economy and especially the economy of the north. For the past few months, talks have been going on between the federal government and the United States on the issue of softwood exports.

I understand that Ontario's forest industry has been very helpful in providing valuable advice to you and Minister Runciman on this issue. Minister, can you tell me what position Ontario is taking during these discussions?

**Hon John Snobelen (Minister of Natural Resources):** I thank the member for Parry Sound-Muskoka for the question, because it's an important matter, not just for people in northern Ontario but for a lot of people in southern Ontario who make their living out of our forest industry on the production side, the manufacturing side or the transportation side. It's a very important issue.

I said, when the softwood lumber agreement expired a few years ago, that this could be good news for Ontario, because that agreement was never fair, it was never free trade and it was never good for Ontario industry. As you know, Mr Speaker, regrettably there have been interim

measures applied to our forestry products as they're exported to United States markets. But Ontario has been firm on this position for the last two years. We've been firm with our colleagues in other provinces, and we've communicated with Minister Pettigrew repeatedly that we believe in free trade and that only a free trade agreement will do.

**Mr Miller:** Thank you for answering that frequently asked question, Minister. I'm glad to see that Ontario is listening to its key stakeholders on this issue. Free trade and long-term market access for Ontario's softwood lumber is only fair. There have been some misleading reports stemming from very uninformed people that Ontario is subsidizing the forestry industry in Ontario.

Minister, can you clarify whether or not the province subsidizes the forestry industry?

**Hon Mr Snobelen:** In fact, Ontario does not subsidize its forest industry. That has been proven in three previous subsidy investigations. The United States has failed to make their case all three times. Ontario simply does not subsidize its forest industry. In fact, our stumpage charges allow us to regenerate the forest properly, to have renewable forest practices in the province, practices that we are proud of and that we have shared globally.

1520

#### WORKPLACE FATALITIES

**Mr Peter Kormos (Niagara Centre):** To the Minister of Labour: At 6:10 am this morning in Hamilton, Ontario, another worker was killed on the job. He had spent 34 years at the steel company. Early this morning, before the sun even came up, he was crushed to death. It's a tragedy, and I know you agree with me about that.

A few moments ago I made a commitment to you that I would participate and ensure expeditious passage of Bill 145 so that your ministry could investigate these deaths and other workplace accidents more effectively. I'm asking you now to make a commitment to workers. Will you please direct employers to post information, clear and easy to read and in various languages, telling workers, particularly in non-union shops, that the law guarantees their right to refuse dangerous work without penalty by the boss, by the employer? Will you commit to that and save lives?

**Hon Chris Stockwell (Minister of Labour):** Sure.

**Mr Kormos:** Minister, I appreciate your response. The fact is, there is the worker this morning, a couple of weeks ago a 44-year-old worker in Niagara, before that Robyn Lafleur, 37 years old—we've talked about that young woman. The number of people who die a violent death in the workplace each year in Ontario remarkably is greater than the number of people killed by drunk drivers in every province in Canada save one. We've all made a commitment to doing everything we can to prevent deaths from drunk driving. So I appreciate your response and I want you to indicate in this House today that we are going to do the same thing here.

You passed a law telling bosses they can post information telling workers how to decertify. If you can do that, we can post clear messages in every workplace telling workers they've got the right to refuse unsafe work. In view of your response to the first question, and I take you at your word, when and in what time frame can we expect that to be implemented as a policy and that to be in place in every workplace in this province?

**Hon Mr Stockwell:** To answer the question very directly, I'm not certain that isn't an obligation upon an employer today. If it is not an obligation—and I can only speak off the top of my head, but I believe it may be—I will undertake to get that information posted in every workplace as quickly as humanly possible.

### SCHOOL CLOSURES

**Mr James J. Bradley (St Catharines):** I have a question for the Minister of Education. Minister, as you are aware, around this province there are a number of schools in older neighbourhoods that are closing, and that includes my own city of St Catharines, where Consolidated, Victoria, Maplewood and Lakebreeze appear to be under the gun and appear to be the schools now that are going to be closed in St Catharines. You would recognize, I think, that the smaller neighbourhood schools have a lot of advantages. The children are closer to the school. In inclement weather that's much better for them. Their personal safety is much better assured when they're close to the school. They're located in the neighbourhood; they're able to participate in extracurricular activities much more easily. The teaching and non-teaching staff in the smaller schools tend to know the students better, on a more intimate basis. The schools are used, in fact, for community centres and the school grounds are used for sports and recreational activities. The savings from closing these schools are really rather minor compared to the assets that they are to the community.

Minister, the real problem appears to be the funding formula, a very rigid funding formula that you apply to boards of education which really compels them to close schools and what amounts to a bounty on the older schools, because that's where they get the money to build newer schools. Will you now undertake to review your funding formula with a view to making it more flexible so that we can retain those older, smaller neighbourhood schools?

**Hon Janet Ecker (Minister of Education, Government House Leader):** Every year we review what is happening, if there are problems, do we need to fix problems in the formula. One of the things that we've asked school boards to do is to provide us with additional information on the facilities survey to talk to them about school accommodation. That information has come in and will be guiding future decisions.

The other thing I think we should be very clear about is that the formula doesn't say, "Small schools bad, big schools good." That's not what the formula says. What the funding support for boards does is it encourages them

to plan over a 10- and 20-year horizon to look down the road at what's happening in neighbourhoods, to make good decisions. The law requires them to consult with the community to make sure they're making good decisions, and school boards have always had the very difficult but very necessary responsibility of allocating school space.

**Mr Bradley:** It's my understanding that 100% of the schools must be filled in your formula before school boards are eligible to get money for the construction of new schools. That money really amounts to the servicing of the debt, because they have to go out and borrow the money on their own, and you provide some interest on the debt. I think that's the way it works.

Also I want to say that we have a situation in the Niagara board where we don't get that special grant for rural schools. I guess the point I'm making is there's a great deal of pressure on the Niagara board, a lot of it resulting from your policies and your funding formula, which militates in favour of closing more schools than would normally be the case.

I ask the minister if she would undertake that immediate review so that the schools I have mentioned—Consolidated, Victoria, Maplewood and Lakebreeze and others that are presently under the gun—are not required to be closed, so that the children who attend those schools can continue to enjoy the benefits of them and the community can enjoy the benefits of the building and the school grounds.

**Hon Mrs Ecker:** As I already said to the honourable member, we do a review every year in terms of the formula, in terms of the monies that are available and the results that we're getting from that. Second, we fund school construction in this province. We provide money from the taxpayers of Ontario to build new schools and to renovate old schools. The difficult decisions that school board trustees have to make, and they've always been difficult decisions to decide—some schools may be less than half full. Some schools may not be able to—the building may be very old; they may need to build a new building. That may be a better use of their school space, may be better for the kids; offer better programming. All of those kinds of decisions are for the school board trustees to make. They're elected by the local community. The law says they must consult.

I appreciate the honourable member's concern. I hope that he will assist the parents to make sure their concerns are with the school board. I've seen many boards, based on that consultation, revise their accommodation plans for a community.

### OCCUPATIONAL HEALTH AND SAFETY

**Mr Doug Galt (Northumberland):** My lob question is directed to the Minister of Labour. I know that this government continues to take the safety of workers very seriously. We're committed to ensuring that all workers, including young workers, are free from workplace injury and illness. I know you will agree that any injury to a young worker is unacceptable, and we must continue to

work together to help young workers be aware of what the risks are and to teach them about what they can do to ensure health and safety in the workplace.

Minister, what are you doing to help protect young people from getting hurt or dying on the job?

**Hon Chris Stockwell (Minister of Labour):** That was an obviously penetrating and insightful question the member asked.

I'm glad to see the member for Toronto Centre-Rosedale is here again. He always makes my day.

Obviously everyone takes this very seriously. The member for Welland asked the question just a moment ago about workplace safety. It's a non-partisan issue. Everyone wants to make sure that when you go to work you come home, and every party I think is in favour of most of the recommendations and initiatives that have been put forward by any government.

We believe strongly in the teaching aspect as well. Certainly my friends Gary Stewart from Peterborough and Jerry Ouellette from Oshawa have programs in their communities to teach children at school how to work safe.

We're the government that put it into the curriculum—grades 9 and 10 are learning about it; it's moving on to grades 11 and 12—how to work safe. It's something that we're very committed to, it's something that we all believe in and it's something that we've provided funding for, thanks to the many parents who've had these tragedies affect them who've come forward and volunteered their time to help protect future workers.

1530

**Mr Galt:** Thank you very much, Minister, for the response. To have a nice slogan like "Work Safe" is great, but that doesn't necessarily protect. Often we hear from opposition members about how they want to have more powers for our inspectors. Just this morning we were debating a bill on puppy mills and they wanted to have the power to enter premises without a warrant.

You recently introduced Bill 145, the Inco bill, and it provides for increased powers for inspectors to collect evidence. I expect that again the opposition will want to support this. I was particularly interested a couple of questions ago to hear the NDP House leader indicating support for Bill 145, the bill that you introduced, so I would expect this could pass by Christmas. Minister, where is this bill and is there any possibility, with support from the opposition parties, that this bill will in fact be law by the end of this session?

**Hon Mr Stockwell:** Let me go on record and say that both the Liberals and the NDP have been nothing but co-operative with respect to Bill 145. They understand the gravity of the situation with respect to inspectors having the ability to inspect. I personally would like to thank my caucus, which very quickly processed it through the processes we go through in getting a bill to this House; I want to thank the Liberal caucus for their support and agreement to pass this; I want to thank the NDP caucus and the member from Welland for his support and agreement to pass it.

The bill simply does this: when there is a tragedy, an accident or a fatality at a workplace, our inspector goes in and inspects and gathers information. A court ruling recently did not allow them to gather this information without a search warrant. This bill allows them to get that search warrant to get that information.

This is one of those times when the House has worked together to provide protection for workers. We should all be very proud of ourselves that we can set politics aside to protect those people who go out to work every day in this province.

## HIGHWAY 407

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Minister of Transportation. The 407 owners continue to rip off the public. They've just announced their fourth increase in tolls in the last 27 months. Coming January 1, it will go up again. There used to be kind of a rush hour expensive toll, but now the rush hour has been extended to 24 hours a day, seven days a week.

When you announced the sale of this, you made a promise to the people of Ontario that tolls would go up in total, over 15 years, three cents a kilometre. They've already in many cases gone up eight cents a kilometre. Now the owner is telling the public, "If you don't pay these tolls, come 2002 you're not going to be able to renew your licence plate." My question is this: this is supposed to be a private sector deal. Why in the world is the province of Ontario acting as a strong-arm collection agency for the 407 owners?

**Hon Brad Clark (Minister of Transportation):** I'd like to thank the honourable member for his question. I'd like to state for the record that clearly at this particular point in time, everyone points to Highway 407 as a huge success story. As a matter of fact, when the Liberals opposite were having their big powwow down in Niagara-on-the-Lake, they brought down people like Donald Macdonald, the former federal finance minister under the Liberal government federally. He stated, "Highway 407 in the greater Toronto area is an example of a good public and private sector partnership." The Honourable David Collenette, federal transportation minister, stated, "Public-private partnerships represent an excellent way to get more value for taxpayers' dollars."

The member complains that the tolls are too high. In San Joaquin the toll is 16 cents a kilometre, in Foothill it's 15 cents, Eastern is 24.9 cents and SR-91 is 40 cents. Quite clearly, the tolls in Ontario on Highway 407 are consistent with any brand new urban-built highway.

**Mr Phillips:** It wasn't me who said tolls may go up in total after 15 years by three cents a kilometre. That wasn't me. That wasn't the opposition. That was Mike Harris who said that. That's what he put out when he said, "We're really proud of this deal. We're going to protect the consumer." The 407 users are being ripped off. This organization takes prices up four times in 27

months and you're asleep at the switch. You're letting them do it, for heaven's sakes.

Again, I say to you, Mike Harris promised three cents a kilometre after 15 years. These guys take these tolls up, in some cases, eight cents a kilometre, and you're the strong-arm collection agency. You're in bed with them, because if you don't pay these exorbitant tolls, you can't get your licence back. You're the big strong-arm collection agency for these guys. I thought you were the private sector guys who were going to leave this to the private sector.

Why don't you go over to the 407 owner and say, "Listen, we promised you wouldn't take these tolls up more than three cents after 15 years. You've violated the contract, and we're not going to be your strong-arm collection agency?" Will you do that for the 407 users, Minister?

**Hon Mr Clark:** I want to thank the member for the question, and I would suggest to the member that perhaps he pay attention. There are over 300,000 vehicles using Highway 407 daily. There are 479 transponders on the road. If the member believes that the tolls are so excessive that no one wants to drive the highway, then how can he explain the cars that are on the road—79 million trips in a year? The member doesn't make any sense at all.

Clearly, the highway is a huge success. If the member was saying that these tolls were so excessive, nobody would be driving on the highway. But they are. The only one who's opposed to it is the Liberal Party.

Let me state very clearly that Mr McGuinty is the gentleman who says very clearly his party has to get a handle on private-public partnerships because they haven't looked into it yet.

The highway is a success. Consumers vote with their wheels.

#### HAZARDOUS WASTE

**Ms Marilyn Mushinski (Scarborough Centre):** My question is for the Minister of the Environment. Minister, many of my constituents are delighted that our government has had the intestinal fortitude to bring a bill to protect the Oak Ridges moraine, and they also recognize that we as a government have created more public parks than any other jurisdiction in the world. So they get very concerned when they hear reports about alleged increases of hazardous waste being imported into the province from the United States.

Although the federal government is responsible for regulating the flow of waste across the border, Minister, could you please tell us what our government is doing to deter this traffic?

**Hon Elizabeth Witmer (Minister of the Environment):** Regarding the issue of hazardous waste, unfortunately some of the media reports recently have been incomplete. If you take a look at the data that has been released by Environment Canada in August 2001, you will see that between 1999 and 2000, the imports of

hazardous waste into Canada have decreased by 30%. Now, if we take that into the province of Ontario, we would see that during that same time period, the hazardous wastes have decreased into this province by 35%.

I am very pleased that as a result of the very strict new amendments that we have introduced to strengthen our hazardous waste framework, we now have the toughest framework in the history of this province.

**Ms Mushinski:** I'm particularly pleased to hear that we're taking those necessary steps. They certainly seem to conflict with some of the alleged reports that I spoke about in my first question.

The reduced traffic of hazardous waste into Ontario seems to indicate that we are deterring US companies from sending their hazardous waste for disposal, Minister, but what have we done, or have we done enough, to regulate the disposal of hazardous waste in Ontario, and is there more that we can actually do?

**Hon Mrs Witmer:** I'm very pleased to say that as a result of the actions we've already taken this past year, our regulations are now much more compatible with the United States, and as a result, we are seeing less movement into our province; however, we are not done. There is more to be done, and I plan to introduce within the next couple of weeks further recommendations which will lead to the pre-treatment of hazardous waste in this province.

#### DOCTOR SHORTAGE

**Ms Shelley Martel (Nickel Belt):** I have a question for the associate minister of health. Minister, as many as eight Toronto operating rooms are set to close because of a shortage of anaesthetists. You have a new program, the international medical graduate assessment program, which could be used to increase the number of specialists, but unless you change the criteria for this program, it won't work to deal with shortages in this speciality or any other.

1540

Dr Koka of Sudbury, who is a foreign-trained graduate himself, has written to your ministry and asked you to do the following: remove the clause that requires applicants to have been in active clinical practice in the last three years; remove the requirement that applicants must have passed the LMCC part I examination to apply; permit specialists from the UK, Ireland, South Africa and Australia to apply; include other shortage specialities in the program; and, finally, ensure that applicants will be paid during the six-month assessment program.

Minister, will you make these important changes to ensure that recruitment of specialists will work and that we will be able to use the expertise of those foreign-trained graduates who live in Ontario but have been unable to practise in this province to date?

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** We've made some great commitments to move forward with the international medical graduate program, which is what I be-

lieve the member opposite was speaking about. I stated earlier with respect to this that we were moving from 24 to 50 positions each year. We of course work very closely with the College of Physicians and Surgeons to ensure that this program works well in the province. We've chosen specific specialties so that we can get people to come forward.

I understand there are a number of steps that people have to incur before they move forward with this program. But we also have to be very careful that we have the right people with the right expertise who we say can be doctors in this province. We want qualified doctors; we want doctors who have worked recently in the past at the profession of doctoring. From our perspective, we have to keep high qualifications to ensure that we protect—

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

**Ms Martel:** We all agree with that, but it's physicians themselves in Ontario who are calling on you to make changes to this program so it will work.

A second physician, Dr Robert Williams, who is the former chief of staff at the Timmins and District Hospital and who has been involved in recruitment for many years, has also written to you to express concerns. They are the same. He is concerned that you are banning specialists from the UK, Australia, Ireland and South Africa from applying; he is concerned that you are requiring that applicants must have passed the LMCC exam, part I; he is concerned that the program is limited to only certain specialties. He's also concerned that suggestions that came from the College of Physicians and Surgeons about this program have not been accepted by your ministry, and, finally, that there is no mechanism for northern communities to sponsor applicants so that we can be sure those successful graduates will come to underserved areas in the north to practise.

So I ask you again, Minister, because we want this program to work too and we want qualified specialists: will you accept the advice of Ontario physicians, some of them foreign-trained, who practise here and who are calling on you to make the changes to be sure that we will be able to recruit and that we will be able to use the expertise of foreign graduates who are in Ontario now who have been unable to practise to this point?

**Hon Mrs Johns:** With the caveat that we're always trying to provide the best-quality services to the people of Ontario, and we intend to do that with any program we have, we're always happy to look to see that the program is fulfilling the needs that it was originally intended to do. So from that perspective, if we haven't got the 50 positions that we said we would, I'm happy to look and see if there's something the member opposite and myself can do to be able to make this program work more effectively.

I have to say that there has been a lot of work done by a number of different reports that has brought us to these qualifications. But in the spirit of today, I'm going to say I'm happy to work with the member opposite. I'm happy to have a look at it. I'm happy to see if there's anything

we can do, because we all want to make sure that we have the right human resources in the province, and next week I'll get together with the member opposite and we'll have a look at it.

**Hon Chris Stockwell (Minister of Labour):** On a point of order, Mr Speaker: I seek unanimous consent of the House to move second and third reading of Bill 145, An Act to amend the Occupational Health and Safety Act, and to have the questions put immediately, without debate or amendment.

**The Speaker:** Is there unanimous consent? Agreed.

OCCUPATIONAL HEALTH AND SAFETY  
AMENDMENT ACT, 2001  
LOI DE 2001 MODIFIANT  
LA LOI SUR LA SANTÉ  
ET LA SÉCURITÉ AU TRAVAIL

Mr Stockwell moved second reading of the following bill:

Bill 145, An Act to amend the Occupational Health and Safety Act.

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

Mr Stockwell moved third reading of the following bill:

Bill 145, An Act to amend the Occupational Health and Safety Act.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

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

PETITIONS

NURSES

**Mr James J. Bradley (St Catharines):** I have a petition that's addressed to the Legislative Assembly of Ontario:

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

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

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

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

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

"Ensure wages and benefits are competitive and value all nurses for their dedication and commitment; ensure

there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and the community; ensure government revenues fund health care, not tax cuts; ensure front-line nurses play a key role in health reform decisions.”

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

#### TRANSIT SERVICES

**Ms Marilyn Churley (Toronto-Danforth):** I have hundreds of signatures on these petitions from all across the Toronto area:

“To the Legislative Assembly of Ontario:

“Whereas the government of Ontario has ceased to fund municipal transit systems, and whereas today as much as 85% of operating revenues come from the fare box; and

“Whereas a properly funded public transit system can mitigate the effects of global warming, traffic gridlock, poor air quality and smog alert days; and

“Whereas a recent study linked air pollution to the premature death of 1,000 persons per year in Toronto; and further

“Whereas several provinces, namely BC and Quebec, already fund transit from vehicle fuel taxes,

“We, the undersigned, petition the Legislative Assembly of Ontario to enact legislation forthwith that would fund public transit, dollar for dollar, from existing vehicular fuel taxes for both operation and expansion of public transit across Ontario.”

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

#### CRUELTY TO ANIMALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1550

#### CHILD CARE

**Mr Peter Kormos (Niagara Centre):** I have a petition from the children at West Creek SchoolHouse PlayCare from Pickering.

“To the Legislative Assembly of Ontario:

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

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

“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;

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

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

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

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

“The need for affordable, accessible, regulated child care and family resources continues to grow in Ontario,

“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.”



That's signed by Victor, seven years old; Amber, seven years old; Kiera, eight years old; David, nine years old; André, seven years old; and many other youngsters. I have signed it as well.

#### CRUELTY TO ANIMALS

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

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

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

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

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

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

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

#### HEALTH CARE FUNDING

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

"Whereas Health Canada approved Visudyne on June 1, 2000, as therapy for the treatment of wet form age-related macular degeneration. However OHIP does not yet pay for the procedure and it has not been added to the Ontario drug plan formulary;

"Whereas the provinces of Quebec, British Columbia, Alberta, Saskatchewan, Manitoba and Nova Scotia have already added Visudyne to their provincial drug plans;

"Whereas clinical trials have demonstrated that this treatment safely and effectively stabilizes loss in 67% of patients and improves visual acuity in 13% of patients;

"Whereas patients requiring therapy using Visudyne face a cost of \$1,750 for the drug and \$750 for the clinician procedural fees each time therapy is administered, and to complete a full therapy cycle, a patient would be required to pay \$15,000 to preserve his or her sight; and

"Whereas the Ministry of Health was to make a decision on Visudyne treatment at the end of February 2001;

"Let it be resolved that the Ministry of Health immediately approve and add Visudyne treatments to the Ontario drug plan formulary to assist those suffering with macular degeneration."

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

#### CHILD CARE

**Mr Peter Kormos (Niagara Centre):** I have a petition sent from Today's Family, formerly Seven Towers Family Day Care centre, in Hamilton to Shelley Martel and it reads:

"To the Legislative Assembly of Ontario:

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

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

"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;

"Further cuts would run counter to the support identified through regulated child care and family resource centres by Fraser Mustard and Margaret McCain;

"The Conservative government 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;

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

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

"The need for affordable, accessible, regulated child care and family resources continues to grow in Ontario,

"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. We demand future federal Early Years funding be invested in an expansion of affordable, regulated child care."

I have signed that and join the thousands of others who have signed it from Hamilton and Hamilton area.

#### EDUCATION FUNDING

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

"Whereas the Harris government's rigid education funding formula is forcing the potential closure of neighbourhood schools such as Consolidated, Dalewood, Lakebreeze, Maplewood and Victoria in the city of St Catharines, and has centralized control for education spending and decision-making at Queen's Park, and will not allow communities the flexibility to respond to local needs;

"Whereas chronic underfunding and an inflexible funding formula are strangling the system and students are suffering the consequences;

"Whereas there is evidence that larger schools do not automatically translate into cost-effectiveness;

“Whereas smaller, neighbourhood schools have lower incidences of negative social behaviour, much greater and more varied student participation in extracurricular activities, higher attendance rates and lower dropout rates, and foster strong interpersonal relationships;

“Whereas small neighbourhood schools in local communities, both rural and urban, serve as an important meeting area for neighbourhood organizations which help bring individuals together and strengthen neighbourhood ties and the current funding formula does not recognize community use of these schools,

“Be it resolved that the Harris government immediately reconfigure their unyielding funding formula to restore flexibility to local school boards and their communities which will allow neighbourhood schools in our province to remain open.”

I affix my signature as I'm in agreement with the petition.

#### CHILD CARE

**Mr Peter Kormos (Niagara Centre):** I have a petition that was sent to Shelley Martel by the Syme-Woolner Neighbourhood and Family Centre on Jane Street in Toronto and it reads:

“To the Legislative Assembly of Ontario:

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

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

“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;

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

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

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

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

“The need for affordable, accessible, regulated child care and family resources continues to grow in Ontario,

“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 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 have affixed my signature, and I cede to Mr Bradley.

**The Deputy Speaker (Mr David Christopherson):** Actually, it's going to go to the member for Scarborough Centre.

1600

#### CRUELTY TO ANIMALS

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

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

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

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

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

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

I am pleased to give this to Graydon of Haliburton-Victoria-Brock and I am pleased to affix my signature to this petition.

#### BUSINESS OF THE HOUSE

**Hon Janet Ecker (Minister of Education, Government House Leader):** Pursuant to standing order 55, I have a statement of business of the House for the week of December 10.

Monday afternoon we will continue debate on Bill 130; business for Monday evening through to Wednesday afternoon is still to be determined.

Thursday morning, during private members' business, we will discuss ballot item number 39, standing in the name of Mr Wettlaufer, and ballot item number 40, standing in the name of Mr Peters; Thursday afternoon's business is still to be determined.

#### ORDERS OF THE DAY

##### COMMUNITY CARE ACCESS CORPORATIONS ACT, 2001

##### LOI DE 2001 SUR LES SOCIÉTÉS D'ACCÈS AUX SOINS COMMUNAUTAIRES

Resuming the debate adjourned on November 9, 2001, on the motion for second reading of Bill 130, An Act respecting community care access corporations / Projet de loi 130, Loi concernant les sociétés d'accès aux soins communautaires.

**The Deputy Speaker (Mr David Christopherson):** It's my understanding that the debate is now with the government.

**Hon R. Gary Stewart (Minister without Portfolio):** It is my pleasure to speak to the Community Care Access Corporations Act, 2001.

The reason I'm pleased to speak to this is because I'm a great believer that once you put it in legislation and once you start something, you must go back, on a fairly regular basis, and reassess it, look at it, make sure that it's working well, make sure that it's working right. If it is not, then do the necessary reviews to make sure that it is. This is what has happened. This is why this act is being introduced.

I want to compliment the associate minister of health, the Honourable Helen Johns, for her initiative in getting a review under way—let me say, an arm's-length review—where they could take an objective look at what was going on in the CCACs, how well they were working, to make sure that they were doing exactly what they were designed to do some three or four years ago. Up until this particular time, until this 18-month review had been done, they had not been looked at, other than internally within their own organizations.

What Ontario and what we as a government want to make sure is that we have a very strong system where people who require the service, whether they are elderly, medically fragile children, people with disabilities or those who are chronically ill, are able to remain in the comfort of their home as long as possible. We must make sure that the particular supports and the support system is in place to make sure that happens.

I had the privilege of working very closely with the CCACs ever since the first day they arrived to set up shop in Peterborough. We were involved with them right from the day of renting the location where they're now located, to go over their plans, and indeed have had a good ongoing relationship with them. I must compliment the CCAC in Peterborough. I think they have done a relatively good job.

But there again, it's one of those things where, yes, you can do a relatively good job, but maybe if you relook at things you can do a little better. A little better means that maybe there's more accountability, maybe there's more money in the system, maybe more people can be helped.

It was interesting to see some of the things they do. One of course is placement, assisting people getting out of hospital and going home, making sure they have all the services in place. My late mother, who was an RN, did that in the last number of years before she retired, and at that time it was difficult to find the type of facilities and supports we have today. As I said, we must continue to make sure that they are working, and working well.

Certainly the CCACs offer the community-based services, whether it's home care, long-term-care facilities, hospital discharge programs—and as I said, that's what my late mother was involved with—all under a single umbrella. If I had my way—and I can only speak

for Peterborough. We have a great big building there about four or five storeys high, and if I had my way, I would put every one of the organizations we fund in that building. You would have one set of support staff, one administration, and the money you would save from having all these places spread all over the city, all having their own administrations, all having their own board rooms, all having different support staff, could go right into the system to help the people you're putting the money in to help.

**Ms Marilyn Churley (Toronto-Danforth):** On a point of order, Mr Speaker: I've been listening with interest to the member's speech and notice that there isn't a quorum in the House. Could you check for a quorum, please?

**The Deputy Speaker:** I will. Could the clerk check for quorum, please?

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

*The Deputy Speaker ordered the bells rung.*

1610

**Clerk Assistant:** A quorum is now present, Speaker.

**The Deputy Speaker:** The chief government whip may continue.

**Hon Mr Stewart:** As I had mentioned before—and I can only speak for my riding—if I had my way that's exactly what would happen. On the first floor, needless to say, you could have the services for the elderly, the frail, the fragile; on the second floor, you could have services for the families; on the third floor, you could have services for somebody else.

We have diluted the system so badly that it doesn't matter whether it's children's services, adults, seniors or whatever, every organization that tries to support them—and indeed they support them well—must have their own CEO, their own management, their own support staff, their own board rooms, their own buildings, and it goes on and on. Why not have it all under one roof, have one management, one support, one administration, and the money you save can go back into the system to help the people?

I look at the levels of government. Here we have the federal government very involved in health care—they won't pay the money but want to have a say; they don't want to pay any money to us—the province looks after it, and indeed some of the municipal levels of government do it. Why would we have three levels of government looking after health care? I can't understand that. Why wouldn't we have one that does it well and we can make sure the money goes directly to the clients, to the patient to whom we're trying to offer that service?

I could never understand the reasoning. Mind you, I know it's been that way for a lot of years, but I think it's time to change. That's one of the things, when our government got elected back in 1995, where some of that change did happen.

The CCACs, because of some of the reductions they've had this year—reductions because many of the case managers and the caseworkers looked at the in-

dividual cases and said, "Hey, maybe these folks don't need that amount of care. Maybe they don't need four or five or six hours a day, maybe two or three." They assessed them, and this is what I'm very supportive of: have sunset clauses and reassess on a continuous basis to make sure they are getting the service they want. There are those who need more; others need less.

I can remember a lady coming into my office who was a caregiver. She said, "I've got a bit of a problem with what's happening." I said, "What's that?" She said, "Well, I was asked to go to a different home the day before yesterday," whatever it might have been; it was in the last couple of days. I said, "Oh?" She said, "Yes, I substituted for the normal caregiver." I said, "Oh? What's your problem?" She said, "The two people we were giving the care to sat at the table, drank coffee and smoked cigarettes while I washed dishes for one hour."

My concern is, should the government—and it's strictly a question—be in the housekeeping business? Should we be in the business of washing dishes? Should we be in the business of vacuuming? Should we be in the business of washing, ironing and all of that? Yes, there are special circumstances where that has to be done. But the funny part of it is, when some people look at those who are getting a service, mainly because they probably need it, they say: "Well, if they're getting it, why shouldn't I?" I have real difficulty with that. I want to make sure that the money we put into home care is going to those people who need it, whether it be the housekeeping, as I've talked about, or the health and medical care that they truthfully need. Then certainly by reviewing these things, the caseworkers and so on have that opportunity to reassess, because the bottom line of this is we first of all have to give the best possible support we can but we've got to do it in a very effective, efficient and accountable manner. The value for money is what this is all about. We have to make sure the services that we provide are the services that are required, the services that are necessary, and that the people that need them truly are getting them.

One of the reviews that the associate minister did, as I mentioned at the start, was an arm's-length review, a well-balanced review that I believe will be very invaluable as we move forward to improve the CCACs. That's exactly what we're trying to do: the first review, the first look at what has really happened over the last three or four years, to make sure that it is working right, to make sure it is working well so that the people will benefit from those particular management changes or administrative changes, whatever it may be or whatever the reviews find necessary.

It's interesting if you look at, I believe, the Hamilton-Wentworth CCAC that was reviewed a few months ago. When you look at things they were looking at and were concerned about—their financial accountability, the fiscal practices, the quality of management strategies—my goodness, should we not be looking at that? I think we should. If we have to put necessary changes into effect, then that's exactly what we should be doing. We

have to make sure that the people who are on those boards—the people who are running the CCACs—have the business skills or experience to make sure they can do it.

I don't know about some of you; I've employed people for 40 years. I get the best I possibly can, I work with them, I help to train them, and I want to make sure that they are the best people that we can possibly employ and have. There's all kinds of them out there but you've got to make sure that you work with them and make sure that they have a good understanding of what is required and that the management and the administration of it is what it should be, again, to create those efficiencies.

I mentioned at the start the fact that the government wants to make sure that we are strengthening the accountability, the consistency, the coordination of the CCACs, and do it across the province so that one is comparable to the other one. In my particular area I believe we have the third-largest senior population in Canada, so the pressure on our CCAC has been great. But, you know, when they got nearly a 70% increase back a couple of years ago, they've worked well with that money and they've taken a look at it and said, "Yes, we've got to live within our budgets," the same as all of us try to do on a daily basis. The old way was, "If we run over, the province will bail us out. They've been doing that for years." Well, it's time we quit bailing out people who are ineffective and do not believe in accountability.

So what we have to make sure, as I said, is that we have the best people there, the best boards, with those types of experience—

**Mr George Smitherman (Toronto Centre-Rosedale):** But Tony Clement says it's OK for hospitals.

**Hon Mr Stewart:** I appreciate the member across the way who may not agree with me, that's fine, but I believe we should run things well. All you have to do is look at what happened to the Liberal government in the late 1980s and early 1990s. God, you knew full well that they didn't have the ability to be accountable. Why would it change now? So I'm quite sure he'll carry on with the same idea.

**1620**

I have been pleased to speak to this bill. As I said, we have to make sure that the right people get the right services at the right time. We've got to make sure that the CCACs have to be sustainable into the future and that they must demonstrate effective management to ensure the delivery of effective long-term care. It's a simple fact of life.

I have talked about the one in Peterborough. Many, many dedicated people are part of that organization, and very qualified, but there are those, as we found out, across the province that are not. We've got to have some type of consistency; we've got to ensure that consistency in all the boards in terms of structure and management practices. We've got to have an integrated community model that will enhance the existing strengths that result from community involvement while adding a level of expertise that many boards have lacked in the past. This

happens; but if it does happen, for goodness' sake, let's correct it. Let's not let it keep going on and on.

In the past, the whole idea was to throw money at something. The unfortunate part of it is, when the money was all gone, you still had the same problem. I don't know about you, but I don't believe in doing business that way. I believe that you've got to look at the problem, find out what the problem is, then solve it. Yes, in some cases it will be money, in other cases it will be new management, in other cases it will be accountability and effective administration. But if you don't look at it, how can you find out? How do you know whether it's working well or not?

I think one of the keys to this—and certainly talking to the CEO of the CCAC in Peterborough—case managers are a major part of the efficiency of these types of operations because they get to know the people whom they're serving. They get to know what their needs are and when the needs improve. When they do improve and they don't need those services, well then, cut them back a little bit. Why would they get a service that they don't need when this person over here may want additional services? I think the case managers and reviews and going back and revisiting these issues are so important, and that's exactly what happens.

As we draw near the end of my 20 minutes, as I said, I have been very pleased to be part of this debate on the Community Care Access Corporations Act. I think it's legislation that will improve the system, improve the CCACs, and there will be some consistency across the province. I want to emphasize that there are some wonderful people involved in them now, but there will be wonderful people in the future. We've just got to make sure that those wonderful people are the ones who have the skills and know how to deal with them.

Again, I want to compliment the associate minister of health for her initiative and her dedication in making sure that this process is done well.

**The Deputy Speaker:** Members now have up to two minutes for questions or comments.

**Mr Smitherman:** Soon I get an opportunity to participate in this debate for an entire 20 minutes, so I want to save some of my energy for that, but I wanted to rise and follow on the speech by the member from Peterborough and highlight the core of his speech, which is the basic inconsistency of this government's approach.

This notion that he spoke about right at the top, this "bigger is better" notion that efficiencies are found in large entities rather than those that are small, lies in very direct contrast to the approach of the Minister of Municipal Affairs and Housing, as highlighted in the auditor's report with respect to municipal government in this province. When they look at the size of municipal governments, those which are smaller are given smaller targets for efficiency savings, the implied message there being that bigger is inefficient. So the very core of that member's speech is inaccurate. This is one more action by a government which looks as though it has been inspired by the Taliban. This is a controlling government. This is a government that in the face—

*Interjections.*

**Mr Smitherman:** I'm being heckled from the members' gallery, Mr Speaker. I'm pretty sure that's out of order.

This is a government that in the face of anything that doesn't work for them, they stomp their feet and cross their arms and then they bring in the hammer. This is like a curling match where the government always has the hammer. They've always got the last say. It comes forward in the form of—

**The Deputy Speaker:** Take your seat, but stop the clock, please. Point of order?

**Ms Marilyn Mushinski (Scarborough Centre):** Mr Speaker, I do believe this is a point of order. The member opposite said something that I believe is completely derogatory to this side of the House. He has suggested that the legislation that is in front of us is inspired by the Taliban. I think that is shameful and should be withdrawn.

**The Deputy Speaker:** I'll give the member the opportunity to withdraw.

**Mr Smitherman:** I'll happily do that. This is a controlling government. Perhaps I go too far in making my point, but this is a command-and-control government which seeks to impose its will upon communities, and they will pay the ultimate price for that.

**Mr Michael Prue (Beaches-East York):** I listened with some concern to what the speaker had to say. He did make a point, and I believe that's probably the government's position, that the CCACs should be staffed entirely or nearly entirely by people with business experience. Although I acknowledge and admire that people from the business community have much to offer, what he has failed to say and I what I think is the problem with this legislation is that other people have an equally great deal to say that is important to the process.

He made a statement that he wants all this to be done by the right people, the right services, at the right time.

Quite clearly, the right people are the citizens, particularly the frail elderly of our community. The right people are the sick who have just been released from hospital. The right people are the families who must cope in their individual and daily lives with family at home who have a variety of diseases, from everything that is curable, where they can see some long-term prospect, to Alzheimer's, which is only going to get worse. Those are the right people.

But the right services—my goodness. The right services have been cut. You can go to community after community, person after person, and you will find that the services they complain about are being cut.

Last but not least, the right time. People are complaining that before, they had services into their house to relieve them from looking after—seven days a week, 24 hours a day—an Alzheimer's patient so that they could go out and do their shopping. They had up to eight hours a week in order to do that. Now it has been cut from eight to four and in some cases to one or nothing at all, which

has left them housebound, left them unable to participate in our society.

I think that he has not indicated, to me at least, that the right people, the right services and the right time are what this government is all about.

**Mr Frank Klees (Oak Ridges):** I'm pleased to rise and to commend my colleague from Peterborough on his comments relating to the community care access centres. I was listening with great interest as the member referred to the importance of ensuring that the kinds of services that people in our communities who rely on us in this place to make the appropriate policy and very important fiscal decisions relating to community care—people expect us to assume that responsibility. What this government has realized is that the system was not working as efficiently as it had been expected to.

I'm surprised, frankly, that members opposite would not welcome the kinds of reforms that are being proposed here, that they would not commend the minister for taking this important step to rectify the matter.

1630

The member opposite refers to the right thing being done by the right people at the right time. Surely the member would agree that that is our responsibility. Not that only business people can make the right decisions, but surely there should be an appropriate number of people on these boards who do in fact have business experience; but beyond business experience, experience with multi-million dollar corporations, which effectively is what the community care access centres are, so that we know how to spend the money, how to demand efficiency and accountability, so that the people that the member referred to are in fact served appropriately, in a responsible way. This is not about anything else but being fiscally responsible and socially responsible.

**Mr James J. Bradley (St Catharines):** I know we're limited with the 20 minutes. I didn't think the member got into the issue of why we have a significantly greater demand on services. The concern is now that hospitals have been ordered by the Ministry of Health to discharge patients at an earlier point in time than was the case in years gone by. In some cases that may be possible because of such things as laparoscopic surgery. I think of a gall bladder operation, for instance, that used to put the person in hospital for a couple of weeks. There was always a great threat of infection, the recovery period was a pretty lengthy period of time, so to be on the side of caution, members of the medical profession often kept people in the hospital for a longer period of time.

So while I understand the discharging of some patients at an earlier point in time, the discharging of other patients has put considerable stress on nursing homes, because if you talk to the people who run the nursing homes or seniors' homes, they will tell you that the kind of patients they're receiving back from the hospital now are different. They can be the same people, but the state in which they find them is different. They are still quite acutely ill, still requiring some pretty heavy care.

The same can be said of a person being discharged and coming back into a household setting. As long as we

continue to close hospitals and hospital beds, as long as we continue to insist upon people leaving the hospital at an earlier point in time than perhaps many would consider to be advisable, including many in the medical profession, it seems to me that there's going to be an increased need for funding for community care access centres right across the province.

**The Deputy Speaker:** The chief government whip now has up to two minutes to respond.

**Hon Mr Stewart:** I want to just compliment my colleague from Oak Ridges, who emphasized my two very magical words, and they are "fiscal responsibility." If you don't have that, ladies and gentlemen, unfortunately you won't have either a very successful organization or, in this particular case, services for the people who need them.

The money that we get in from the people in this great province to be able to offer these services is their money. Should we not try to handle it and put it into services that we believe should be done and should be done well?

Pardon me, Mr Speaker; I'm going to have to forgo my two minutes.

**The Deputy Speaker:** I completely understand. It sounds like you're chasing a bad cold. So we'll move on. The floor's open for further debate.

**Mr Bradley:** I can understand the chief government whip having that problem. I sent over a cough drop for him, because I am facing the same problem, or have been for the past week. It does simply not allow us to continue on when the cough begins, and we all wish him well in returning to the very best of health.

I want to deal specifically with this bill, because I think it is an important piece of legislation and a significant departure from where we've been in health care.

The member for Peterborough endeavoured to make a case for fiscal responsibility and the proper handling of the funds going into health care or anywhere else, and I don't see a quarrel developing over that. There may be some nuances that are differences, but I think we want to see that money spent in as effective a way as possible.

My concern is that with the new government policy of wanting people out of hospitals, as the old saying goes, "quicker and sicker" than used to be the case in the past, we put a great demand out there on the need for home care services and services outside the hospital setting.

I've had a number of calls—in your constituency office, people will call about matters of great importance to themselves. Many of them are personal monetary matters that they're dealing with, and they're under considerable stress. Another category has been the number of people who have someone in the family who is in the health care system and being taken care of by the health care system. I have had people say, "Scream at the top of your voice for us." These are people I wouldn't call much different in their own philosophy from people in the government.

I think it changes. The member for Peterborough talked about business people on these boards. You know, once business people have had perhaps a parent, a spouse

or someone from the family needing health care services, those individuals sometimes change their minds when they see the genuine need that's out there.

I don't want to pretend that it doesn't cost money; it does. I think that anyone in the Legislature of Ontario, or any elected body, who suggests that a significant investment in health care is not going to be on the books as we go into the future with an aging population is being deceitful. I know no one in this House would want to do that. As we get older, we tend to need the services of the health care system more.

There are some people who do not do well in an institutional setting, and others who do. Literally, at Christmastime for instance, a major holiday in Ontario when people are discharged from hospitals, some people, particularly those who don't like an institutional setting, or like a home setting—let's put it in a more positive sense—actually improve considerably when they're able to get back in the home setting. But they do require care in that home to make that adjustment, to bring them back to good health. I think the community care access system, with some of its problems, has still tried to deliver those kinds of services to people in this province.

I'm concerned when I see what amounts to a cutback in the amount of money allocated. The government members, the Minister of Health, and the associate minister of health will say, "The amount of funding is the same as it was last year, so we haven't had a cut." But in fact what happened was that because of shortfalls in the funding in most of the community care access centres, the government infused more money into the system mid-year. What they've done, then, is cut back to what the CCACs started with last year. In effect, that does mean they have less money to work with, and the demands are greater.

Is there a need for some provincial rule and regulation as it relates to what services are provided and how they're provided? Yes. I think the community care access centres have asked for that. But this is what we in the Liberal Party have characterized as a hostile takeover of the CCACs. My concern is that at the present time we have on the boards community people from various backgrounds. We have some supporters of the Conservative government sitting on those boards. We have people who believe in other parties—most of the people have no particular party. My concern, when the government takes it over, is that we will have Conservative hacks placed on the boards. All you have to do is change the name of the government from Conservative to Liberal or NDP, and if you're in the same circumstances—what I'm saying is, people favourable to whatever government is in power to answer to them.

**1640**

What happened was, in my view, a lot of criticism was being directed to the government by the people from the community care access centres. I have a number of quotes here from people. Bob Fera was here for a press conference the other day. Correct me if I'm wrong, but was Bob Fera not the Conservative candidate in Sudbury just a few years ago in one of the elections? Bob's an

outspoken guy, we know that, and no matter what party he would be with he would be outspoken, but he showed an awful lot of intestinal fortitude to come down here at a time when the government has the hammer over the CCACs and to actually offer criticism of the government. His quote says, "This is health care planning at its very worst." He's with the Manitoulin-Sudbury CCAC; Bob Fera, former Conservative candidate.

There have been other expressions. "The biggest concern is that the legislation calls for new appointed boards. I would not want to lose the expertise we now have from the community," says Stephen Kay, executive director of the Peterborough CCAC.

"It is now glaringly obvious that advocacy on behalf of the frail, sick and vulnerable in the community will not be tolerated. Provincial appointees with the support of government will be able to ignore the pleas from the community for the service they deserve," says Norma Marossi, Waterloo CCAC board chair.

"This is clearly a hostile takeover. The government deliberately crippled the access centres with a funding freeze. When CCACs announce their only option, service cutbacks, indicating that they have no choice given the government's actions, the government turns on them with this gag order." That's from Ethel Meade, who is the co-chair of the Ontario Coalition of Senior Citizens' Organizations.

The Harris Tories have announced the budget of Ontario's 43 community care access centres will be frozen at the 2000 levels. I've made reference to that; that means there is going to be a \$175-million shortfall.

I understand that there are many commitments to be met. I understand how much people now look forward to the services that are provided by community care access centres, because the need is there. I'm worried about the number of nurses that are available. I don't particularly like the way people have to bid to provide the services. It allows for a lack of continuity. It often means that people are lowballing to get the contract and then cutting in certain areas. Those are the fears I have about that, and I think they're justified by what we've seen happen.

I talked to the Victorian Order of Nurses, for instance, who said that "one of the problems is trying to keep our people working with us because of the amount of money we can pay them." With the amount of money available from the CCAC, with the amount of money they get from the Minister of Health, it is difficult for them to maintain their nursing staff and the kind of continuity you need. So there's a problem out there.

Yes, we need a greater infusion of funding. The government has supposedly saved money from closing hospitals, despite the fact that in the 1995 campaign, in May in the leader's debate—you'll recall this—Robert Fisher, who was then with Global television, asked the question of Mike Harris—he was Mike Harris then rather than Premier Harris—leader of the Conservative Party, about closing hospitals. Mike Harris, leader of the Conservative Party at that time, said, "Certainly I can guarantee you, Robert, it is not my plan to close hospitals." We

now have over 40 hospitals that have been forced to merge or close in the province, despite the solemn promise of the Premier. I even believed him when he said that during the election campaign.

*Interjection.*

**Mr Bradley:** The problem is, I say to the member for Simcoe North, they have the tapes. They have the tapes of him saying that. When it's Hansard, it's pretty dry, but when you have the tapes and the person saying it, it means something.

Let me get away from that subject. I'm only mentioning it because it means we need more services in the community. The government was supposed to have saved money through the closing of hospitals and health care restructuring, as they called it, so there should be sufficient investment.

The government now says it needs more money for health care from the federal government. Everybody would love to see the federal government put more money in health care. I would be apprehensive about them handing the money to this government and would prefer that they spend it directly. Let me tell my friend from Simcoe North why that is the case, because he's wondering why I would say that. That's because this government is notorious for getting federal dollars, putting them in their pockets and then cutting the provincial portion. Carol Goar, in a July 21 article of the Toronto Star, picked four different categories where the provincial government simply took increased federal funding, pocketed it to pay for the tax cuts and then reduced the amount they were putting into that program. I can tell you that's my worry about giving you people the money.

So I have a plan for them. I think they should invest directly. I know they might face a constitutional challenge—and the Minister of Intergovernmental Affairs is here now to listen to this—but the problem is that if they don't do it that way, there's no guarantee that the province won't simply take the money to pay for the tax cuts. As you know better than anybody, Mr Speaker, this province has plans for another \$3.7 billion in tax cuts—\$2.2 billion for the corporations, \$950 million to \$975 million in further income tax cuts and the new voucher for private schools, which if you take the low estimate, is a \$300-million cost, and the higher estimate, is a \$500-million cost. When the government of Ontario was making its case against the United Nations' ruling, they said it could be up to \$500 million, and I believed them then.

If you put that all together, what you figure out is, these people don't want the money for health care; they want the money to pay for those tax cuts, because they're going to result in well over \$3 billion in straight lost revenue. That's why I believe they should invest directly.

*Interjections.*

**Mr Bradley:** There is nobody but nobody who believes that, what the government says, any more. I hear nattering in the far corner. There's nobody who believes that any more. Look, I am very fair-minded, I say to my

friend from Halton. You know how fair-minded I am. I say the present recession is not the fault of the Ontario government. I'll go anywhere in Ontario and say that. Do you know why I say that? Because I say the economic boom we experienced had nothing to do with the policies of the Ontario government, so I'm being consistent. What I object to and where I differ is your prescription for dealing with the recession. You want to give more tax cuts instead of investing in the needs we have in this province.

That's why I say the booming American economy and our exports to the United States were a major factor in the boom in Ontario. The second major factor was low interest rates, the lowest interest rates we've had in a long time, which encouraged people to borrow money to invest in their businesses. The third is a dollar that makes us competitive. We may say we'd like an even dollar and we'd love to be competitive—some people might say that—but the fact is that a lower dollar makes us very competitive. I heard the Minister of Finance the other day barracking across that he would like to see C\$1.05 for US\$1. Can you imagine the consequences in Hamilton in the steel industry or in other industries—the auto industry in St Catharines or the pulp and paper industry in Thorold—if that dollar went to \$1.05? It would be a disaster, and here's the Treasurer of the province of Ontario advocating it.

I say the federal government should invest directly in health care, maybe in an infrastructure program where they say, "We will buy equipment for hospitals," because at the present time, as members know, hospitals have to raise the money themselves for that equipment. If the local community were relieved of that responsibility by having the federal government spend directly and buy that equipment, with the approval of the Minister of Health. In fairness to the Minister Health, who is here this afternoon, if you're going to allow a new piece of equipment that's going to generate an operating cost, the Minister of Health of the province should have the right to give the green light or the red light on that. I would not deny that. But I think there's a chance for them to invest directly, so then they can be assured that the province isn't taking the money to pay for the tax cuts, which I'm afraid of.

**1650**

In terms of this bill itself, because I wanted to deal with those peripheral issues that deal with this bill, it's all about control, it's all about placing, I'm sorry to say—and there are some good people within the party—Tories in the position of running these, people who will be silent, at least publicly silent, about the problems confronted by community care access centres. Instead, what we need are public advocates, and I commend those people who are supporters or who have been supporters of the Conservative Party who today are being openly critical. They need not apply, I assure you, to the new CCAC boards that are going to be appointed. The kind of board you're going to see is like the Ontario Parent Council, where they've got Mr Reid from Welland who



was a Tory candidate who ran against Peter Kormos. They trot him out like he's some kind of neutral person; you know, the Ontario Parent Council, like he's an elected person. He appears at a public hearing. He appeared at one in St Catharines on the new tax vouchers for the private schools. Here's the head of the Ontario Parent Council of course agreeing with the government policy and using up the full time so I couldn't direct questions and ask him the number one question, "Weren't you the Conservative candidate last time in Welland-Thorold riding?" He used up all the time and the Chair, my friend Marcel Beaubien, knew what I was up to and he brought the hammer down quickly so I couldn't ask that question. That's what it was all about and that's what I'm afraid of here.

Your best boards are local independent boards who are not afraid to speak up. I've been in government. I know how you don't like people criticizing you when you think you're doing the right thing, and I'm sure there are many on the government side who believe what they're doing is the right thing. But I think it's healthier when you have independent-minded people, not just party hacks from whatever party happens to be in power, sitting in those positions to analyze, to offer criticism and indeed offer praise when the praise is there.

I'm not effusive in my praise of this government, but once in a while on a bad afternoon I offer the odd compliment. The reason I don't offer it too often is that that's why we have government members. There are two reasons, by the way—I should explain—that members of the opposition are unwise to offer too many compliments to the government. One is, we find them in government pamphlets and/or repeated back to us in the House. So you have to be very cautious in your praise of the government. The second is, that's why we have government members. I've said on a number of occasions—my friend Bart Maves is here this afternoon—when they phone about the budget, I tell them what's wrong with the budget. They say, "Well, isn't there anything good?" And I say, "Here's Bart Maves's number. Bart will tell you what's good about the budget." He's a government member, and I don't expect that Bart is going to phone the radio station and say, "It's a terrible budget and this is what's wrong with it." So at least we have two points of view presented: the government point of view, the opposition point of view, and the public will choose somewhere in between those who they think are right and those who are not.

This is what I consider to be a hostile takeover. What is needed most is an investment of funds in the community care access centres to provide the services for our seniors, for our frail elderly and for people who are coming out of the hospital setting and need services in their home so they can live in their home and enjoy their home.

**The Deputy Speaker:** Thank you. Members now have up to two minutes for questions and comments.

**Mr Peter Kormos (Niagara Centre):** Holy moly, Speaker, I just got served with a couple of notices of motion for time allocation.

*Interjection.*

**Mr Kormos:** Yikes, interesting, fascinating: Bill 130, uh-huh. Well, here we are. We're in the midst of debating Bill 130 and a time allocation motion is already served. I think that's pretty presumptuous.

What they've done is they've given us choices. It's the time allocation motion with committee hearings or it's the time allocation motion without committee hearings.

**Mr Ted Chudleigh (Halton):** Your choice. We listen.

**Mr Kormos:** My choice. Committee hearings, Wednesday, December 12, from 9 till noon, and from 9:30 to 11 for clause-by-clause consideration of the bill. Then at 9:30 all the amendments which have been tabled shall be deemed to have been moved.

What a crock of spit this is. This is incredible. This isn't just a hostile takeover; it's an all-out bombing attack. This is a repugnant bit of arrogance yet again on the part of this government. It's beyond cute. This government has abandoned home care.

Then I had to listen to the last Tory speaker trying to set up his home care recipient bums scenario—were you here?—the home care recipients who sit there drinking coffee, smoking cigarettes, while the home care worker is in there scrubbing their dishes. What a stupid, moronic thing to say on the part of Mr Stewart. What a repugnant and mean thing to say, and what a downright dishonest thing to say.

**Ms Mushinski:** I always enjoy listening to the member for St Catharines. He's very bright and knowledgeable. He's an experienced veteran of provincial politics and he always adds very colourful descriptions of government programs that I kind of enjoy.

I don't always agree with him. He rarely, if ever, points to the 69 tax increases that happened in the 10 lost years, between the Liberal government and the federal government. He rarely points to the little red book that was delivered, I believe at the last election, by the federal Liberals when they promised home care and pharmacare. I've never, ever heard him actually refer to the \$100 billion of tax cuts that the federal government has referred to.

But then of course, he probably doesn't trust them because they don't deliver on their promises. They said they were going to scrap the GST, when in fact I think I still pay GST every time I buy goods and services in this province. They said they were going to scrap free trade and NAFTA, and instead they've actually enhanced free trade and NAFTA. So yes, I would agree with him. That's probably the reason he never refers to their promises, because they never keep their promises. That's something we have always done. We promised we would cut taxes when we were elected in 1995, and guess what? For the first time in living memory you had a government that did what it said it was going to do.

**Mr Michael Bryant (St Paul's):** I obviously enjoyed listening to my colleague the member for St Catharines and I support his argument. I can tell you what we're seeing in the riding of St Paul's in terms of what the government is doing to the CCACs. It is a hostile take-

over. I want to spend my two minutes, besides praising the member for St Catharines, congratulating the chair of the Toronto CCAC, Dr Doug Hamilton, for having the courage to speak out. It's obviously difficult. It's not easy. I think it takes a certain level of political courage, I guess, to say, as the chair of a CCAC, as he did, that in fact what the government is doing, and I'm just quoting from him, "imposes a gag order on CCACs, preventing them from voicing dissatisfaction with chronic underfunding of home care in this province."

**1700**

We ask a lot of the members of the board to ask them, in the midst of their dismantling, to have the courage to speak out, as opposed to what I'm sure many wanted to do, in some cases, and just walk away from this because they've just had enough in terms of their treatment by the government. Congratulations to the Toronto CCAC for having the courage to speak their convictions.

I recall the chief government whip made reference to the number of seniors in his riding. I can tell you that St Paul's is in a very similar situation. There's a very high proportion of seniors in St Paul's, at least compared to other ridings across the province. But also it's a very diverse community, extremely diverse—ethnically diverse, languages—a very diverse community. It requires local responses, local accountability and local management, and that's why this hostile takeover will so adversely affect the community I represent.

**Mr Prue:** I listened with great interest to Mr Bradley and his comments. Although he had a wide-ranging number of comments, he talked I think most succinctly and most correctly about the cutback. Now the government opposite will say there has been no cutback. Every time I come into this Legislature I hear how many more millions of dollars they're spending on every single government program. I have to tell you that with all the bafflelegab that is heard, I sometimes lose track of exactly how much money is being spent where.

But I want to tell you that the people out there who rely on this program aren't fooled by that bafflelegab. They agree there have been cutbacks. They know that where they used to get services, they no longer get services. Where they used to get eight hours a week, they're now lucky to get one or two hours a week. Where they used to have care for their bed-ridden, elderly parent in their home, they no longer get that care. They know that the cutbacks are real and are ongoing and are not likely to get better.

The member opposite, in her comment, went on to say that this government was the first to promise to cut taxes and keep their promise. I commend the government for keeping a promise. I don't necessarily agree with you, but I commend you on making a statement and going to it. You said you were going to cut taxes and you did it.

What you said opposite to that, though, was that you were going to maintain all the services: bigger and better services for the same or less cost was the mantra. That is the part that has abysmally failed, not the few paltry dollars that have been sent to people who probably didn't need the money anyway, but the real human suffering

that we see every day out there on our streets and that we are starting to see in the CCACs from our frail and elderly. Quite frankly, it is appalling when you have to go and talk to those people and look them in the eye and know they are going to suffer more and more.

**The Deputy Speaker:** The member for St Catharines has up to two minutes to respond.

**Mr Bradley:** Thank you to the members for Niagara Centre, Scarborough Centre, St Paul's and Beaches-East York for their comments. I like this exchange, by the way. This was a good rule change, where we get a chance to comment upon each other's comments. We don't always agree, but I think it's a good counterpoint that's made in each case.

I have a suggestion on where the government could get some money for health care, and that is the \$250 million they spend on self-serving advertising. Every time I open my mailbox now, I have another picture of the Premier with a comment from the Premier. I turn on the television set. I tried to watch the Grey Cup, and every time I tried to watch it, it would be interrupted with yet another government of Ontario commercial at the cost of about \$6 million.

The member for Beaches-East York mentioned some significant cuts in terms of the hours and the kinds of services available. That's the kind of thing we're getting calls on now in our constituency office. Those were essential services, not simply people talking about a frivolous service, but some essential services and where they're cut back. They're pretty sad stories when you hear of seniors who are often on their own, where there isn't a large family around to look after them. They may be some distance away. So I think that's worthy of remembering.

In terms of promises, I want to return, because the member for Scarborough Centre perhaps missed it when I was speaking—I remember that Mike Harris said when was he was leader of the Conservative Party in the 1995 campaign, "Certainly I can guarantee you, Robert, it is not my plan to close hospitals." That will surprise those who were associated with the over 40 hospitals that were closed or forced to merge.

I really think we have seen a major problem that's going to require an investment of funds and some good management. I don't think this bill will accomplish that.

**The Deputy Speaker:** The floor is now open for further debate.

**Mr Kormos:** Thank you to you folks gathered here in the assembly to hear my comments. Off behind the Speaker on the government side of the House, I see Mr Ecker, the House leader's spouse/life partner. I don't know whether he's working for the government now.

**Mr Bob Wood (London West):** Derek Nelson.

**Mr Kormos:** Oh, I'm sorry, it's Derek Nelson. I'm not sure if he's working for somebody in the government right now, but by all means, keep it in the family. "Charity begins at home," is the way some people put it.

He's moved, but not out of sight. In any event, welcome, Derek. Welcome to the chamber, to the Legislative Assembly and, I assume, to the payroll.

**Mr Bradley:** Remember when Derek used to write for the Thomson papers?

**Mr Kormos:** Well, look, Thomson didn't treat its employees very well, did they? They treated them shabbily, and clearly this government is treating Mr Nelson far better than Thomson did. I for one am pleased to see the family income in the Ecker-Nelson household—unless he's a dollar-a-year person. From time to time that happens. People volunteer their services. I understand.

Anyway, Mr Nelson, welcome to the chamber, to the Assembly. You've got a long history here. I know Thomson didn't pay well. I hope—as a matter of fact, I trust—you're getting paid better now than when you were with Thomson.

Look, this whole debate becomes rather moot, null and void if you will. I mentioned to you just a couple of minutes ago about the notices of motion I received from the government House leader. The government wants this bill. They want this bill real bad. The government wants this bill so bad they can taste it, if that's not mixing a metaphor in its own right. Clearly, this bill is critical to the government's agenda, and that's in contrast to a whole pile of bills—some 20-plus bills—that are still waiting, some for second, some for third reading. In view of the fact that there are but seven sessional days left before the calendar day of adjournment—

**Mr Bradley:** They want out on the 13th.

**Mr Kormos:** Maybe only six sessional days left then. That's right. Maybe only six sessional days left.

*Interjection.*

**Mr Kormos:** No, think about it my friends: four mornings and two evenings. I received the notices of motion today for but two evenings of sittings till but 9:30 pm, not midnight.

Now, Mr Bradley, you've been here some considerable time. You reflect on it and contemplate what that means. That means the government wants out. Last night the government passed a motion to exempt all bills from the impact of prorogation of the House, which may or may not happen. But think about it; almost inevitably it will. By the time the House is scheduled to return, there will be a new Premier, either from the existing cabinet or from outside the existing cabinet. There might be a Premier from among the government backbenchers. That would be a revolutionary thing to do, wouldn't it, you common sense revolutionaries, you bold iconoclasts?

1710

So by the time the House comes back, a new Premier, a whole gaggle of new cabinet ministers, depending upon who has and hasn't placed their bets appropriately during this round—listen, the window closes in short order. What's the last day for nominations? It's not too far away, so you'd better get to that betting window before the window closes. Depending upon where respective caucus members have placed their bets, you'll see a fascinating new cabinet.

**Mr Bradley:** You mean it's not based on ability alone?

**Mr Kormos:** Meritocracy, Mr Bradley. Meritocracy has nothing to do with this government's appointments to

positions, which is one of the serious concerns we all should have about Bill 130. I sat on the BAC committee and Mr Bradley chairs it. He of course is impartial. He's neutral. He sits there not only without expressing any opinion but without having any. He sits there with his mind a clean slate—what do they call it?—*tabula rasa* with respect to any judgment about the people before him. Meritocracy has never been a component of this, but for the rarest of exceptions. I can think of a couple of exceptions. I thought I'd better cover the rare appointment where people had true merit.

Again, you're talking about, for the most part—look at what they've done to district health councils. Down in Niagara alone we've had some incredibly hard-working people on our district council: Sue McNellis, for instance, a labour rep and a good person, an intelligent person, committed to working people. She is an active trades unionist. She makes no bones about it. She has been an outstanding member of that labour council, yet she and the likes of her—people who are truly representative of communities, people who give heart and life and relevance to district health councils—have been sacked one after the other after the other and replaced by mere Tory hacks, lapdogs for the Tories, people who are willing to be more than mere apologists for Tory attacks on health care, on hospitals, on home care and actual advocates for the cuts on health care and home care. That is the thrust, the purpose and the intent of Bill 130.

The government froze CCAC funding last year, leaving—what?—a \$175-million shortfall. This government may not believe in deficit financing for itself but it sure believes in deficit financing for CCACs, for hospitals and indeed, at the end of the day, for municipalities. Among those people on CCAC boards have been people who have been fighting. They see that as part of their job, part of their advocacy on behalf of people receiving home care: seniors, the ill, yes, persons with disabilities and people who have been discharged from the hospital after, more often than not, relatively serious if not absolutely serious surgery, because, you see, hospital budgets are so underfunded. People are being shipped out of hospital after some radical surgeries after a one-night stay.

I've spoken to people who have undergone some surgical procedures—I'm not talking about a little removal that needs one of those butterfly bandages after the fact; I'm talking about invasive surgery—who have been released after what amounts to a day's surgical procedure, among them seniors. One of the top three concerns that we get in our constituency offices has been about the cuts in home care. I tell the member from Peterborough who stands here and tells us one of those urban myths that he heard from a friend of a friend of a friend about two people, a couple presumably, receiving some modest home care services who sat there drinking coffee and smoking cigarettes while the home care worker did their dishes, and, oh, obviously they're ripping off the system. I say: bullfeathers. I put to you that that's an absolute concoction. I put to you that that's the very—

**Hon Mr Stewart:** On a point of order, Mr Speaker: I don't appreciate being called a liar in this House.

**The Deputy Speaker:** It would be helpful if the member withdrew that.

**Mr Kormos:** He has an incredible imagination. I withdraw any reference to lying.

**The Deputy Speaker:** Thank you.

**Mr Kormos:** The member from Peterborough has an incredibly creative imagination. It's almost a delusional imagination, that he can come up with a story that would attempt to justify this government's cuts to home care, that he can come up with a story that he heard from a friend who knows a brother-in-law who knows a cousin who works for the local plumber who told him about these people ripping off home care, and that's why this government's got to cut home care budgets—because that's what in effect the freeze last year amounted to. It amounted to a cut of \$175 million. And that's after some already serious cuts in the home care services provided in the region of Niagara, where I have communities and where Mr Bradley has communities and, yes, where two Tory members have communities, as well as in every municipality and every region across this province.

Do you understand what home care cuts have constituted for a whole lot of seniors? It means that instead of getting bathed twice a week, they bathe once a week. That's what it means.

The average cost of home care across this province per recipient annually is something like—what is it, \$3,000? And do you know what the option is? Do you know what the option is? The option is to put people—seniors, our folks, our grandfolks—prematurely into Extendicare units and hospitals, which cost a fortune and which simply attack, assault, the independence and the dignity and the sense of quality of life that those seniors, our parents or our grandparents, have and ought to have and deserve to have as retirees and as senior citizens.

It means shipping them off to seniors' homes, which are becoming increasingly taxed in terms of the understaffing and have incredible waiting lists. Any of you who have worked to try to get your folks or your grandfolks into one of those seniors' centres understands exactly what I'm talking about. That means then you've got to sidestep the good seniors' homes, the public ones, and either afford—yes, as I acknowledge—some very good seniors' homes in the private sector or end up in what the press has reported, and what most of us during the course of our activities in any number of communities across this province have discovered, to be rip-off operations that purport to house and care for seniors and that represent something out of Dickens.

That's what reduction in home care means, and that's what this bill is all about. This bill is all about controlling CCAC boards so that you'll have those boards collaborating—not collaborating; my goodness—actually acting as part and parcel of the government in the operation of home care services in municipality after municipality, the regional municipality of Niagara among them, with all of the communities that it serves.

The regional municipality of Niagara is incredibly unique; not thoroughly different from any other region or municipality in the province, but unique, because it's one of the aging municipalities, it's one of the oldest municipalities in terms of its residents. And it's a municipality that as a region has suffered incredible downloading along with so many others across the province, which means that its seniors' services at the regional level are increasingly taxed—taxed, pressured, underfunded—where the best efforts of good people—I told you I was with the staffs of both Rapelje Lodge and Sunset Haven a couple of weekends ago at the Slovak Hall in Welland, where they had their annual end-of-the-year party. The people who work in Rapelje Lodge and Sunset—two of the best, I'm convinced, in the province; not without their own difficulties—are working double and triple loads because of the understaffing, because of the downloading on to municipalities, which means that municipalities have fewer and fewer dollars, because of their limited and more limited tax bases, to work with in the operation of seniors' services.

**1720**

So, yes, Bill 130 is an attack on senior citizens. That is shameful. That's sad. That's despicable. It's not justifiable, but it's explainable, because while this government clearly has no commitment to seniors, it has no commitment to people with disabilities who might require some modest home care, it has no commitment to the sick, it does have a strong commitment to its profitable corporate friends—not all the corporate world but the profitable corporate world.

This government's got to cut home care services because it has got to find money to pay for the \$2.4-billion corporate tax break, the newest one, for profitable corporations. This government has got to cut home care services. It's got to leave our grandparents or our folks with but one bath a week, to pay for yet more of its personal income tax cuts for the wealthiest people in Ontario. This government's got to cut home care services for our folks and our grandfolks so that it can spend half a billion dollars on private, some of them for-profit, schools.

I say to you, as I have said to you before—and I'll say it again and again and again—that here at Queen's Park we have a minimum wage of some \$80,000 a year, and but a handful of members who don't make more than that. I tell you that your tax cuts have caused this sort of grief for seniors and for the sick and for the disabled.

I'm telling you right now that if I've got to pay another \$5, \$10, \$15 or \$20 a week in income taxes to make sure that home care services can be provided, I'll pay it. If I've got to pay a few hundred dollars more a year in income taxes to make sure home care services are provided to the seniors and others in the communities I represent, by God, I will pay it. I'll pay it with pleasure and I'll pay it gladly. I'm not going to participate in this government's attack on home care, which means an attack on seniors and the sick and the disabled. I'm not going to collaborate, as the member for Peterborough

did, in the vilification of people who rely upon home care services a crummy hour or two a week. That member wants to paint a picture of so-called, presumably we are to infer, “able-bodied” people sitting there drinking coffee and smoking cigarettes.

Please. There isn't a home care provider in this province who would allow themselves as home care providers, as people out there giving the service—there's not one who doesn't understand that they, as workers, as nurses and nursing aides and other types of home care providers, are working incredibly hard travelling to home after home after home in a circuit, sometimes over a broad geographical area, on any given day providing critical and essential services. Indeed, I've talked to home care providers in Niagara region working through the CCAC who tell me about doing extra work and not billing it back, because they do it out of their compassion. They do it out of their understanding, their realization that this government is engaged in an attack on public home care services.

Oh, will privatization fill the void? Of course it will. But if you've got enough money to pay for private home care services, hell, then you don't need OHIP either because you've probably got enough money to pay for private health care. You don't need public education because you've probably got enough money to pay for private schools.

But I pay taxes and I'm prepared to pay taxes and I'm prepared to roll back my tax cuts to make sure that things like home care and health care and education are things provided for through the public sector so that every member of this provincial community can avail themselves of them, regardless of how fat their wallet is. New Democrats believe that and New Democrats are not going to do anything to advance this government's agenda. We will resist this agenda and this government can take its time allocation motions and put them where the sun don't shine.

**The Deputy Speaker:** It's now time for questions and comments.

**Mr Garfield Dunlop (Simcoe North):** I'd like to respond to the member for Niagara Centre's comments. First of all, he made one statement here today about our government having no commitment to seniors. I want to point out two major points on that. First of all, for a government building 20,000 new long-term-care beds following 10 years of not one new bed being built in the province of Ontario, I would say that is a commitment to seniors. Second of all, we've increased money for the community care access centres across the province by 71% since 1995.

The other thing I was really surprised to hear the member for Niagara Centre comment on was the time allocation. I understand that our Liberal friends across the way supported this resolution on time allocation, but what got me is that with all the talk we've had, with all the discussions we've had on federal contributions to the health care system, particularly the federal promise in the red book to have a home care system across the country,

and after all the lobbying we've done to increase the federal share from 14 cents to 18 cents on the dollar, next Monday the federal government is going to deliver their budget. It's two years since we've had a budget and guess what, ladies and gentlemen? They're going to time-allocate it and they're going to adjourn before their Christmas party on Wednesday night. Here we have the whole country's health care system at stake, all the discussions on the terrorist activities of September 11, and we're going to sit back and watch the federal government use time allocation on the budget that they haven't presented in two years. I'd ask the member for Niagara Centre to please help our government support our lobby to have health care restored by the federal government in this country.

**Mr Gerry Phillips (Scarborough-Agincourt):** I'm pleased to comment on the comments by the member for Niagara Centre. I often hear in the House that no new long-term seniors' beds were opened over 10 years. I know that to be wrong because I can remember sitting as Bob Rae cut ribbons on the opening of new long-term-care beds. These things are always in my mind. Not that you're bitter when you lose, but you remember that you could have been cutting that ribbon. Mr Rae was up there; more power to him.

I wanted to comment on the member for Niagara Centre's comments on the corporate taxes. Recognize that the priority of the Harris government, the only thing they reaffirmed they are going to make absolutely certain they do, is to cut corporate taxes by \$2.2 billion. That's the one thing they said is safe. Everything else is on the table. Health care is on the table, education is on the table, security is on the table, but we're going to go ahead with the \$2.2 billion.

The major piece of advice that the Minister of Finance for the province gave to the federal government was to cut corporate taxes more. Mr Flaherty, just two weeks ago in the Legislature, said, “I want the federal government to cut corporate taxes by another \$7 billion,” over and above that they already are planning. So we're going to get our corporate taxes in Ontario—that's what he wants—40% lower than our competitors.

I would say to our seniors that one of my great concerns is that as we move to community-based care, I don't think we have in place the necessary measures to ensure that it's working efficiently. In a hospital, if someone is not being looked after, at least they're there in the building and someone ultimately will see it. But if a senior is in their home, not being looked after, we have no mechanisms to measure that, and that's the tragedy of continuing to cut our support for these programs.

**1730**

**Mr Prue:** As always, I find the member from Niagara Centre to be a most entertaining speaker. I have learned a few words today that I think go very close to offending parliamentary language without actually doing so. As a rookie, I don't know whether I'll ever need that. I hope not. Anyway, the reality of what he had to say is true. The cutbacks have been deleterious. The cutbacks have

been very hurtful to many Ontario families, especially those of the aged and infirm.

The comments he made about the appointments of people who are now going to serve on these boards, people who have money, people who are organized around money and spending money and looking after money are absolutely true. They have a place. I would not deny that those kinds of people should be on boards. But the people who are not likely to be on these boards are the ones who have done a tremendous amount of social work at the boards, giving a human face to those boards, for the people who actually receive the services and/or their families. They are the ones, the equation that is being cut out as these boards are streamlined and made business-efficient. That is what is going to hurt the entire program in the long term.

I'd like to spend a few seconds talking about one particular family I have run into, who have come to me. A war veteran, a person who has served this country in times of war and is a proud member of the Royal Canadian Legion, has now developed Alzheimer's. His wife is doing everything she can through love and commitment to keep him in the home, everything she can possibly do. She came to me asking for help, anything we could do. She has been cut from eight hours a week in looking after him and bathing him and looking after his physical needs down to one hour a week, which isn't even enough to get her out to do the grocery shopping so she can feed him for the rest of the week. Shame on a government that would allow that to happen.

**Mr Bart Maves (Niagara Falls):** It's a pleasure to rise and join the debate. The member from Welland-Thorold complained that this government had no commitment to seniors in this province. My colleague started to talk about a commitment of building 20,000 new long-term-care beds. He didn't mention the fact that we were redeveloping 16,000 long-term-care beds at the same time, which is the type of thing that Bob Rae, by the way, cut the ribbon on, not new beds.

Second, I want to point out that the NDP spent a heck of a lot more money in their term of office than did the Liberals. In fact, they were spending, when we took office, just over \$600 million on home care in Ontario. What's this government spending? Almost double that: \$1.17 billion. So your commitment apparently paled to ours. Not only that, but we've increased funding for long-term care and we've increased funding for hospitals. Hospital funding is at an all-time high right now. Finally, health care in general under the NDP was \$17.4 billion when we took office. Today it's \$23.5 billion. The NDP increased spending, even though federal governments were cutting funding to them, and we've increased spending dramatically from \$17.4 billion to \$23.5 billion, even though the federal Liberals have been cutting funding to us.

To say this government hasn't had that commitment to seniors is clearly wrong. If we didn't have a commitment to them—the record shows, the amount of money we've spent in the entire health care system over this time

clearly shows, that our commitment goes well beyond what either the NDP or the Liberals had for those seniors. Not only that, but everyone knows this bill is about fixing a system that has not been working. We've had two studies that clearly show that, and we have to react when studies like that are presented to us.

**The Deputy Speaker:** The member for Niagara Centre now has up to two minutes to respond.

**Mr Kormos:** Thank you kindly, Speaker. Commitment? Well, then make a commitment to meaningful public hearings around Bill 130. Make a commitment to holding those hearings during the intercession after this House rises for Christmas. That'll demonstrate some commitment. Have those hearings travel from Niagara through to Hamilton, up to Toronto and through Sudbury and Thunder Bay. That'll show commitment. Listen to folks out there and let them tell you what your de facto cuts to home care have meant. Have those public hearings and let people from boards of CCACs come forward in front of the committee and tell you what your underfunding of CCACs has meant, especially your freeze last year, which resulted in a \$175-million deficit. Commitment? Have your member from Peterborough produce the home care worker that he talks about and the two fraudulent recipients of home care. Have him produce those people and bring them to the committee, if you say you've got commitment.

Yesterday we passed a motion exempting bills from the impact of prorogation, so don't tell me that the bill will be lost if it isn't passed before December 13. Your House leader has introduced two time allocation motions that effectively preclude any third reading debate, any amendments to the bill, any debate during committee and, on a good day, provide but three hours of committee hearings this Wednesday morning at 9 am. They want the New Democrats to roll over so they can have fraud-sham hearings of but three hours. "Not our job, not interested in doing it, not our intention." The fact is, folks out there know full well what you've done to CCACs and home care, and folks out there will discover full well what Bill 130 is going to do to them even further.

**Mr Maves:** On a point of order, Mr Speaker: Just to let the members know that one of those time allocation motions was actually proposed by the Liberal Party.

**The Deputy Speaker:** That's not a point of order. Take your seat. The floor is now open for further debate.

**Mr Klees:** I'm pleased to participate in this debate. I believe the member for Niagara's intention—

**Mr Kormos:** Centre.

**Mr Klees:** Niagara Centre. His references to time allocation motions—my colleague Bart Maves was trying to make the point that apparently one of those time allocation motions was proposed by the Liberals. I think it's important that we keep the facts straight in this House, but that is yet another matter.

The issue of community care access centres is one I have been occupied with for a number of months now because certainly it has proven to be one of the major issues with which my constituents have engaged me. All

is not well with community care in York region, and I also know that all is not well with community care in many other places across the province. My colleague Marilyn Mushinski expressed to me in personal discussions that she is very pleased, on the other hand, with the kind of work that's being done by her community care access centre, and I know there are other places across the province where in fact efficient and effective service to seniors is being delivered by this system.

What it shows is that it isn't necessarily the system that's wrong, but there is a management problem. It's that management problem that the Honourable Helen Johns, associate minister of health, is attempting to deal with and address through this piece of legislation that we're debating now. It became very clear that some community care access centres, through their boards, through their administration, through the way they're doing their work, have in fact been meeting the needs of and serving their communities very well. However, for those that aren't, it falls on the government to assume the responsibility and make sure that the appropriate framework is put in place so that the accountability and the efficiency are there.

I would like to lead my comments off by quoting from a letter sent to me by one of my constituents. I think it highlights the fact that there is much more at stake here than simply funding.

**1740**

To the members opposite, whether it be from the Liberal Party or the NDP, it seems that all of the problems of the world could simply be solved by throwing more money at them. Members of the Liberal Party in particular rant and rave about the fact that if you simply stop giving tax breaks to people, then you could take that money and throw it into health care or throw it into education, throw it into any other problem area, and that would solve the problem. That's simply not true, and it's that kind of thinking that ended up saddling our province and the taxpayers of this province, as you well know, Speaker, with incredible debt, with a deficit approaching some \$11 billion, a debt load that people were struggling under, that was driving jobs out of this province and that was, quite frankly, eating away at the ability of all governments or any government to be able to provide essential services.

What I want to draw our attention to is that this issue is not necessarily about money. I'm not saying that there shouldn't be a review of funding formulas and I'm not saying, particularly for an area such as York region which has experienced incredible growth, that there shouldn't be a monitoring of the funding formula to ensure that the appropriate funds are designated to that area to keep pace with the needs that are there.

But let me draw your attention to this very thoughtful letter, which I believe goes to the heart of what the issue is. It comes from Sheila McLeod, a senior citizen, as she identifies herself, who moved to Markham in February of 2000. I quote:

"I thought you might be interested in my experience with CCAC.

"My husband was diagnosed as being terminally ill in April of 2000 and was in palliative care at Markham-Stouffville Hospital. When I brought my husband home the social worker at the hospital promptly connected us with CCAC and arranged home care for us in this new community (in which we did not have the support circle of friends and neighbours that we had had in our previous community)."

That is the purpose of CCAC. That was the intention: to ensure that people who have these needs are in fact very quickly connected with the necessary support services. The letter goes on:

"Arrangements were made for delivery of a hospital bed and other necessary equipment, as required, and this was accomplished with only minor miscommunication. Unfortunately, the remainder of the home care service was a bureaucratic nightmare. The nurse who came to set up the service used up the entire hour with paperwork and hardly looked at my husband. The home care help who came also used up the entire time in filling up paperwork and during the week that I had home care no one actually helped my husband shower or gave him any meal or attention, other than sitting with him at night, so that I could grab a few hours' sleep.

"During that week, I requested one two-hour visit (rather than the one hour per day allocated) and ... to my horror ... two workers had been mistakenly assigned for this home care and ... they both left before I returned. I found the door unlocked and my husband (who was on morphine) had been left alone, completely helpless, in the apartment. My feeling is that there was a genuine interest in assisting me, but that the red tape and bungling actually nullified the benefit of this service. I was afraid to leave my husband alone.... He was readmitted to hospital and died shortly after that."

Speaker, I share that with you because I think it goes to the heart of the issue that we have to wrestle with here. This is not simply about throwing more money at this problem. It's about ensuring that the services that we're providing are efficient, are effective, are monitored; that there's accountability in the system to ensure that whether it be the case worker, whether it be the executive director of the CCAC, whether it be the board members, whether it be the chair of the board, everyone is held accountable, has the ability to deliver the kind of service that's needed, and that at the end of the day the clients of the CCACs are properly served, the taxpayer is respected and the service is delivered in the most efficient and effective way.

There are those who would claim that somehow our government is starving the home care network in this province. I want to speak specifically to York region, where, as I indicated, we have a growing population. There is somehow a perception even among my constituents sometimes that we have cut back funding on home care and that's the reason for some of the waiting lists and for some of the service having been cut back.

For the record, I want to make it very clear and reiterate here that the funding of the CCAC in York

region has in fact increased from \$33.5 million in 1998 to \$49.7 million this year. That doesn't sound like a cutback to me. It sounds like a pretty significant increase in funding for this important service. If we want to go back further, we would realize that we have increased home care funding for York region alone by some 193% from 1994-95, when it received \$16.9 million in funding.

This is not strictly an issue about funding, I want to remind people who are observing this debate—and they've clearly heard the members of the opposition, whose single track of debate has been, "Throw more money at this. Stop doing the other things you're doing and solve this problem," with the green poultice that liberalism and socialism would have us believe is the magic cure to all problems. It simply is not the case.

The encouraging thing that I believe the people in this province have in their favour is that they have a government that understands it's not simply about setting policy but about ensuring that whatever policy has been set is also monitored, and that the government has the courage to step in, when that policy isn't functioning the way it was intended, to make the necessary changes.

It's true that the community care access centres are a creation of this government. We rely on people on the front lines to deliver those services. I want to make it very clear that I don't have an issue with the front-line workers who are delivering very essential services in home care. These are people who are dedicated, who are willing to do the work, who take pride in doing this work and take a great deal of personal satisfaction from being able to help people. We should remind ourselves that it's not simply elderly who are served through community care access centres. Often it's disabled individuals, individuals with acquired brain injuries, people who simply need services at home.

This is not about the government taking issue with caseworkers or with social workers or with individuals who are providing home care—home care workers in this province. What it is is the government of this province understanding that something has gone wrong with a system that was intended to provide an essential service, that somehow some mismanagement has crept in, and if we as a government don't take the necessary steps to fix it, who will? In the past, what happened was that rather than fix the root problem, governments have chosen simply to throw more money at it and try to cover it up with layers and layers of veneer that, at the end of the day, really didn't solve the problem.

Thanks to the work of the Honourable Helen Johns, associate minister of health, this bill before us now is taking some serious steps to address the basic problem we are experiencing in the community care access centres. It took a great deal of consultation. This isn't about the government simply, by fiat, saying, "This is what we're going to do." The minister took the time to travel the province, to consult with stakeholders. I was part of that process and I know members opposite as well provided their input into what should be done and what needs to be done to deal with this issue.

**1750**

As a result of that consultation, we have a bill in front of us now that I, for one, am convinced is an important first step in dealing with this issue. The key areas of the Community Care Access Corporations Act, 2001, include, first of all, the authority to designate by regulation each individual community care access centre as a statutory corporation. Following that designation, the authority is inherent in the government to appoint board members by order in council. Why is that important? I, for one, was an advocate of this important point because I think it's unfair of us to expect volunteers within the community to sit at a table and have the responsibility of stewardship over a multi-million-dollar corporation, which effectively every CCAC will be under its new statutory framework, and expect people who have never had the responsibility of managing a major corporation, of managing personnel issues, of managing the fiscal responsibilities that are there—often well-intentioned, well-meaning, good people within our communities but quite frankly who are in over their heads in terms of being able to deal with many of these essential issues.

By allowing government to appoint members to the board by orders in council, it allows us, as well, at the front end to ensure that we have good, qualified people who have the ability to deal with some of these fiscal challenges, not only business people—and I agree with a comment that was made by a member opposite earlier that it's not just business people who should sit at these boards. There needs to be a perspective from, quite frankly, the front lines, volunteers in the communities who have other perspectives, whether that be health care or whether it be social services—

**Mr Kormos:** On a point of order, Mr Speaker: Is there a quorum?

**The Deputy Speaker:** Would the clerk advise if there's a quorum?

**Clerk Assistant:** Quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk Assistant:** Quorum is now present, Speaker.

**The Deputy Speaker:** Quorum being present, the member for Oak Ridges may continue.

**Mr Klees:** As I was saying, the issue of the board appointments: on the one hand, I think it's extremely important that we put qualified people on these boards and have the ability to do that. By "qualified," I don't mean just strictly having business experience, although I think that is an important cornerstone of these boards being able to do their job. It's important to have other perspectives and input, whether that be from the health care services, social services and other areas. I'm sure that that mix of board content will be there.

Following the designation of a CCAC, the authority to appoint its executive director by order-in-council appointment will also be available to us. Why is that important? I am one who believes that at the end of the day the board ultimately has the responsibility and any blame must be taken back to the board of directors. I place a great deal of responsibility on the board and the



chair of the board for overseeing the work that is done by the executive, by the administration, by the executive director. But it's the executive director who then must have the expertise, the knowledge and the experience to oversee that important corporation to ensure that the work is done. Once again, I think it's important that the government, which ultimately is going to be blamed for anything that goes wrong in any event—if in fact the government is to take on the blame, then it should also, I believe, have the responsibility and take on the responsibility of appointing people with the experience to be able to carry out the task.

The authority under this act is also granted to determine the number of CCAC board members. That, at the end of the day, I believe, is going to give us a good, solid footing on which we can begin to build the kind of organization that we have envisioned.

This government strongly believes in the importance of providing effective home care services to our dependent people in this province. I believe the piece of legislation that we have in front of us here is going to go a great distance to allowing us to do that.

I want to take this opportunity to thank the many who are involved in home care, either as professionals or as volunteers. We can't forget the amount of work that's being done in all of our communities across this province by volunteers in the area of home care. We can't forget and we want to acknowledge the amount of work that's being done, and has been done, by members of boards of directors of CCACs. These are not paid positions, and we're grateful for the work that's being done.

As we move through this restructuring phase, it is with a view to improving the services that we're delivering to make it better for all concerned. I'm sure, Speaker, you will agree that it is important to pass this legislation. We cannot delay. We have to get on with delivering these services, with making the necessary changes, and I welcome all members of this Legislature to assist in passing this legislation without delay.

**The Deputy Speaker:** It being almost six of the clock, this House stands adjourned until Monday, December 10, at 1:30 pm.

*The House adjourned at 1758.*

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