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**Official Report
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**Journal
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Tuesday 15 October 2002

Mardi 15 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 15 October 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

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The House met at 1845.

ORDERS OF THE DAY

LEGAL AID SERVICES
AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI
SUR LES SERVICES
D'AIDE JURIDIQUE

Resuming the debate adjourned on October 10, 2002, on the motion for second reading of Bill 181, An Act to amend the Legal Aid Services Act, 1998 / Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.

Mr Peter Kormos (Niagara Centre): I have but nine minutes left, and I have to go fast before somebody stands up and does a quorum call, because if somebody were to do that and the Clerk were to be compelled to count heads, it would be revealed that in fact there aren't a dozen people here in the Legislature, and that, of course, could be disastrous for the government. But I'm not going to do that. I am disinclined at this moment to call a quorum. There we are; we just telegraphed our concerns to the people in the lounges and the lobbies and the bowels of this building, who are coming up wiping the crumbs off their ties and making sure there is no more hint of whipped cream in the corners of their mouths as they return to the chamber from their evening meal.

What is going on? My goodness, the Attorney General is still engaged, locked horns, with lawyers across the province who seriously, dearly want nothing more than an opportunity to sit down and negotiate an adequate tariff so that they can resume—

Interjection.

Mr Kormos: Yes, that's right. The Speaker there was a little concerned that I might not have been on topic, but of course we are debating this government's ill-conceived and hastily developed non-plan for public defenders' offices, for block contracting out of legal services to firms for legal aid work, none of which is going to address the real and fundamental problem, and that is that this government has not addressed the adequacy of legal aid tariffs for all of its seven years.

Lawyers became concerned, and as the McCamus report indicated, it was private practice lawyers who were delivering the bulk of legal aid services. The public defender proposal by the government betrays a failure to have read McCamus on the part of the policy developers,

or, if they had read McCamus, they are purposely ignoring the recommendations.

What I found most concerning on the part of the Attorney General was the style and the manner that he assumed when he went off into a tirade of lawyer-bashing. He referenced the August 30, 2002, letter from the Criminal Lawyers' Association to its members and, I put to you, grossly misinterpreted the contents of that letter. Gross misinterpretation. You heard the Attorney General in here just last week talking about this letter and how it was calling upon lawyers to, oh, browbeat poor people into paying for legal services.

On the contrary. I stood here last week and challenged the Attorney General to read the letter, put it on the record. Would he? No. He wasn't inclined to confuse his argument with the facts. He was disinclined to be exposed as somebody who, again, was trying to blame the lawyers. We had this oh-so-Shakespearean view of lawyers, when in fact what lawyers were doing, what they were trying to address—and they succeeded in doing that—was on the inadequacy of the tariff and on the fact that that was denying more and more people access to our justice system, both in the criminal sphere and, more dramatically, in terms of the impact that it has on people's families, and, more dramatically, on participants in matrimonial litigation, most of them women, most of whom, even if the tariff is increased, because of the caps imposed on the number of billable hours, are not going to have competent counsel representing them. This includes some of the most serious matrimonial litigation, where there have been allegations and where there is real fear of ongoing violence. Women and their kids deserve, and this government ought to be reinforcing, their right to prompt access to family courts, so that appropriate orders, including orders for their safety and security, are obtained promptly. This government has abandoned those women and continues to abandon them.

Oh yes, this Attorney General is wont at every opportunity to talk about his government's Victims' Bill of Rights. I can't blame this Attorney General, because it was one of his predecessors, whose name I don't quite recall—somebody help me.

Interjection: Sampson.

Mr Kormos: There was an Attorney General, not a shining light in the history of Attorneys General—well, he wasn't.

Hon Robert W. Runciman (Minister of Public Safety and Security): Was his first name Charles?

Mr Kormos: I once had dog called Charlie, a beagle. The dog was untrainable, totally unmanageable. I kept

him; I liked him for that. Charlie the beagle wasn't very good in terms of legal logic either, or logic of any sort. He was just inclined that way.

It wasn't this Attorney General; it was his predecessor with his Victims' Bill of Rights. But amazingly, this Attorney General will still use every forum available to him, every venue he's giving access to, to proclaim this government's great commitment to women and kids with its Victims' Bill of Rights. Yet what did this government do when Ms Even and Ms Vanscoy sought relief under that Victims' Bill of Rights and indeed litigated, took this government to court—they had Professor Alan Young from Osgoode Hall law school acting for them. The government sent its own lawyers, instructed to go to court and plead, and they did plead successfully before the judge, that there were no rights contained in the Victims' Bill of Rights, and indeed Judge Day—

Mr Rosario Marchese (Trinity-Spadina): Right there.

Mr Kormos: Right here, as Mr Marchese would want me to tell you, Judge Day said, "I conclude that the Legislature did not intend for the Victims' Bill of Rights to provide rights to the victims of crime"—did not intend. It wasn't even a sloppy effort. No intention, did not intend. "The act is a statement of principle and social policy beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime."

I suspect that when Mr Marchese speaks to this bill later this evening, he may well reference Judge Day's ruling more thoroughly, in Mr Marchese's undoubtedly effective argument that this government doesn't give a tinker's damn for victims or their rights. It trades them at every opportunity, every step of the way, and does it once again in its continued defunding of Legal Aid Ontario.

Let's understand one thing very clearly: the lawyers have now laid down the olive branch. This morning's news reported one Mr Steinberg, the president of the Criminal Lawyers' Association, calling upon his members to discontinue any purported boycott of legal aid certificates. The Attorney General—and I read to you at length from the memorandum of the meeting the Attorney General had on October 8 with members of the tariff coalition—made it quite clear. According to the memorandum of the minutes of the meeting that I obtained and was able to read into the record here, the Attorney General made it quite clear that should there be a termination of this refusal to accept legal aid certificates, he, the Attorney General, was prepared to sit down and negotiate tariff.

What this bill is all about is a shot across the bow of the lawyers in this province who have had, from the Attorney General's perspective, the audacity to say, "No, we can't afford to work, we can't afford to maintain offices, we can't afford to maintain support staff, we can't afford to do a proper job on the inadequate tariffs that have existed, and on the not just miserly but totally shameful 5% increase proposed."

The Attorney General is going to have a chance after I speak to stand and make two minutes' worth of comments. I want the Attorney General to get on his feet and state here and now that this bill is going to be put on the back burner while he resumes negotiations with those lawyers to achieve a fair settlement of the clear differences between the government and its funding of Legal Aid Ontario and those lawyers' ability to perform competently with the inadequate tariffs this government has insisted on maintaining. I want the Attorney General to stand up and show some of the same good faith that lawyers have across this province when they called off their program to refuse to accept legal aid certificates.

At his press conference, the Attorney General had no idea how this bill was going to be implemented and, I suspect, still doesn't. Because this bill isn't about implementing anything; this bill is about cutting off private practitioners at the knees, those who have provided legal aid services in this province for decades. Let the Attorney General do the honourable thing tonight. Stand up. Announce resumed negotiations.

The Acting Speaker (Mr Bert Johnson): Comments and questions?

Hon David Young (Attorney General, minister responsible for native affairs): I certainly appreciate having an opportunity to respond to the member who spoke immediately prior. The only difficulty I have is that I have but two minutes to respond to what was an hour of some rather interesting comments—some might call it ranting.

The difficulty I have at the outset is that the last speech came from a member of the New Democratic Party who has been a member of this Legislative Assembly for some considerable time and indeed was a member of the government from 1990 to 1995—five full years. The difficulty I have in understanding his position, and that I'm sure the members opposite in the Liberal ranks and those who are Conservatives and indeed the many New Democrats who chose to be here this evening have, is that when the New Democrats were in office, they chose not to increase the tariff. They had five years to increase the amount paid to legal aid lawyers, and they chose not to increase the tariff in any one of those years. Indeed, they applied the social contract, which for all practical purposes clawed back 5% from those lawyers doing work for individuals across this province who couldn't otherwise afford lawyers.

So I was puzzled as I heard him go on and on about how more and more money is the answer. I know the Liberals said the same thing when they spoke: more money for defence counsel, over and over again; tax and spend, tax and spend. But I was wondering why, when they were in office, they chose to devote not a penny, not a nickel, not a dime to this pursuit. I'm sure, when he stands, he will explain that.

Mr David Ramsay (Timiskaming-Cochrane): I'm sorry I didn't hear all the speech of the member for Niagara Centre.

Hon Mr Young: Don't be sorry.

Mr Ramsay: Well, you know, I wanted to hear it all, but I understand what he was driving at. I think the people watching this evening are probably aware, from articles in the newspaper, that the Attorney General has totally mismanaged the legal aid system. I think what the member for Niagara Centre was trying to say is that this shot across the bow, as he said, is really a piece of bad-faith bargaining on his part. The Attorney General is in negotiations with the legal profession in Ontario in order to provide legal aid at a fair tariff, and all of a sudden this comes out of the blue in the midst of these negotiations. The lawyers across Ontario are very angry that this government has decided to go this route. We've had a history and a fine tradition of legal aid in this province, and all governments have kept it healthy. Now we're seeing it being run down.

The Attorney General certainly knows that judges now are making orders, when it comes to this, to pay lawyers more. Of course, this really angers the Attorney General. It's a bit of a slap in the face from the court system that he is supposed to be managing. He's not managing it; he's mismanaging the whole system, and this is an attempt to put some pressure on the lawyers to buckle under in this particular set of negotiations.

I agree with the member for Niagara Centre that the Attorney General should withdraw this bill. He should go back to the bargaining table with the lawyers and strike a deal on behalf of the people of Ontario and especially those people who require legal aid services in this province, so that justice will be done.

1900

Mr Marchese: I just want to praise my colleague from Niagara Centre for the strength and the vigour with which he speaks and the way that he puts this government under so much pressure, as they ought to be put. You notice he was trying to compress so much in such a short period of time. He needs so much time to be able to demystify the workings of this government and we just never give him the time because they pass so many strangulation motions, we could never give it the time it deserves.

But did you hear today? We were dealing with the Victim Empowerment Act—these are the people that are tough on crime, right?—and so they pass a Victims' Bill of Rights that has no rights. The judge told them and told us. They pass a Parental Responsibility Act that is weaker than the current law. They pass a squeegee bill to go after little kids cleaning windows. These are the people that are "tough on crime." Now they've got to fight with the lawyers, the legal aid lawyers. It's sad, pitiful. These are the people, of course, who are working at, what, \$70, \$80 an hour?

Hon Mr Young: Eighty-eight.

Mr Marchese: At \$88 an hour—all right. But many of them, we understand, have a lot of overhead to worry about. They've been saying that they are underpaid, of course, and they are trying to negotiate with the Attorney General, saying, "Please help us out. We want to be able to serve so many people who are not getting the help they need."

What does the Attorney General say? He gives them the boot—like the teachers—he gives them the boot and so you cause divisions within the ranks, within society. What does he do as a former lawyer? He attacks his own profession. Why? Because he knows so many people are happy to go after lawyers—just as they did going after teachers, because they're happy to go after teachers. This is an assault, a stupid assault on legal aid at a time when we need them to help those who need the help, and I say we need hearings. So as the member from Niagara Centre said, "There's so much in this bill; we need hearings desperately."

Mr Norm Miller (Parry Sound-Muskoka): I must admit I am having a little bit of difficulty this evening having listened to the member from Niagara Centre. He's a lawyer, so I guess he wouldn't work for \$88 an hour; it's beneath him. They are the party, the socialists—or should I call them the "Gucci socialists" on the other side of the hall here—that 88 bucks an hour isn't enough for them. That works out to about \$704 a day. I thought they represented the average working person. Obviously you have to make at least \$700 for them to represent you because that's the sort of price bracket that they're in—\$700 a day. For the average person that's a lot of money; maybe not for the opposition, but that's a lot of a money: \$704 a day, \$3,520 a week, \$183,000 a year. It seems like it's a reasonable rate of pay to me, and to the average working person who has to actually go and earn their money, I think that's a reasonable return. Not only that, I think most lawyers should be willing to do some public service for the benefit of all people in this province. So the \$88 an hour—which happens to be the highest rate of pay in the country, I might add: \$88 an hour in Ontario; \$74 in Alberta; down to \$55 in Nova Scotia—is quite a reasonable rate of return. I think the average person would think \$88 an hour is not a bad pay for the average person to do good work representing those that need the representation.

I know the members opposite have not had to really work for a living for a long time; they've been elected for quite a while. But for the average person, 88 bucks an hour is not too bad.

The Acting Speaker: The member for Niagara Centre has two minutes to respond.

Mr Kormos: I know for a fact that there are more than a few members of the Conservative caucus who maintain their law practices. So I want to tell the clients of those members, the clients of people like Mr Wood or perhaps Mr Tascona, amongst others, that not one of you should be paying any accounts tendered by your Conservative backbench lawyer that charge in excess of \$80 an hour. As a matter of fact, if your lawyer, be it Mr Wood or Mr Tascona and whoever else in that Tory rank might still be practising law—I'm telling you right now, if you get a bill where the fee is more than \$80 an hour, you bring it to Queen's Park.

Interjection: Send it to Miller.

Mr Kormos: We'll take the Hansard of Mr Miller's comments and we'll have the bill taxed, saying that

clearly Mr Tascona and Mr Wood's own colleagues don't consider the work of their colleagues to be worth more than 80 bucks an hour. Clearly they don't expect that lawyer to hire staff, to hire support staff to maintain an office, to hire subscription services to any number of legal journals so they can stay on top of the law. They don't expect that lawyer to hire support staff to maintain an office, hire subscription services to any number of legal journals so they can stay on top of the law, or go to any upgrading conferences or retraining conferences, so clearly none of these Conservative backbench lawyers should be charging their clients in excess of \$80 an hour.

Interjection.

The Acting Speaker: The member from Scarborough, come to order.

Mr Kormos: I want to see some of Mr Young's accounts. He can black out the movie titles—I'm sorry, the names of the clients. It was Mr Jackson who blacked out the movie titles. Then he went and left the price in so anybody who had been around that block at least once knew exactly what it was. It wasn't Bambi—at least, not that Bambi.

In any event, I want the Attorney General to stand up and show us some of the accounts he's tendered: what it costs to maintain a law office and serve one's clients. I'll bet you it's been a long time since this Attorney General billed a client \$80 per hour.

The Acting Speaker: Further debate.

Mr John O'Toole (Durham): With the small amount of time that I've been allocated, it would be difficult to get into the substance of this bill.

I have to pay first respects to our Attorney General who's here tonight, the Honourable David Young, who introduced this bill in September 2002 to address the whole issue of access to justice for the most vulnerable in our society.

Mr Kormos: On a point of order, Mr Speaker: My apologies to Mr O'Toole, but I think it's really incumbent upon me to correct my record. I don't want to throw this Attorney General to the ranks of his predecessors within the Conservative government. This is the first good Attorney General that this Conservative government has had.

The Acting Speaker: It's not a point of order.

Mr O'Toole: The member for Niagara Centre I think made a point very well, substantiating what I said before: that our current Attorney General has tried to deal with the issue and as such has introduced, as I was saying, Bill 181 on September 30, 2002.

For those who are listening tonight and for those very few members on the opposite side, the whole issue here that I'm going to read in the preamble to the bill is that contracting out is added to the range of methods by which Legal Aid Ontario is authorized to provide legal aid services. "The Lieutenant Governor in Council is authorized to make regulations governing Legal Aid Ontario's methods of providing legal aid services, including requiring Legal Aid Ontario to hire staff or to develop and report on plans for contracting out legal aid services,

expanding the functions of family and criminal law duty counsel and governing Legal Aid Ontario's allocation of resources among methods of providing legal services (subsections 97(2.1) and (2.2))."

I want to reiterate the point that this is really a method or a mechanism of improving—and, more importantly, a piece of legislation that will improve—access to justice in this province of Ontario. Access to justice is one of the foundations of a free and democratic society.

The Ontario government has a responsibility to provide that high-quality legal advice is available to people in need. Ontario legal aid lawyers are amongst the highest paid in the country, as was mentioned earlier. I believe the top rate here in Ontario is \$88. That tariff has been increased recently. Some would argue, as in all cases—specifically, the Liberals always say it's never enough. The NDP, in their time in office—five years—did nothing. In fact, there are no NDP members in the House today to refute that.

The comparable rates would be—in Alberta and Nova Scotia, I think, it's around \$75 per hour. If the members will recall, our government raised the rate for certificate lawyers by 5% this year and we raised the duty counsel rate by 23%. Both measures took effect in August of this year. Despite the tariff increases, some legal aid lawyers have continued with work boycotts and other inappropriate tactics designed to slow down or, indeed, limit access to our justice system. They support their argument by pointing to the disparity between the legal aid tariff and the market rate in the open market for the service. The legal aid system, however, was never intended to be a private lawyer's sole means of income.

1910

I think it behooves us to stop and think for a moment. If you did the billable hours, I think there are 2,080 hours in a working year at 40 hours a week. I think that adds up to a potential of something close to or over \$150,000 a year of potential income that could be made on legal aid.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): That's more than the Premier.

Mr O'Toole: That's far more than the Premier of this province makes; indeed it's more than our Attorney General makes. The Attorney General, I think, would make around \$115,000 or something like that.

So this is a reasonable solution, I believe. It just needs reasonable people on both sides of the discussion.

In fact, the legal aid system has always had a pro bono element as well. The legal aid system has always been and will continue to be a public service for those in need.

As the Attorney General stated in his opening speech in the debate in this House, which I listened to intently, this government is not prepared to allow economically motivated tactics to interfere with public safety and the prosecution of accused individuals. Everyone in Ontario must continue to have full access to justice.

To ensure that the interest of justice continues to be served, our government is proposing to amend the Legal Aid Services Act, as I said in my earlier remarks. The purpose of this bill is to achieve a balance in the way

legal aid services are provided in this great province of Ontario. The legislation would, if passed, give Legal Aid Ontario new tools to make sure that people can receive legal representation—ie, a lawyer—how come they have a monopoly? Anyway, these options would include hiring more staff lawyers, expanding the role of duty counsel and contracting out work to private lawyers and law firms, much as it is done today. Many lawyers do take pro bono work and have a mixture of practice where they do some legal aid certificate work.

Legal Aid Ontario, the provincial agency responsible for administering legal aid service, established a pilot project two years ago in which family law staff offices were opened in Thunder Bay, Ottawa and Toronto. The evaluation of this pilot has determined that the mixed system is indeed a huge success.

In legal aid, legal aid is provided through separate legal aid plans in each of the provinces, although each province and territory has developed its own legal aid scheme. Three general models have been adopted. One is a staff system, much like we are proposing in this legislation; a *judicare* system, much like the legal aid system on its own; and, indeed, a mixed system.

I think at the end of the day we will have an improved system which will be a mix of both traditional legal aid methods as well as staff lawyers. Most provinces, it's important to note, either rely almost completely on staff lawyers or a mixture of staff and private counsel. Greater access is the destination.

I'd like to, in this limited time, review what other provinces are doing so that members of the House and those listening can see where Ontario is going and how our direction compares to other legal aid plans in other parts of this great country, Canada. Cue the music.

As you no doubt heard during the speech made by the member from Nipissing, under a staff system, a legal aid plan directly employs lawyers to provide legal aid services. Newfoundland and Labrador, Prince Edward Island, Nova Scotia and Saskatchewan have adopted this approach. They're wonderful provinces in this great country of Canada.

In staff systems, the private bar may still be used when circumstances warrant—for example, if there are conflicts of interest or staff lawyers are simply unavailable due to the high rate of crime.

New Brunswick, Ontario and Alberta are the only provinces that have preliminary *judicare* or a private bar system, although there are circumstances where there are staff lawyers available.

Finally, a mixed system is a combination of the *judicare* and staff system and utilizes both private and staff lawyers in the provision of legal aid services.

The key here—and I have to repeat this to keep the viewers and those few members from the Liberal Party and the NDP who are here—is access to the justice system.

The legal aid plans in Quebec are quite different, as usual. Manitoba, Northwest Territories, Nunavut and Yukon operate mixed systems of legal aid. In most of

these jurisdictions, the client has the right to choose counsel, either staff or private, from a panel of lawyers providing legal aid services. It seems appropriate customer service to me.

The mixed models have a proven track record of providing high-quality legal services to clients, and this is the type of system that Legal Aid Ontario would deliver if Bill 181 is passed. The Legal Aid Service Society of Manitoba has been responsible for the administration of legal aid services in that province for 30 years. Now under the NDP, it will probably be destroyed. Like Ontario, it is an entity governed by an independent board of directors whose members are appointed by the provincial government. Those in the opposition would say that there's meddling there. In mixed service models such as Manitoba's, the legal aid program provides for formal representation in the areas of criminal, family and poverty law. The program also represents groups in case of public interest.

When a client applies for legal aid in Manitoba, they can request a specific private bar lawyer. The plan will usually send the criteria to that lawyer, if the lawyer is available and willing to accept the certificate. If the applicant does not specify a lawyer, the plan will usually assign a staff lawyer. Legal Aid Manitoba provides legal advice to individuals who appear in court but do not have a lawyer acting on their behalf. This service is available in criminal youth and some child welfare court cases. Legal aid offers duty counsel services in approximately 50 communities in Manitoba. Staff lawyers provide 95% of these services. Staff lawyers, private lawyers, mandated by Legal Aid Manitoba or, dare I say, paralegals provide legal advice to individuals who are arrested outside of regular business hours. There's a whole issue here on the paralegals. It's the Justice Cory report, if people want to look into it. This service is usually provided over the phone and is available from 4:30 pm to 8 am. I will put to you that people out at that time of night possibly need a lawyer.

As you might know, the first legal aid services emerged in Quebec, of all places—there are lots of lawyers there; I've been there, I've lived there—in the post-World War II period as an initiative of the bar section of Quebec City. During the following years, the Quebec government and the bar of the province of Quebec signed agreements relating to the provision of legal aid services. In 1972, the Quebec Legislature passed the Legal Aid Act, which established the Legal Services Commission. The commission has the authority to establish legal aid centres and currently has 11 regions and two local centres overseeing the delivery of services in 128 legal aid offices throughout the province of Quebec. Each regional and local centre is governed by its own board of directors whose members are nominated by the commission. The commission operates a mixed *judicare* staff model. The clients can be represented by the private lawyer of their choice if they are available; otherwise, they are represented by staff lawyers. They're all lawyers. That's the point here, and maybe we should

be considering that point in some future bill, of course, under the paralegal issue.

Legal aid provides for a range of civil and criminal cases, including criminal charges involving an indictable offence, family cases, youth protection, young offenders and income security matters. Staff lawyers provide duty counsel representation at all criminal, administrative and family court locations across the province of Quebec.

Only summary legal assistance is provided through duty counsel representation. These would be administrative matters primarily. If the Legal Aid Services Amendment Act is passed, Legal Aid Ontario would be taking advantage of the strengthening that strengthens the offer for both staff and fee-for-service lawyers to provide effective legal aid services—a much better service for the very vulnerable, those members of our society confronting the legal system.

As has been said before, the current legal aid system grants private bar lawyers a monopoly over the provisions of the legal aid services in the area of criminal law and family law. The proposed legislation would help Legal Aid Ontario in ensuring that the stability and sustainability of the system, which is the very debate that we've read over the last month in the papers: certain judges making unusual rulings awarding payment. This is a very important matter of which we speak. It does come back to the issue of access to justice.

1920

We are committed to providing access to justice for all Ontarians. The legal aid system must protect the rights of those in need. It must also be able to prevent disruptions of the judicial system itself. I wouldn't want to delve into that too far, but it certainly seems to have happened in some cases. The proposed legislation would allow us to meet our obligations and responsibilities to ensure that everyone's right to legal representation is protected. Legal Aid Ontario would give the tools to achieve a balance in the way that services are delivered: appropriate staff, including hiring more staff lawyers, expanding the role of duty counsel, contracting out work, and reducing the nearly total reliance on the private bar for legal advice.

As I noted at length earlier, and I apologize for being at such length, mixed models that use staff lawyers operate elsewhere in Canada—we've established that very clearly—and work well to ensure high-quality and cost-effective services for those in need. Why would not Ontario follow that proven model?

As our Attorney General, David Young, has said before in this House and elsewhere, the private bar would continue to perform a significant part of the service delivery in the areas of family and criminal law matters. I believe all lawyers should have an opportunity to participate, either as staff or as private counsel. This proposed legislation would simply expand the method of service delivery and broaden options available to the client—the person who's being charged.

We believe that a mixed system is the best way to achieve a balance and have a sustainable legal aid

system. This battle has gone on beyond the courts too long. It has gone on too long. I commend our Attorney General for bringing this important initiative forward.

We believe—as I've said repeatedly, perhaps, and that's the notes I have—that a mixed system is the best way to achieve a balanced and sustainable legal aid system in Ontario. I put that to you and the members of this House, the very few—the single NDP and the three Liberals who are here, and I'm surprised there are that many in here; there are usually none—because I expect they'll be supporting this. It's my understanding that they don't have a lot of problem with this, except they pretty well oppose everything we try to do.

It is the best way to ensure everyone in Ontario has access to justice, and I urge all members in this House—not just on this side, the dutiful members of the government side—to give this considerable thought, give it their serious attention, and do the right thing. Support Mr Young on his Bill 181 to do the right thing.

I just want it for the record that the bottom line here is that during the Liberal government—may I say, in the distant past and possibly never to be heard of again—between 1987 and 1990: 0% increase; the NDP government between 1990 and 1995: 0%. We've often referred to that—we cluster it together as a decade—we call it the lost decade. Our government, from 1995 to the present, has had a 5% increase and 23 additional improvements for rural and remote areas.

The provincial comparison rate should be on the record as well. Ontario—as in most things, not to be arrogant—leads the way and shows the way for the rest of Canada. Ontario is \$88 per hour; Alberta is \$74 per hour; BC is \$72 per hour; Newfoundland is \$60 per hour; PEI is \$60 per hour; New Brunswick is \$60 per hour; Nova Scotia is \$55 per hour; Quebec has block payments, not hourly payments; Manitoba, block payments, not hourly; Saskatchewan has block payments. There's a number of them that aren't clear here, but Ontario certainly is far above.

The federal government's declining commitment to legal aid: immigration and criminal matters fall under their jurisdiction. In 1987 it was 35% federal, 45% provincial and 20% other jurisdictions. But the point I'm trying to make here is that clearly this government, our Attorney General, is leading the way. It's a different approach. It's providing more choice to more service for people of Ontario to have access to the justice system.

Fred Zemans, law professor from Osgoode Hall, CBC Radio, Tuesday, October 1: “All the studies show that in fact client satisfaction, rates of guilty pleas, rates of incarceration do not significantly change under a mixed delivery scheme. I think that we will not see in Ontario an American public defender scheme, but something probably very comparable to Manitoba where we'll have a scheme with some appropriate mix between the two (private bar and staff lawyers).

“I think what we need in Ontario is more experimentation, more willingness to try out different models in the criminal side of the delivery of legal services.

“The Ontario clinic system is considered internationally to be one of the very top models for delivering legal services to” the poor in this great province of Ontario.

I listen to the experts. I ask the opposition to listen to me, listen to the experts and do the right thing: support the Attorney General and have an accessible justice system.

The Acting Speaker: Comments and questions?

Mr Rick Bartolucci (Sudbury): I listened carefully to the comments by the member for Durham. I guess he's misinformed about what the direction of the Liberal caucus is going to be. We're not going to support this piece of legislation because we see it as detrimental to being able to provide those who have lower incomes with proper legal representation. We're also concerned that this bill creates a whole new bureaucracy, a public defender bureaucracy. We see that as not in the best interests of our justice system. We're very much concerned about the independence factor. We're concerned that there won't be the independence that is needed from the Attorney General's department. We're concerned that this government, again, wants to ram this legislation through.

To be perfectly honest, I've heard from lawyers in the city of greater Sudbury and they want this bill open to full public hearings. They want the committee, whatever committee this bill goes to, to come to Sudbury and listen to the concerns they have. We're afraid the government won't do that. We're concerned that this government only has one thing in mind, and that is, “Let's get back at those lawyers across the province who are organizing very effective protests about the inaction of the Harris-Eves government when it comes to legal aid.” I'll tell you quite clearly that we as Liberals are opposed to Bill 181 and we want it to go to public hearings.

Mr Marchese: Before I attack the member for Durham, I want to say that I like him. After many years, you get to know people and you get to like them. Second, I want to say that we've got to get rid of these speeches. We've got to ban them; we do. If we don't ban them, you're going to have people like me over here sleeping and you won't be able to listen to anything the members have to say. After five minutes of reading a speech, you'll have Marchese here saying, “I'm in la-la-land.” So we've got to get rid of speeches.

Third, we've got to fire those people writing speeches because they're more costly than legal aid. They do cost money, all these people in the backrooms writing speeches for all these members. I prefer to have a member standing up for five, six or seven minutes saying what he feels instead of defending the Attorney General because he has to, because the speech is in front of him. “Who volunteers to defend the Attorney General?” “I will.” “Don't worry, you've got a speech ready-made. Here you go.”

I wonder whether they have a law or whether there are actually people who volunteer and say, “I'll make that speech.” You have a lot of regulars who get up here and read the speeches and ask the same questions day in and day out. I wouldn't do it; I wouldn't. Honest to God, I

wouldn't do it. I've got to tell you, John, I don't know; you guys are picking a war with the lawyers. I heard the member for Parry Sound-Muskoka going after lawyers and I said, “Uh-oh, something is up.” Normally the member for Parry Sound-Muskoka wouldn't get up and say, “Eighty-five bucks an hour? Isn't that a lot of money? What do they want?” So I said to myself, “Something's fishy.”

1930

Mr Kormos: Just wait until he needs a lawyer.

Mr Marchese: Yes, right.

The Ontario Bar Association calls the legislation “a political decision taken by a government trying to deflect criticism on a crisis that they are unable or unwilling to resolve.” That's what this is all about. So this is the plan we got. Sad, eh?

Hon Mr Young: I wanted an opportunity to thank the member for Durham for his insightful comments this evening. I say to you, Speaker, that I think he has once again shown that he understands the issue and the problem and that government is here to take action to resolve problems when they are placed in front of us or, alternatively, to take action to prevent problems from occurring.

Unfortunately, during this debate some members—Liberal and New Democrat—have indicated on numerous occasions that this is about a war with lawyers. Nothing could be further from the truth. The reality is that this is about ensuring that those in need, some of the most vulnerable men, women and children across this province, have representation. This is about ensuring that the right to legal representation isn't being used as a bargaining chip for a couple of dollars here or a couple of dollars there.

It's quite reasonable for there to be a discussion as to what the right tariff should be, how much per hour a lawyer should make. That's fair, reasonable and appropriate. Indeed, this government, the Ernie Eves government, is the first in 15 years not only to engage in that discussion but to respond to it by way of a tariff increase. We increased the rates this past summer, in July 2002, by 5% for some and 23% for others.

It's quite reasonable to have a dialogue, and we have undertaken to continue that dialogue. We have said that was a first step. But it is simply inappropriate for members of the legal profession to withdraw their services as a bargaining chip, a tool to be used to get more money.

Mrs Marie Bountrogianni (Hamilton Mountain): I'm happy to comment on this legislation. Basically, this shows more mismanagement on the side of the government. Instead of negotiating in good faith with the lawyers, they decide to pull the rug from under their feet and say, “We're going to contract this out,” in this case within the public sector of course, but it's the same thing. Basically, the rich will have lawyers who are more capable—well, we'll see whom you hire.

Interjections.

Mrs Bountrogianni: OK, we'll see whom you hire, but you can understand why we don't trust you. We'll see whom you hire.

Here we go again. Instead of taking the time and resources to bargain in good faith with the lawyers—and every lawyer I've spoken to—

Interjections.

Mrs Bountrogianni: Keep going. This makes me feel better. This makes me feel good, because I know it hurts over there.

Every lawyer I've spoken to, regardless of political stripe, is against this legislation. It's not just the lawyers I associate with; it's lawyers of all political stripes who are against this legislation.

Hon Mr Runciman: You admit you associate with lawyers?

Mrs Bountrogianni: I do associate with lawyers. Some of my best friends are lawyers.

I'd like to agree with my colleague from the NDP who said earlier that you are taking advantage of the public perception of lawyers. You really are. Shame on you, Attorney General. You're a lawyer. You're taking advantage of what people think of lawyers, that they're overpaid and, "Good, you're giving it to teachers and you're giving it to lawyers too."

That's the public perception out there that basically your propaganda has nurtured over the years, and now you're capitalizing on it. That's really not fair. Instead, you should have bargained in good faith. You should have taken the time and increased the resources.

We're tired of hearing what past governments have and haven't done. You've been in government since 1995. We're talking about the provincial government—not the federal government, the provincial NDP government or the Peterson government but your government. You've been in since 1995. You've had a lot of time to remedy this. Instead, you come in with a late fix, demoralizing yet another sector of society, in this case your colleagues, Attorney General, the lawyers.

Interjections.

The Acting Speaker: Order. The member for Durham has two minutes to respond.

Mr O'Toole: It is going to be very difficult to respond, but I just briefly want to give a one-liner. The member from Hamilton Mountain was making the argument that there is one law for the rich and one for the poor. They have all been licensed by the law society. Some of her best friends were lawyers. The member from Sudbury is true to the message. She read all the script, drank all the Kool-Aid.

The next one, the member from Trinity-Spadina—actually I always like listening to him, but he did criticize me for sticking to the script. This is a very important, very sensitive bill dealing with the most vulnerable people in our society so I felt it incumbent on me to speak very clearly about the great work that our Attorney General is doing.

This very comprehensive review—it's not that big; it's actually smaller than my private member's bill—but it's more the substance of the bill and what it's doing. I think that the—

Interjection.

Mr O'Toole: You always hear it from the little person over there.

Gerry McNeilly, the executive director of Legal Aid Manitoba—and I think this is a fine and appropriate way to end this debate, which has really been concluded now, because it is clear from their arguments that they can't refute the importance of this initiative.

This was on CBC Radio Tuesday, October 1. This is by Gerry McNeilly, executive director of Legal Aid Manitoba: "The mixed delivery system"—

Hon Mr Young: They have a public defenders' system.

Mr O'Toole: They have a public defenders' system, the Attorney General points out to me. How would I know? I'm not a lawyer—"we believe in Manitoba, allows for freedom of choice of counsel, provides swift, great flexibility, and we believe it's very cost-effective without sacrificing quality of service.

"In Manitoba"—and it's a socialist government—"since the inception of legal aid in 1972, we've had the mixed delivery system. I think it's ingrained here. I think the private bar is pleased with it. They provide about 60% of legal aid work via certificates. ...I think it works very effectively here."

The Acting Speaker: Further debate.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I am happy to have the opportunity this evening to talk about Bill 181. As the member from Durham has pointed out, it is not an especially long bill, but I would suggest that it is especially substantive in that it will significantly change, alter and, in my opinion, negatively impact how the poorest, the most vulnerable people in our province will be able to access legal services.

I have had the opportunity to speak with people in my riding who've had to avail themselves of legal aid services. I have also had the opportunity to sit down with lawyers who work in legal clinics and who provide legal services for the poor in our province. They have some time ago identified, for me, the many problems that are real right now, that are facing poor people in need of legal services.

Some of that relates to issues relating to compensation. The fact that the compensation for legal aid lawyers had not increased in the last 15 years did mean that there were fewer lawyers in the province who were inclined to assist people with those legal aid certificates. I have been provided with a document that does speak a bit to the history. The Legal Aid Services Act says that the private bar is the foundation for the provision of family and criminal legal aid services.

So when it was established that we should have a body in place to ensure that the poorest citizens in our province would have access to legal help, it was recognized that the best way to provide those services for our poorest citizens, for the neediest people, was through the private bar. As a result of that, Legal Aid Ontario was established whereby there was an arrangement between private sector lawyers and the government of Ontario. It

was recognized that private sector lawyers would provide the legal service and the province would provide the compensation. That has been in place, I believe, since 1987, if my memory serves me well, but it's been in place for a few decades in the province of Ontario and has provided some quality service for people who would not otherwise have the means to go out and hire a good lawyer.

1940

People I've spoken with in my riding who have been able to access legal services in that way are pleased with the fact they have a ticket in their hand and they can choose the lawyer. It's not like they have to go to a group of lawyers and they get whoever is at the top of the list or the next in line or whatever. They can go to a lawyer, who may be referred to them by a friend, who may have a reputation in the community in terms of understanding the kind of issue they would be bringing to that person.

I think we have to, number one, consider how this is going to impact the people who deserve this service. It is going to remove any choice they have in terms of who might represent their case, who will be their voice in a court of law. For me, that's a very important power I would have as an individual: if I don't have the means myself to afford legal counsel, there is a mechanism in place where the province can assist me.

We all believe in the right of an individual to legal counsel. However, should they not be able to have a say, so that it's not a two-tiered system, so regardless of how much money you may have, you can go to a lawyer of your choice and ask for help and assistance and be represented by someone you may know or you have some confidence in, as opposed to simply going to a public defender's office and getting whoever may come your way?

In conversations I've had with individuals, it has also been presented that the amendments in Bill 181 would allow the government to make regulations governing legal aid offices in terms of how they allocate their resources. This would happen through regulation. There's certainly concern, I think justifiably, around the fact that this section could just as easily be used by the government in the future to direct legal aid offices to allocate fewer resources to troublesome community-based clinics. Maybe that isn't the intention, but certainly there isn't any provision in the act that would prevent that from ultimately happening.

I think it's a reasonable concern to bring forward for debate and discussion and something that I would hope might be the subject of some discussion when the bill goes to committee. I say "when the bill..." It is certainly our hope and, I know, the hope of those people who will be significantly impacted by this legislation that it will go to committee. But this is just an example of one particular issue that needs a lot more discussion and input before such a bill might ever be implemented in law.

It has also been brought to my attention that the primary impact of this bill will be to severely curtail the legal aid offices' independence. I know in my community

they've been very proud of their independence. When we consider even our role as legislators, we have the responsibility of making laws for the good of the people of the province, and then the judiciary, which is totally separate, has the responsibility of administering the laws in a fair and equitable way.

I think it's an excellent system. When I go to schools and I talk to children about the role of government and we make those distinctions, we all come away from that conversation very firmly entrenched in the notion that it is absolutely essential that while one certainly depends on the other, the two must remain separate and distinct. However, there is the concern that the establishment of what this bill is presenting will in fact blur that and there won't be the distinction and independence.

The Legal Aid Services Act creates legal aid offices as an independent corporation charged to administer the legal aid system. That's what the present act does. Under the existing act, it is the legal aid office that decides how legal services are provided in the province within the parameters of their budget. However, this proposed bill will give the provincial government, through regulation, the power to step in and require that legal aid offices provide certain services and to allocate resources in certain areas.

So there is a concern, I think justifiably, that with the possible streaming of resources, legal aid offices will not be able to address a range of issues that may come through their door. Surely we as a government should not be in the business of designating what work an office should be doing. An office may not have enough cases to have someone on staff to deal in a specific area, so there may not be an experienced person in that area who could help. For example, if it was a personal bankruptcy issue and someone needed some legal aid help, if it was not an area identified by the ministry for a particular legal aid office, an individual would be significantly disadvantaged in accessing legal counsel that would be in his or her better interest.

I think the points that have been brought to my attention in this document are valid. It speaks to the fact that the plan presented by the government is less than ideal. There are those who actually provide this service in the province who have a lot of trouble, as they see many significant pitfalls that ultimately will impact the people it's designed to serve: the needy, the poor, who don't have money to go out and hire a lawyer. Now we're going to bring in a system that takes away from them the opportunity to qualify for a legal aid certificate and choose a lawyer to help them with their problem. They will be directed to this public defender's office, and the choice about who defends them or what they say is pretty much removed from their hands.

Another scenario that has been presented to me that I think is equally valid is the question of how appropriate it is to have a public defender, hired by the government, assist a citizen in a dispute that may involve the government. It's not unheard of that people who access legal aid are actually taking the government to court on a variety

of issues. The concern that has come to me from people in my riding is around, number one, how comfortable would people be going to a public defender's office to say, "By the way, I need your help as I fight the government on this issue," when in fact that's who's paying the people in the public defender's office. They are government employees.

Mr O'Toole: They're lawyers. They don't need—

Mrs Dombrowsky: The member from Durham says they're lawyers. Well, of course they're lawyers. Who else could defend these people? The point I'm trying to make is that they are also employees of the government and they would be required to assume cases to argue against the government. He obviously isn't a lawyer, because he doesn't get my point. The reality is that there is a conflict here.

The other concern is that our public defender office is going to be inclined to take those cases. It may be the case that they will be streamed into an area where it will be more of a challenge for people to access public defenders who will challenge government on any variety or range of issues. I think it's a valid point, and the people of the province deserve to be assured and reassured that this may not be the case. To date, I have not seen an explanation that, in my mind, would be especially comforting for people who would find themselves in that particular situation.

So I do believe that while the bill is not long, in its brevity it does present some significant issues for people in the province of Ontario who would find themselves in need of accessing legal aid services.

Another point I would like to make around Bill 181 is the need for public consultation on this. Certainly there are many people in the legal profession and in social service professions who would say that this was a surprise, that there was not an expectation that it was the plan of this government to establish public defender offices. So the people who continue to deal with people who find themselves in difficulty, who counsel them, who give them direction, want to have an opportunity to talk about the impact it will have for them in their role as individuals who try to assist the poor and people who need legal advice, legal direction and legal support.

1950

I think that it's perfectly reasonable to expect consultations on such a substantive piece of legislation. We are talking about fundamentally changing how our poorest and neediest Ontarians access legal services in the province. There's no question that the system in place right now needs some work. I say to the government, it needs some work. Roll up your sleeves, sit down at the table and talk to the representatives from the legal profession who, for a variety of reasons, have found it necessary to take actions to make their point around the needs that exist at the present time within the system.

We hear about communities where legal aid services have been withdrawn or suspended, and that is to highlight some very pressing issues. The fact that there's a segment that had not received a raise in 15 years is

significant, and unfortunately, it did require some rather drastic action. As is always the case, the victims are the most innocent and most needy.

It was David Peterson, actually, in 1987 who provided the last raise for legal aid lawyers. For the member from Durham, who seems to have a problem with the facts, that is the fact.

It was suggested in this Legislature earlier this evening, I think by the member from Nipissing—we know that at the present time legal aid lawyers are paid \$88 an hour—that he thought that was adequate compensation. As soon as he said it, it brought to my mind an issue I was dealing with in my office whereby—

Interjection.

Mrs Dombrowsky: I'm sorry, it wasn't the member from Nipissing. The member from Nipissing is saying, "No, it wasn't me." For the record, it wasn't. It was the member from Parry Sound-Muskoka who suggested \$88 was reasonable compensation. When he said that, it brought to my mind that the owner of a gas station in my riding just got a bill from a government inspector who just came along to check the gas pumps. He didn't ask for the inspection; it's just one that happens. Apparently, the person wasn't there 10 minutes to do this inspection. Everything was fine. The operator got a bill for \$125—\$125 for 10 minutes of work. This owner said to me, "I didn't know this man was coming around. If I had known, I might have put a little money aside to pay the bill. But I have to tell you, I have to sell a lot of gas to make \$125."

So I wrote a letter to the minister to suggest that maybe the minister might explain for my constituent why it would cost \$125 to have a provincial inspector do a 10-minute inspection. The response I received was, "Well, you know, there are all kinds of administration costs. It's not just the costs relating to the actual 10 minutes of doing the inspection. There's a lot of behind-the-scenes administrative work that has to happen."

I would suggest to the member from Parry Sound-Muskoka that for a legal aid lawyer who is now being paid \$88 an hour, there's a lot of work that goes into preparing a case before it ever gets to court. The problem lawyers are finding right now in the province is that because, in fact, it costs them money to represent legal aid cases, there are fewer and fewer lawyers opting for that. While they would like to, they have families, obligations, and it's not reasonable for them to make those considerations. I know there are lawyers who do it at great sacrifice to themselves and their practices, in terms of the time that they spend, and that there is really no compensation for that.

If we want to just throw around numbers, that's fine, but let's talk about numbers. Let's put it all in perspective. If you want to talk about what \$88 can buy you in Ontario, fine; I'm up for that conversation too. I'm telling you what it costs to get your gas pump inspected, and it takes a lot less than an hour: \$125 in Ontario.

This issue is really far too important to be sidetracked on strictly the dollar issue. This is about ensuring that the

neediest and poorest people in Ontario have access to quality legal services, and I think there's a great deal to be said for the system that is in place right now. It offers a certificate for these individuals so that they can access a lawyer of their choice to represent them confidently, and they deserve that. At the very least, what I would say from this side of the House is this bill definitely needs to go to committee. We definitely need to hear what the people of Ontario are saying about this, and most certainly the people who are involved in providing the service, and the people who receive the service. We need to hear from them what they think about it, how they feel about it, because I have to say that the reaction I've experienced in my community has not been positive. It has not been positive either from the people who will be providing or perhaps not providing the service any longer, but certainly as well not positive from those individuals who would be accessing legal aid services either.

It's a topic that we must pay some attention to. We must listen to what we're hearing out there, and we must work as hard as we can to bring in the best law that really is going to ensure that the people who need justice get it, and get it in a timely way.

The Acting Speaker: Comments and questions.

Mr David Christopherson (Hamilton West): I'm pleased to rise and comment on the remarks of our colleague from Hastings-Frontenac-Lennox and Addington. Once again, she has delivered a very effective speech that touched on a whole host of—

Interjection.

Mr Christopherson: I can understand that the member for Durham—who's mumbling away as I speak—might not be so pleased, because she took him on a couple of times throughout her remarks, and I thought she did it pretty effectively too, just like she made every other point effectively. One of the remarks that jumped out was when she called on the government to—and I jotted it down—“roll up your sleeves and work out an agreement.” Obviously, the government has been doing the opposite of that, because for 18 months the Ontario Bar Association's task force on legal aid tariff reform has been meeting with you, attempting to come up with a resolve. It's interesting to point out that the Ontario Bar Association called the legislation “a political decision taken by a government trying to deflect criticism of a crisis that they are unable or unwilling to resolve.” I might add, a crisis that they created, which is of course the pattern of this government started by the very famous John Snobelen.

They also go on to say that as far as they're concerned the government has been “blatantly ignoring more than 18 months of good faith.” I mean, this is not a new issue. The member from Hastings-Frontenac-Lennox and Addington said “roll up your sleeves and get the job done,” because obviously you haven't done it to date. You've been wasting time. I spent weeks travelling the province in pre-budget consultations, and at virtually every hearing we had a group come forward about legal aid and the crisis and the way that individual Ontarians

are losing their rights. I agree with her: roll up your sleeves and resolve this.

2000

Mr Bob Wood (London West): I'd like to observe that the member touched on a number of issues that I think are significant in relation to this bill. When we take a look at the question of public defenders, the ministry's own studies do not indicate a savings in the employment of public defenders versus counsel retained by legal aid certificates.

There would appear to be the danger of a conflict of interest when the funder—that is, Legal Aid Ontario—also becomes the service provider. Obviously, there's going to be a great temptation on the part of the funder to bias the funding formula toward their own service, and I think that's a problem that is there and it is one that has to be addressed.

There's also the question of accountability of counsel to the client. Under the certificate system, if a client is dissatisfied they can take action and change counsel and they can do that also by choosing counsel. Where you have a public defender system, the accountability of the counsel to the client is significantly reduced.

I'd also note that under the public defender system, where the lawyer is in effect directly employed by the government, it's likely that policy will be set by the government, and I think one has to look at the implications of that with respect to the independence of the defence bar.

We also have to face the fact that there is a problem now with the amount of funding that is given to defence counsel, and that's established by the court cases. I think to ignore that problem is not to be realistic.

Some of the points made are real and they're worth looking at. I'd also like to express the hope that there may be the possibility of some agreement soon between the government and the defence bar so that we can get on with the duty of serving the public, who are not just the accused but also the public generally, who have a strong interest in fair and effective trials.

Mrs Bountrogianni: I'm pleased to respond to the comments made by my colleague Leona Dombrowsky from Hastings-Frontenac-Lennox and Addington, but first I'd like to congratulate the member from London West. It takes courage to do what you just did as a member, and you gave from your professional background a very good analysis of why we need to look at this legislation again and why public hearings are so important.

The fact that under the present system if a client is not happy with their lawyer they can choose another lawyer is an important fact and an important distinction with this legislation, and that needs to be looked at, at the very least, at committee. I hope we get public hearings on this because the track record on this government on public hearings has been dismal.

I'd also like to correct something that the member from Durham said; I believe my colleague did as well. We—that is to say, the Peterson government—were the last government to give a raise to legal aid, so what the member from Durham said was incorrect.

The other point that the member from London West made, that we all agree with and have debated so far, is the level of funding levels, because that is at the crux of this. This is basically a Band-Aid solution, a sort of cheap way out—instead of, as my colleague said, rolling up your sleeves and working—of a difficult situation. Of course, negotiations are always difficult. It's never easy when you have to negotiate something, but it's this short-term solution which will take away the freedom of choice from poor people, from people who can't afford the lawyers. But by the grace of God, any of us could be in that position at any time, or our children, or our families, and we hope that we would keep that distinction that Ontario holds between Ontario and the US, and that is, it doesn't matter how much money you have, you can defend by the best as long as the best is there to defend you and has the proper resources to defend you.

Again, congratulations to my colleague from—the longest name—Hastings-Frontenac-Lennox and Addington, and from my colleagues from Hamilton West and London West.

Mr Kormos: In a very short period of time, David Christopherson, the member from Hamilton West, is going to be speaking to this bill. The rotation now goes from the Liberals to the Conservatives. I'm not sure which Conservative member is going to speak to it. I would dearly love to hear the member for London West be allotted a 20-minute slot to present his critique, his concerns, about the legislation.

I would exhort his colleagues to listen to him; if you didn't want to listen to what the opposition had to say, listen to what your colleague has to say, a person with as strong an ideological bent—as any of you have—for many of you perhaps even stronger, but who nonetheless can understand that this bill warrants some serious consideration, that there are some valid concerns to be expressed during the course of that debate, and it's imperative that that debate be held. Quite frankly, your colleague the member for London West displayed more integrity and commitment to his role in this Legislature this evening in that brief two minutes than many of you have shown—

Interjection.

Mr Kormos: Reflect on it—than many of you have shown during however many years of service you might have had here. Reflect on that a little bit—friends. That was hard coming; you saw I had to force that.

Interjections.

Mr Kormos: That was tough. I've still got the shivers going up and down my spine on that one.

This bill needs committee hearings. There are serious considerations that have to be addressed. There's a whole community out there in this province that's prepared to participate in that process of addressing those concerns: obviously lawyers, legal aid personnel, people from legal clinics, any number of groups that have to access Legal Aid Ontario, either through its clinic program or its certificate program. The resources are out there; I want to see this government show the courage to access them.

Mrs Dombrowsky: I'd like to thank the members from Hamilton West, Hamilton Mountain, Niagara Centre and certainly the member for London West, who have offered their comments, and the member for London West particularly, as a member of the government who has been able to recognize that the bill will have an impact for the people who have need of accessing legal aid services. They are the focus of this debate, and I think it's important that the conversation we have around this continues to focus on those individuals who need to access a service. The manner in which that has happened heretofore, while it has certainly been wrought with challenge and may be in need of some tinkering, is a very solid system that is in need of repair, but I don't think of a complete overhaul as has been presented in this legislation.

I particularly appreciate the comments from the member for London West who was able to, I believe, cite three examples of how individuals who may require legal aid services would not, in fact, be able to access the same kind of service that is in place at the present time. Again, it underlines my plea, the plea of the official opposition in this Legislature, that there must be an opportunity for the public to speak to this legislation—the impact it will have, both certainly on the people who will receive the service and the people who will be providing it.

It's really been a privilege for me to participate in the debate so far, and I certainly am looking forward to hearing more on it.

The Acting Speaker: Further debate.

Mrs Julia Munro (York North): I'm pleased to be here today to speak about the Legal Aid Services Amendment Act. This legislation, if passed, would create a balanced model for the delivery of legal aid services meant to ensure that low-income Ontarians have appropriate access to legal representation. No one should be denied legal representation. If passed, this legislation will ensure that Legal Aid Ontario has the tools to ensure representation for the people of this province who need it most. This legislation would allow Legal Aid Ontario to hire more salaried lawyers to provide legal aid services. It would also allow them to hire, on a contract basis, qualified lawyers and law firms to do legal aid work in a given community. It would allow Legal Aid Ontario to expand the roles and responsibilities of existing duty counsel.

The Legal Aid system exists to protect the rights of people in need. It plays an important role in helping these people find legal representation. This legislation is one of the many steps our government has taken to improve the justice system and protect vulnerable people in Ontario.

I'd like to detail for the members of the House some of the programs and services the government has implemented to improve access to justice.

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All Ontarians should feel safe as they walk the streets, go to work, raise their families and carry out their daily lives. They should know that they are safe and that there is a justice system that is both effective and responsive to

their needs should they find themselves the target of a criminal act.

Since 1995 we have worked to expand the rights of victims and have passed new laws to protect the public. We have taken a number of steps to enhance the system of supports available to victims of crime and disaster as they rebuild their lives.

One key part of our commitment to victims is the Victims' Bill of Rights, which ensures that the needs and rights of victims of crime are a priority. It established a legislated set of principles to support victims throughout the criminal justice process. For example, victims should be treated with courtesy, compassion and respect for their personal dignity and privacy. The Victims' Bill of Rights is part of our overall goal of creating a system that respects the rights of the victim as well as the rights of the accused.

To further protect the rights of victims, we created the first permanent Office for Victims of Crime in Canada. This commitment includes helping victims, making sure that victims of crime in Ontario have access to the support and service they need and deserve.

Through the use of the victims' justice fund, the government will continue to expand and enhance the network of supports available to victims in this province. The victims' justice fund, created by this government as part of the Victims' Bill of Rights, collects money from a provincial victim fine surcharge and is dedicated solely to providing services for victims of crime.

These actions to protect the rights of victims are essential. Victims did not choose to become victims. The sad reality is that it is a fate inflicted on them by the criminal action of others. Crime, sadly, affects many people. It knows no boundaries. It can be random and it could happen to any of us at any time.

Sadly, children are most often the innocent victims of crime. We must do everything we can to protect children from danger. This is a priority for our government. The rise in child sexual exploitation in our society is troubling. That's why this government has made it a priority to help protect them from abuse and neglect. Life on the streets may often be the only choice for children who have to escape physical and sexual abuse they have experienced at home. We need to help them break free of physical abuse, sexual abuse and substance abuse. The pimps and johns who prey on them must not be allowed to take advantage of them. We must help these children, and we are taking action to help them.

The Rescuing Children from Sexual Exploitation Act is an important step in that commitment. This legislation, recently passed by this House, will help break the cycle of dependence and exploitation. It will help to rescue children from a life on the streets. It will give police and children's aid society workers the tools they need to remove these children from the dangerous situations they have fallen into, and place them in safe, secure locations where they can get the help they so desperately need.

We believe that sexual predators who prey upon children should also be held accountable for their actions.

Under this legislation, the government would be able to sue those who sexually exploit children and recover the costs associated with treating their victims.

Additionally, they should not be allowed to profit from their crimes. Our government has taken action to ensure that victims are not further traumatized by, and that criminals do not benefit from, the recounting of their crimes. We have introduced legislation aimed at stopping criminals from making a profit from their illegal acts. It is unacceptable that criminals profit by revictimizing those who have already suffered. These victims have suffered enough, and they should not be forced to relive the crime over and over again.

The Prohibiting Profiting from Recounting Crimes Act, once proclaimed, will allow the confiscation of any proceeds criminals make as a result of retelling their stories. It would deal with a number of different sources, including media interviews, books and movies. The legislation applies to contracts regardless of when the crime was committed and whether it was committed before or after the enactment of the legislation. In addition, a fund would be established with the forfeited money and it would be made available to the victims of the crimes.

Our government is committed to taking the profit out of crime. Criminals should not be able to profit financially from the misery that they have caused innocent people. We have also taken action against those who profit illegally from illicit activities. Organized crime is a serious problem and is increasing in its sophistication. It puts the economic security of Ontarians at risk and defrauds them of their hard-earned money. It is estimated that organized crime costs Canadians an estimated \$5 billion or more per year.

We've gone after organized crime where it hurts the most—their bottom line—and proclaimed An Act to provide civil remedies for organized crime and other unlawful activities. Under this act, which is the first of its kind in Canada, the province can freeze, seize and forfeit the proceeds of unlawful activities. By passing this legislation, we know we would have 21st-century tools to counter 21st-century crimes.

It would also provide for the return of unlawful profits to the people who have been victimized. Victims would be able to apply for compensation and get at least some recognition for their losses. It sends a clear message to organized crime that the profits of their illicit activities are not safe in the province of Ontario.

Safe communities are a priority for people across this province. Ontarians should feel safe in their communities and on their streets. As part of our commitment to making streets and communities safer, we introduced the Safe Streets Act. It provides more legal tools to protect our communities. We've taken steps to make it illegal to squeegee, engage in aggressive solicitation and dispose of dangerous objects in our parks, schoolyards and other public places.

These are just some of the many actions we have taken to protect the people of Ontario and to support those who

have been made victims. We are continuing to do that with the introduction of Bill 181. We want to ensure that public safety is not compromised. We also want to ensure that the rights of people in need, who are often the most vulnerable people in our society, are protected.

Legal Aid is an essential resource for many people in this province and it is an integral part of an efficient and effective justice system. This proposed legislation would ensure that low-income Ontarians, regardless of where they live in the province, have access to legal representation in their time of need.

Legal aid services must be available to those who need them. We believe that their rights should be protected. I urge the members to support this legislation.

The Acting Speaker: Comments and questions? I'm looking at the official opposition. I'm looking at the third party.

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Mr Kormos: It's not so much a comment as a question, and perhaps not so much to the member herself who, I'm sure, acted in good faith, but which one of her staff people gave her the wrong speech? It's a cruel thing to do to a member.

I say to her staff people that it's a cruel thing to do to a member: to give that member a speech that is an old speech, a combination of speeches that were addressing several other bills, knowing that member is going to rely upon that speech verbatim, that her exercise of addressing this House this evening is going to consist of merely reading that speech, and that she doesn't have time to read it in advance. She's a busy person. In no way could she have protected herself against that sort of cruel joke. For the staff people to do that to this member, I find objectionable. I find it deplorable. Quite frankly, I think this member's colleagues should take it seriously enough that there should be some sort of investigation.

If it were a mere inadvertent slip-up, if it were mere inadvertence, one would understand. But if this were done intentionally just to embarrass this member, I say to you that heads should roll. Nothing that we've seen exposed over the course of the last two or three weeks has been as egregious as this kind of cruel hoax on a hard-working member of the assembly who relies upon the speeches delivered to her to support government policy. Because Lord knows, if she were left to her own devices she would undoubtedly be as critical as some of her silent colleagues, who will only voice their criticisms in private but are too intimidated by this heavy-handed government to take their place.

I've talked to members of the government caucus who have said they aren't allowed to speak to various pieces of legislation. I don't know whether they've been threatened or bullied, but the fact is that the government caucus has members who are fearful of speaking out against their government's policies, probably for good reason.

Mr Steve Gilchrist (Scarborough East): It was quite humorous listening to the member from Welland, who normally has a monopoly in this House on embarrassing himself. So he's certainly an authority figure when it

comes to the subject matter. Obviously what the member was doing was addressing the wide panoply of issues that this government has moved forward on in the areas of victims' rights and justice initiatives generally. I think it's a great context.

Let me just say, particularly for those who were watching earlier today in the afternoon session, you and your colleague weren't even able to stay anywhere near the subject matter of the bill. You ranged all the way to school trustees and all sorts of other arcane diversions. So the ridiculous and the sublime are both within your purview over here.

This speech was all about the context of a government that is committed to making sure that law and order is a hallmark of this province. We care more about victims. We care more about the people who are law-abiding. We don't care about the folks who pay Peter Kormos's bill.

By the way, Peter, you missed another opportunity just now to say how you're billing legal clients. You suggested that \$88 was not enough. I would be curious to know. Maybe the next time we're on Michael Coren you can tell folks what you think is the appropriate amount that your clients should be paying.

But the bottom line is that our government is committed. This bill is one more initiative. I look forward to making further comments on this bill in the minutes to come.

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I'm pleased to make a few comments. I wanted to make a few comments on some of the previous speakers.

I've never heard from as many lawyers and legal people as I've heard from recently. These are people who you never hear from at other times, unless there is something really bothering them.

The Liberal Party would like to say that low-income Ontarians should be a priority for this government. It's far more costly when people aren't represented in court. We're afraid that the proposal would create a two-tier system. Government shouldn't be playing politics with legal aid. As was said earlier, the last time they got a raise was back in 1987. That was a different government in power.

We should have public hearings, because I know there are many in my community and many in other communities in the province who have a lot to say. We should get it to the committee level and let the legal profession speak on their behalf. I think we would all learn a lot. Maybe after they've had the public hearings, as one of the members across the way said, I think we would come up with a better bill, something that we could all live with and we'd be happy to represent to our constituents. We should put politics out of this and get on to the hearings. I think that's what the people of Ontario want.

Mr Christopherson: In reflecting on the comments of the member from York North, once again, for some strange reason, a member of the government caucus continues to want to talk about the Victims' Bill of Rights, a

discussion we're more than prepared to have on this side of the House. She mentioned it in the context of the litany of things that this government has done for law and order, especially for victims of crime.

Well, in May 1999, Superior Court Justice Gerald Day ruled, and this is, for anyone who may have forgotten the two Ontario citizens, the two women who went to court to have upheld the rights that they were told existed in the Victims' Bill of Rights, only to have the government roll in their lawyers and argue in front of Judge Day that said rights didn't exist in the law. Judge Day said this:

"I conclude that the Legislature"—that would be the majority government, because we all voted against it—"did not intend for the Victims' Bill of Rights to provide rights to the victims of crimes. The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime."

That's what a superior court judge said when two citizens asked to have enforced the rights that you said they have. That's disgraceful. You have no right to brag about what you've done to the victims of crime.

The Acting Speaker: The member for York North has two minutes to respond.

Mrs Munro: Thank you to the members from Scarborough East, Stormont-Dundas-Charlottenburgh and Hamilton West who made comments. I think the important point here is that the comments I made were set in the context of Bill 181. Some members referred to the fact that I had included other initiatives undertaken by our government, but that is in the context, then, of this as another demonstration of our commitment to ensuring that the justice system for all people, whether you are there in need of legal aid or there as a victim, is addressed. That's the important point that my remarks were to include.

I think that if you look at Bill 181 in this context, then it becomes simply one more piece of evidence in the commitment that we have as government to ensure that we do have safe communities and that people from all walks of life are going to be provided with protection, whether it's through legal aid or whether it's through the various methods of legislation as victims and the limits on the benefit of criminals. All of this is designed as part of that overall commitment to ensure that Ontario is a safer community for all.

The Acting Speaker: Further debate?

Mr Ramsay: I am pleased to stand in my place tonight to speak to Bill 181, and I'm glad to see the Attorney General here taking all the abuse from the opposition tonight. He's doing that very well, but it's an issue that all of us over here are taking very seriously because, as my colleague from Cornwall is saying, we are getting a lot of calls from the legal profession in our ridings. They are very upset with the Attorney General and this government in what has been a very cherished tradition and part of the legal culture of this province, a good and well-founded and well-funded legal aid system, which now is falling apart, coming into disrepute. You

only have to pick up a daily newspaper and see judge after judge ordering an increase of these fees, or dismissing cases because justice hasn't been completed in a timely fashion. I know this has become a major headache for the Attorney General, this going on while he is in negotiations with the legal profession.

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Quite frankly, this is why the lawyers in the province are very, very angry at the Attorney General and his ministry people, because negotiations have been going on and they thought they were making some progress, but I guess the minister now, after pulling out his hair and giving up on this thing, has decided to take his ball and to go home. I can't think of any other organization involved in negotiations that can pack it up and say, "I don't like the way this is proceeding; therefore, I'm going to change the law." The Attorney General of course has the power, being part of the government, to do that, so because he's not getting it his own way he's going to change the law to make it his own way. That's really upsetting the lawyers, who of course are people that function within the legal system and, like the rest of us, have to obey the law. In this case the Attorney General is just going to change the law to make it happen.

Many of the members tonight in their discourse have said that the last time legal aid lawyers in the province received a raise was during the Peterson government days in 1987. The Attorney General talked about a 5% raise this summer, but after all those years that is just a drop in the bucket. Lawyers cannot carry on practising that way. I don't know what other profession or job in this province has not received a raise since 1987. It happens to be lawyers, and it happens to be those lawyers who are defending the most vulnerable people in our society. Really, that's what this is about. You try to keep it on lawyers, and it is about lawyers, but it's really vulnerable people that this is about. We have to make sure that vulnerable people receive the legal due process they deserve.

I'm from northern Ontario, and we have some particular challenges there. In the riding north of us, the First Nations people who live up there are spread out over a vast, vast part of this northern province. Basically, I live in nine tenths of Ontario, northern Ontario. First Nations people in reserves all through northeastern Ontario, up the James Bay coast, require legal representation. Lawyers stationed out of Cochrane and Iroquois Falls and Timmins serve that area. They have to fly up to that area to consult with their clients. Trials happen north of where they live into these areas, so they fly in; it takes a lot of time. There have to be provisions made for the effort and the time lawyers spend in defending our First Nations people who find themselves involved in the criminal justice system. This is a particular challenge in northern Ontario, and this Attorney General and this government have to deal with that.

What he's proposing here, instead of the system that we've developed for about 80 years now, is basically a two-tier system. If we go to the public defender system,

as they have in the United States, we're going to have a two-tier system: those of us who can afford good legal representation are going to get that; those who can't are going to get lawyers who basically are just out of law school, who maybe are good lawyers but who don't have the legal experience that time would give them. So these people are not going to get the representation they are due.

Basically, a plea bargain factory is what's going to happen, like you see in the States, because to get these cases through and not tie up the courts—"We now work for the state because we're part of the public defenders, so we've got to get these through and we're just going to do this by plea bargain." What we're going to have is a lot of low-income people getting their "Go directly to jail" card. They're not going to go to court; they're going to go directly to jail after being charged. That's what we're going to have here: a total revolving-door justice system for people who can't afford to get the legal representation they deserve.

Attorney General, you're going to be judged by how you treat the most vulnerable in our society. This is another test of this government. It looks, from this bill you're putting forward, like you're going to fail this test also—

Hon Mr Young: OK.

Mr Ramsay: Another one. I'm glad you're agreeing with me, because that's what this is going to amount to. You're looking at building a two-tier health care system, and now we're starting to build a two-tier criminal justice system. That's what this is coming to, and people who can't afford good legal representation are going to end up without the benefits of the legal justice system.

So basically it's going to be the dream team versus public defenders, and that's the system that you're basically developing. Low-income people are going to go to jail, and with this you're going to have to be building more jails because without good legal representation, that's what's going to happen. It's all by plea bargain. You'd better start warehousing these people and get some more of these superjails built that you are so enthralled with. You're going to be judged by this, and as I said, I think you are going to fail that.

My colleague from Cornwall also mentioned, and so did the member from Sudbury earlier this evening, the importance of this legislation coming forward to committee after a second hearing. It is going to be very important that lawyers right across this province have an opportunity to comment on this legislation. I hope what our House leader has just said is not true, that we do have an opportunity—

Mr Dwight Duncan (Windsor-St Clair): We had a deal and the Attorney General scuttled it.

Mr Ramsay: Well, I hope the Attorney General has not scuttled that deal to make sure that we have hearings across this province, because people are asking for this.

Mr Duncan: Kormos agreed.

Mr Ramsay: I'm sure the member from Niagara Centre would also agree that we have public hearings,

but that they not just be in Toronto, that they be across this province, because whether you live in the southwest, the east, the north or in central Ontario, the legal profession wants to be able to comment on this. They want to bring their experiences in their parts of the province as to how the legal aid system should be working, how it has worked before it was broken, and how it should be working in a future that should be better for the criminal justice system. This piece of legislation, Bill 181, is not the way to do it.

I'd say to the Attorney General, he should think again about public hearings. We need to have those. We need to make sure the legal profession and all the other advocates out there for people that find themselves on the wrong side of the criminal justice system have that opportunity to bring forward their experience and the benefit of their experience to the legislative committee and to the government in particular so that you would benefit from that and look at amendments to change this system.

I guess ideally, though, what I'd say is to stand down the legislation right now and go back to the bargaining table, because what the lawyers of Ontario are saying is that you are bargaining in bad faith by bringing forward this legislation at this particular crucial time in these negotiations.

You've been talking with Ontario's lawyers for quite a while now on this. There has been a lot of frustration. I know on your part it has been very frustrating; you don't feel there's been any progress being made. I think you have to realize that since 1987 these people have deserved more. If the people of the province are to get a good legal aid system, you have to make sure the lawyers have the resources.

I know in earlier speeches this evening there's been a lot of bandying around about the \$88 fee. I'd like people to know at home of course that when you're talking \$88, you're not talking about somebody as an hourly wage getting \$88. Lawyers have overhead expenses. They've got their assistants, they've got researchers in the office, they've got the office overhead, the lights and the heating to keep an office together. So it's expensive. All the subscription services that are required to keep lawyers up to date on our changes and nuances in the law—these are ongoing expenses. So it is a very bare-bones operation. I'm sure many of those that are lawyers in this House know what other lawyers in this province charge, and that fee is very, very bare-bones.

The cost of doing business in Ontario is higher than other provinces. That's why the fee is higher in Ontario and should be higher in Ontario than in any other province, because of the cost of doing business here.

I would say to the Attorney General that I guess the best thing to do would be to stand down this legislation and go back to the bargaining table, start to bargain in good faith with the lawyers of Ontario and make sure that the legal aid system gets the resources that it deserves so that the people who deserve a good criminal justice system get the system that they deserve.

I'd like to also compliment the member from London West, who stood in his place during the "two-minuters," as we call them, in response to members' speeches, and gave a very good critical analysis of what was wrong with this bill and giving some suggestions of what could make this bill right.

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It's rare in this place that we get that sort of opportunity, where we have somebody from the government side actually stand up and give an objective view of a piece of legislation. Maybe if we had good democratic reform, we'd get more of that debate. Governments wouldn't worry about being defeated. We could get into free votes, really get into some parliamentary reform. Every so often there's a little glimmer of light, as we saw tonight from the member for London West, who stood in his place and, as somebody who obviously knows that profession, being a lawyer himself, gave a very good, short, concise, constructive critique of this legislation, and informed a lot of us of what could happen and what the possibilities of this bill could be if we were free to truly debate it and to truly move amendments that the government would consider in an open and honest fashion. But it was just for a second we had that glimmer, and it was gone.

Mr Duncan: All too brief.

Mr Ramsay: All too brief, for sure.

Hopefully we could all work together on some parliamentary reform in this place. We could become serious as legislators and have those constructive debates and together maybe work out pieces of legislation such as this that shouldn't be partisan. They're not based on ideology; they're based on how we best provide a service to people. That's the only difference we have here. None of us have any disagreement as to the need for some sort of legal aid system.

We know that if our criminal justice system is to function properly, we have to have a well-funded system. We have to make sure clients are well represented. If the system is to run efficiently and effectively, that has to happen. It's not only for the client, but for the system. For the system to work, there have to be good practitioners in it. To have and to attract good practitioners, we have to have the resources. There's no other answer to that.

I know we get thrown back at us all the time from the government side, "You're always speaking of resources." Yes, resources is a code word, I suppose, for money, but it does take money to provide good public service. Hopefully the government someday is going to realize that there still is a need in Ontario for a good public service, that there still is a role for government. This is certainly one of those areas.

It reminds me of the remarks by the Minister of Northern Development last week. That was an unfortunate criticism of the public service of this province. This government should take pride that it was a previous Conservative government that probably brought the public service to world attention, under Bill Davis. Ontario's public service was recognized as being world-class.

Mr Duncan: Those were the days.

Mr Ramsay: Those were the days. They were really the good old days. It was interesting that after the brief stint of the Frank Miller government—I see his son Norm is here tonight; it's great that we have you here—the David Peterson government came in, and I remember that after all those 42 years of Conservative government, the first thing David Peterson said when he brought in all the deputy ministers was, "We're the government now, but I trust you as the public service. I want to work with you and enter into a partnership with you, because I understand what your job is. Your job is to support the government of the day."

Mr Duncan: Bob Rae changed all that.

Mr Ramsay: He did. It looks like today, even with this government, there's not much trust, unfortunately, between some of the ministers and the civil service. But that's another public system that also needs to be defended and needs adequate resources.

Tonight, during speeches on this bill, both government and opposition members have talked about another criminal justice bill that came through this Legislature, the Victims' Bill of Rights. It's in some degree related to this. It has been interesting to note, and it has been noted over and over and I think it's worth repeating, that this government likes to use hyperbole in the titles and purposes of its bills. I think the Victims' Bill of Rights was one gross example of that.

Mr Duncan: Nothing in it.

Mr Ramsay: As my House leader says, there was absolutely nothing in it, and that was proved through a court case. Those of us who have even the briefest of interest in constitutional law in this country understand that it's only the federal government that is allowed to confer any new rights upon the citizenry of this country. Provinces cannot do that. It is not within our domain in our provincial Legislatures to do that, yet we receive a bill such as the Victims' Bill of Rights that touts that this provincial government is conferring new rights on people, on people who certainly deserve protection and probably deserve those rights, but they can't be delivered via this venue. They can only be delivered via the federal government, through the House of Commons.

It's another example where, I suppose, this government is trying through its different criminal justice bills to push those hot buttons that they feel are attractive to the voters they want to represent, just like they want to clean up everybody's grooming in the jails. That's another hot button for people who want to bring law and order to everything.

In this bill, I say to the Attorney General that he really needs to go back and talk to the lawyers. They're angry. We need the lawyers in this province to participate in the legal aid system. Legal aid services are important. They become the foundation for our criminal justice system for many people in this province. Without it, the criminal justice system is not going to work. This bill basically is a result of the crisis management you're bringing to the management of the criminal justice system. You purport

to be good managers, but in area after area within your jurisdiction of government the systems are falling apart. The criminal justice system is one example of that. It's not working.

The judges, who are non-partisan, who are basically neutral participants in the criminal justice system, are making this known very clearly, as we pick up in our daily papers, as judges order the government to pay more to legal aid lawyers after they make the case that they require more resources to fully defend the clients they have been assigned. For the criminal justice system to work, all those who find themselves in the system deserve and require proper representation. To get proper representation we have to make sure that a good cross-section of the lawyers in all regions of this province participate in the criminal justice system as part of their practice.

What I like about the system we have now is that we get that good cross-section. If we go to the public defender system what we are going to get is an inexperienced group of lawyers starting out, as their first jobs, trying to do a defender job without court experience, straight out of law school and their bar exams.

We need experienced people in the courtroom to expedite these cases so that the system runs smoothly, so that we use our court spaces in a timely way, so that we use our judges' time in a timely way and not tie up court time and justices, especially in places like northern Ontario, which I represent, where we have judges who have to travel from different venues. Their time is very precious and we have to make sure we don't waste any of the resources in the criminal justice system. To do that, we have to make sure the whole system has the proper resources so that we run it effectively and efficiently, in a way that justice is served for the people of Ontario.

The Acting Speaker: Comments and questions?

Mr Kormos: In a few minutes' time, the member for Hamilton West is going to be speaking to this bill. The Attorney General is here. After I speak for about two minutes in response, he's going to have a chance to stand up. Attorney General, please, I said nice things about you tonight. Whether I meant them or not is irrelevant; the fact is, I put them on the record. I compared you in positive terms to your two predecessors. Now, whether you take that as a compliment or not is up to you.

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I say to the Attorney General, send this bill to committee hearings. We're prepared to have the committee hearings while the House is sitting. We're not trying to engage in some dilatory action. If it does all the things you say it does, surely it can withstand the scrutiny of public hearings. What are you afraid of? What is so scary to you about public hearings, that prevents you from standing up right here and now? We can leave early tonight.

We can be out of here at 9:15 if you'll only stand up and say there will be a good 12 days of committee hearings so the people in this province can make their comments, can make their contribution, so that your bill

can stand, if it can, the test of criticism. What are you afraid of? Why are you not proud enough of this legislation to put it to the scrutiny of a committee? Your party has the majority on the committee. We can't defeat the bill at committee. Do you understand that? You hold all the power in committee. Put it to committee. Say so now.

Hon Mr Young: I appreciate having an opportunity to speak to this matter and to address the comments of the member opposite. I listened intently to the Liberal—he is a Liberal now.

Interjection.

Hon Mr Young: I did indeed, to the Liberal member opposite. I tried as hard as I could to determine what the Liberal policy was on this very important issue. Right now, across the province in various places we have individuals, men, women, children, some of the most vulnerable people in society who don't have access to legal representation.

I was trying to understand what it is the Liberals suggest. I know that by and large they are of the view that the answer is always more money. The member opposite will have an opportunity to address this in just a second; he's shaking his head affirmatively, so I think I'm on the right track here. I think it is fair to synthesize his speech and say that the Liberals want to give legal aid lawyers a lot more money and want to give it to them now.

As a member of the government, as an individual who each day has to decide whether or not we are going to spend money on health care, more MRIs as an example, or on education—I know the Minister of Education, who is sitting right in front of me, is very proud of the fact that we have increased public education spending in this province by in excess of \$550 million this year. The number is staggering even for me.

The Liberal members, though, have a different use for that money. They want to take that money and give it to legal aid lawyers, holus-bolus, just like that. There is only one place to get that money from and that's the taxpayers of this province. You have to consider their interest, their eagerness to give lawyers more money at this juncture in the context of the fact that we already did give legal aid lawyers an increase, and we have undertaken to give a further increase. I am prepared to live up to that undertaking.

Mr Duncan: I am pleased to respond to my colleague the member for Timiskaming-Cochrane on his outstanding statement today in the House on this issue and to say we will vote against your bill. The Liberals are very clear about that. The thing that strikes me—I want to respond to some extent to the response, because the Attorney General talked about what the Liberals would spend this money on, that they want to spend it on legal aid lawyers. What this bill permits—just so the public understands—the government will be able to go and contract out for support staff and they'd have the right to contract out legal aid services to law firms or groups of lawyers. That smells to me like one of the biggest—

Interjection.

Mr Duncan: Yes, like the federal Liberals on federal drug prosecutions, and that should be changed. We shouldn't be copying it. The Attorney General has problems with that, and now he's going down the road where he's going to make patronage the central theme of the public defender's office.

This isn't about better protection for people who are charged under the law; this is about a government intent on creating the biggest patronage boondoggle this province has ever seen. If the Attorney General feels so strongly that he's not going to do that, I challenge you: send the bill to committee, number one; number two, bring forward an amendment to the bill that will make sure this work is publicly tendered—not done by order in council.

If that is what your position is and if you truly do not want to make the mistake that successive federal governments have made—Liberal and Conservative government governments I might add—and if you truly want to have a system of public defenders—by the way, we think legal aid will work well if it's properly funded—if that's what you want to do, then don't allow for the patronage boondoggle.

Mr Christopherson: I appreciate the opportunity also to comment on the remarks by the member for Timiskaming-Cochrane. It's interesting that the Attorney General himself popped up on the issue of how much money they're being paid. Members of his own caucus have been saying that the figure of, I believe, \$88 ought to be fine and that's the end of it. And they have the nerve to base it on the fact that they think \$88 an hour is a lot of money, end of discussion, and that's it. Whether I do or don't really isn't the issue. The issue—

Interjection.

Mr Christopherson: Listen for one moment. Try it.

The point is that in comparison to other lawyers there are certificates that are not being picked up by lawyers. There are people walking around looking for their legal rights, their constitutional rights. You are the government that believes also in law and order, aren't you, like we all do? If that's the case, then I think you would want the Constitution upheld. The Constitution and the Charter of Rights give people certain rights in court, but they're also entitled to have a lawyer. But because the fee is so low, even though they've got a certificate, it's not being picked up. There are people going in front of judges who do not have legal representation. That sounds more like the Third World than one of the wealthiest, most modern states in the world. But that's the reality.

You know, it's interesting. Everybody makes too much for this government—everybody, whoever it is. Nurses, teachers, in this case it's going to be lawyers, everybody makes too much money except them with their pay. I don't hear anybody standing up and saying \$105,000 is too much to pay for the next MPPs in the next Parliament. Yet we've decided, most of us, that's a fair wage. How do you square that circle?

The Acting Speaker: The member for Timiskaming-Cochrane has two minutes to respond.

Mr Ramsay: I appreciate entering into debate with the Attorney General on this because, yes, I was quite straightforward to say more resources, ie, more money, are needed in the system. That would be the difference between you and I in this debate. I believe we need good public services, that we need more money to be invested.

You've built yourself into a little box, because you're giving out \$2.2 billion in tax cuts to the corporations, which we would not do. You're giving out \$500 million in private school tax credits, which we would not do. So we start off with a base of \$2.7 billion that you wouldn't have that we want to invest in public services. That money would be recouped and put into public services, invested in those services. That is the difference. We think that health care needs that and the legal system needs that, our highways need that and our natural resources need that. That's where we would be investing this money.

You've heard some of the ideas we've talked about as we work our way toward the campaign and, yes, it's going to take more money. We've told you where it's going to come from. We are going to withdraw some of those tax cuts that you have brought forward to corporations and the private school tax credit. That's what we're going to do. They need to be invested to help our most vulnerable people, and this area in the criminal justice system is one of those areas where that investment has to be made.

That is the difference, and I suppose what the next election is going to be about is offering people choices. People can decide whether they want your system or our system, and there will be a difference and we'll let the people decide. I think people, after probably eight years, when we do finally get to this event next spring, are going to make that decision and see the difference. When they ask themselves if they are better off today than they were eight years ago, I think unanimously they're going to decide no, they're not, and that we need to invest in a good public sector in this province.

The Acting Speaker: Further debate.

Mr Christopherson: I appreciate the opportunity to join in the debate. The first thing I want to do is again very briefly return—unless they get things all riled up again, and then I'll stay on it for a long time. But I do want to briefly return to the Victims' Bill of Rights, because again, anything to deal with the legal system, let's put it in the context of this government's track record and their attitude toward law-making, which of course is what we ultimately are supposed to do here.

Superior Court Justice Gerald Day said, "I conclude that the Legislature did not intend for the Victims' Bill of Rights to provide rights to the victims of crime. The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime." Lest there be any doubt, because the definition perhaps goes to areas I can't, "beguile: charm, amuse ... divert attention pleasantly from ... delude, cheat," and ultimately, "to deceive." That's what the judge said about your Victims' Bill of Rights law.

2100

It's amazing any of you would dare to try to brag about anything to do with the law. So many of you talk about the obligation Ontarians have to respect the law, especially anybody who is receiving any kind of government benefit of any sort, that the first thing you expect citizens, from your high perch, is respect for the law. Look what you did to the law. You used victims of crime, innocent victims, to do this. I and my colleague from Niagara Centre and our entire NDP caucus will take every opportunity to raise this and re-raise it, because people have a right to know what's really going on when you introduce your law and order legislation.

With regard directly to Bill 181, the explanatory note is short, but I think makes the case for why we're pursuing public hearings. As our House leader has pointed out, we're not trying to be obstructionist about this.

The explanatory note says two points:

"1. Contracting out is added to the range of methods by which Legal Aid Ontario is authorized to provide legal aid services (clause 14(1)(a.1)).

"2. The Lieutenant Governor in Council is authorized to make regulations governing Legal Aid Ontario's methods of providing legal aid services, including requiring legal aid to hire staff or to develop and report on plans for contracting out legal aid services, expanding the functions of family and criminal law duty counsel and governing Legal Aid Ontario's allocation of resources among methods of providing legal aid services (subsections 97(2.1) and (2.2))."

I would suspect that even those who are qualified lawyers may not necessarily be experts specializing in this field. For everybody else, particularly the people we serve, the citizens of Ontario, they need this broken down and we need to have a discussion.

I am just shocked that we haven't had the Attorney General or the House leader or somebody on that side of the House stand up and commit to public hearings. Surely you aren't going to change something as fundamental to democracy as the process by which the ordinary citizen attains legal counsel, in the event they can't afford to hire their immediate lawyer of choice, without letting the experts comment on it. I would hope the media would start to look a little more closely at the number of bills that aren't going to committee that should, and ask the question, "Why not?"

Good law-making would suggest that you would want the best advice you can get, that you would want expert advice, people who are in the field. Yes, you will have individuals come forward who will talk about their horror stories, but what you will also get, more importantly, is the experience and knowledge of an incredible, broad section of legal experts in our province who will come in for free and give the people of Ontario, through our committee hearings and ultimately through their elected representatives, an opportunity to understand exactly what all this means in a real, practical sense, and to formulate their own opinion on whether or not they think it's good deal.

As it stands right now, if this is rammed through the way it is, people have one of two choices. They either believe you or believe us. Given the day-to-day nature of this place, that really isn't any great revelation. When you're a member of a majority government or over here, as members of the official loyal opposition—I guess that would be you guys.

Mr Duncan: That's us.

Mr Christopherson: But we'd still be loyal.

Mr Duncan: But not official.

Mr Christopherson: But not official. Well, not on the loyal part. We're still officially loyal. Anyway, you know what I mean.

However, to come back to the bill, to talk about something this complex and merely have a choice—we listen to the government rhetoric and buy it or the opposition members' rhetoric and buy it—really isn't going to enlighten the average Ontarian too much. There are probably a few people who would be watching, because they have an interest or belong to an organization, who know exactly what all this means and, more importantly, what the implications are.

Often it's unintended consequences that end up being the biggest issue, because everything else you've thought through. Of course, the whole nature of unintended consequences is that they were unintended. It's amazing the things you learn and how much better a piece of legislation we get at the end of the day when we go through a public hearings process, particularly when it's a complex legal issue. I honestly believe you're going to find it very difficult to defend not giving this some public airing to allow some experts to come in and give their opinion.

At the end of the day, it's probably worth hundreds of thousands of dollars of free expert legal advice, not that we would benefit from it solely, but the people of Ontario would benefit. Those hearings are in public. The Hansard is available. People can go and watch them themselves. They're reported in the local regional media wherever the meeting is being held across the province. And I'm not even getting to the point where the average Ontario citizen is entitled to have their say about laws that affect them and their lives. Without even going there, just the common sense argument that where you're restructuring legal services and changing processes and institutions, and where we know there are some concerns out there—we are hearing them. Members on the opposition benches have been raising what some individuals in the legal community already have been saying and the concerns they've been raising.

Again, it's not one of those bills where everybody sort of agrees that it's pretty much motherhood or it's housekeeping and doesn't really deserve or need too much attention from this place. It's quite the opposite.

So I suspect that at the end of the day, given the dynamic around trying to defend not having public hearings, you're going to have to succumb to the pressure, and if that's the case, if that's the end-game anyway, I come back to my earlier point: I don't know

why on earth one of the members of cabinet or the whip or the government House leader isn't popping up on their feet and saying, "We will have public hearings and we'll work out the details at a House leaders' meeting."

Mr Duncan: Makes sense to me.

Mr Christopherson: That is the way it works.

There are still 20 minutes and it would do an awful lot for the Attorney General or someone he may designate to stand up and say, "Yes, there will at least be some opportunity." Not to is to leave yourself wide open to the argument that you really don't give a damn.

The criticisms are not just from the legal community outside, although it would make sense that's where some of them would come from, because indeed those are where the experts are, out in the field, the people who deal with this and it's their job. But tonight, within the last couple of hours, one of your own esteemed colleagues the member for London West, on a two-minute response to another member's speech, raised a number of concerns that we've been raising on this side. To be fair to the member for London West, we on this side of the House consider him to be—you know, he was first in line for the Kool-Aid and went back for a double hit. He's a believer, a capital B believer. I hear my friend chuckling in agreement, the member from Ancaster-Dundas-Flamborough-Aldershot, who is also concerned about whether or not we are going to get public hearings on this bill. I believe he was in the House when the comments were made. If not, he was certainly in his office.

2110

So when one of your own, one of your stalwarts stands up and raises—by the way, I also want to join my colleagues and others who have said that it takes a lot of guts to do that. Sometimes it's done for political reasons, be they right or wrong. The individual member can decide. Many of us have been offside with our own caucus for one reason or another at different times. But I have to believe that the only reason that member, knowing him the way I do, would stand up and raise concerns is because they were heartfelt. Oh, and did I remind the government members that he is a lawyer too and that every point he raised was from a legal basis? So lest I forget, with all of that, including the concerns raised by the member of the government caucus for London West, who is a lawyer, it seems to me that you would be very well advised, both politically and from a good law-making point of view, to hold public hearings and give those in the know a chance to let us profit from that knowledge in terms of the law that ultimately comes out of this place.

What exactly did the member from London West say? Well, in his usual reserved fashion—and I say that straight up. He's not like some of us who tend to get a little louder than others. He's usually very methodical and very concise, makes his point and then moves on. So this is not railing. He didn't turn on his own government, but he did stand up and raise a couple of concerns. I want to read what he said. This is the instant Hansard from his comments just a couple of hours ago, here in this place.

One of the things he said was, "There would appear to be the danger of a conflict of interest when the funder—that is, Legal Aid Ontario—also becomes the service provider. Obviously, there's going to be a great temptation on the part of the funder to bias the funding formula toward their own service, and I think that's a problem that is there and it is one that has to be addressed."

Interjection.

Mr Christopherson: I don't know why the Attorney General wants to heckle my reading of his own member's remarks. What would the Attorney General like to say? Why is the Attorney General heckling me on comments his member made? He's right there.

You can stand up in a two-minute response, Minister, and you can make the comment then. It's rude to your own member to interrupt his remarks. I listened.

Hon Mr Young: You never have—

Mr Christopherson: Yes, I do. Usually the Speaker rules me out of order a lot sooner, and I'm waiting.

Now, "I'd also note"—this is the member for London West—"that under the public defender system"—oh, pardon me. He made a point earlier than that that I want to get on the record.

"There's also the question of accountability of counsel to the client. Under the certificate system"—that's what we have now—"if a client is dissatisfied they can take action and change counsel and they can do that also by choosing counsel. Where you have a public defender system, the accountability of the counsel to the client is significantly reduced."

This was not done in a vitriolic fashion. I say through you respectfully to the member for London West, if it were me, you know it would have taken five or six paragraphs and it would have had a lot of other—"embellishments" is probably a bit much, but certainly a lot of adornments to make the impact. Because I'm an opposition member, that's what I'm supposed to do. But the honourable member stood up and very succinctly, and I would say very respectfully, pointed out a concern that he has, as a lawyer and a member of this Legislature, with the fundamental structure that's being offered. Might I just say that my colleague from Niagara Centre said that it was probably the most honourable thing that any member of the government caucus would do this evening. I suspect, given all that's involved in doing something like that, it's probably the most honourable thing any member will do in here this evening, given the way that it was done.

The member for London West also went on to say, "I'd also note that under the public defender system, where the lawyer is in effect directly employed by the government, it's likely that policy will be set by the government, and I think one has to look at the implications of that with respect to the independence of the defence bar."

He also went on to say, "We also have to face the fact that there is a problem now with the amount of funding that is given to defence counsel, and that's established by the court cases. I think to ignore that problem is not to be realistic."

That is just about as fine an example as we've seen, in the over 12 years that I have spent here, of a government backbencher standing up, going against his own government, not doing it for local political reasons, but merely because they philosophically and legitimately and conscientiously have, if not a difference of opinion, a number of concerns that they want to hear addressed. You've got to respect that kind of approach. I think at the end of the day it adds an enormous amount of weight to the argument that there ought to be at least some public hearings.

The last thing I would say in closing is coming back to the \$88 an hour. The member for London West just made reference to "established by the court cases," and I'm assuming—and if I'm wrong, he's here and I'll watch for him to indicate that I am misinterpreting his comment, but I'm assuming that what he's referring to is a couple of cases where judges have ruled that lawyers will be retained, they will be paid I think about \$140 an hour and that the bill is going to the Attorney General's ministry based on that judge's belief that the individual was not going to get adequate legal representation, their rights under our charter, unless he or she took that action.

That's pretty dramatic for a judge from the bench to make a ruling like that, a ruling that not only set the fee but also sent the bill to the Attorney General. I think you've got to keep in mind that when we did the public consultation for the budget, and I see a couple of colleagues on the government benches who were on that tour also, I believe—I stand corrected if there was one missed—but I believe in every community where we held public hearings, there was a delegation from legal aid lawyers making the case that leaving the rate where it was was leaving Ontarians, guilty or innocent—because in this system you're innocent until proven guilty—without the legal representation they're entitled to. It's one of the cornerstones of our justice system, imperfect as it is—one of the best in the world. All of this is to say to the government, at least a little bit of public hearings to debate these things through—

The Acting Speaker: The member's time has expired. Comments and questions.

Mr AL McDonald (Nipissing): I'm happy to join in the debate tonight regarding the bill put forward by the Attorney General. In speaking with him, his concern was that children are the most innocent victims of crime and he's trying to put a bill forward to help the most vulnerable in our province. I listened to the member for Niagara Centre stand up on his soapbox with his cowboy boots, a lawyer by trade, and speak against this.

This bill is for the people of Ontario who need protection. I think the Attorney General has done a good job with this bill. We understand the dynamics of government, where the official opposition and the third party will want to speak against it and send it to committee to put their little spin on it, but in the end, are we not here to protect the most vulnerable in Ontario? In a lot of cases, those are children.

Victims don't choose to be victims. It's a fate put on them by criminals. I believe, from talking to the Attorney

General and from hearing the passion he has in this bill, that this is the right thing to do, the right thing to support. I urge the members opposite to support this.

2120

Mr Michael Gravelle (Thunder Bay-Superior North): I think everybody in the Legislature, all parties, agree that the provision of legal aid services is extraordinarily important, and it has been very useful that the Attorney General has been in the House for this debate.

What is at dispute is: is this legislation going to improve the legal aid system? That's very much in question. What's also in question is: what was the purpose behind the ministry introducing this legislation? Is it a bargaining chip for his battle with the lawyers that is going on right now?

Regardless, I think we've heard enough tonight. We heard from the member from Hamilton West who, as usual, was articulate in his case that we should have public hearings.

The argument really is: is this a piece of legislation that will actually improve the legal aid system? What's very clear is that it was sprung on us and on the legal aid lawyers in the system. The fact is that it requires, at the very minimum, some public hearings, some committee hearings. It seems startling to me that we can't actually be sitting here talking about the fact that we're going to places like Thunder Bay—I would certainly like to invite the Attorney General to have hearings in Thunder Bay—Sudbury, Toronto, all over the province, because this is a piece of legislation that deserves to be looked at more carefully.

The whole issue of the public defender system: is that a system that will work? Is it one where we're going to be able to offer people better services, or is it going to be more of a factory system whereby people simply get whisked through the system?

We need to discuss those things. We need to take advantage of the opportunity we have, as my colleague from Hamilton West said, to have for free some pretty high-paid advice in our public hearings process, because that's the kind of advice we need.

It has been said many times by the member for London West, and a member of the Tory caucus certainly made his concerns very clear, clearly and very calmly expressed. I would trust the Attorney General was listening to those remarks, and on that basis as well as all the concerns being expressed, would make sure we do have public consultation on this important legislation.

Mr Steve Gilchrist (Scarborough East): I'm pleased to respond to the comments from our friend from Hamilton. I've got to tell you, it has been an extraordinary night, listening to the NDP stand up and suggest how underpaid lawyers are in Ontario, suggesting that the main problem is the pay rate, suggesting the issue has nothing to do with the fact that a select group of lawyers accessing legal aid have actually been using the victims themselves, or the clients themselves, as hostages, as blackmail.

The bottom line here is that Ontario already pays more to its legal aid lawyers, by a margin of almost 30%, than

the next closest province, and vastly more than the average. I haven't heard the member suggest that the NDP province in this country is somehow afflicting its citizenry by having a vastly lower-paying legal aid system.

The suggestion here is that there's a relationship between the quality of legal service and the amount of money that's paid, failing to recognize that lawyers are a monopoly, that legal aid was seen to be an adjunct to the pro bono work, which lawyers would provide as part of that monopoly system, the right they had been given to the exclusive practice of law. This is not the be-all and end-all of their income. This was supposed to be the tail end. This was supposed to be the augmentation and a bit of a thank you for taking on pro bono work to help those who cannot support the full fees normally charged by lawyers.

It is extraordinary that you're standing in your place today and decrying our bill on the basis of the fact that you think a better solution is to pay more money to lawyers, lawyers that at today's rate, if they worked full time, 2,000 hours a year, would make \$196,000, including the 10% overbilling, and they want to make \$308,000. Those are the people you're defending. Legal aid isn't about supporting lawyers; it's about supporting the people, the citizenry and the victims in the province of Ontario.

Mr Duncan: I'm pleased to respond to the member for Hamilton West. As is always the case, the government has taken numbers and completely distorted them on this issue.

First of all, what this bill does—and the member there never suggested for a moment that any lawyer should be paid \$308,000 and I would challenge any member over there to find a lawyer who makes his or her entire living off legal aid. That is a straw argument that has no bearing on reality. I say to the Attorney General and to the member for Scarborough East, if they want to discuss this bill seriously—and to the member for Nipissing—we have to make sure that the vulnerable have access to legal services. Our contention is this bill will not provide that.

Our contention is that this bill will provide the biggest patronage boondoggle to Tory lawyers we have ever seen. If you want to debate it, Mr Attorney General—he's shaking his head, going no, no, no, no—take it to committee.

Hon Mr Young: You're making it up as you go along.

Mr Duncan: No, it's in your bill. Do you want me to read you the part? Contracting out these services is in the Attorney General's bill. He should know this.

So Attorney General, you scuttled the deal we had among House leaders. We had agreed to province-wide hearings. We had agreed to have them in the north, in the southwest, in Toronto and Ottawa. Have hearings. Come

and put your case. Come and bring forward the lawyers who are going to make \$308,000 a year. Interestingly, by the way, those numbers don't correspond with the law society's. So let's do that and go out and talk about the bill.

The government House leader had agreed to it, the third party had agreed to it, we had agreed to it. This bill merits that kind of consideration. I believe the government's intent to provide more legal services for those who need them. I trust you on that issue. The problem is, there are different ways of getting at it. We should have that opportunity—

The Acting Speaker: The member's time has expired. The member for Hamilton West has two minutes to respond.

Mr Christopherson: I want to thank my colleagues from Nipissing, Thunder Bay-Superior North, Scarborough East and Windsor-St Clair for taking the time to respond.

First of all, to my friend from Nipissing, I'm not 100% sure he was commenting on my remarks. He certainly was reflecting a bit on what my colleague from Niagara Centre had to say. But it's interesting, in denouncing either him or both of us, he didn't address the issues that his own colleague from London West raised. Not one of you has even in a heckle suggested that somehow this person has lost their mind or suddenly they're no longer a Tory or they're not a member of the team. Nobody is saying any of that, for a very good reason. We believe that he has sincerely raised these issues, and I defy anybody to read his comments and determine otherwise. This is someone who likes to co-operate. He's a team player. This is not a good way to get into cabinet: to stand up and oppose a bill of the Attorney General. But he's raised some concerns, and that's all he's done.

Quite frankly, to my colleague from Scarborough East, I say first of all, when he talks about how we feel about this and what we're going to do here in the opposition, I've got to tell you, I, as a member of this Legislature, would like to see some hearings and either be there or read the Hansards, because I'm not a lawyer. If there's going to be an improvement, then I think not only is it the right thing to do as a parliamentarian, I think it's good politics to stand up now and then and say, "You're doing the right thing, government; we're going to support you on it." But I'd like to know a little more than what's here.

In the seconds I have in closing, let me just say this. This bill again affects the most vulnerable. Do you think there's anybody in this province who actually believes that's your number one concern? Give me a break.

The Acting Speaker: So be it. It being after 9:30, this House stands adjourned until 1:30 of the clock tomorrow.

The House adjourned at 2130.

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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	DeFaria, Hon / L'hon Carl (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Tuesday 15 October 2002

SECOND READINGS

Legal Aid Services Amendment Act,

2002, Bill 181, *Mr Young*

Mr Kormos	2095, 2097, 2106, 2108, 2112
Mr Young	2096, 2101, 2112
Mr Marchese	2097, 2101
Mr Miller	2097
Mr O'Toole	2098, 2102
Mr Bartolucci	2101
Mrs Bountrogianni	2101, 2105
Mrs Dombrowsky	2102, 2106
Mr Christopherson	2105, 2108, 2113, 2117
Mr Wood	2105
Mrs Munro	2106, 2109
Mr Gilchrist	2108
Mr Cleary	2108
Mr Ramsay	2109, 2113
Mr Duncan	2113, 2117
Mr McDonald	2116
Mr Gravelle	2116
Mr Gilchrist	2116
Debate deemed adjourned	2117

TABLE DES MATIÈRES

Mardi 15 octobre 2002

DEUXIÈME LECTURE

Loi de 2002 modifiant la Loi sur les services d'aide juridique,

projet de loi 181, *M. Young*

Débat présumé ajourné	2117
-----------------------------	------