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**Official Report
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(Hansard)**

**Journal
des débats
(Hansard)**

Monday 2 December 2002

Lundi 2 décembre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 2 December 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 2 décembre 2002

The House met at 1330.

Prayers.

WEARING OF RIBBONS

Mr George Smitherman (Toronto Centre-Rosedale):

On a point of order, Mr Speaker: I seek unanimous consent to wear red ribbons in the Legislature today in recognition of World AIDS Day.

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

MEMBERS' STATEMENTS

CENTRAL NORTH CORRECTIONAL CENTRE

Mr Dave Levac (Brant): I rise in the House today to respond to a statement from the member for Simcoe North last week about the Central North Correctional Centre in Penetanguishene. I was appalled to listen to the member praise Management and Training Corp Canada for operating a "correctional centre that has represented a win-win situation for everyone involved, including the inmates."

Obviously the member is quite ill-informed when it comes to actual occurrences at CNCC, where over the past year there have been countless problems with many areas at that super-jail. Besides security breaches, which I witnessed on an unplanned tour, guards working entire shifts without meal breaks, a riot which caused severe damage to a whole section within the jail and questionable medical care practices tell me this private prison experiment has not been a success, as the member opposite wants everyone here to believe.

I was outraged this past week when it came to my attention that a male inmate had been sodomized while in custody at the jail last weekend. I have recently been contacted by a former inmate who has recently filed a lawsuit against the province of Ontario and Management Training Centre, the operators of the jail, for an incident which occurred while he was incarcerated at that super-jail. Another inmate bit off his earlobe in a lengthy scuffle in a video-monitored common room. This man suffered numerous injuries before a guard entered the room and is now having problems obtaining that surveillance so that he can do his court case.

This raises a number of questions on the procedures at CNCC and the measures taken to protect those within its walls and the community surrounding it. It's my hope that the Harris-Eves government will soon realize that private, US-based prisons are out of the question in the province of Ontario.

AMYOTROPHIC LATERAL SCLEROSIS

Mr Cameron Jackson (Burlington): ALS, or amyotrophic lateral sclerosis, sometimes called Lou Gehrig's disease, is a rapidly progressive, fatal neuromuscular disease. There are an estimated 1,500 to 2,000 Canadians who are living with ALS. This disease knows no social or economic boundaries and affects men and women in equal numbers. ALS can strike at any time. Generally, there is little impairment of the intellect, sight, touch, hearing or smell even as the disease progresses.

The average life expectancy from the time of diagnosis ranges from three to five years. There is no treatment that prolongs life significantly, although research is looking at possibilities. During the latter stages of the disease, when there is extensive paralysis, home and nursing care are required to assist with the tasks of daily living. The type of care needed can be costly. While provincial health care systems cover some of these costs, patients and families must bear any remaining costs, including some equipment purchases and private nursing.

The recently released Romanow report recommends that the federal government set up a national home care plan. Canadians with ALS know how important this recommendation is, especially for palliative care.

The ALS Society provides advocacy and support to ALS sufferers. Today the ALS Society has been at Queen's Park. I want to welcome the ALS Ontario president, Deborah Lavender, and her team, and encourage them in their important work.

ECONOMIC OUTLOOK

Mr Gerry Phillips (Scarborough-Agincourt): I rise today to ask the Minister of Finance where our economic and fiscal outlook statement is. It is customary that the government prepare this document. Last year, it was released on November 6. It is a key document for the province of Ontario to understand the state of our economy and finances.

Since the Premier has become Premier, frankly, we've seen a series of these things. This year's budget was the

latest it has ever been. In 1995, Mr Eves promised that the budget would be released before the fiscal year started. This year's budget was presented in June, three months after the fiscal year started. The public accounts were released about two weeks ago—these are the audited statements—seven and a half months after the fiscal year closed, the latest we've ever seen them.

By the way, if you look at the public accounts, we still find two sets of books. There's a \$1-billion difference between the financial statements and these financial statements, both issued at the same time. We still have two sets of books, in spite of the fact that the Premier, then the Minister of Finance in 1995, promised that would be eliminated.

I say again to the government, the business world and the province of Ontario looks for sensible, strong leadership. We're not getting that. The latest example is the fact that we still don't have our fiscal and economic outlook, several weeks later than it has ever been.

WEARING OF FLOWERS

Mr John O'Toole (Durham): On a point of order, Mr Speaker: I seek unanimous consent to wear the flower which depicts awareness of ALS, Lou Gehrig's disease.

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

COAL-FIRED GENERATING STATIONS

Ms Marilyn Mushinski (Scarborough Centre): It's my hope today to get a clear answer from the Liberals across the floor about whether or not they plan to close coal-fired electricity-generating plants by 2007.

I understand that there has been a great deal of indecision about this issue within the Liberal caucus. One day they were for closing the plants, the next they were for keeping them open, and then again they flip-flopped. Now, as I understand it, they are for closings, at least for the moment.

It seems that some Liberals believe their leader is blowing smoke on this issue. Understandably, they do not comprehend how Ontario would replace the lost power from the coal-fired plants. I understand that the coal-fired plants contribute approximately 35% of Ontario's electricity, yet Dalton keeps us in the dark about how he would counterbalance this shortfall.

I ask Liberals to come clean today. I ask them to tell voters that they really have no plan to replace the lost generating capacity. Alternatively, I ask them why voters would ever support blackouts and brownouts across Ontario.

Should we call the Liberal leader "Blackout Dalton"? Possibly so, since Dalton's policy will lead to blackouts and people freezing in their homes. Frankly, it's very hard to imagine voters supporting a party that has so clearly failed to do their homework on such an important issue.

SCHOOL BOARDS

Mr Richard Patten (Ottawa Centre): There are times in which I feel this government operates the theatre of the absurd, when black means white and white means black.

Last August, the Minister of Education replaced the Ottawa-Carleton District School Board with a supervisor because, according to the minister, the trustees broke the law by not submitting a balanced budget. Now the supervisor admits he cannot balance the budget, so he will borrow \$13.9 million, even though he has just cut \$3.7 million in special education, a clear classroom cut.

According to the Ottawa Citizen's Randall Denley, "Beyond the political guff, Beckstead's actual plan is pretty thin. A good portion of it involves money that wasn't going to be spent anyway. Just as curious was the reaction of our local Tory cabinet ministers (Baird, Sterling, Coburn) who praised Beckstead for his partial accomplishment. If the local trustees had done the same thing, the Tory thinkers would have had apoplexy. The three cabinet ministers described the fact that the board has spent all its reserves and finished last year with a deficit as a 'shocking revelation.'

"If that was a shock, then they've been on another planet. Wake up guys, and buy a subscription to the newspaper."

The other Tory MPP, Mr Guzzo, Ottawa West-Nepean, is quoted as saying, "Yes, I think he should be replaced."

I agree with Mr Guzzo. Mr Beckstead should be replaced by giving the board back to the trustees, who were totally vindicated by this process, and funding the board adequately, as Mr Beckstead himself has shown is much needed.

1340

PRESS GALLERY CHARITY AUCTION

Mr Tony Martin (Sault Ste Marie): It's snowing in northern Ontario and people are skiing. Searchmont ski resort, in the mountains of the midwest, just north of Sault Ste Marie, opened up just in time for the American Thanksgiving weekend. Mike Brown and I presided over the official opening on Saturday.

Imagine fluffy snow everywhere and hundreds of people—families, children—shushing, skiing, snowboarding down the slopes. This phenomenon coincides with the annual press gallery charity auction on Wednesday evening this week right here in the pink palace, and yet again three Sault Ste Marie boosters, businesses promoting our city and region, have put together a package not to be missed. To be auctioned off: a two-night stay at Algoma's Water Tower Inn, two days of skiing at Searchmont Resort and, yes, airfare for two from Toronto via Air Canada Jazz.

So jazz it up and bid on two nights at a resort for the price of a room and ski till your heart is content at Searchmont ski resort. Get into winter. Get out in the

snow. Come on up to the Soo and enjoy our unparalleled hospitality. Come on out to the press gallery charity auction on Wednesday night. Bring your friends, support the United Way and have a really good time at the same time.

MEGHAN LOHSE

Mr John O'Toole (Durham): I am pleased and excited to rise in the House today to say that my wife, Peggy, and I are thrilled to announce the arrival of our first grandchild. Meghan Elizabeth was born Monday, December 2, at 6:30 am Australian time at Calvary Hospital in North Adelaide. Meghan weighed in at seven pounds, 13 ounces. Proud parents are our daughter Rebecca and our son-in-law David Lohse. I'm pleased to say that mom and daughter are both doing fine.

Meghan Elizabeth is the granddaughter of Jane and Roden Lohse of Lithgow, Australia. She is the great-granddaughter of Elizabeth Woods, Madge Hall and the late Claire and Ruth O'Toole, George Woods and Ron Hall.

Our other children, Erin, Marnie, Andrew and Rochelle, are of course thrilled to welcome this newest member of our family. I think each of us would agree that Christmas has come early for our family and our household.

It is at times like this, with the arrival of a new generation, that we understand more clearly the importance of the work we do here in this Legislature each day. We must continue to realize that our decisions are not just for today or tomorrow, but for a future that now includes our children and grandchildren.

My wife, Peggy, is excitedly looking forward to travelling to Australia on December 26 to visit Rebecca and her daughter, Meghan.

MARJORIE HOUSE

Mr Michael Gravelle (Thunder Bay-Superior North): Last week, I had the opportunity to visit Marjorie House, a women's emergency shelter in Marathon which provides a safe haven for victims of domestic assault in the Marathon catchment area. Sad to say, but the cruel reality for agencies such as Marjorie House is that their occupancy rates are continuing to increase as more women and children seek the safety of these desperately needed services.

But what's so startling about that reality is that despite this increased need, the Ministry of Community and Family Services has brought forward a plan which not only recommends the closing of the community residence in Thunder Bay but would reduce the number of beds available at Marjorie House as well as the family resource centre in Geraldton from 10 beds to two by April 2004.

Not only that, but the plan also calls for one regional crisis line to be put in place, replacing the crisis lines

presently run by the staff at Marjorie House—a truly stupid and bad idea.

Minister Elliott, I often feel that your government lacks the necessary awareness of regional realities and distances in the north, but this particularly insensitive plan truly boggles the mind. Let me be very clear, Minister: this is a bad plan that must be stopped in its tracks. You can do that today by instructing your ministry staff to withdraw this plan immediately.

At a time when needs are increasing and your own government wants to brag about its so-called increased commitment to address domestic violence, all of us in the Thunder Bay district are at a loss as to how you can possibly justify these massive reductions in service. Women and children who are fleeing domestic assault in Marathon or Thunder Bay should not be punished because they live far from downtown Toronto. We demand that you understand that as well by stopping this ill-thought-out and remarkably insensitive plan right now.

HEALTH CARE

Mr Bart Maves (Niagara Falls): Roy Romanow has released his long-awaited report on health care reform in Canada. The report, released on November 28, 2002, validated the Ernie Eves government's long-standing belief that more health funding is needed from the federal Liberal government. It's quite telling that while Ontario Liberal leader Dalton McGuinty tries to create fear around Ernie Eves's innovations to provide universally accessible, publicly funded MRI services in independent health facilities, McGuinty's federal Liberal cousin, Anne McLellan, the Minister of Health for the government of Canada, disagreed with McGuinty, saying, "I think" independent health facilities "do play an important role in terms of providing advanced diagnostic services. My view has been that if clinics are providing medically necessary services they should be covered by the Canada Health Act."

After seven years of saying the feds spend enough on health care and refusing to stand up to his federal Liberal cousins, Dalton McGuinty now says he supports Romanow's call for more health care funding from the federal government. Where was Dalton years ago when the Ontario PC Party began the national debate, brought premiers from coast to coast on board, brought the issue to the top of the national agenda and forced the federal government's hand to create the Romanow commission in the first place?

Dalton McGuinty has not released a health care plan for Ontario. He's simply not even part of the dialogue. The entire Dalton McGuinty health care plan on the Liberal Web site, all 147 words of it, is ideas cribbed from this side of the house. Leadership takes courage. Ernie Eves and the Ontario PC Party team have it and have led the way with innovative solutions and unparalleled health care funding for the past seven and half years. Dalton McGuinty? He's still not up to the job.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mrs Margaret Marland (Mississauga South): I beg leave to present a report from the standing committee on the Legislative Assembly, pursuant to standing order 109(b).

The Speaker (Hon Gary Carr): Mrs Marland presents the committee report. Does the member wish to make a brief statement?

Mrs Marland: No, it's a very straightforward report. I won't make a statement.

The Speaker: I thank the member. Pursuant to standing order 109(b), the report is deemed to be adopted by the House.

INTRODUCTION OF BILLS

REDEEMER UNIVERSITY COLLEGE ACT, 2002

Mr Wood moved first reading of the following bill:

Bill Pr14, An Act respecting Redeemer University College.

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

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.

MOTIONS

COMMITTEE SITTINGS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that the standing committee on finance and economic affairs be authorized to meet to hold pre-budget consultations on January 27, 28, 29 and 30, 2003, and February 3, 4, 5, 6 and 20, 2003.

The Speaker (Hon Gary Carr): The member, I believe, needs to ask for—

Hon Mr Stockwell: I apologize. I ask for unanimous consent.

The Speaker: Consent to move the motion? I can't keep track. Is it the pleasure of the House? Consent.

Mr Stockwell has moved the motion. Agreed? Carried.

1350

WORLD AIDS DAY

Hon Tony Clement (Minister of Health and Long-Term Care): On a point of order, Speaker: I seek

unanimous consent to allow statements by the parties for up to five minutes on the occasion of World AIDS Day.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed. The minister, to start us off.

Hon Mr Clement: I rise in the Legislature today in light of the World AIDS Day 15th anniversary, which has been entitled Live and Let Live.

By the end of 2001, an estimated 40 million people were living with HIV. That number is expected to escalate by another five million cases per year. Furthermore, in 2001 alone an estimated three million people lost their lives to AIDS. That's over 8,000 deaths per day. The disease knows no boundaries. There are a reported 22,000 people right here in Ontario who are currently living with HIV.

That's why World AIDS Day is so important. It's a day to affirm our support for people living with HIV and an important opportunity for us to demonstrate our high regard for the doctors, nurses and other health care providers throughout Ontario who have responded to HIV/AIDS with such skill, compassion and dedication.

Past government initiatives include the establishment of the Ontario HIV Treatment Network, the Community-Linked Evaluation AIDS Resource Unit and the injection drug user outreach program. I want to assure the House at this time that HIV/AIDS prevention, care, treatment and support will continue to be priorities for the Ernie Eves government, and we'll be spending almost \$50 million in 2002-03 for HIV- and AIDS-related programs.

The government's 37 boards of health collaborate with school boards to provide education to students about HIV and AIDS, in addition to providing needle and syringe exchange programs as part of our harm reduction program. As well, our government provides funding for supportive housing for people living with HIV and AIDS, and programs that provide volunteer-based in-home hospice care.

Ontario HIV diagnostic testing ensures that a very high standard of testing is maintained, and approximately 300,000 tests per year are conducted. Through our province-wide AIDS hotline, people can access information and counselling in both English and French. Approximately 90,000 calls are answered annually.

We're all proud of Casey House, a 12-bed residence and hospice program for people at the end stages of AIDS, which offers medical and nursing services, counselling and nutrition services.

All these initiatives demonstrate that health promotion and disease prevention have to be at the top of this government's health care plan.

We have come so far, but there is still so much more that has to be done. That is why I have directed that our AIDS strategy be renewed and reviewed in the months ahead. I learned a lot by attending the International AIDS Conference this past July, where it was absolutely clear that Ontario is at the forefront in both research and treatment. But we simply cannot rest on our laurels.

I'm proud of the outstanding achievements of the Ontario HIV community: people living with HIV/AIDS,

the health providers, the researchers, the clinicians and the community workers throughout this province. I'd like to take this opportunity in the House to thank the Ontario Advisory Committee on HIV/AIDS and its co-chairs, Dr Don Kilby and Mr John Plater, for their absolutely outstanding and uniformly excellent work in providing me with expert advice on all aspects of HIV/AIDS. I'm eager to learn more about the issues from this advisory committee when we sit down next in January to review our proposals for change.

On behalf of the Ernie Eves government, I would also like to thank those individuals as well as the many volunteers whose tireless efforts have lightened the burden of people living with HIV/AIDS and their loved ones.

I think it's accurate to say that a society is judged in large part by how it takes care of its sick and its infirm, simply those who cannot take care of themselves. That is why I am so proud that we in this government are working with the people of this province to help make an Ontario that is a better place for all people living with HIV/AIDS.

Mr George Smitherman (Toronto Centre-Rosedale): As a gay man, it is with a heavy heart that I stand on behalf of the Liberal caucus and my leader, Dalton McGuinty, to offer some words on this the 15th annual World AIDS Day.

I want to start by paying tribute to three individuals—Louise Binder, Jim Wakeford and Ron Rosenes—who all have AIDS and who continue to be incredibly passionate spokespeople and do such an effective job of making sure I'm aware of the issues that are affecting that community.

I want to pay tribute to the courage of those people in my community and in all of our communities living with HIV and AIDS, for the courage they show in confronting health battles that I think many of us are so fortunate not to have to deal with, and especially to those caregivers, to those people who work in voluntary capacities and as our paid medical staff, who do such an extraordinary job of extending the quality of life and helping to find new advances in treatments, services and pharmaceuticals that really have done so much to improve the quality of life for people living with HIV and AIDS.

I note that the theme of this year's World AIDS Day is Live and Let Live, but the unfortunate reality for those living with AIDS is that too many of them find early death. The stunning statistic that three million people last year succumbed to AIDS is a wake-up call, if one were ever needed on this issue.

The numbers in the world demonstrate that AIDS is a growing pandemic: some 42 million infected people worldwide, 75% of them in Africa. In Botswana, 39% of all of the people living in that country have HIV or AIDS. It's a growing concern in Russia, India and China.

I was looking back on some of the past statements that have been made. Two years ago, Frances Lankin, speaking on behalf of her party, noted that 33.6 million people then were affected worldwide by AIDS. The number is now 42 million and growing in a very serious

way. Here in Canada, an estimated 50,000 people are living with HIV and AIDS, 4,200 new cases annually.

In my own community, we're forced to confront the reality that while medications have extended the lives and the quality of life for people living with HIV and AIDS, that they've turned that disease into a chronic and somewhat more manageable disease, this has created an artificial sense of security for many younger people. We need to continue to enforce the message that this is something where personal responsibility needs to be the bottom line, that people have to take responsibility for their own lives, that we need to address that artificial quality of life.

In 2002, AIDS has touched me in a very, very personal way. The AIDS Committee of Toronto lost one of the most inspirational people I've ever met, a man by the name of Charles Roy, who was a world leader in the fight for better treatment, the fight against HIV and AIDS.

This Liberal caucus has a staff person by the name of Markus Wilson. Earlier this year we gathered around as a community, the family of a caucus, and raised money, and a bunch of us have been very involved in helping Markus while he continues to fight a valiant struggle. He has pretty good health, as I spoke to him this morning. It reminds us all that this is something that has touched so many of our families.

In my own political world there's a young man who moved to Toronto from not too far outside of Toronto, who is 20 years old, and earlier this year he tested positive for HIV. This helps underline that we have a lot more work to do.

I think this is one of those issues where leadership from political parties who were the government of Ontario, all three of them, means that as Ontario legislators we should be proud of the work we've done but should commit ourselves as well to make sure we continue to do all that is necessary: support for the kind of education that makes sure people understand that while treatment has improved, this is still a huge, huge risk.

We need to make sure that things like ODSP and the Trillium drug plan are working properly for people. We need to get back to the point where the province of Ontario supports nutritional supplements for people living with HIV and AIDS. We need to make sure that the work we've done on prenatal HIV testing, which works very hard to ensure that HIV is not passed from mother to baby, reaches out into more rural and isolated parts of our province to make sure there's a high level of awareness and that OB/GYNs and midwives in more rural parts of our province are aware of the best treatments and are making sure that those are effected.

By continuing to work together, I think we in Ontario can continue to be proud of the work we've done to preserve the lives of those living with HIV and AIDS.

1400

Ms Shelley Martel (Nickel Belt): I find no pleasure today in rising to acknowledge World AIDS Day, but we do so out of a need that we have, particularly on this day but frankly at all times, to ensure that we are addressing

and providing a response to this disease. UNAIDS, the United Nations agency that is charged with combatting the spread of HIV, reports that there now are 42 million HIV-positive people worldwide. There will be five million new infections this year around the world—800,000 of them children—and 3.1 million people will die.

Here in Canada, six people under the age of 25 are infected every day. Indeed, despite growing public awareness, HIV/AIDS infection rates have remained steady. Today there are nearly 50,000 Canadians living with HIV or AIDS. AIDS and HIV touch all of us in all our communities. For many of us, they have touched our families and our friends.

The HAVEN outpatient clinic at the Sudbury Regional Hospital estimates that about 300 people who live in the Sudbury area now have AIDS or HIV. Today, that outpatient clinic is launching a campaign to raise awareness, challenge the HIV/AIDS stigma, end discrimination and promote HIV prevention methods.

Communities across this province have rallied large campaigns to increase public awareness and build government support for HIV and AIDS prevention and treatment. We should not forget how many ways other people in those communities take action by providing support to people in those final days.

I want to talk for a moment about what barriers people living with HIV and AIDS still face here in Ontario, because frankly, the government record on removing those barriers is truly inadequate. While each year this government talks a good line, the reality is that they have not acted to remove the barriers to people living with HIV and AIDS. For example, drugs: over the years we have mentioned in this House on numerous occasions that in our conversations with doctors treating patients with HIV and AIDS, they are overwhelmed by the mountain of additional paperwork and bureaucracy the government creates. At a time when people living with HIV and AIDS need timely treatment, the government has created a double standard. It is just obsessed with red tape for these individuals.

The NDP government introduced the Trillium drug plan, but we know right now that there are some very significant issues with respect to the drug plan. There was a CTAC alert that was released on November 21. It said: "Ontario Formulary Coverage at Risk...."

"There are increasingly unacceptable delays and a refusal to add important new medications, formulations and vaccines for children to the provincial formulary. Also, section 8 requests for exceptions to the formulary rules are either being denied or languishing in the system without reply."

I ask the government, why is it denying people with HIV and AIDS reimbursement for life-saving medications? Why is the government refusing to pay the cost of meningitis, chicken pox or pneumonia vaccines for HIV-positive children? We have about 110 perinatal HIV-infected children in the province. At a cost of about \$600 for these three vaccines, surely the government could

make an exception and pay for vaccines for these families.

Nutritional supplements: Frances Lankin stood in this House in 1999 and demanded that the government reverse the policy to refuse funding for nutritional supplements unless they are a person's sole source of nutrition. We have to rise and demand that the government do the same again today. The government made a choice to enforce a policy that was not intended to apply to people who have a medical need for nutritional supplements, but that's just ridiculous. Supplements are just that: supplements. It's no answer to say that people can buy them off the shelf. They're far too expensive, and many of these people are on disability benefits and don't have the income necessary to do that. We also know that when this government made that decision, they must have known this would directly affect HIV and AIDS patients, but they have still refused to change this policy.

We're also very concerned that this government, in downloading public health costs, has also downloaded concerns from many consumers, many people who deal with HIV and AIDS, that some municipalities don't recognize the need for ongoing AIDS prevention programs. Some municipalities, overwhelmed with the costs that this government has downloaded in so many other areas, aren't addressing those concerns, aren't paying for those programs, and they should.

On this day, World AIDS Day, we call on the government to do a number of things: get the necessary drugs covered under the Ontario drug formulary in a timely fashion; fund vaccines for HIV positive children; get rid of the red tape that doctors are facing; bring back the nutritional supplements; and get back in the business of funding public health.

Today we need more than words. We need some action from this government in reducing these barriers.

VISITORS

Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing): On a point of order, Mr Speaker: I am very proud of the fact that I have one of my residents, Nicholas Butte, as a page in this place. I'd like to welcome his mom and his brother, Alistair, here today in the gallery.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: We're advised, and if this is incorrect I'll be corrected, I'm sure, that the Premier has to leave at 2:55 this afternoon. That puts us in some difficulty. By way of resolving that problem, might I—

Interjection.

Mr Kormos: Yes. Might I suggest that the government consider agreeing to standing down the government backbench questions so that the opposition has availability to the Premier?

The Speaker (Hon Gary Carr): I believe the member is asking for unanimous consent for that. Is there unanimous consent? I'm afraid I heard some noes.

ORAL QUESTIONS

HYDRO DEREGULATION

Mr Michael Bryant (St Paul's): My question is to the Minister of Energy. To the minister who during estimates committee could not read a typical energy bill, who referred to energy bills as gobbledygook, to the minister who referred to energy bills as “confusing” today in an announcement that the government was retaining a \$1,000-a-day consultant to try and make energy bills comprehensible, my first question is this: why weren't the bills made comprehensible before you opened up the marketplace on May 1?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): First, let me correct the member opposite. His facts are wrong, and this is not the first time that has happened. The individual in question has agreed to provide services over the course of not just the first 30 days where they'll make progress, but for the two or three months that they'll spend conducting a review at a capped rate of up to \$25,000; so it could be less. I hate to take the bluster out of the question of the member opposite, but in fact he is wrong; it's not the case.

I think it is appropriate that we look at not just the presentation of the bill to consumers but why there's such a huge differentiation on the customer charge. In the city of Thunder Bay it's a rather modest charge. In the city of Toronto it's rather high. In Hydro One, which is owned by the government of Ontario and the people of Ontario, it's considerably higher. We want to ask ourselves why this is the case, and also to look at the IMO uplift charge. I think that's the responsible thing to do.

Mr Bryant: I thank the minister. I hadn't realized what a bargain you have struck: \$25,000—wow, 25,000 taxpayers' dollars to clean up incomprehensible bills that should have been comprehensible before you opened up the marketplace on May 1. Oh, I'm sorry; I hadn't realized what a bargain this was.

I want to ask you this, Minister: last time I checked, you had a lot of people working over there at the Ministry of Energy, and I understand you struck a real bargain at \$25,000. But I'm wondering why the people who are already on the public payroll aren't out to fix this. Second, you didn't answer my first question: why wasn't this done before the marketplace was opened?

Hon Mr Baird: I was pleased that the member opposite remembered that he had to put a question into that. We did undertake some comprehensive reform with respect to electricity, recognizing that the former Ontario Hydro was the Titanic of utilities and an iceberg was in sight, that we couldn't sit back and watch debt continue to accumulate to the tune of \$38 billion.

1410

With respect to the efficiencies at the Ministry of Energy, it is a group of people made up of extraordinary public servants who do an outstanding job for the people

of Ontario. We have one deputy, one assistant deputy minister and just two directors. It's a small, lean machine, but I think it does a phenomenal job for the people of Ontario. That's why we wanted someone who could bring a fresh perspective to the table to look at these charges.

I was pleased that the member opposite attended the press conference and said he was supportive of the process.

Mr Bryant: Nice try. We have been calling for the cleanup of these bills for some time.

Not only did you announce this \$25,000 consultant to clean up bills that you should have cleaned up before May, you also announced that you were going to spend \$1 million on an ad blitz—\$1 million. So not only have you shipwrecked the electricity system, not only are there enormous incompetence costs for what the government has done, but you are now going to spend \$1 million of Ontarians' money to spin you out of political perdition.

My question for you is, why on earth are you spending Ontarians' money to clean up the mess that you created in the first place?

Hon Mr Baird: This was a figure that we had released more than two weeks ago, so it won't come as a surprise to many. We feel we have a responsibility. There were a whole lot of working families throughout Ontario, struggling small business people and farm operators who were concerned about the bill on the kitchen table and who were also tremendously concerned with respect to what the future held. I think we have an important responsibility in government to report back to the people we serve and to let them know of the initiatives that the government is presenting for consideration. In doing that, we want to ensure that the people of Ontario are fully aware that their government is taking action to deal with a significant public policy concern in the province.

CONFERENCE FACILITIES

Mr Dwight Duncan (Windsor-St Clair): I have a question for the Chair of Management Board. Minister, across the street in the Macdonald Block there are more than 20 conference rooms available for use by your ministries. Oftentimes, those rooms sit empty. It turns out that they're empty because your government is spending millions of tax dollars on expensive hotel meeting rooms instead. Public accounts documents show that last year you spent \$4.2 million on expensive hotel conference rooms. In fact, while publicly owned conference rooms sat empty, you spent \$80,000 at the Sutton Place Hotel, just across the street. You also spent \$800,000 at the Delta Chelsea, just a few short blocks away.

Can you explain today how it is that your government, a government that has preached restraint on so many others, has been able to find \$4.2 million in the last year for conference rooms while our own conference rooms have sat empty many days?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): First of

all, I think the individual questions should be addressed to individual ministers. But let's take a look at past records as well. I don't question the fact that things need to be tightened up in many areas, but let's set the record straight here. For example, this is from the public accounts, 1989—

Interjections.

Hon Mr Tsubouchi: No, I want to just compare things, if I can. In fact, in 1989, the public accounts set the bar, so to speak. Let's just take a look at the Minister of Labour. Let's look at 1987-88 for another year. In 1987-88, the Ministry of Labour spent \$35,059 at the Witness Box Restaurant and Tavern, which sets up a kind of pattern because in 1988-89, the Ministry of Labour spent \$38,367 at the Witness Box Restaurant and Tavern. Of course, in the year 1986-87—once again, a Liberal government—they spent \$107,192 at the Inn on the Park.

There must have been—

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

Mr Duncan: In fact, Minister, your government spent four times more than any previous government in the history of this province. Your government spent four times more. In fact, it was your ex-Premier who criticized former governments, and within a few short years he quadrupled those expenditures.

Last year the Ministry of Education, while it was telling Toronto schoolchildren they had less money for their classes, spent \$150,000 at the Delta Chelsea. Last year, while seniors were expected to go with one bath a week in nursing homes, the Ministry of Health spent \$500,000 on expensive conference rooms. Double-cohort kids are being packed three to one into dorms, but the Ministry of Training, Colleges and Universities spent \$350,000 on luxury hotel conference rooms like the White Oaks conference room. In fact, your government, which preaches restraint, spent four times more than any previous government on outside hotel conference rooms.

How can you justify those types of increases—four times what any previous government spent on the same thing? How can you justify that in the context of your rhetoric about restraint that you've imposed on so many others?

Hon Mr Tsubouchi: Unless the member across is totally blind, he would understand that these conference rooms are being used not simply by the government but by many organizations, as they were under your government and the NDP government. These are offered to many non-profit organizations and many good organizations that come and utilize these meeting rooms. You can't fail to walk by and see them being utilized all the time. Let's be fair about this. This practice is no different than under your government—I'm not saying it's good.

Now let's talk again about apples to apples. Here's another ministry—I guess this was the consumer ministry. They used the Sutton Place Hotel in 1988-89, for a total of \$54,000, 1987-88; \$47,000, 1989-90; \$44,000; and the Four Seasons Hotel, \$86,517. Let's deal with the consumer ministry.

I've got a huge list of these things—public accounts, clearly available.

Interjections.

Hon Mr Tsubouchi: Don't tell me how to do things. You guys have no idea yourselves

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

Mr Duncan: Your government spent \$4 million to \$1 million by the next closest government in the history of this province, four to one—your government, under your watch. Today, for instance, you have 22 conference rooms over there. Fourteen of them, 63%, were sitting empty this morning. When shelters for the homeless were overcrowded, the minister responsible said, "This isn't the Holiday Inn," and then she turned around and spent \$104,000 on the Holiday Inn for various officials.

We also learn now that the Rozanski report on your flawed funding formula will be released next week. Where are they doing it? Are they doing it across the street? No. Are they doing it in the building? No. They're doing the lock-up at the Metro Toronto Convention Centre. How can you justify these kinds of expenses when your government has spent four times more—\$4 million to \$1 million—than any other government in the history of this province, all the while practising restraint?

Hon Mr Tsubouchi: It's a curious thing that the member across is talking about. It's my understanding that this particular member worked for the Liberal Ministry of Labour under David Peterson. Let's talk about the Ministry of Labour while you were there, sir: 1986-87, \$107,192, Inn on the Park; 1987-88, \$35,059, Witness Box Restaurant and Tavern; 1988-89, \$38,367, Witness Box Restaurant and Tavern; 1988-89, \$119,489, Holiday Inn; 1989-90, \$79,588, Holiday Inn.

Sir, you were at the Ministry of Labour. Come on; give me a break.

PRIVATE HEALTH CARE SERVICES

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. I see from reading this week-end's newspapers that you have jumped on the private health care bandwagon. You've indicated you're going to continue with your plans for private MRIs, private CT scans, more private home care and privately built hospitals.

On Thursday, I asked your Minister of Health if he could produce one study, one shred of evidence that shows that bringing profit-takers into the health care system saves lives or saves money. He couldn't produce a study—not one study. So I ask, do you have an answer? Can you show the people of Ontario one shred of evidence that proves that adding profit-takers to the health care system will save lives or money in the health care system?

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Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Surely the leader of the third party knows there are literally hundreds, if not thousands, of

procedures that are administered by the private sector under the auspices of the public health care system in this province every day. Kidney dialysis, blood tests and all kinds of things are done by the private sector through the publicly administered, universally accessible health care system in the province of Ontario.

Anne McLellan, the federal Minister of Health, acknowledged that over the weekend. She is not suggesting, and she believes that Mr Romanow is not suggesting for one moment, that the 35% to 40% of the dollars that are private sector dollars in the health care system today be removed. If we did, the health care system not only in the province of Ontario but virtually in every province across this country would come to a grinding halt.

We on this side of the House happen to agree with the five basic principles of the Romanow report, because we are already practising them here in the province of Ontario, unlike some other jurisdictions in this country.

Mr Hampton: We're well aware that your government is trying to move more and more of the health care services into private or profit-driven clinics. That's not the issue. We can see that evidence. I'm asking you, can you produce a study for the people of Ontario, one shred of evidence, that says this saves money in the health care system or that it saves lives?

The Romanow report is very clear on cost. They say their studies show that public-private partnerships cost more. On patient care: "a comprehensive analysis of the various studies ... concluded that for-profit hospitals had a significant increase in the risk of death."

Premier, that's the evidence that the Romanow commission uncovered. Do you have any evidence whatsoever to show the people of Ontario that dragging in more profit-takers, more private clinics, is going to save any money or save lives? The Romanow commission says there isn't any. Do you have some?

Hon Mr Eves: The leader of the third party wants to talk about studies. We want to talk about actual results and what's going on in the real world out there every day, not just in the province of Ontario but across this country.

I have personally talked to Mr Romanow four times during the course of his deliberations, many times at length. He has indicated to me personally that nothing in the province of Ontario is offside with respect to the Canada Health Act or delivery of services under a universally accessible, publicly administered health care system in the province.

Indeed, in the province of Saskatchewan, where Mr Romanow was of course the NDP Premier of that province and where it is said that health care as we know it in Canada today was born, there are many private clinics operating in the same way they do here under the publicly administered, universally accessible health care system. Surely you're not suggesting that all those be closed.

Mr Hampton: What I'm suggesting is what Mr Romanow says. For example, on page 64 of his report, he

says very clearly that, for example, private MRIs are totally out of whack when you look at the Canada Health Act and what's happening to patients. He's saying in his report that MRIs, CAT scans, should be brought within the public health care system and that if governments like your government want to promote private MRIs, then you should lose some of the federal funding.

Premier, you're the one who said you wanted to bring discipline to hydro by moving to the private sector. Well, you did that with Hydro One, and what did we see? Hydro ratepayers paying for yachts and Eleanor Clitheroe's expensive lifestyle. Can you tell the people of Ontario how moving to more and more private, for-profit health care is going to provide discipline, is going to save money and lives? Romanow doesn't think so.

Hon Mr Eves: First of all, the very facilities that the leader of the third party is talking about are administered under the auspices of the Canada Health Act. They are administered by OHIP, the publicly administered health care system in the province of Ontario. There are literally tens, dozens, maybe hundreds and thousands of private clinics, private diagnostic and treatment procedures such as kidney dialysis provided by the private sector under the auspices of the public health care system.

When David Peterson's government was in vogue, they introduced six MRIs into the province of Ontario. When your government, Bob Rae's government, was in vogue, you introduced six in five years as well. We have now introduced over 40, soon to be 47, MRIs in the health care system in the province of Ontario. That means more access for more people, who get quicker treatment and reduced waiting lists. There is no queue-jumping allowed. It is going to be administered under the publicly administered health care system in the province of Ontario, as it is in virtually every province across this country. Nothing is offside, according to Mr Romanow himself.

HYDRO DEREGULATION

Mr Howard Hampton (Kenora-Rainy River): To the Premier again: I take it the Premier still can't find the study showing that it saves money or lives.

We've been reading the details of your latest hydro legislation and we've discovered that it provides for increases to people's hydro bills through something called rate riders. We found that one rate rider will be to add to people's hydro bills the \$500-million cost of implementing hydro deregulation. Why didn't you tell the hydro consumers of Ontario that just implementing hydro deregulation would add another \$500 million to their hydro bills?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The Minister of Energy will be able to respond.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I listened with great interest to the leader of the third party's comments on Friday. With respect to the issue he raises, there's

nothing new in the legislation. In fact, all local distribution companies and market participants had to make expenditures for new technology with respect to the market opening. That's still information technology that they require to operate in the future. They have to, in the future, before we presented Bill 10 to this Legislature, make application to the Ontario Energy Board to have those costs first assessed and then how they would be applied in the future. The legislation does nothing to intervene or change that process, beyond saying that this government has responded to the real concerns of working families and small business people to cap hydro rates until the spring of 2006.

Mr Hampton: I think I know why the Premier didn't want to answer the question. The Premier was the Minister of Finance in 1998, and nowhere in 1998 or 1999 did the Premier, as then Minister of Finance, tell the people of Ontario that just to implement hydro deregulation was going to add \$500 million in costs to the hydro bill. Premier, why didn't you tell people that? Why didn't you tell them that just to implement hydro deregulation was going to add another \$500 million to the hydro bill? Were you worried that they might then say, "Obviously, this is a bad thing. Don't do it"? Why didn't you tell them then, when you knew it was going to cost at least \$500 million?

Hon Mr Baird: It's self-evident that when you moved from an old system that was racking up \$38 billion in debt to the people of the province of Ontario, it would require some effort to try to turn things around.

I don't know why the leader of the third party didn't campaign, when he ran in 1990, saying, "My name is Howard Hampton and I want to raise hydro debt by \$3 billion." When they presented successive budgets in this province of more than \$10-billion deficits, why didn't they look at every child in this province and say, "You're going to be paying tens of billions of dollars in interest on these budgets"? The member opposite is not one to lecture anyone in the province of Ontario on fiscal accountability and responsibility.

We recognize that the old system that had racked up debts of \$10,000 per household in this province was unsustainable. We recognize that it's immoral to ask a new child born this morning in the province to pay \$3,000 in debt and interest with respect to hydro debt. That's why we had to change things. Our government has the courage to do that.

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MINISTERS' EXPENSES

Mr Dwight Duncan (Windsor-St Clair): I have a question for the Premier. Last week, the Chair of Management Board, in referring to Bill 216 with respect to ministerial and leaders of the opposition expenses, said you had crafted expense legislation very carefully. That means it was either incompetence or intention that left Mike Harris's and Cam Jackson's expenses exempted from the bill.

Can you tell the House today why, under the ministers' and former ministers' expenses, Mike Harris's and Cam Jackson's expenses will not be subject to mandatory review by the Integrity Commissioner? And can you tell me why their expenses will not be released to the public under this proposed legislation?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, the honourable member surely knows, if anybody knows, being a member of the Liberal Party, that Mike Harris's expenses have been FOIed 12 times, and he certainly was an active participant, or his party was, with respect to some of those FOI requests. Similarly, Minister Jackson's expenses have been FOI'd and they have been there for everybody to see, as indeed have former Premier Harris's. So there is no contradiction. Those things are open and they are still FOI-able, as we go forward, under the freedom of information act. All the FOIs that are outstanding will be tabled tomorrow.

Mr Duncan: Premier, you're no doubt aware that the FOI process is expensive, slow and subject to manipulation. For instance, in the answer to my earlier question, the Chair of Management Board said that I worked for the Ministry of Labour in 1988 and 1989, which was wrong. I wasn't at Queen's Park.

Presumably you brought in the legislation to deal with that. So you have a mammoth review that's going on, not subject to review. You're making other people's expenses and staffs retroactive. Why weren't Mike Harris's and Cam Jackson's? You should amend the bill and demand that all former cabinet ministers and parliamentary assistants since 1995 release their expenses to the Integrity Commissioner. You should amend it so they'll be made public and reviewable, and if in fact they weren't allowable, they should be repaid. Why would you do that to Bob Rae, Lynn McLeod and others and not make your own ministers and parliamentary assistants subject to those provisions?

Hon Mr Eves: Who are the others he's talking about, other than Bob Rae and Lynn McLeod and of course his own leader and the current leader of the third party? I presume, silly me, that when the opposition members stand up every day in this House and ask about expenses of current and former cabinet ministers—all of which are FOI-able, all of which are obtainable under freedom of information—surely they want to hold themselves to the same standard that they expect of cabinet ministers and parliamentary assistants on this side of the House. I look forward to reviewing the expenses, not only of the leader of the opposition and the leader of the third party, but every single one of his 47 staff for the last seven years.

NORTHERN ROADS IMPROVEMENT

Mr John O'Toole (Durham): My question is to the Minister of Northern Development and Mines. You announced on Saturday night that the government was increasing the budget for northern highways. I know your ongoing commitment to the north, I understand and

respect that dedication and commitment, but I only hope the member from Sudbury hears this response today from home.

Hon Jim Wilson (Minister of Northern Development and Mines): Our government is committed to ensuring safe and efficient highways in northern Ontario. As a catalyst for growth and development and the creation of jobs, earlier this year we announced a budget of \$255 million, which was a record at that time for northern Ontario highways for this fiscal year. On Saturday night, in conjunction with the Minister of Transportation, I announced an additional allocation of \$11 million to cover highway improvements in the north-eastern part of the province. This additional funding is allowing for repairs to Highway 11 near Gravenhurst, Highways 652 and 668 near Cochrane, Highway 101 near Timmins, Highways 17, 535 and 144 near Sudbury and Highways 518 and 520 near Parry Sound, among others.

This past September, I also announced an additional \$5 million for highway improvements in northwestern Ontario, including \$3 million to cover emergency repairs in the Rainy River and Kenora districts following flooding.

This brings our highway allocation this year in northern Ontario to a record \$271 million, or \$1.6 billion over that since 1995.

Mr O'Toole: That's absolutely amazing—\$1.6 billion. That commitment should not go unnoticed. I understand and appreciate, Minister, the ongoing commitment of you and your ministry to put the interests of the north first in your mind and in your heart. I understand also that there is funding for repairs to local roads, Carling township and the archipelago. Is this funding also part of the highway budget you just discussed with the House today?

Hon Mr Wilson: Also on Saturday night in Parry Sound we were able to announce additional funding for local roads in Archipelago and Carling townships. This money comes through the northern Ontario heritage fund and is in addition to the money provided by the Ministry of Transportation.

Interjection.

Hon Mr Wilson: I can hear that.

One hundred thousand dollars will go to help upgrade four roads at the south end of Archipelago township. The work involves repairs and resurfacing of nine kilometres on Kapikog Lake Road, Crane Lake Road and Agaming Road.

Carling township will receive \$200,000 to upgrade Snug Harbour Road and Dillon Road, two heavily travelled township roads. Normally the province wouldn't be involved in the rehabilitation of these roads, except through the heritage fund, but these are high-volume tourist roads. They help create a lot of jobs in these townships and in this northeastern part of northern Ontario. We're very proud that the northern Ontario heritage fund and our northern members, Mr Miller and Mr McDonald, we were able to participate in this deci-

sion in helping out the townships and helping the flow of tourist traffic in that area.

ANAESTHETISTS

Mrs Sandra Pupatello (Windsor West): My question is for the Minister of Health. Yesterday we learned that yet again your government is forcing the closure of four more operating rooms in downtown Toronto through the university network of hospitals. They're being forced to close their operating room doors because they don't have enough anaesthetists. You've known about this for over a year, and you've done nothing about it. Can you tell us today what your plan is to solve yet one more crisis in the health system?

Hon Tony Clement (Minister of Health and Long-Term Care): Let me first congratulate the honourable member for injecting herself into discussions and bargaining over pay, because that's exactly what she's done. There's a pay issue. There's a set of negotiations. We're in the midst of negotiations. Congratulations. You've fallen for it. You're now a party to the negotiations.

Mrs Pupatello: Minister, I don't think the people who are waiting even longer for cancer surgery care one bit about your smart-alecky responses in this House. What we demand to know right now is why one year ago you were made aware of the problem and didn't address it. What we think is a serious problem is that cancer surgeries are going to wait yet again. Are you telling me that after one year you still haven't managed to insert yourself into a situation and find a solution?

Hon Mr Clement: The fact of the matter is, if she paid attention to Premier Eves's IMG announcement a couple of weeks ago, she would understand that we have in fact extended the availability of physician extenders to take the pressure off anaesthesiology. We are concerned about this, and we are acting.

But the fact of the matter is that in this particular case, there is an issue about negotiations for pay. If the honourable member wants to discuss negotiations for pay on the floor of the Legislature, be my guest, but I'm not going to be a party to it.

How would you pay for it? That's what I'd like to ask you. Maybe you'll pay for it out of the \$2-billion tax hike that Dalton McGuinty has promised and that he's spent six times over since this House came back into session. Maybe that's how she's going to pay for it. I for one am not going to be a party to this. I'm going to negotiate responsibly on behalf of the people of Ontario. That's what we on this side of the House were elected to do, and we're going to do it.

SITE OF EARLY PARLIAMENT

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Minister of Culture. We know that protecting provincial heritage is a priority of this government. In fact, I understand you recently held a roundtable discussion with a broad range of your heritage

stakeholders to address their priority issues and how your ministry can help to address them. At that meeting, I understand you also announced your intention to hold public consultations, commencing this month, to explore potential revisions to the Heritage Act.

Speaking of heritage issues, I understand that the city of Toronto and the province have been working in partnership to discuss possible options to acquire the site of the first Parliament for the people of Ontario. I'm wondering if you could tell this House about the historical and cultural importance of the first Parliament site.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): I'll use my hat as the Minister of Culture to answer that.

Yes, we did have a round-table discussion with many representatives from the heritage community. I was pleased to be joined by Julia Munro, my parliamentary assistant; Allan Gotlieb, the chair of the Ontario Heritage Foundation; and Jill Taylor, the chair of the Conservation Review Board. We had a wonderful discussion, but the question really dealt more with the site of the first Parliament.

1440

The first Toronto Parliament site is one of those sites that is not only locally important and significant but certainly provincially significant and probably nationally significant as well. I give credit to the city of Toronto for taking the lead on this. We are working diligently with the city of Toronto currently. It's one of those sites that you have one opportunity in a lifetime to save. It's important to us. We are working very closely with the city of Toronto. We have a number of options on the table right now, and I'm very confident that we're going to be able to come to a good resolution as a result of this.

Ms Mushinski: Minister, I understand that there has been some concern with the December 1 deadline that the OMB imposed surrounding the issuance of a building permit for a proposed car dealership on the site that covers the first Parliament site. Artifacts and structural remains dating to the late 18th and early 19th centuries were discovered back in November 2002, and cumulative evidence from the archaeological excavations and archival research supports the conclusion that these remains are indeed from the first Parliament building of Upper Canada—Ontario.

We know that a find like this doesn't come along very often, and I can certainly understand that the Ontario Municipal Board's decision allowing the property owner to apply for a building permit from the city of Toronto planning department would bring about a great deal of concern to the heritage community.

Minister, I understand that, effective December 1, the property owner may apply for a building permit. Today being December 2, I'm wondering if you could tell this House exactly what this means for the preservation of this most important piece of our history.

Hon Mr Tsubouchi: First I'd like to acknowledge some of the folks who have been working with us very closely: the director of culture, Rita Davies, from the city

of Toronto; the deputy mayor, Case Ootes, has met with me on this; and I credit Councillor Kyle Rae for some leadership in the area as well.

We're less concerned right now in terms of the drop-dead day, which is no longer such a thing, because we've been having some very positive progress in terms of negotiations with the owners. The owners have voluntarily extended the date. They know we're at the table, and they know that we have had some very fruitful discussions. I've all the confidence in the world, with the co-operation of the city of Toronto—because this is a very complex situation. There are several owners here. There's the city of Toronto at the table; there is ourselves. I've heard support from both my side of the House and the opposite side of the House for this particular initiative. Once again, I'm very confident that with a little work, and I think we're doing that right now, we'll come to a good conclusion for not only the people of the city of Toronto but the people of this province as well.

SOCIAL ASSISTANCE

Mr Tony Martin (Sault Ste Marie): My question is for the Premier. Your government's welfare policies are the prime focus of the inquest into Kimberley Rogers's death. Your Ministry of Community, Family and Children's Services should have standing at the inquest so that you can ask questions and learn from the mistakes.

Premier, why has the Ministry of Community, Family and Children's Services not chosen to seek standing, when it's this ministry that needs to be there the most?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Mr Speaker, I'm sure the minister can respond.

Hon Brenda Elliott (Minister of Community, Family and Children's Services): My colleague across the way will know that in any matter before the courts, it's inappropriate that we speak about any particular case.

We in our ministry have made it very clear that we are willing to co-operate in any situation where information is required by the courts or by the police in any case. We have said that in the past and will continue to honour that commitment.

With regard to welfare, we have made a number of changes in the welfare system. It has been entirely transformed under our government as an employment and supports opportunity that has been referenced to me personally by at least one person as being transformed into opportunities galore.

Mr Martin: Premier, a pregnant woman died living under the stifling effects of your welfare policies. You locked her up and took away her money and her food. Since then, instead of cutting people off for three months, you now cut them off for life. You not only lock the door, you throw away the key. You shouldn't be an absentee landlord at your own hearings, Premier, just as you shouldn't have policies that lead to the loss of life.

Will you raise social assistance rates to cover the minimum costs of living? At the very least, will you end your government's inhumane lifetime ban?

Hon Mrs Elliott: My colleague must understand—surely he understands, having been in this House for some time, that's it's completely inappropriate that we speak about any individual case. More to the point, there is a very serious court case underway. There are people who are going to make decisions, and it's entirely inappropriate that we would, here in this place, prejudge decisions that would be made. I think he understands that, and certainly if he doesn't, he should, having been in this place for some time.

HAZARDOUS WASTE

Ms Caroline Di Cocco (Sarnia-Lambton): My question is to the Minister of the Environment. After many requests, and when questioned about lax regulations on the Safety-Kleen CleanHarbors site, you have responded that the site has a full-time on-site inspector. The site manager last week in fact said there is no on-site, full-time inspector for the largest hazardous landfill in the country. What he said was that someone shows up from time to time.

You also claim that hazardous waste imports have gone down by 31% since 1999, but what you selectively forget is that the hazardous waste imports from 1995 to 1999 have gone up by 500%. So we're still a lot higher.

My question to you is, why do you treat this site with less monitoring than non-hazardous sites, and how do you justify to the people of Ontario making Ontario the toxic waste haven for the continent of North America?

Hon Chris Stockwell (Minister of the Environment, Government House Leader): "They show up from time to time." I appreciate that's one way of phrasing the term of inspections, but showing up from time to time we call random inspections. Why they're called "random" is because they show up without notice, by surprise, and they show up there and ensure that the inspection takes place.

I understand you want to call it a—

Interjection.

Hon Mr Stockwell: They just show up from time to time.

It was an idea that I think everyone buys into, the fact that you have random inspections by surprise, and that they will go about inspecting the site on a regular basis.

I can only say to the member opposite, a 31% reduction over two years is a very significant reduction in importing of the hazardous waste. We're harmonizing with the American border communities. We've reduced it by 31%. We have random inspections that weren't there before. I think that's a fairly good record.

Ms Di Cocco: We still have 469% higher importation since 1995. Second, you and the former minister said that we had a full-time inspector on that site—"full-time, on-site inspector" is what you told me.

While other jurisdictions, such as Massachusetts, have taken steps to reduce and prevent the generation of waste, Ontario is not there. While other jurisdictions have strict treatment measures and leachate catchment—not here in Ontario. While other jurisdictions have rules for liabilities—not here in Ontario. While other jurisdictions are moving forward to treatment and disposing on-site, therefore making landfills extinct—no, not here in Ontario; we want to bring more and more toxic waste into our landfills. Since 1995 Ontario has regressed 10 to 20 years from other jurisdictions in the developed world.

My question to the minister is, why do you continue to turn a blind eye to this degradation caused by this province's hazardous waste disposal practice?

Hon Mr Stockwell: I don't think that's a fair analogy of the situation at all. I honestly believe the member opposite has paraphrased this in certain ways that obviously, being in opposition, is designed to cast light on the government that we are not concerned.

The fact of the matter is that we have reduced it by 31%. We have harmonized our process with neighbouring jurisdictions. We've worked very hard to ensure there's going to be a pre-treatment process before it's dealt with.

You suggest that we import more than we export. We import 74,000 tonnes of hazardous waste; we export 76,000 tonnes of hazardous waste.

This place has been open since the 1960s. So of the last three administrations to deal with this particular problem that you've come to find in the last couple of years, the Liberals did nothing, the NDP did nothing and we're doing everything to protect the environment. You shouldn't be criticizing us. You should be having a parade in Sarnia for this government.

1450

MEDICAL AND RELATED SCIENCES DISCOVERY DISTRICT

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have a question for the Associate Minister of Municipal Affairs and Housing responsible for rural affairs. Minister, as you know, I proudly represent the people of Haldimand-Norfolk-Brant. Many of my constituents make their living either from farming or from an agriculture-related business. Agriculture is second only to the automotive industry in Ontario, creating more than \$25 billion in sales annually and employing hundreds of thousands of good people across our rich province.

Minister, given the importance of agriculture to rural Ontario, and of course all of the outstanding work that our Ministry of Agriculture and Food is doing for our farmers, can you tell this House what you're doing as minister responsible for rural affairs to help create a healthy economic climate for Ontario's agribusiness?

Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing): I thank the honourable member from Haldimand-Norfolk-Brant for his question. His constituents are well served by this hard-working, competent MPP.

I'm proud to announce that recently Guelph became linked with Toronto in a project that will have major economic benefits for rural Ontario. This link was made possible by provincial funding of about \$2.9 million through our government's OSTAR RED program to make sure that rural and small-town Ontario have the tools and resources needed to develop research into commercial products.

The Medical and Related Sciences Discovery District in Toronto, or MARS as it's known, is establishing links between business, academia, government and the agri-food business cluster in Guelph. With MARS in Toronto, this will offer its knowledge and expertise of the medical and related science fields to enable Guelph to maximize and capitalize on that to promote new technologies and commercialization of made-in-Ontario academic research.

Mr Barrett: This MARS Landing project in Guelph sounds like it's got great potential for rural Ontario. I would like the minister to expand a bit on the project and, secondly, on how it will turn some of that potential into results.

Hon Mr Coburn: This project is a powerful example of how our government is bringing the public and private sectors together to forge new working relationships, to take advantage and capitalize on new and innovative opportunities and technologies to promote strong economic growth and leadership in our communities.

Rural Ontario biotechnology sector businesses and researchers will have vastly greater access to information and commercialization opportunities under this project in a variety of communities—certainly in Toronto, Guelph, Hamilton, Ottawa. This helps develop a database that will also be able to link Ontario's scientific expertise and equipment capabilities to maximize those scientific discoveries.

The private sector certainly has put their nickel in the drum and provided about \$3 million in funding for this project as well.

All of the project partners are exceptionally excited, as we are, about the future and because of the opportunities that will be made available from this research in rural and small-town Ontario and that will benefit all of us here in Ontario in the future.

AIDS TREATMENT

Mr George Smitherman (Toronto Centre-Rosedale): My question is to the Minister of Health. On Saturday night at an event for Black CAP, the Black Coalition for AIDS Prevention, I had the opportunity to have a conversation with Dr Stanley Read, who is a noted pediatrician at Sick Children's Hospital who works in immunodeficiency, specifically with children who are born with HIV. There are 120 patients at the Sick Children's Hospital who require three vaccines that ward off opportunistic infections that can kill them. Your ministry refuses to fund those, Mr Minister, and Sick Children's Hospital has been forced to seek out donations of these vaccines, unsuccessfully in many cases, from pharmaceutical com-

panies. I'm wondering if you could investigate this and make a commitment to the House that if these conditions are as I presented them, if you can confirm that these facts are as I presented them, you will begin to fund them.

Hon Tony Clement (Minister of Health and Long-Term Care): Let me thank the honourable member for Toronto Centre-Rosedale for the question. Certainly I would undertake to this chamber and to him personally to review the situation.

If I can say, just by way of explanation to this chamber, sometimes the issue involved is that we do not make available certain medications if they don't have a notice of compliance from Health Canada for clinical safety reasons. So I'll be checking that aspect of it as well, and perhaps the honourable member might have some contacts up in Ottawa that might shed some light on that aspect of the issue, if in fact that is an issue. But you certainly have my undertaking that I will review the situation.

Mr Smitherman: Thank you, Mr Minister. I'm always happy to help. Let that be noted.

I want to make very clear, for the purposes of this House, that we've had very good success in this province at prenatal screening, which tries to make sure that the disease is not passed on. While we should all share in the benefits associated with that, it's clear that some kids are slipping through. Diseases, things like the flu, that might be a hardship to us for a week or two can steal and rob kids of their lives.

So to press upon you the importance of dealing with this in a timely fashion, I'm wondering if in your supplementary you might give me some sense, if those issues in Ottawa are not at play, if there are not concerns around that, what kind of time frame it would be appropriate to expect you to confirm that you'll begin funding these vaccines.

Hon Mr Clement: I certainly undertake to work with the honourable member to review the situation. I think that's about as far as I can go in all good conscience without knowing a few more of the facts.

But I would at this time like to invite the honourable member, and indeed all honourable members of this chamber, if they have any particular thoughts about our AIDS strategy—after returning from the international AIDS conference, I became aware that our AIDS strategy, while it was groundbreaking at the time, perhaps has to be in some way innovated to make sure that it is dealing with the current issues as they now stand in this particular area of medicine and clinical practice. So I invite the honourable member directly, and I invite all members of this chamber, to assist me in the innovation and the improvement of the Ontario AIDS strategy so we can continue to be a world leader in this area.

OCCUPATIONAL HEALTH AND SAFETY

Mr Rob Sampson (Mississauga Centre): My question is to the Minister of Labour. In many of the urban sections of this province, if you drive around or if you

talk to those who are in the building and construction industry, they will tell you that in spite of the downturn in the economy of late the building and construction industry has remained relatively stable and busy, which is good news because that's a large slug of the economic activity in this province.

But attached to that good news is a related issue that I believe your ministry needs to draw its attention to, and that is, if indeed there is increased activity on construction sites throughout the province of Ontario, how are you as a minister and how is your ministry dealing with the fact that that necessarily means an influx in more newly trained skilled trades to those sites? And how are you as a minister and how is your ministry dealing with making sure that those sites continue to remain safe and secure sites to work for these newly trained individuals who are now getting an earned income but a new one at that?

Interjection.

Hon Brad Clark (Minister of Labour): I thank the member for Hamilton East for cheering me on as I stood up there.

Our government is committed to enforcing occupational and health and safety legislation in all work places, including construction sites, and in Ontario our construction sites are the busiest around the province. Since 1995, Ministry of Labour construction inspections have increased dramatically. Inspections are up 25%, field visits are up 27% and, because of our inspections strategy, orders have been increased by 128%. As a result, the lost-time injury rate has decreased, from 2.06% in 1995 to 1.73% in 2001. Clearly, working with our partners and having the enforcement in place, we are making the construction industry the safest in Canada.

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Mr Sampson: I understand that there's something called the Construction Safety Association of Ontario and that your ministry works closely with that association to achieve the target of making sure workplaces are safe and secure in the province of Ontario.

Perhaps when you stand on your feet next you can tell us a bit about how you do work with the Construction Safety Association of Ontario and how we, as a province, now compare, as it relates to other provinces across the country, in the category of safe work sites. Is there a way to measure that? Is there a way to measure, frankly, all your efforts in achieving a safe site? Are we above or below a standard? I think the people of the province of Ontario would like to know that you have some standard by which to measure your success.

Hon Mr Clark: Ontario accounts for 42% of Canada's construction workers. At the same time, the Construction Safety Association of Ontario's own statistics show that Ontario leads the rest of Canada in construction health and safety. This province's lost-time injury rate is 1.73%. That's about half the national average of 3.7%. The Construction Safety Association of Ontario's statistics also indicate that 90% of Ontario's construction firms had perfect health and safety records in the year 2000.

Because so many construction companies are doing so well, the Ministry of Labour is now able to focus on the bad performers, the ones that aren't up to snuff, so to speak. These improvements in the construction sector have been achieved, in part, through targeted enforcement by Ministry of Labour inspectors. We will continue targeted inspections on those that are not living up to what we would like to see in Ontario, and that's a safe work site.

SITE OF EARLY PARLIAMENT

Mr Michael Prue (Beaches-East York): My question is for the Chairman of Management Board. Mr Minister, on October 17, I stood here in this House and asked you a question about the first Parliament buildings. At the time you answered the question; you gave me a little bit of pause for hope. I listened today to the question from the member for Scarborough Centre, and again, there's a little bit of a pause for hope.

But my question to you is not just to have some hope. Quite frankly, my question to you is, will you direct that this site be purchased to save this province's greatest archaeological treasure? Will you act today to make sure it doesn't end up buried under a car dealership?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): If the member was listening, purchasing it is not the only option here. They're very complex negotiations. He should know, as a former mayor, as a former municipal councillor, that land transactions are a little bit complex at times. He's nodding his head in agreement here as well.

We're at the table. We have a lot of confidence that we can come to a resolution. Our team knows that I think it's very significant for us to come to a good conclusion on this, and I've given them instructions to do as much as they can to make sure this occurs. I don't know how much more I can say to you right now. We're in the middle of negotiations. The city of Toronto is co-operating 100%. We're working very closely with them.

You can see the deadline has passed. The owners have increased the deadline and let it pass because they know we're having very significant negotiations. I think that at the end of the day, all of us are going to be very happy.

Mr Prue: I'm hoping that at the end of the day we'll all be very happy too. But the people within the city of Toronto and the heritage community are getting very nervous because the deadline has come and passed. Granted, there has been an extension, and we're thankful for that.

There is a possibility here of a land swap—we've read about that in the newspapers—both the city and the province, but there have been no discussions to date.

An outright purchase, I would put to you, is a better option. Will you commit today that you will preserve our history, either by a land swap or an outright purchase, so that our culture, our history, our heritage, is preserved in this province?

Hon Mr Tsubouchi: The member says that the heritage community is fairly nervous right now. I will tell him this: last week Julia Munro and myself met with representatives of most of the parts of the heritage community. Many people were there, including people from the city of Toronto. In fact, the city of Toronto was at the table when we were talking about this specific issue. Included as well were the Ontario Heritage Foundation and the Conservation Review Board, very significant players in the heritage community. Museums were there as well. We had almost every representative of almost every significant organization in the province there when I discussed this issue. When they left the room, they were quite pleased with the direction we're taking. They understand we're having very substantial negotiations. The city of Toronto was represented there as well. They're part of this discussion. So, with all due respect, I think we need to let these discussions, these negotiations, occur without taking any precipitous actions. They have my instructions already. They know I'm very interested in this. I want to have this resolved favourably for the people of Ontario. I don't know what more I can say today, but I'll tell you right now that this is important for all of us here.

OCCUPATIONAL HEALTH AND SAFETY

Mr John Gerretsen (Kingston and the Islands): My question is addressed to the Chair of Management Board, and once again it relates to the OHIP building in Kingston. Minister, as you know, over 100 employees walked off the job, walked out of the building on Friday because they regard the building as being totally unsafe. Today, another 25 workers have joined them. The problem with respect to this building has been ongoing almost from the beginning. You and I know that we require not only air-quality testing but also that the GeoCor report, which was done for the union and was made public about two weeks ago, specifically recommends that there be soil testing done both inside and outside the building so we can find out whether or not the toxins that are alleged to be in the building come up through the foundation.

Minister, would you please instruct whoever is negotiating on your behalf to get together with the union and, in an open and completely frank process, determine which is the best engineering firm to do both of those tests, let those tests begin as quickly as possible and let the results of those tests be known to the people involved as quickly as possible? The safety of our government workers and of the people who utilize the buildings is at risk. We're asking you to get directly involved in this so this issue can be resolved once and for all, and the safety—

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

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): I agree with a lot of what the member is saying; I think his presumptions are incorrect. The preliminary report by that particular company actually had a proviso on it to in-

dicating that it was a preliminary piece of advice and not to make too much of it; it was preliminary. Having said that, I think it's very important—the instructions I've given are to make sure the union and the many government ministries involved get together and pick a consultant that's acceptable to both. If we can't do that, I think the situation is urgent enough for us to press on to protect our employees. I've also told them that it matters not if it's air quality or soil quality; the situation has to be corrected, whatever it's found to be. So I've given them a very clear instruction. We have to make sure the environment is safe for our employees. If at the end of the day the report comes out and says, "Yes, we have to do soil testing; yes, we have to fix it," I think we have to do it. It's not that complex. We have to have a situation that's safe for our employees; that's it.

VISITORS

Mr John O'Toole (Durham): On a point of order, Mr Speaker: It's my privilege today to stand and recognize Sharon Crane and Billy McKinnon, who are visiting us from Nova Scotia, where my son lives. By the way, for those who are interested, Sharon worked for Mr Yakabuski, a former MPP for Renfrew. They're in the members' gallery. I'd like to recognize them. They're good friends of Barb Cowieson, from legislative services.

PETITIONS

GOVERNMENT OFFICES IN BRANT

Mr Dave Levac (Brant): I have, again, a petition with over 250 signatures.

"To the Legislative Assembly of Ontario:

"Whereas Brantford is a community of more than 89,000 people, and combined with the community of Brant county, the population exceeds 110,000; and

"Whereas the business community of Brantford and Brant county warrant and deserve the service they have come to expect from the Ministry of Finance Brantford district tax office; and

"Whereas the Mississauga regional tax office continuing business plan strategic priority number one is building a customer-centred public service that provides service when, how and where the customers want it;

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

"We would like to propose that not only should the location and services offered by the Ministry of Finance be kept in Brantford, but they should be expanded to include a much-needed permanent location authorized to issue health cards"—in a multi-jurisdictional setting by all ministries—"by exploring the following alternatives: (1) maintain the status quo at 213 King George Road in Brantford; (2) relocate to 10 Fairview Drive, the former OPP station; (3) build a new office in a central location;

(4) investigate available vacant buildings that would be suitable.”

I sign my name to this petition and encourage the Minister of Finance to look at these options.

1510

NATUROPATHIC MEDICINE

Mr Rosario Marchese (Trinity-Spadina): I've got a petition signed by 10,000 people—that's a whole lot of people—from the Ontario Association of Naturopathic Doctors that reads as follows:

“Whereas the government of Ontario has requested two separate reports five years apart from the Health Professions Regulatory Advisory Council on the regulation of naturopathic medicine; and

“Whereas the current regulation under the Drugless Practitioners Act is archaic and does not work effectively in the public interest; and

“Whereas the health and safety of the people of Ontario would be better served with improved regulation of naturopathic medicine; and

“Whereas the Premier's 21-step action plan outlines a commitment to make changes to the regulation of naturopathic medicine;

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

“Please include the practice of naturopathic medicine under the Regulated Health Professions Act, 1991, by introducing a naturopathic medicine act which has the scope-of-practice statement and authorized acts consistent with the current practice of naturopathic medicine here and in other jurisdictions.

“This means an act that includes the attached scope-of-practice statement and authorized acts for naturopathic doctors in Ontario, and that includes allowing the use of ‘doctor’ title for NDs and ensures title protection for naturopathic doctor, naturopathic physician, naturopath and any other derivative thereof.”

I sign this petition in support.

EDUCATION FUNDING

Mr Marcel Beaubien (Lambton-Kent-Middlesex): I have a petition signed by numerous individuals from the Glencoe area, and they are very concerned with regard to maintaining the only high school they have in the community. The petition reads as follows:

“Whereas the Ontario government led by the Harris-Eves Tories has severely damaged public education and created turmoil in our schools since they took office in 1995; and

“Whereas the current Toronto-based education funding formula is broken when it comes to rural schools; and

“Whereas our community secondary school in Glencoe is being threatened with closure; and

“Whereas rural schools are the heart and soul of their communities;

“Therefore be it resolved that we, the undersigned, demand that Education Minister Elizabeth Witmer address the funding formula in relation to rural schools and place a moratorium on rural school closures.”

PROGRAMME D'ALPHABÉTISATION ET D'INTÉGRATION COMMUNAUTAIRE

M^{me} Claudette Boyer (Ottawa-Vanier): « Attendu que les 44 personnes qui assistaient au programme d'alphabétisation et d'intégration communautaire de la Cité collégiale perdent en moyenne 2,5 jours par semaine de services directs et d'appui dans leur communauté dû à la fermeture de ce programme;

« Attendu que les agences de services du secteur de la déficience intellectuelle ne peuvent offrir de services de remplacement à ces personnes, compte tenu que leurs programmes sont déjà remplis à capacité;

« Attendu que les 44 personnes qui assistaient » à ce programme « seront maintenant insérées sur la liste d'attente à coordination des services, qui comprend déjà plus d'une trentaine de personnes francophones et que certaines d'entre elles attendent déjà depuis plus de deux ans;

« Attendu que nous considérons inacceptable de laisser les personnes ayant une déficience intellectuelle et leur famille sans ou avec trop peu de soutiens, de programmes ou de services;

« Nous, parents, familles, amis et intervenants, demandons au gouvernement Eves de collaborer afin d'assurer un financement adéquat pour la mise en oeuvre d'un modèle de services aux personnes francophones ayant une déficience intellectuelle qui répondra aux besoins, favorisera la mouvance dans le système de déficience intellectuelle, réduira la liste d'attente et reconnaîtra le droit à l'éducation pour les personnes ayant une déficience intellectuelle. »

J'y appose ma signature.

LONG-TERM CARE

Mr Alvin Curling (Scarborough-Rouge River): I have a petition here that has been championed by my colleague John Gerretsen and it reads like this:

“Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care-facilities by 15%, or \$7.02 per diem effective August 1, 2002; and

“Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

“Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

“Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

“Whereas, according to the government's own funded study, Ontario ranks last amongst comparable jurisdic-

dictions in the amount of time provided to a resident for nursing and personal care; and

“Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

“Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario’s long-term-care residents to those in Saskatchewan in 1999; and

“Whereas this province has been built by seniors, who should be able to live out their lives with dignity, respect and in comfort in this province;

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

“Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels.”

I will sign this petition and attach my name to it and give it to the wonderful Annelise to give to the desk.

ONTARIO DISABILITY SUPPORT PROGRAM

Mr Bob Wood (London West): I have a petition signed by 25 people that asks the Ontario Legislature to bring fairness to the Ontario Disability Support Program Act, 1997, by amending it to provide regulations requiring annual cost-of-living adjustments to income support payments.

ADULT EDUCATION

Mr Joseph Cordiano (York South-Weston): I have a petition from Save the York Adult Day School, signed by many hundreds of my constituents. I’d like to read it.

“Whereas the Royal Commission on Learning reported in 1995, ‘That, in order to ensure that all Ontario residents, regardless of age, have access to a secondary school diploma, publicly funded school boards be given the mandate and the funds to provide adult education programs’;

“Whereas the current Conservative government drastically cut funding for adult students in 1996;

“Whereas in 1995 the Toronto District School Board had 16,662 adult education spaces;

“Whereas, due to the cuts, the Toronto District School Board has been forced to reduce adult education spaces to only 3,359 spaces available;

“Whereas the Conservative government’s appointed supervisor plans to cut an additional 700 spaces with the closure of the York Adult Day School;

“Whereas adult day courses in the remaining five education centres have existing waiting lists and cannot accommodate additional adult students;

“Whereas the York Adult Day School provides members of our community the opportunity to complete

their high school education, a basic requirement to succeed in the current knowledge-based economy; and

“Whereas the decision to close the York Adult Day School is short-sighted, shutting out thousands of people from the opportunity to better themselves and their families;

“Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to instruct the Premier to restore the adult education grant, enabling the Toronto District School Board to save the York Adult Day School from closure and give the people of this community the opportunity to succeed.”

EDUCATION FUNDING

Mr Tony Martin (Sault Ste Marie): I have a petition here, signed by between 400 and 500 individuals, to the Ontario Legislature. It goes like this:

“Whereas the government has cut over \$2 billion—that’s with a “b”—“from public education over the past seven years; and

“Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students; and

“Whereas district school boards around the province have had to cut needed programs and services, including library, music, physical education and special education;

“Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carleton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors; and

“Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

“We, the undersigned members of the Elementary Teachers’ Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carleton and Toronto district school boards.”

I have signed my signature to this as well.

1520

POLICE SERVICES

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

“Whereas in 1956 the province of Ontario ordered the township of Atikokan to create a municipal police service because the township’s population had exceeded 5,000; and

“Whereas the province of Ontario has since failed to make any provision for Atikokan to return to provincially subsidized policing when the township’s population fell below 5,000 in 1980 (2001 population: 3,632); and

“Whereas since 1980 Atikokan has had to spend over \$14 million on policing while the province was providing free ... or heavily subsidized ... policing to all 580 of the other small towns in Ontario; and

“Whereas this injustice has resulted in a significant municipal infrastructure deficit and an onerous burden on Atikokan ratepayers;

“We, the undersigned, call upon the Legislative Assembly of Ontario to right this injustice by negotiating a fair and equitable settlement with the representatives of the council and police services board of Atikokan.”

This is signed by over 250 concerned residents of Atikokan. I affix my signature in full agreement with their concerns.

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): One of the issues that has gotten lost in the shuffle as a result of the hydro debacle is the Union Gas retroactive delivery charge, but the petitions continue to come in by the hundreds and thousands. I have a petition to the Legislative Assembly of Ontario:

“Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million;

“Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship;

“Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

“Therefore, we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases.”

This is very important to many people all across the province. I am very pleased to add my name to this petition.

Mr Pat Hoy (Chatham-Kent Essex): I have a bit of a cold today, so I'll just read:

“Therefore, be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases.”

This is signed by hundreds and hundreds of constituents from Chatham-Kent and Essex, and I too have signed my name to it.

JUSTICES OF THE PEACE

Mr Michael Gravelle (Thunder Bay-Superior North): I have an important petition from the people of Marathon in my riding of Thunder Bay-Superior North.

“To the Legislative Assembly of Ontario:

“Whereas the town of Marathon does not have a justice of the peace to serve our community and Heron Bay; and

“Whereas Marathon used to have two justices living here, however, they retired in 1995, and were never replaced;

“Whereas Marathon and Heron Bay residents are now forced to travel to Manitowadge or Thunder Bay to acquire the services of a justice of the peace; this is unacceptable and unfair;

“Therefore, we want the Ontario government to appoint a justice or several justices of the peace in Marathon.”

This was sent to me by Rose Marie Comeau in Marathon, who has started a great campaign. I am very grateful to her for doing that, and I'm very happy to add my name to this petition. I'll be reading it many times.

PENSION PLANS

Mr John O'Toole (Durham): It's my duty to submit a petition to the Legislative Assembly of Ontario:

“Whereas the citizens of Ontario are concerned over the implications of part XXV of Bill 198 as it affects pensioners and employees contributing to a pension plan; and

“Whereas we would like to bring this issue to the attention of John O'Toole, our member of provincial Parliament for Durham, and the Legislative Assembly of Ontario;

“Therefore, we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: that the Minister of Finance comprehensively review all sections of Bill 198 dealing with amendments to the Pension Benefits Act to ensure all current and former pension plan members are in no way disadvantaged. And we request that our Durham MPP, Mr John O'Toole, and all members of the Legislature not support any legislation that would reduce pension plan benefits.”

It's my understanding that's the intention of our minister and our Premier. I will sign and support this petition.

ORDERS OF THE DAY

JUSTICE STATUTE LAW AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS DANS LE DOMAINE DE LA JUSTICE

Resuming the debate adjourned on November 28, 2002, on the motion for second reading of Bill 213, An Act to improve access to justice by amending the Solicitors Act to permit contingency fees in certain circumstances, to modernize and reform the law as it relates to limitation periods by enacting a new Limita-

tions Act and making related amendments to other statutes, and to make changes with respect to the governance of the public accounting profession by amending the Public Accountancy Act / Projet de loi 213, Loi visant à améliorer l'accès à la justice en modifiant la Loi sur les procureurs pour autoriser les honoraires conditionnels dans certaines circonstances, à moderniser et à réviser le droit portant sur les délais de prescription en édictant la nouvelle Loi sur la prescription des actions et en apportant des modifications connexes à d'autres lois, et à modifier les règles qui régissent la profession de comptable public en modifiant la Loi sur la comptabilité publique.

The Speaker (Hon Gary Carr): Further debate?

Mr John O'Toole (Durham): I'm pleased to continue the debate, but I must make it very clear at the beginning that I'm sharing my time with the Attorney General of the province of Ontario.

I would like to just conclude, as I was speaking last week at the end of the sessional day, and I hadn't taken enough time to really make it clear on the record that I have the greatest respect for the difficult but necessary decisions that our Attorney General, David Young, has made. For those just tuning in, the table has just read a very comprehensive, rather succinct title for this bill, but for those viewing, I've encouraged our Attorney General to summarize the responses that he believes are being addressed in this legislation.

For those viewing, schedule A deals with changes to the contingency fee agreement, schedule B deals with the Limitations Act, harmonizing it to some extent, and schedule C makes amendments to the Public Accountancy Act. I believe that, in all cases, our Attorney General has consulted. I believe in all three pieces. It's long overdue and I firmly look forward to the comments that will be made by our Attorney General for the province of Ontario, the Honourable David Young. At this time, I will relinquish my time to the honourable minister.

Hon David Young (Attorney General, minister responsible for native affairs): I thank the member from Durham who, today as with every other day in this Legislative Assembly, distinguishes himself. He does an exemplary job in representing the people of Durham. We are very pleased to have him here, and undoubtedly his constituents have good reason to feel the same way. He clearly understands this bill. He indicated that through his remarks, which began the other day and continued this afternoon.

I certainly am pleased to rise today to join this debate on the Justice Statute Law Amendment Act, 2002. This is indeed a very important bill. It is a bill that touches upon a number of issues that are important to the people of Ontario. It's a bill that is necessary to ensure that our justice system and various other aspects of this province continue to operate in an efficient and fair manner. A justice system that treats all citizens equally and fairly is indeed the cornerstone of any free and democratic society. Every citizen, regardless of social or economic

status, is entitled to be treated with dignity, entitled to be treated with respect, and that is true at every step of the legal process. The Ontario government believes that fair and equal treatment of all citizens requires a justice system that is open and accessible to all.

The concept of accessibility is a multi-faceted one. There's no one answer; there's no panacea that is going to ensure accessibility to all. But we have come forward with the Justice Statute Law Amendment Act, 2002, and in it there are a number of initiatives that we believe will improve access to justice in this province. We have proposed important reforms that will make the law more clear, that will make the law understandable and will also ensure that the right of all to have access to the court isn't decided based upon one's financial standing in society.

I'll begin, if I may, by talking about addressing the affordability issue. Simply put, the cost of using the legal system should not act as a barrier to justice. That's why we have introduced an amendment to the Solicitors Act that is contained within the bill that we're here to debate today. If that amendment is passed, it would modernize the way legal fees are regulated, giving all Ontarians greater protection, greater flexibility and improved access to the courts across this province.

The proposed legislation would regulate the way individuals enter into contingency fees with their lawyer.

1530

I will pause to note the member from St Paul's presence in the assembly at this point in time. I do want to say that that particular member has brought forward not one but two bills to the Legislative Assembly. As I have said to the media and I have said publicly, I do thank him for bringing this issue forward. I do thank him for the thoughtful way that he has introduced his initiatives, his proposals, to the Legislative Assembly, and for the level of dialogue that has taken place by reason on the introduction of those bills. I also look forward to hearing his comments later today with reference to our proposal that we have placed in the front of the members of this assembly. I do think that we must take a moment to acknowledge the excellent work that he has done in this regard. I thank you, sir, through the Speaker.

For those watching who may not be familiar with the terms "contingency fee" or "contingency arrangements," let me say that what they do is they tie legal fees to the outcome of a particular case. Under such arrangements, if the client wins a case, there was likely a pre-arranged fee. If the client does not win, in most instances the client does not pay. In this way, individuals would be given the option of negotiating a different financial arrangement with their lawyers at an early stage in the proceedings so that unpredictable legal fees and upfront costs wouldn't serve as a barrier to one having access to justice.

Lower- and middle-income Ontarians should not have to mortgage their families' future in order to exercise their legal rights, and this legislation is designed to ensure that they do not have to do so.

In September of this year, the Court of Appeal dealt with the issue of contingency fees in a case involving a

plaintiff by the name of McIntyre. In a very thoughtful and well-reasoned decision, Associate Chief Justice O'Connor made a number of comments that are very helpful in understanding where and how contingency fees should work in this province. In his decision, toward the end, he included a paragraph. With your permission, I will quote from it.

He said, "Notwithstanding my conclusion that contingency fee agreements should no longer be absolutely prohibited at common law, I urge the government of Ontario to accept the advice that it has been given for many years to enact legislation permitting and regulating contingency fee agreements in a comprehensive and in a coordinated manner. There are obvious advantages to having a regulatory scheme that is clearly and specifically addressed in a single legislative enactment. There is no reason why Ontario, like other jurisdictions in Canada, should not enact such a scheme."

He goes on to say that his comments aren't intended to apply to family law matters, in which different factors should apply.

That was in September of this year. We listened to Justice O'Connor, began our consultation with various stakeholders and brought forward to the assembly a bill that we think addresses the very important issue that he spoke about in the McIntyre case.

We suggest that by modernizing the way legal fees are regulated and ensuring strong public protections, Ontarians would benefit from a new tool, contingency agreements, that would help them deal with the escalating costs of hiring a lawyer. In particular, the very complex cases that often involve very lengthy and costly preparation would be ones that in some instances, without contingency fees, might serve as a bar to a potential plaintiff, yet some of these cases are among the most important to bring forward to the courts of this province, not only for the individuals or organizations who happen to be directly involved in those cases, but to others across the province. One must remember that the law is an evolutionary process by which the common law adjusts to ever-changing realities of society. This further highlights the importance of affordability.

Decisions about whether to initiate a lawsuit must be made on the basis of justice and restitution, not on whether or not you can afford a lawyer. Allowing contingency fee agreements will help to ensure that such decisions are less the product of pocketbook considerations and are based to a much greater extent on the principles of justice.

Speaking of the importance of contingency fees as a means of enhancing accessibility to the justice system, Justice Cory stated a few years ago, in a case known as *Coronation Insurance v. Florence*, the following:

"The concept of contingency fees ... is to make court proceedings available to people who could not otherwise afford to have their legal rights determined. This is indeed a commendable goal that should be encouraged.... Legal rights are illusory and no more than a source of frustration if they cannot be recognized and enforced."

Contingency fee agreements in which clients incur costs only in the event of a successful lawsuit ensure that all Ontarians can have their legal rights recognized and enforced. As Justice Cory explained, recognition and enforcement help to ensure that rights are not illusions but are in fact real and effective protections and guarantees.

Ensuring that no one is left out of the justice system requires more than simply providing the public with new flexibility. We must also see to it that strong public protections are in place so that clients who win settlements are not burdened with what some may describe as unreasonable legal fees. To allow large portions of settlements to go to lawyers instead of to clients and victims would compromise the very principle of restitution. That's why we will consult widely before finalizing the regulatory framework that is contemplated by this legislation, and we will ensure that a fair and reasonable balance exists between the interests of lawyers and of their clients.

Contingency agreements are not new to Canada. I think as one is looking at this bill they should consider what has gone on in other provinces across this country. They should also consider what has gone on in this province. In fact, contingency fees are not new to Ontario either as they have historically been permitted in class-action lawsuits and in other non-litigious matters in this province. However, as a result of the Court of Appeal decision that I just referenced and another decision of Justice Cronk from the Court of Appeal that was rendered at roughly the same point in time, we in this province feel as though it is an appropriate time for us to come forward with a scheme that will help to regulate this area. Courts have said that contingency fees are legal. It is now our obligation to come forward and ensure there are appropriate regulations in place. If this bill passes, there will be appropriate regulations in place.

As I mentioned earlier, many of the provinces have had experiences with contingency fees. Some of them have permitted these arrangements as far back as the early 1970s. A very important ruling occurred in the McIntyre decision—we certainly are very cognizant of that—and as well by Justice Cronk in a case involving the Raphael law firm. We think that the bill we have brought forward will allow for this Legislature to appropriately respond to the public protection measures that are necessary and must be in place in order for contingency fees to operate, and operate well, within this province.

In addition, the Law Society of Upper Canada's rules of professional conduct regulate lawyers' ethical behaviour, and the law society's complaints and discipline process provides an accessible means by which those standards can be enforced. One must remember that there are a number of safeguards, checks and balances in place, some of which have been in place in the past and will continue in place, and some of which will be added to and enhanced if this legislation passes.

I appreciate there may be some concern about stories that they hear from south of the border. Indeed, con-

tingency fees do exist in the United States. I would suggest to you that there are some very important differences between the law in this country and what we are proposing on the one side, and the experience in many states south of the border on the other side.

I would like to take a moment to explain some of the important differences between our legal system and the American system, differences that I believe will keep a lid on the settlements and will ensure the system operates well and to the benefit of the injured party and all the litigants in any particular matter.

In the United States, the concept that a losing party may expect to pay part of the legal costs of the winning party doesn't exist in most jurisdictions. Instead, parties are generally responsible for their own costs. The fact that an American plaintiff doesn't face that downside risk similar to the sort of risk that exists in Canada we believe has a significant impact upon the matter. In Canada, the general rule is that the losing party will pay the costs of the winning party. Now there are exceptions and there is discretion that can be and often is exercised on the part of the court, but the general rule remains the same.

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Further, the Supreme Court of Canada, in a trilogy of decisions in the 1970s, I believe, limited the amount of court awards for non-economic loss, non-pecuniary general damages, losses such as pain and suffering and loss of amenities and reduced life expectancy. At that time, in three different cases, the Supreme Court of Canada indicated that there should be a limit upon the maximum amount that can be awarded for those losses. With the passage of time, there has been some increase to the original cap to reflect inflation and inflationary influences, but the cap remains in effect. It serves to distinguish us from the United States, where no such limit exists for non-economic losses and punitive damages often run into the millions of dollars. On the subject of punitive damages, in Canada punitive damages are rarely awarded and the awards are generally much lower than they are south of the border. The American system also makes more frequent use of juries that we do in Canada. Traditionally, juries have tended to award relatively higher damages.

These are just a few of the important differences that continue to exist between Ontario and the legal system south of the border. It is my respectful opinion that these differences will serve to limit the size and the volume of lawsuits in Ontario.

As the experiences of other provinces have shown, contingency fees do not lead to an increased number of nuisance or unmeritorious suits in Canada. The introduction of a regulated framework to protect consumers, while providing them with greater flexibility in negotiating financial arrangements with their lawyers, would greatly benefit the people of this province. These proposals that we have tabled in front of the Legislative Assembly would go a long way toward ensuring that no one is left out of the justice system simply because they cannot afford the cost of going to court.

Mr Speaker, with your permission I'll move on and chat about another important part of the legislation that we have brought forward, and that deals with limitation periods. Contingency fees reform the affordability of lawsuits. The limitation aspect of our bill serves to make the law more understandable and thus more approachable for most Ontarians. There is indeed a need to consolidate and reform the law on limitation periods in this province. Limitation periods are the time limits that exist for initiating legal proceedings in civil and family matters. It's the amount of time an injured or wronged party has from the time of the incident or whenever one starts measuring, as prescribed, until the lawsuit is started. The people and businesses of Ontario need to understand their legal rights in this area and they need to know the extent and the limits of their liability.

The current Limitations Act, the one that is the law of the province today as we debate the new proposals, is drawn from English statutes, and some of those statutes date back to the time of Shakespeare. Only a few minor amendments have been made to the current set of laws that control limitation periods in this province. Indeed, the current legislation dates back about a century. The need for reform of Ontario's limitation legislation has long been established. The need was highlighted by the report of the Ontario Law Reform Commission in 1969. At that time, they came forward and said that it was essential that government act in order to make the limitation periods more understandable and more uniform. The commission criticized the confusing mix of special limitation periods scattered throughout different statutes, and they noted that ordinary citizens ultimately suffer when they are unable to understand these laws.

The current patchwork of limitation periods not only causes confusion, it causes individuals and organizations to incur increased costs, which include insurance and additional paperwork. As one example of that, if you were to look at the Lawyers' Professional Indemnity Co, which is a group that insures lawyers, they reported that between 1989 and 2000, \$80 million was paid out as a result of missed limitation periods—\$80 million.

These multi-million dollar costs are caused by uncertainty about limitation periods, and indeed what they do is really hurt the economy of this province and cost Ontarians jobs. That's why the Ernie Eves government has come forward with these reforms that we believe will make our justice system more modern, more efficient, more accessible and more understandable.

We understand that one size doesn't fit all. That's why in our legislation we leave open certain special circumstances that should exist, and will exist if this legislation is passed, for victims and other vulnerable people.

The proposed changes include consolidating 69 limitation periods into one single act. The act would establish two clear and fair time limits that balance the interests of plaintiffs and defendants. These periods were established after exhaustive consultation with more than 100 organizations representing a range of interests, including consultations with the health and legal communities across the province.

Before we began drafting these proposed reforms, careful thought was given to the direction the bill should take. What should the new bill look like? How could it benefit the people of Ontario? How could it contribute to economic growth in our province?

What we did, Mr Speaker, was to establish six principles that make up the framework of these proposed reforms. With your permission, I will review those.

The first is that limitation reform should support a fair and accessible justice system. This is critical. An important focus of our government has been the modernization of the justice system to effectively serve the needs of all Ontarians, today and into the future.

The second reform we established was one that would serve to enhance public understanding of the law. As it stands, the current Limitations Act, as I've described it, is indeed a barrier to justice for many people across this province.

The third principle we established was one that suggested we need less confusion, that we need fewer limitation periods and fewer exceptions. So the number of limitation periods and the fact that they are spread across a number of statutes was identified as an issue that adds greatly to the confusion of a potential litigant.

The fourth principle was that limitation periods should reflect the circumstances associated with special types of claims. This applies particularly to claims relating to vulnerable people, whom this legislation is designed to protect.

Limitation reform should increase certainty about when liability ends. That represented the fifth important principle we established. In other words, there should be a clear, reasonable time limit after which no proceeding can or should be brought. We believe that all Ontarians should know that they are not liable indefinitely. This fosters the more efficient administration of justice.

The sixth principle is that except where there are compelling public interest considerations, the crown's interests should be treated in the same fashion as other parties'.

There was strong support for the reform of the Limitations Act and limitation periods across various statutes. That's what we heard over and over again through the consultation period.

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The bill in front of the Legislative Assembly, if passed, would establish two key limitation periods. First, a basic two-year period after the damage has been discovered would exist to start a lawsuit. The basic limitation period would start from the date the person finds out, or should reasonably have found out, about the injury, loss or damage that was experienced and who contributed to it. This period would give plaintiffs adequate time to seek legal advice, consider the options they have and begin legal proceedings.

The second limitation period is an ultimate limitation period of 15 years that would commence on the date of the occurrence. This would mean that Ontarians would have 15 years to identify the loss or damage and to take

legal action. This would balance the needs of the plaintiffs to have sufficient time to commence a legal proceeding with those of the defendants for certainty that after a fixed period of time further claims would be barred. Other jurisdictions have fixed or varied ultimate limitation periods ranging from 10 to 20 years. After extensive and comprehensive consultation, we were of the view that 15 years strikes the right balance.

The proposed legislation would also include certain exceptions to these deadlines—for example, to protect victims of crime and vulnerable people. No limitation period would run against a person who is a minor or is incapable of pursuing the claim because of a physical, mental or psychological condition if that person is not represented by a litigation guardian. There would be no limitation period on a claim of sexual assault if the defendant was in a position of trust or authority in relation to the victim or was someone on whom the victim was dependent financially or otherwise.

Our government believes that this makes a strong statement, encouraging those with a duty to protect vulnerable people to take all possible steps to carry out that duty. In other cases of sexual assault and cases of assault where there has been an intimate relationship between the victim and the alleged perpetrator, there would be a rebuttable presumption that the victim was incapable of commencing a civil proceeding earlier than it was in fact commenced. This recommendation would ensure that victims' claims are not unfairly barred by the general rules I spoke about a moment ago.

There would be no limitation period on environmental claims that have not been discovered. So that too would exist as another exception.

Lastly, the crown would be bound by the general limitations law. Having no limitation period would apply to any claim where the crown is trying to recover money owed to social, health or economic programs. We believe that the government is accountable for taxpayers' money. It must be able to continue to fund programs in the public interest and it must be able to collect money owed to the public purse without being barred by limitation periods. People who benefit from government funding should be held responsible for repayment, rather than further burdening the taxpayers of this great province.

Those are a few of the highlights that are contained within the legislation we tabled, known as the Justice Statute Law Amendment Act, 2002. In developing the bill, we have carefully reviewed similar statutes in other jurisdictions. In Canada over the past 16 years, at least four provincial governments have heard from law reform commissions that have examined limitation periods, and two provinces have acted upon those recommendations and have implemented comprehensive reform of their limitation law. The move to limitation reform has also occurred in jurisdictions including Ireland, western Australia, Queensland and England. All these jurisdictions have recognized the need to keep up with changing times, and we in Ontario are equally committed to maintaining clear and modern laws.

I spoke a moment ago about Mr Bryant, the member from St Paul's, and the initiatives that he has come forward with. I won't spend a considerable period of time talking about his bills. As I say, I am appreciative, as a member of this government, that Mr Bryant has come forward with these proposals. I think there are some aspects of his proposals that can and would be improved upon by the government bill that relate to where and how certain court proceedings would take place. It also relates to issues involving whether or not shares could be sold in a lawsuit. Our bill doesn't contemplate that. But I think Mr Bryant does deserve some credit and thanks for his hard work in this matter.

Our proposed legislation is quite clear when it comes to the maximum recovery arrangements that can be regulated. We're very clear that whatever the right regulation could or should be, it will be one that has a number of different options or potential results, including sliding scales or different recoveries based on different types of actions. We look forward to the consultation I mentioned earlier with stakeholders, a consultation that I am certain will result in this government striking an appropriate balance in setting a maximum recovery.

Improving access to justice also includes various other matters. We as a government have come forward to ensure that there are sufficient capital resources available in this province, because it isn't simply sufficient to have laws in place that allow for access. We must as well ensure that the bricks and mortar on which these cases are argued exists. The Ministry of the Attorney General's court operations are indeed located in more than 200 facilities across this province. Quite frankly, when we assumed office, we found that these facilities required renovation, maintenance and, in some instances, replacement. That's why since 1996 we have committed nearly \$270 million to building and renovating court facilities in every corner of the province. Over the past six years, we have opened new courthouses in Brampton, Cornwall, Hamilton and Windsor. Other major capital projects are currently under development, including construction in Brockville, Chatham, Owen Sound and Pembroke. The new courthouses work for the people of Ontario, making justice services more convenient and accessible. Better utilized resources allow the justice system to operate more smoothly and more quickly, and they do a great deal to enhance public safety and to promote justice.

Capital investments like these are necessary to promote access to justice. But, as we know, bricks and mortar alone are not enough. That's why we have taken action to reform the civil justice system, making it more efficient and accessible. We've acted on the recommendations of the Civil Justice Review, which proposed a number of ways to reduce delays and streamline processes to better serve Ontarians. For example, we came forward with our case management program, rule 77, and the mandatory mediation program, which is rule 24.1. They have been successfully implemented in Toronto and Ottawa, and we will be expanding those programs to Windsor this month as well. Both these

initiatives have resulted in marked improvements in access to justice. These improvements have been verified by a two-year independent evaluation of the mandatory mediation program, which found mediation to have a positive impact on the speed, costs and indeed on the outcome of litigation.

Another recommendation of the Civil Justice Review, the simplified procedure under rule 76 also improves access to justice by reducing the number of pre-trial procedures in cases involving relatively small amounts. This reduces the cost to litigants and the time required to get to trial. The simplified procedure rule came into effect in 1996 as a pilot project involving cases up to \$25,000. Its success encouraged our government and allowed us to come forward with rule 76, which made permanent across Ontario this procedure and also served to increase the monetary limit to \$50,000 as of January of this year, 2002.

These represent concrete examples of the way this government has acted to improve access to justice in Ontario. I submit to you that this legislation, the Justice Statute Law Amendment Act, 2002, will serve to further improve access to justice. It will do so by modernizing outdated legislation and by modernizing the ways that legal fees are regulated across this province. We as a government are always looking for new and better ways to ensure that justice is available to the people of this great province. Clarifying and consolidating limitation periods and appropriately regulating contingency fees will help access to justice while protecting the public.

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Unfortunately, I don't have a great deal of time remaining, but I do want to take some of my remaining time to address what is the third major component in the bill we have tabled, and that deals with Ontario's public accounting system. Public accounting is the practice of preparing audited financial statements and other reports upon which investors, lenders and shareholders may rely.

On October 30, 2002, our government retained Dean Daniels, the dean of the University of Toronto law school, to hold consultations and to advise the government on how best to reform the public accounting licensing regime. At that time I came forward, along with my colleagues Minister Hudak and Minister Ecker, and announced our intention to broaden the eligibility for public accounting to include members of the three major accounting bodies—those are the chartered accountants, the certified general accountants and the certified management accountants—if, and only if, they meet prescribed high standards, and the proposed legislation does just that. It proposes a principled framework for the work of Professor Daniels. He is trying to develop and will undoubtedly succeed in developing recommendations that he will give to the government which will allow for a more modern, effective and transparent licensing regime to exist within this province, a system that is based on high, internationally recognized standards. The new competency based licensing system would protect the public and maintain investor confidence in

Ontario by ensuring that only the best-qualified individuals are licensed to practise public accounting in this province.

I want to stress that while this legislation would broaden eligibility for public accounting licences, CAs, CGAs and CMAs would still have to meet the prescribed high standards that will be put in place after Dean Daniels reports to me. I look forward to receiving Professor Daniels's report. I would like to take this opportunity, if I may, to once again thank him for undertaking this very important assignment.

Taken together, the legislation that we have tabled with this honourable House will do a great deal to enhance access to justice, make the law in this province more understandable and protect the people of this province. These are important steps we're taking to ensure that the justice system works for the people of this province. I know that opening the doors of justice is a goal we share on both sides of this Legislative Assembly.

Mr Speaker, in a brief time I'll have an opportunity, together with you, sir, to hear from my colleagues across the floor how they feel about what is, in my respectful opinion, a comprehensive piece of legislation dealing with a number of very important matters. It is my hope that the members of the Liberal Party and of the New Democratic Party will take this opportunity to not only put forward their views about the proposed laws we have tabled, but that they will also come forward and announce their support for the legislation and, by their words and indeed by their actions over the next short while, ensure its passage.

One of the things we do sometimes in the Legislative Assembly is that we take positions, and all parties are guilty, for want of a better word, of this, that are contrary to those of the other side because we believe it is our job to have a different position, to offer different views and opinions. I think this bill is an opportunity for us all to get beyond what might be a partisan approach to politics and to behaviour within this Legislative Assembly and to really do the right thing, to step forward and say, "This is good government. This is what we should be doing as legislators to improve access to justice, to protect the people of this province and to make sure that the laws in this province are understandable to men and women wherever they might live in this great jurisdiction."

Mr George Smitherman (Toronto Centre-Rosedale): On a point of order, Mr Speaker: I invite all members of the House to join with me in welcoming Lynn, Henry, Sebastian, Emily and Julianna Miller. They're the family of Victoria Miller, who is the greatest page from Toronto Centre-Rosedale.

The Acting Speaker (Mr Michael A. Brown): Questions or comments?

Mr Michael Bryant (St Paul's): While I will have 40 minutes to follow up and end the leadoff for the official opposition, I just want to say to the Attorney General that I listened closely to his speech and appreciate very much his words of acknowledgement. This isn't the only time it has happened, but when the health minister acknowledged the efforts of Mr Patten on the mental health bill, I

remember thinking that just made sense. I wish we could all give credit where credit is due here more often. But I really appreciate it from the Attorney General, and I'll just say in a nutshell that I do actually believe, as I have said before, that I was always open to improving upon whatever modest effort my private member's bill might have been. I do believe that this government bill has improved my private member's provisions on contingency fees and it has made some important decisions with respect to the concern of double-dipping, with respect to the concern of supervision by the courts.

I have 40 seconds left—I'll have 40 minutes to talk about this—but I think the important decisions were made. Many things will be covered by regulation. While ideally we always put things into a statute, in some cases it may be best for some of these matters to be dealt with in that fashion. What anybody would want for a matter like this is for there to be ample consultation, which the Attorney General has quite rightly committed to and has continued to consult with the major stakeholders. So I look forward to working with the government on that and to making any other further improvements to the bill.

Mr Michael Prue (Beaches-East York): We have here but yet another omnibus bill. I listened to the minister with great intent because this is a very complex bill, and it is particularly complex to those of us in the Legislature who are not lawyers. I would caution that in a bill of such complexity, a bill that will affect so many people and affect so many jurisdictions, a bill that will affect chartered accountants and lawyers and professional people in this province who have had an opportunity over many, many years to run their own affairs, there needs to be an opportunity for some considerable debate before this bill is passed.

To date I think there has not been sufficient debate either within this Legislature, because it has just been introduced, or out in the wider community, where the impact will be very, very strongly felt. So I am suggesting that although my initial feeling is that much of what is contained in this bill is timely, much of what is contained in this bill is good and much of what is contained in this bill is important to the people of Ontario, we need to ensure that there is a full range of public hearings before this bill is actually passed into law.

It is not clear to me from listening to the minister whether or not it is the intent of this government to allow for the extensive public hearings or whether this bill will be, as so many others, rammed through the Legislature in the minimum period of time, with closure invoked.

I am just suggesting that there may be a will, as the minister has said, from all sides of this House to see this bill passed. But there is much too much left in this bill to regulation, much too much that needs to be discussed by the broader public, and I'm hoping that some of that is clarified today with the next speaker from the Liberal Party. Most especially, I'm waiting to hear Peter Kormos, as always, to entertain and enlighten me.

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The Acting Speaker (Carolyn Di Cocco): Questions and comments? The member from Scarborough Centre.

Ms Marilyn Mushinski (Scarborough Centre): Thank you, Madam Speaker. It's nice to see you in the chair.

I'm pleased to join in this discussion regarding Bill 213, the Justice Statute Law Amendment Act, 2002, on behalf of my colleague the great Attorney General, as he is, and very good friend, Mr David Young. I think it's important that we do put a couple of matters on record with respect to this particular Bill 213. For example, the president of the Stormont, Dundas & Grenville Lawyers' Association, Guy Willis, is already on public record as saying, "I think it's a step in the right direction. It improves access to justice."

Another quote that I have here is, "It doesn't matter to me who gets the credit for this law, we just need it in place. It's about time that the province of Ontario joins the rest of the country in getting contingency fee regulation and hopefully this will be a good day for consumers." That's Mr Michael Bryant, MPP for St Paul's.

Also, Michael Eizenga, who is an executive member of the Advocates' Society, is quoted as saying, "It's a very positive step forward in generating access to justice for the people of Ontario."

Just very briefly, to get to the point of the public accounting component of this bill, which I know is strongly supported by the NDP caucus, I would add, "The government's actions today are yet another important step in raising accounting standards and making Ontario a great place to do business." That's from Glen Schmidt, president of CGA Ontario.

The Acting Speaker: The Attorney General.

Hon Mr Young: I appreciate the opportunity to have another brief time to speak to this important bill. I want to thank the members from St Paul's, Beaches-East York and Scarborough Centre.

Let me start with the comments made by the member from St Paul's. He is quite right that there are a number of aspects of our bill that are different from the bill he brought forward to the Legislative Assembly. He's also right that he has always been open to discussing those differences. Indeed, we've had some chats about some of those items that he talked about, euphemistically called double-dipping, the idea of selling shares and just what the cap would look like. I do want to say that he has always been open to the notion of modifying his proposals. As I said before, he brought forward some bills that allowed for a reasoned debate. We believe this is the next logical step. But I do thank him for his comments.

I thank the member from Beaches-East York as well. My colleague the Minister of Labour indicated to me that he agrees with much of what the honourable member has said, with the possible exception of the anticipation that exists in relation to Mr Kormos, the member from Niagara Centre. We may not share our interest in Mr Kormos's presentation in quite the same way. But I thank him for his comments.

For the member from Scarborough Centre, I will say to this honourable assembly that there is no member in

this Legislative Assembly who feels more passionately about issues involving justice. She believes that the courts in this province are a very important part of what makes Ontario a great place, and she works tirelessly every day to protect those institutions.

The Acting Speaker: Further debate?

Mr Bryant: Let me first address the Limitations Act reform provisions and start by saying these changes are necessary. I think the Attorney General rightly said they are long overdue. I know the Limitations Act changes were initially introduced by that great Attorney General Ian Scott, and have been successively introduced by Attorneys General in the NDP government. I know they were introduced by Attorney General Harnick, Attorney General Flaherty and Attorney General Young, and they're here again in this bill. I said then and will say now, we need these changes for many of the reasons the Attorney General articulated; namely, we have in Ontario an almost absurd situation where there are, I think he said, over a hundred statutes and dozens of common law rules addressing the issue of limitation periods.

Many Ontarians—many consumers, if you like—might go to see their MPP because they feel they have been wronged. If they find the Legislature, their MPP or the government of Ontario cannot assist because it is a private dispute between private citizens, we often advise them to call the Law Society of Upper Canada to get some advice from the free referral service. They may decide to do some of their own homework, but at some point they've got to go to counsel to find out whether they can bring an action.

In many cases, the first thing the lawyer has to determine is whether a statute or common law bars the action, whether for some reason the plaintiff, the person suing, can't bring the action against the defendant, the person being sued, because too much time has passed. The argument is—well, there are many arguments, but the factors involved are whether the evidence is too stale and, probably as importantly or more importantly, at what point does it become mischievous to bring an action decades down the line?

Among other things, there needs to be a certain level of certainty out there among those who do transactions that after a certain date there is no longer an ability to bring an action or to be sued, both for the defendant and for the plaintiff, so there's a realization among consumers or people who feel they have been wronged that they can't sit on something for decades on end. So over the centuries, the courts have refined and developed principles of limitations on particular actions.

In Ontario, depending on the particular issue, whether it be a contract matter or something involving the building of a home, a tort or wrong by one against another, a liable action or slander, there needs to be some minimal level of certainty in terms of what the rules are. Yet an enormous amount of time is spent before the courts filling up our dockets, an enormous amount of money is being spent by consumers trying to afford a brutally unaffordable justice system and an enormous

amount of time is being spent by counsel on that issue, which is not really the driving issue in a particular case; that is, can the matter be brought? Is it statute barred, is it barred by the common law, is some limitation period involved here? A lot of that time, money and court time is spent because we don't have that certainty, because the Legislature has not clarified the rules.

The courts have tried to clarify the rules as best they can, but they're all over the place. As I said, there's a consolidation of limitation periods here that permits people to have more certainty, that permits the commercial sector to have more certainty, that ensures there is more transparency and accountability in terms of whether one can bring an action. I think ultimately it will mean our courts are that much more accessible, because there isn't that first hurdle or at least that first hurdle isn't as onerous; namely, people don't have to spend a whole bunch of time and a whole bunch of money litigating the issue that, in many cases, will be resolved with this particular legislation.

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There have been Court of Appeal cases, Supreme Court of Canada cases and Ontario Superior Court cases on this subject. It's battled out, and it takes months and sometimes years to get that answer. There are committees set up within the law society, the Ontario Bar Association and, I believe at one time, the Advocates' Society, and there are experts out there on this issue of limitations. I can tell you that even those people who are real experts on this issue—in other words, they get retained and make money off helping people get the answers to limitation period questions—even those people who stand to gain from the continued uncertainty nonetheless have said to me, and have said publicly, that we need more certainty because that's in the best interests of our justice system and it's in the best interests of Ontarians, thus the need for the consolidation.

There are some particular areas that require clarification. Many of those on the limitation period front are addressed in this bill, because there are some particular areas in which there are really no rules. That uncertainty, among other things, really wasn't in the interests of consumers, because the service provider was having to, in effect, hedge the uncertainty over the absence of a limitation period by passing along that cost to the consumer. In that sense, in the long run the hope here is that greater certainty will end up benefiting consumers in every way.

There is a basic limitation period set forth in the statute. We have, obviously, very specific questions we want to address—ideally in second reading debate or, if time does not permit, in third reading debate, if time permits—very particular provisions, because there's a lot here. We look forward to getting answers from the government on those and look forward to working with the government on this particular issue.

That basic limitation period is two years from the day the claim was discovered; in other words, realized. If somebody fell off the bus and injured their shoulder, they

know right away there is a potential claim. There's also the issue of discoverability; in other words, are there injuries that the person didn't discover at the time of the accident, that the person determined some time later? That is addressed in the ultimate limitation period of 15 years for most claims.

The bill does not address limitations for real property. When I get around to talking about my questions and concerns that must be voiced, as the official opposition is duty bound to do, we have questions and concerns about the absence of one of the most complicated areas involved in limitation periods, and that's real property. But I understand it probably isn't in here because it's so complicated, but that's probably all the more reason why we did need a little more certainty here.

There are no limitation periods, however, Ontarians should know, with respect to undiscovered environmental claims, and that just makes sense. For undiscovered environmental claims, we ought not to have limitations in place, because of the public policy concerns and interests in ensuring that Ontarians should be able to have justice redress, no matter when those environmental concerns or claims are in fact discovered. That's important in this particular area, because often the science on environmental claims is such that it would be contrary to public policy to put any limitation period in place for those undiscovered environmental claims.

There are also, of course, no limitations being placed here on sexual assault claims, again for public policy reasons that should be self-evident. A limitation period doesn't run while a person is incapable of commencing the action because of their physical, mental or psychological condition. There is, under the law right now, a rebuttable presumption that a person is incapable of commencing the action prior to the time the action is commenced.

There's also no limitation for sexual assault where one of the assaulting parties had charge of the assaulted person or was in possession of that person's trust or authority. Again, for self-evident public policy reasons, we need to give victims of sexual assault their day in court and not limit them by way of limitation periods for the very straightforward reason that this is just far, far, far too egregious an injustice to statute-bar.

Minors, no limitation period, as addressed. Why? Well, because it is assumed that minors might not discover the particular injustice they have met until they are at an age to appreciate that. The assumption is that whatever limitations may be there ought not to be doubled as it applies to minors.

For persons incapable who are not represented by a litigation guardian, I'd say that the same principles apply, and there's no limitation period there.

In declaratory judgments, where there's no claim for relief but rather just a declaration from the courts, we need to give the courts the ability—rarely used, by the way, on the public front; used to be used quite often in the day of Attorney General Roy McMurtry. He would often bring a declaration or a reference to the Ontario

Court of Justice, as it's now called, or to the Ontario Court of Appeal, or to the Supreme Court of Canada, for that matter, and have the court pronounce upon what the law of Ontario is. There are opportunities to do that. I would urge the Attorney General to avail himself of those opportunities where they arise. But certainly neither the Attorney General nor private litigants should be statute-barred from bringing such declaratory judgments.

The enforcement of court orders: we can't have limitation periods for the enforcement of court orders, if only because victims of deadbeat dads would never receive relief, because far, far too often the perpetrators who are ignoring court orders would want to take advantage of limitation periods and statute-barred actions to enforce court orders. So we certainly can't let those deadbeat dads who are currently not paying what they ought to be paying victims of deadbeat dads hide behind a statute limitation clause.

There's also no limitation period for proceedings to recover money owing to the crown in respect of fines or taxes. I was interested to see that the crown didn't put a limitation period on its own ability to reclaim welfare overpayments and the recovery of defaulted student loans. In the interest of reciprocity, I have no doubt that the government will speak to that issue. It is for not unthinkable and quite plausible public policy reasons, I have no doubt, the crown did that. But we hope to get answers from the government on that.

I know that the people of Ontario wouldn't want the government to have the right to be dilatory in enforcing its legal interests, and along those lines, I look forward to the government addressing that particular issue, although, as I said, it may be for very good reasons that the crown is doing that. Certainly it makes sense that the crown is doing it with respect to no limitation periods for proceedings to recover money owing to the crown in respect of fines or taxes.

The same applies to no limitation period for proceedings by the crown to recover monies paid in social assistance, health or economic programs, student loans, awards, grants and contributions. I spoke to that.

"A proceeding to obtain support under the Family Law Act or to enforce a provision for support or maintenance." Well, same issue with respect to deadbeat dads here. No limitation period for proceeding under the Remedies for Organized Crime and Other Unlawful Activities Act. That is because, just as there is no limitation period or limited limitation periods on a number of crimes, similarly for organized crime, we don't want to permit organized crime to hide behind statute bars and hide behind limitation periods and to benefit from those limitation periods. So I think it makes sense that if we are going to go the route of using the civil courts to enforce orders against organized crime, there be no limitation placed on the crown's ability to do just that.

Obviously we support the increased clarity in the law in the area of limitations. The existing system is archaic and confusing, and that confusion has been allowed to exist for too long. As I said, we have some questions and are duty bound to ask them of some particular provisions,

because when the bill was put on my desk it was about yay high because there are so many provisions that are involved.

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Hon Chris Stockwell (Minister of the Environment, Government House Leader): How high?

Mr Bryant: I don't want to use jargon here; the Minister of the Environment is here. "Yay high."

The ultimate limitation period of 15 years for latent defects in buildings: currently there is no ultimate time limit for bringing such actions. Of course, homeowners who have poured their savings into a home only to discover construction defects after the fact deserve to have their concerns addressed. Many of our constituents deserve to have our questions answered in that regard. Right now, the limitation period does not start to run until the defect is discoverable, meaning, in essence, that if a defect in a home was discovered after 10 years, then under the current rules, if one brought an action at that time, it would not be statute barred.

Clearly, a number has to be set and a line has to be drawn somewhere. The ultimate limitation period of 15 years makes sense for a lot of the matters dealt with in the courts and in this particular act. Does it make sense that architects and engineers can be sued 50 years after building a home? Of course not. Interestingly, that is the current state of affairs, which doesn't make much sense at all. But whether or not that bright line at 15 years makes sense is going to be something that is the subject of debate.

The experts say the bill does not address one of the most complicated areas of limitation period law, involving real property. I recognize that this is because, in part—obviously the government will have to answer this question, but I know that many people, many experts who have spent time on this issue in the interests of the administration of justice and access to justice and in the interests of serving consumers and achieving some certainty on these particular matters, have said that it is really because this area is so complicated that we do need some certainty.

Graeme Mew, speaking for the Advocates' Society, said in a published report, the Law Times of January 8, 2001, because at the time there was a limitations bill in place that didn't address real property, "Real property will be left with the same hodgepodge of 18th and 19th century provisions inartfully melded together. Certainly I know it is one of the most difficult areas, and I could see why consolidation would be intimidating. That's probably more reason why it should be attempted." It's a fair comment. I think obviously that issue and question needs to be answered and addressed by the government. I look forward to hearing from them on this in the debate as we move forward on that particular issue. It takes nothing away from the clarity that ought to be and will be provided under this particular bill.

In any event, I was certainly very open to the contingency fee bill improvements that I've spoken of already. I hope the government is open to the same.

Breach of fiduciary duty is not excluded. Previously, there was no limitation period for actions involving a breach of fiduciary duty, including the duty of doctors to patients, directors to shareholders, and trustees to beneficiaries. This is obviously a public policy concern. The question is, is that relationship—that is, between doctors and patients and between trustees and beneficiaries—of such importance that it ought to have been excluded? That is something that we look forward to discussing as this debate goes forward.

For contractual disputes between parties in an ongoing business relationship or parties trying to preserve their relationship and resolve the matter between themselves, two years is a very short time period and may encourage increased litigation between contracting parties. Having said that, the limitation period doesn't run where parties sought a third-person arbitrator. The concern is just this: if contracting parties have 10 contracts amongst themselves and there is, after two years, a sense that there are disagreements as to the way the contract is being enforced, the concern is that, rather than negotiating those concerns and dealing with those contractual disputes on an ongoing basis as it develops between the clients, instead it will necessarily mean that they'll have to drop the writ and pursue the matter in court, even though it could be addressed through consultation, notwithstanding what I said about arbitration before.

Again, one has to draw the line somewhere. My concern would just be in terms of the extent to which this might start fights, if you like, on this particular issue, rather than avoid unnecessary litigation. In any event, it's a matter that ought to be addressed by the government as the debate moves forward.

Also, as I said, the bill provides this curious immunity to the government with respect to limitation periods not applying to the crown seeking to reclaim welfare overpayments and the recovery of defaulted student loans. I think everybody would agree that the crown ought not to be dilatory in enforcing its legal interests. I would certainly urge the government not to do that. At the same time, immunizing itself from that particular limitation period does raise that question. We wanted to raise that as we debate the bill.

Moving from limitations over to contingency fees, I would say this—and it's important for the clarity that the Attorney General spoke of, which I would echo and support. He also made reference to bricks and mortar. I can tell you, the analogy in the riding of St Paul's is this: in letters in October and November to the Premier and to the Minister of Housing, the issue of the Ontario Municipal Board's decision regarding the Minto appeal for 51- and 37-storey skyscrapers at 2195 Yonge Street was at issue. What I asked of the Premier in November—I've raised this issue before and I'll raise it again now—is to address the concerns that have been raised in those letters by the Oriole Park Association Development Committee, the Federation of North Toronto Residents' Associations and the United Residents for Improved Planning. Those residents' organizations have been actively involved in

opposing the development at 2195 Yonge Street and have set forth their concerns and letters that are deserving of a response.

I just want to say how much our community owes all of these community activists and organizations a great deal of credit for what they are doing on behalf of our community, and the enormous amount of expertise and energy they are expending in the interest of trying to get some justice here. I'm totally supportive of their efforts. I think the community has realized that we have great shortcomings taking place with respect to the current mandate and jurisdiction of the Ontario Municipal Board. I would echo the concerns raised by the Oriole Park Association Development Committee, the Federation of North Toronto Residents' Associations and the United Residents for Improved Planning and say to the government that their concerns must be heeded in the interests of achieving justice on this particular issue, on addressing livable communities and that very important part of St Paul's at Yonge and Eglinton that is currently at issue. I look forward to continuing to fight with all of those organizations just listed in trying to right the wrong that has taken place here.

I would also say to those many residents of St Paul's who have called my office, met with me on this issue and with whom I have spoken on this issue that Dalton McGuinty and the Ontario Liberals have put forth alternatives. It is the job, surely, of the official opposition to put forth alternatives. I think we have put forth a very clear alternative to the status quo, which is unacceptable; namely, we'll ensure that developers play by the rules and that the Ontario Municipal Board is supposed to ensure that developers follow provincial policies in areas such as greenlands preservation, rural protection and affordable housing.

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Under this government, the Ontario Municipal Board has consistently overruled democratically elected local officials, giving the go-ahead to projects that only made sense to developers. One of the real concerns here is with respect to the enormous amounts of money that have been paid in litigation fees over the past five years, which is the subject of this debate, appealing decisions of democratically elected officials. In the past five years, municipalities in the GTA spent more than \$20 million fighting OMB decisions. Does that make any sense? Of course not.

So we will give the Ontario Municipal Board clear planning rules to ensure that it follows provincial policies, we will prevent developers from forcing unwanted municipal expansion and we will give municipalities more time to consider development applications. That is in the interests of due process and justice, and of livable communities, which is exactly why I'm talking about it in the context of this bill.

I know the contingency fee issue will be debated at length in this Legislature, but it also has been debated on the talk-show circuit. One of the great concerns raised on the talk-show circuit is that contingency fees are going to

lead to the Americanization of our system. It is really a myth that that would happen in Ontario, firstly, because we do not have the kind of damage awards in Canada that would encourage the kind of frivolous litigation we see in the United States. That's because the Supreme Court of Canada has capped damage awards in particular areas. So lawyers aren't going to be bringing frivolous cases, because they know they will have very little chance of collecting fees for those frivolous cases. They won't take the risk that they might win the lottery, in effect, by getting a humongous judgment like you might get in the United States, because you're not going to get that lottery-like windfall in Canada.

At the same time, I should also refer to the direction given on this point by Mr Justice Dennis O'Connor in the McIntyre case in the Court of Appeal, a watershed decision that completely changed the landscape in Ontario. I'll speak to that in a moment.

In his study, *Wages of Risk: The Return of Contingency Fee Legal Practice*, Herbert Kritzer argues, "Many contingency fee clients probably do pay more for legal services than they might if they paid by the hour. However, many of those same clients would probably never seek redress if ... not for the insurance function provided by the contingency fee. In a sense, clients pay a premium for eased access to the civil justice system. Furthermore, many, perhaps most, clients are able to have access precisely because of the availability of a system like the contingency fee. In a fundamental sense, there is a trade-off between access and cost, where the access issue is a combination of risk shifting from the client to the attorney and the availability of funds up front to purchase a needed service."

Well, that trade-off between access and cost is exactly why we need legislative regulation of this activity, because how much of a trade-off is it? Is it a trade-off that would permit both double-dipping, in terms of receiving a share of the contingency fee and receiving costs of the client plus a 50% award? Of course not. I think anybody who believes strongly in the integrity of our justice system would say that would be preposterous. At the same time, are you going to create a situation and regulate something to the point where you end up, in effect, prohibiting the activity and limiting access to justice? No.

So the question becomes, where do you draw the line, and how do you regulate it? I know there are some who say that ought to be done purely through the Law Society of Upper Canada and through law society regulations.

I understand and I appreciate that view, but I believe, on the contrary, that we need something in the laws of Ontario that will permit consumers to have confidence in a contingency fee system. The importance of bolstering that confidence through legislated regulation of this activity in order to ensure that we do hit that right balance is a necessity. It is one, as I will speak to in a moment, which has been urged upon this Legislature by Mr Justice Dennis O'Connor and Mr Justice McPherson and Madam Justice Abella in their decision in McIntyre,

which has received wide acclaim I think across the country.

We ought to give great credit to all the work that has been done by the joint committee to the Attorney General, struck by Attorney General Flaherty, although he ended up rejecting their recommendations. Many of those recommendations are now being heeded, and my effort, the private member's bill that I introduced in the spring, was an effort to in effect legislate the recommendations of the joint committee to the Attorney General. It might seem odd that the Attorney General critic is attempting to do that, but we now see many of those recommendations in this bill introduced by the Attorney General himself.

All those who participated in that joint committee, from the Ministry of the Attorney General, the Ontario Bar Association and the Advocates' Society, among others—the joint committee was struck at the request of the Attorney General, Mr Flaherty, in March 2000. Environics was retained to conduct a public opinion survey concerning contingency fees—very astute, I would have thought; something of interest to some. The survey found that 46% of respondents said a lawyer's fee had a major impact on their decision to hire a lawyer. Less than 20% said it had little or no impact. The support for contingency fees was quite overwhelming.

I should also, and I'd be remiss if I did not, credit Professor Trebilcock, who was on the said joint committee and who had the courage to publicly lend his support to my private member's bill for contingency fees last spring. It has since become the law of Ontario that contingency fees are legal. It is now in a government bill that we are going to regulate them. But last spring it was neither legal nor a matter that the government seemed interested in pursuing, although I do believe it's more than fair to say that there was no suggestion from Attorney General Young that in fact he was opposed to them. He always said that he's not philosophically opposed to them.

Professor Trebilcock was there front and centre (1) to explain the issue and the bill to the public, but (2) also to lend his support to something that he felt very strongly for. I am very grateful to have such an eminent scholar in support of it and standing shoulder to shoulder with me in my effort to pursue better access to justice for Ontarians, which is very much the hope and the motivation with this bill.

In addition to Professor Trebilcock, before my private member's bill went to debate and my bill did receive the unanimous support of this Legislature, the Advocates' Society provided a helpful submission which I've already read into the record.

Time has cut me off yet again, but I want to thank the Ontario Bar Association and acknowledge their efforts in this regard. They have been fighting, like the Advocates' Society, for a very long time for the legalization and regulation of contingency fees.

In the letter which the president of the Ontario Bar Association, Virginia MacLean QC, wrote on behalf of

Donald Kidd, the chair of the OBA committee on contingency fees and the former chair of the Attorney General's advisory committee on contingency fees, and of the OBA executive, she said this:

"As you are aware, the OBA has since 1988 advocated for, and supported the implementation and regulation of, contingency fees in Ontario. The OBA reinforced that support by its resolution of September 1, 2000 (made in conjunction with the law society and the Advocates' Society) approving of the implementation of the recommendations in the report of the then Attorney General's advisory committee on contingency fees. Our only caveat was that there should be a further review of how access to justice could be affected in smaller cases by a capped or maximum percentage.

"Mr Kidd and I have reviewed your bill to amend the Solicitors Act and believe that it accords with the key recommendations on implementation that we have consistently favoured. We approved of your efforts to formally recognize and organize this most important access to justice tool for the Ontario public."

That caveat that was added by the president of the Ontario Bar Association, I know, will be one the Attorney General has endeavoured to address in this bill and will continue to as the matter moves forward.

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Professor Vern Krishna, the treasurer of the Law Society of Upper Canada, also wrote on the occasion of my private member's bill on October 10, 2002, and I'm grateful for his doing that. He writes:

"As you know, the law society has for many years advocated for contingency fees for lawyers. Now that the Court of Appeal has removed the legal impediments to contingency fees, we are more intently focused on seeing appropriate regulation implemented. Our recent recommendations for contingent fee regulation, which you have noted, are an effort to bring some definition to a regulatory scheme.

"In this context, we thank you for continuing to highlight this important issue."

Also, obviously, the great jurisprudential product that is the McIntyre decision, released on September 10, 2002, is really a brilliant addition to jurisprudence of Ontario, and the work of Mr Justice Dennis O'Connor and Justices MacPherson and Abella continues. It's interesting that the Attorney General took the position in that case before the Ontario Court of Appeal, the gist of which was not that the Ministry of the Attorney General or the government of Ontario was opposed to contingency fees, and that is self-evident from this bill, but rather that it is for the Legislature and not the courts to make that determination—probably the position to have taken, particularly in the circumstances where the common law, some thought, was that contingency fees were prohibited.

This is what Mr Justice O'Connor says in his reasons: "The Attorney General's argument is not that sound public policy does not favour contingency fee agreements for all civil proceedings, nor that contingency fee agree-

ments do not provide significant advantages in promoting access to justice. The Attorney General also does not argue that the types of abuses that underlie the negative views the courts historically took to these types of agreements cannot be managed within the existing regulatory framework. Rather, the Attorney General contends that any change in the law relating to champerty in Ontario must come from the Legislature, not the courts."

Justice O'Connor disagreed with that particular position. Nonetheless it was not one that was in any way opposed to contingency fee agreements; it was rather a matter of process. I should say to this Legislature, though, that the words of Justice Dennis O'Connor are ones that I hope are being heeded not to be heeded when he says: "While it is clearly open to the Legislature of Ontario to reform the law of champerty as it relates to contingency fee agreements, I am satisfied that it is also appropriate for the courts to address this issue as part of their function in developing the common law." That finding meant that contingency fees are legal in the province of Ontario. He certainly goes on to commend the necessity for legislated regulation of contingency fee agreements for all the reasons just discussed.

That is exactly why we are here today, to provide that kind of confidence in our justice system, protection to consumers and certainty. I think that particularly the provisions in this bill that require judicial supervision of the agreements and the enforcement of the agreements are going to ensure that if the balance is tipped in anyone's favour, it is tipped in the favour of ensuring that consumers are protected.

Mr Speaker, I am done.

The Acting Speaker (Mr Michael A. Brown): Questions or comments?

Mr Peter Kormos (Niagara Centre): Mr Bryant says, almost with some sense of relief, "I am done." For 40 minutes he has regaled us with a thorough discussion.

Hon Mr Clark: Be positive.

Mr Kormos: I am.

Mr Bryant: Sixty.

Mr Kormos: Well, it was 20 minutes last time and 40 minutes today, virtually unscripted, off the top of his head, with the briefest of notes that he referred to, just to make sure he got Justice O'Connor on McIntyre and a couple of dates right. But my God, Mr Bryant, it's five to five and I fear we've lost our audience. I fear we've lost the audience.

Look, I simply want to explain to people that this is but my two-minute response to Mr Bryant's substantial commentary on contingency fees. I'm going to have a chance to talk, though, in just a few minutes with Mr Prue, from Beaches—

Mr Prue: East York.

Mr Kormos: East York. They keep changing the names of the ridings.

He's going to have two minutes for questions and comments, but then I've got my 40 minutes. And while I want to talk about the contingency fee aspect of the bill, I want to talk about the Limitations Act and who's getting

stified. Yes, the government's sticking it to a few communities out there, you can rest assured.

I also want to talk about certified general accountants, CGAs, and explain how this government appears to have turned its back on chartered accountants. Far be it from me to suggest that the numerous fundraisers the government has invited the chartered accountants to have been to no avail for the chartered accountants, but it seems like the CGAs have prevailed. I'm going to talk about that. New Democrats happen to be on the side of ensuring equality for CGAs, mind you.

Ms Mushinski: I'm pleased to join in this discussion, especially as it pertains to the presentation by the member for St Paul's. It's interesting, because the member for Niagara Centre actually does raise some interesting points. You see, we have indeed heard a lot this afternoon from the member for St Paul's on Justice O'Connor and the OMB and the McIntyre decision, but all that has to do primarily with contingency fees. Yes, he has been speaking for about 60 minutes, but I don't recall—and I was sitting in the Chair on Thursday evening and listened very intently to the submissions by all members of the House who spoke. I believe it was for 20 minutes from each member. I certainly heard very strong arguments on behalf of the member for Niagara Centre with respect to public accounting. I don't think I heard any persuasive arguments whatsoever from the member for St Paul's with respect to CGAs. So it's difficult to know exactly where he stands on this issue. Does he support the public accounting component of this bill or not?

I would hope we could extract some kind of comment, I suppose, from the member for St Paul's, because it really would be interesting for us to know where the Liberals stand on something, and we happen to believe, as do the NDP, that the point on public accounting is a very good part of this bill. Where do you stand, Mr Bryant?

Mr Bruce Crozier (Essex): I would suggest to the members of the government that they don't get their knickers in a knot. Unless you cut off debate like you usually do, there will be some comments about the public accounting aspects of this bill. Unlike the government, we don't tell our members what to say over here. We want to hear what they and their constituents want said. Certainly, I will have the opportunity at some length to address the issues that concern the Public Accountancy Act. So don't be afraid, member from Mississauga. You're going to hear from us, and you'll hear lots from us.

1700

As far as what Mr Bryant did speak to, and that's what questions and comments are usually about, I thought the member would have made at least some introspective comments as to what my colleague from St Paul's has discussed this afternoon. I'm not so sure she was listening so closely or she might have had some comments on what he had to say.

As for what he did have to say, I take it that in Ontario there has been some limitation to access to legal services

by those who can't put a great deal of money at risk. If this legislation is passed, those of us who don't have deep pockets when it comes to legal expenses will be able to go to a lawyer and say, "Here's my problem. What are the chances of this going forward?" I expect we'll get good advice from those lawyers because their time, their effort, their money and their investment will be at risk.

If we can be sure this government won't choke off debate, we will all have ample opportunity to speak to all issues of this bill. I for one look forward to doing that.

Ms Mushinski: On a point of order, Mr Speaker: I seek unanimous consent that the member for St Paul's have one hour to explain his position on CGAs.

The Acting Speaker: Agreed?

Mr Bryant: No.

The Acting Speaker: Questions or comments?

Mr Prue: I would like to commend Mr Bryant for his really hard work on this issue over a long period of time. The government did talk about private bills that he tried to introduce in the past. He seems to have a very solid foundation, at least in one section of the bill, around a couple of key issues. He spoke eloquently and passionately—well, maybe not passionately—eloquently and perhaps a little dryly to the average layperson who is not acutely involved in the law, but he did deal with issues that are of importance to all of us: the issues of contingency fees and a limitation period.

With respect to the limitation period, I share some of his concerns around the two- and 15-year limits. One seems to be overly generous and the other seems to be quite limiting to people who find themselves in legal difficulty.

I too share the opinion of the member from Scarborough Centre that much needs to be said about the public accountancy aspect. Certainly in my office that's the overwhelming concern in the hundreds of e-mails and letters that are being written, and not the part related to contingency fees and limitation periods. But we will resolve all that, I'm sure, when the government has 10 or—

The Acting Speaker: Thank you. Response, the member for St Paul's.

Mr Bryant: I thank the members for Niagara Centre, Scarborough Centre, Beaches-East York and especially the member from Essex for their comments.

If I could sum up, the suggestion from the third party was that my speech was too dry and probably a little too long. The suggestion from the government member was that my speech was too short and that I should go on for another hour. According to the NDP I'm too dry. According to the government I'm too wet. I'm probably exactly where the people of Ontario are—

Mr Kormos: Damn.

Mr Bryant: Yes, I know.

It is unfortunate that the member from Scarborough Centre, in the midst of a non-partisan debate, in the midst of an effort by both the Attorney General and the Attorney General critic to put down their swords and join together shoulder to shoulder to fight for access to

justice, would be critical of that effort. That is a shame. I will not be baited into engaging in a partisan debate.

I would just commend to the member the recommendations made by Dalton McGuinty and the Ontario Liberals in our democratic charter, which would provide freedom to members of provincial Parliament to speak their minds, which would provide for an ability for the people of Ontario to have a meaningful voice in their democracy, but we will have to leave that debate for democratic reform for another day. We are, rather, speaking today on this incredibly important non-partisan issue, and I won't be dragged into that partisan mudslinging that I'm often accused of on the energy file but I will not pursue on the justice file. I thank the members for their comments.

The Acting Speaker: Further debate?

Mr Kormos: Speaker, I want you to know that I have regard for Mr Bryant's legal analysis.

Mr Bryant: It's mutual.

Mr Kormos: Well, no. I have regard for Mr Bryant. I wouldn't think of asking him about electricity, and I wouldn't recommend anybody else listen to him on hydroelectricity either. But his position on legal matters is sound. I do want to congratulate him for having been at the vanguard here at Queen's Park, almost, on the issue of regulating contingency fees.

I make note, of course, of the fact that Howard Hampton, when he was Attorney General, introduced the concept of regulating contingency fees in the introduction of class actions. That has demonstrated itself to be manageable—not without criticism and not without concerns. So I'm grateful to Howard Hampton, the leader of the New Democratic Party, for bringing regulated contingency fees in that instance, in the instance of class actions, by way of having court-approved contingency agreements by way of class actions, back in the early 1990s.

So I appreciate Mr Bryant picking up the banner that Mr Hampton carried. I appreciate that, and Mr Hampton, I'm sure, is grateful to you too. I have no doubt that that reflects your regard for Howard and his introduction of contingency fees in the instance of class action—

Interjection.

Mr Kormos: Well, that's what the history is. I mean, if you want to rewrite history, I suppose you can, but let's not deny the reality.

The problem is, yes, this bill should go to committee. There are concerns about the Limitations Act. There are concerns about the provisions of the bill that deal with regulating contingency fees, and I'm going to speak to those. I know there are a whole lot of folks out there who aren't pleased with the government for opening the doors of public accountancy to trained professionals other than CAs.

I've been getting a lot of letters. Just, I suppose, as much to illustrate that I do read this mail—and that may be to the dismay and disappointment of other members in the Legislature who could say, "What in the world is he doing reading all his mail?" I was opening this mail

today and there were four envelopes all addressed to me from the same firm. So I opened them up, of course. There's letter number one from envelope number one; letter two from envelope number two; letter three from envelope number three; letter four from envelope number four—all from the same firm up in Collingwood, as it is—chartered accountants, of course. All signed by different people, but the text of the letters is identical. Damn those PCs and Word programs.

Hon Brad Clark (Minister of Labour): Oh, computers—I thought you meant us.

Mr Kormos: No, that was a double entendre. I thought it was quite right—I got away with it, you'll notice.

I just want to tell people, this is not the way to lobby, OK? Because, in fact, it detracts from the case being made, because ministers get these kinds of correspondences from any number of people. Opposition members do, of course, as a matter of fact. But when you have a form letter, whether it's mimeographed—see, that dates me—and then people are asked to fill in the addressee and sign their name on the bottom, or whether it's done in this particular manner, I just put to you, and put to those folks, that it's not the most effective form of lobbying because it then becomes tedious and it implies that the individual authors of each letter, who didn't really author the letter, have put precious little thought into it.

1710

Sure, it's part of a campaign, I understand it, but in that regard, look, folks, you've got to understand, New Democrats have always supported CGAs' entry into the realm of public accountancy, with adequate standards that have to be met by everybody. So don't write to me; we didn't introduce the bill. Our position has been clear for a long time now, and don't send letters to Queen's Park. You know, it's far more effective to send them to the constituency offices.

If you really want to make an impact on the Attorney General—you see, up here at Queen's Park he's got staff coming out of his ying-yang. Down in his constituency office, though, is where your letters and, more important, your faxes are going to have more impact, because there are only two or three staff in the constituency office—

Mr Rosario Marchese (Trinity-Spadina): But I have another suggestion.

Mr Kormos: Whoa, we're getting there, Rosie.

When they get deluged with faxes on the fax machine, then they report back to their boss—to wit, Mr Young—in a way that the bureaucracy doesn't here at Queen's Park. You see, I was indicating I read the letters. Most ministers don't read most of their correspondence. They've got little people, personnel, bureaucrats, minions, to not only read the correspondence but, just as these lobbyists have Word programs, whatever—what's the name of it?—on their machine—you cut and paste, stuff like that—and send out the same letter. Ministerial staff who are in charge of correspondence not only are the only ones who read the correspondence but they're the ones who draft the response, and the ministers in

many instances don't even sign them. They go through an Addressograph, that pantograph machine.

Some ministers—I see them in here with their—

Interjection.

Mr Kormos: Well, some ministers get so little mail, Mr Clark, that they can sign them themselves.

Hon Mr Clark: You've wounded me now, Pete.

Mr Kormos: Look, your ministry is so inactive in terms of workplace inspection, things like that, that I understand they need something to keep you occupied. They give you the Crayola and they say, "Here you are, Minister. Sign these letters."

The fact is that most ministers don't read the mail that's sent to them, they don't read the mail that's sent in reply, because if it is vetted by a political person—it's vetted by an EA, etc—sometimes the EA will run it past the minister. That's what the late-night expense account things are all about, when EAs are running, you know, the draft response course.

Interjection.

Mr Kormos: You think I'm on to it, there, when the EAs are running the draft—anyway, look, David Young's constituency office—get a pencil or a pen and piece of paper. You want impact? You want to get David Young's attention? Get a pencil or a pen and a piece of paper. David Young's constituency office fax number: 416-733-7709. David Young's fax number, constituency office—not down on Bay Street at the ministry office, right? Constituency office: 416-733-7709. That's an interesting one. David Young, fax number, constituency office: 416-733-7709. You want to get his attention? Fax to his constituency office. Fax early, fax often. And if you want to go to the top dog, if you really want to leave an impression, we've got a Premier who has a constituency office up in Orangeville. Ernie Eves's fax number—this is the fax number for Ernie Eves at his constit office, because, you see, here at Queen's Park the Premier has two offices, one here in the Legislative Building, another over at Whitney Block, which they refer to as working office, and that's where he meets with all the upscale—the bankers and the corporate bosses and the people with the cheques, that sort of stuff. They get in through the back door, thinking, "We don't want to bring them here to Queen's Park because people are going to see."

If you really want to make an impact on the Premier, Mr Eves: his constituency office. Not his Premier's office at Queen's Park, because he's got staff coming out of his ears at Queen's Park who deal with this stuff. Just slide it through the pantograph machine. Here's the secret: you know those scrolls you get signed by the Premier? Trust me, friends, the Premier doesn't sit down once a week saying, "Isabel, pour me a hot chocolate," put his feet up on the ottoman and say, "I've got to sign all of these congratulatory scrolls." It doesn't work that way. The letters from the Premier? No. The ones that really get me are the letters that say, "Dear Mr Smith," and then they take a pen and they scratch out "Smith" and write in "John." Why didn't they just dictate the letter saying,

"Dear John," "Dear Jane"? No, no. They've got to go through this phony stuff to try to make like you and me are tight, like we're going to be good buddies. The person doing the typing types "Dear Ms Pushkilowski," and when the signer goes through, scratch, "Joan." Give me a break. It doesn't impress a whole lot of folks.

Those are the numbers to remember. Premier Eves's constituency office fax number: 519-941-3246. Honourable David Young's constituency office fax number—because when that fax machine is choked up with incoming faxes, trust me, it gets staff attention. People start scurrying. Here you go, David Young's fax: 416-733-7709. Fax those letters to Mr Eves and Mr Young.

The problem is that I don't think this bill is going to get to committee. I'm not sure the bill's going to be passed. It's been suggested to me by people who have been around here longer than I have that this government may actually play the game and delay the passage of this bill to get one more fundraiser out of both the CAs and the CGAs.

Hon Mr Clark: You are such a cynic.

Mr Kormos: I want to indicate that that is not my theory. It is a colleague of mine here in the chamber who's had significantly more experience here than I have, who predicts that the game being played is this: the government will not give this bill third reading so that it can ring X number of dollars out of both the CAs—talk about a cynical game. It'll give the CAs and the CGAs another kick at the can with the frommagio

Mr Marchese: The payola.

Mr Kormos: The payola. We shall see.

Interjection.

Mr Kormos: I'm going to explain to you in just a minute.

I suspect that this won't go to committee because I just got served with two notices of motion. Can you believe it, Speaker? My heart aches to see time allocation motions served with respect to Bill 209, An Act respecting Funeral, Burials, Cremations and Related Services. That's the one that's going to open the door, create loopholes big enough to drive a Mack truck through for the big, corporate, US-based, mega-commercial funeral parlours/cemeteries; the type that are listed on the Dow Jones.

I know the families who operate the funeral homes down where I'm from in Welland, Thorold and Pelham and south St Catharines. My own family has utilized those services as loved ones have died. Regrettably, all of us have been to far too many funerals. As we get older, we go to more and more of our friends' and peers' funerals rather than their parents' funerals. But I know the folks who run these small, family-operated funeral homes. They take care of families. Some of them have been taking care of families for generations. They don't scam, they don't rip off. Sure, they have to make a profit and they know it's a tough business, but money is not the bottom line for them. They have an investment in the firm's reputation and in their community.

1720

When you've got the big, mega, US corporate, for-profit-only, "rip 'em off, scam 'em any way you can" funeral home/cemetery operators moving in—you see, those funeral plots are not going to be made available to the small, family-run funeral homes that deliver that highly personalized service that's so sensitive to people's needs, sensitive to ethnic needs and sensitive to various religious needs. So the funeral and cemeteries bill is very contentious.

I've sent out copies of that legislation to all the funeral home operators down in Niagara Centre—Welland, Thorold, Pelham and south St Catharines. I've asked them to review the bill and make comments. But regrettably it looks like all their review and all their commentary is going to amount to diddly-squat—zip, nada, zero, not a thing—because this government's going to be ramming it through with time allocation. No committee hearings, and it could be ordered for third reading with no debate on the same day it receives second reading.

What are you guys trying to pull off? Are you afraid of public commentary? Are you afraid to let the public scrutinize this kind of legislation? Or are you just so arrogant and disdainful of the people of this province that you've not only diminished—you have; you've diminished debate here in this chamber. But you have absolutely no regard for the public interest that may be under attack in any given piece of legislation, specifically like your funeral and cemeteries act.

That wasn't the only notice of motion I got just 45 minutes ago. I got two of them. I've got another one. Yes, a time allocation motion; this one on Bill 210. We know Bill 210. That's the "You can fool some of the people some of the time, but you can't fool all the people all of the time" bill. It's the so-called hydro rebate—let's cap your hydro prices by making you, the taxpayer and electricity consumer, subsidize the private electricity marketers and producers to guarantee that they can still get paid three and four times the historical rate of the price of hydro per kilowatt hour and make huge profits. Well, the government, with this little alchemy-style legerdemain—how'd I do, Rosie?

Mr Marchese: Legerdemain.

Mr Kormos: —will try to fool them with a \$75 rebate. Seventy-five bucks doesn't even begin to cover the cost of one month's increase in hydroelectricity rates for even the most modest household.

Mr Joseph Spina (Brampton Centre): On a point of order, Mr Speaker: With all due respect, I thought we were debating the Attorney General's bill here.

The Acting Speaker: You are perfectly correct, and I'm sure the member for Niagara Centre will relate all of this.

Mr Kormos: Thank you kindly. This truly is an exceptional moment, one of those rare occasions when Mr Spina is correct. It's one of those rare occasions when he's been paying attention. I guess you've already coloured all the pages in your book. Mr Spina is one of the leading intellectual lights in this chamber, of course.

The Acting Speaker: Order. You will relate your comments to the matter before us.

Hon Mr Clark: Not to mention the fact that you're impugning someone's credibility.

Mr Kormos: Not their credibility, their intellect.

The Acting Speaker: Perhaps we shouldn't go down this path.

Mr Kormos: Now that we've gone that far down, I've got to find my way back, and the way back is going to be a circuitous and weaving route.

So, a second time allocation motion, which takes us to where we're going to be with this bill in short order, because I get yet another time allocation motion on this government's Bill 210, the hydro scam bill; second and third readings with no further debate and no committee hearings. It's sad, beyond regrettable, disgusting, disgraceful, and contemptuous of the people of this province and of this House. I tell you I look forward to the next election, when those members of the public who understand, who can feel the sting of this government's contempt for them, look forward to the opportunity to respond in kind.

This bill, I have no doubts about it, should go to committee. The Limitations Act provisions—I spoke about them the last time we addressed the bill; Mr Bryant has spoken about them for some 40 minutes in the Limitations Act part of his comments—contain some glaring exceptions. The auto insurance industry had its way once again with this government.

Let's understand why we have limitation periods. It's to create some fairness for defendants in civil actions. The argument is basically this: that 10, 15 or 20 years after the fact, I'm hard-pressed as a defendant—if I'm being sued, let's say, for some money you loaned me, Speaker, and then 15 or 20 years later you say, "Kormos, you never paid me back that 100 bucks I loaned you," and I say, "Yes, I did; you gave me a receipt," how after 15 or 20 years am I reasonably to be expected to have a copy of that receipt? It's absurd. How, after 15 or 20 years, could I reasonably be expected to be able to find my witness who was there when I gave the money back to you—Mr Marchese, perhaps, or Mr Prue? How, after 20 years, could I expect them, especially at their ages now, to have an accurate recollection of what happened 20 years prior?

Mr Marchese: And it's getting worse.

Mr Kormos: That's why we have limitation periods, so that there is a reasonable capacity on the part of the defendant—

Mr Spina: We can remember. We don't do drugs like you do.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): That's unparliamentary.

Mr Spina: And what he said earlier about me is parliamentary?

The Acting Speaker: The member for Brampton Centre will come to order.

Mr Kormos: So the reason we have—

Interjection.

Mr Kormos: It's remarkable how some people can draw more attention to themselves than really is warranted or appropriate, and at the end of the day is less than desirable.

The reason we have limitation periods is to create some fairness in the system. What I find remarkable is that the two-year limitation period as a general rule is one that creates some uniformity because lawyers and their clients have always—and many defendants who don't have counsel have always been caught in the maze of limitation periods that are all over the place. That has caused scenarios where plaintiffs, innocent victims, have been denied their right to proceed with a claim because they've missed the limitation period, which may be grossly out of sync with what is the norm. Creating a general standard is a reasonable approach.

What I find strange is how come the two-year limitation period—in other words, the plaintiff has two years in which to launch an action for most actionable causes—is only one year when they have to go after their own insurance company?

1730

Guess who engineered that little section of the Limitations Act? It was the insurance companies, who know that if they can shorten the limitation period in actions against insurance companies, they'll reduce the number of cases in which they owe people money, the people owed their own first-party insurance money, yet because the limitation period is half of what it is for most other causes of action—but what this does is, this imports even more confusion because if you adopt a general rule of two years, most people out there are going to say, "Oh, it's two years," and then they're going to get caught in the trap because it's one year plus a month. "Oh, I'm well within two years," but not if you're going after your own insurance company that declines to pay out, as they so often do. That's how insurance companies make money, by charging the greatest amount of premiums and paying the least amount of benefits. As Emeril on TV says, "It's not rocket science," is it?

The other interesting exception in the Limitations Act is a particularly egregious one. I'm sure if my colleague Tony Martin from Sault Ste Marie has a chance to address this bill—and it's going to be tough for him to address it because the government, I'm sure, is going to impose time allocation with respect to this bill too—he will express some profound concern about it because it creates no limitation period, none whatsoever, when it's the government going after a former ODSP recipient, a former social services/welfare recipient or a student loan recipient for monies that may or may not have been paid to that person, but they can go—never mind not only within two years, not within 15 years—forever.

You know and you know and you know, if you've been paying attention to what's going on in your constituency offices, that when the minister hired that private firm to go through social services' books, we had call after call from former welfare recipients, people who, 15 years ago had been on welfare for six months, as it

should be and then moved on with their lives, who say 15 years after the fact, "I've got these wackos calling me saying I owe them money. How the heck am I supposed to recall what went on 15 years ago? I'm telling you, I never received a notice at the time." In fact when we followed through, there was no suggestion that notices had been sent to those people at the time, but 15 years after the fact, 100 bucks, 200 bucks, 300 bucks, 500, 1,000.

The reason we have a Limitations Act and the reason why they should be reasonable is so that plaintiffs' interests are protected, but also so that people who can be named as defendants have their interest protected too, so that they're sued within a reasonable period of time, so that they can gather up the evidence 15 and 20 years after the fact, 30 years after the fact.

Not only has this government cut a sweet deal with the auto insurance industry, oh, once again, but they've cut an even sweeter deal for themselves. I don't think that's fair, reasonable or just. I think this bill should go to committee so that that particular section as well can be addressed.

Contingency fees: let's make one thing perfectly clear. We've had contingency fees, informal—underground, as was put to me by one observer—for years and decades. The general rule of thumb on a personal injury case, a motor vehicle accident back when we had tort—we've had some restoration of it—was if there was a settlement, 15% of the lawyer's fee came from the insurance company and 15% came out of the award, the settlement paid to the plaintiff. That's a contingency fee. It was never articulated in writing, not a contract that was—oh, I suppose enforceable.

Much reference has been made to the Court of Appeal decision, a very competent one, of McIntyre. You may well have heard this from the previous speaker, but McIntyre is about a woman whose husband dies—I hope I've got this right; if I don't, somebody is going to stand up and correct me—as a result of smoking. She wants to go after one of the big tobacco companies. She retains a law firm. That law firm is prepared to do this on a contingency fee basis; however, they want to make sure that they are contravening neither the Solicitors Act nor the law of champerty.

It was fascinating to read the McIntyre judgment in the Court of Appeal. You should read it, and I'm sure you will, before you make your comments, Mr Marchese, because of course Judge O'Connor reviews this antiquated law of champerty and maintenance. It was incorporated, as a matter of fact—interesting, fascinating, and I'll bet you dollars to doughnuts right now that other than Mr Sterling, who knows about these things, there isn't a single member of the Tories present who knows what's unique about the law of champerty and maintenance, and that is that it's not included in the RSOs. You can't find it when you look up the 1990 RSOs.

Interjection.

Mr Kormos: You didn't know that. I know you didn't. Mr Sterling did.

There is an appendix to the RSOs that deals with these antiquated but still very much alive and well statutes, because of course when the common law was effectively repealed, the law of champerty and maintenance common law—the common law wasn't repealed, but there was affirmation of a statutory law.

Anyway, Judge O'Connor goes through the law of champerty and maintenance, which took me back many years to a couple of now-hazy days in law school discussing champerty and maintenance. But at the end of the day he says, no, there's nothing illegal. Among other things, times have changed, and there isn't the sinister quality, the unsavoury quality, to contingency fees that was being contemplated by the law of champerty and maintenance.

But just as other people have referred to the judgment, I marked a couple of sections, because I'm going to tell you right now that I do not take kindly to this Attorney General and this government saying, "We are introducing contingency fees to the province of Ontario," because you're not.

Hon Mr Clark: We're not?

Mr Kormos: No, you're not. Don't be silly.

First, Mr Hampton acknowledged them in his legislation dealing with class actions, but even before that, contingency fees were legal and being practised. Look what Mr Justice O'Connor said—

Interjection.

Mr Kormos: No, no. Listen to me. Jeez. You guys are never going to learn anything if you don't pay attention for just a few seconds.

Mr Justice O'Connor: "... we do know that for years lawyers have acted in what they considered to be meritorious cases for clients of modest means with the realization, if not the express agreement, that they would ... be paid in the event of success." Judge O'Connor then goes on to talk of these as "informal" arrangements.

He does go further, though. It's very clear: Judge O'Connor, in this very competent analysis of the history of the law of champerty and maintenance, and considering the contingency fee agreement that the parties to this matter—as you heard, the Attorney General of Ontario was at it, although even Judge O'Connor's references to the province of Ontario indicate that the province's lawyers really didn't contribute much to the case. But again, the history of these Attorneys General for the last seven years, especially in court, has not been remarkable. They've been more notable in terms of the number of cases they've lost. Have they won any? I appreciate—listen, I of all people understand lawyers can't win all their cases. Sometimes the facts and the evidence just aren't with them. But this government's Attorneys General I think have a batting average of zero. Is there such a thing, a batting average of zero?

Interjection.

Mr Kormos: Yes, there might have been a small claims court case somewhere, Mr Clark is suggesting; you know, they got themselves a default judgment because the defendant never showed up. Those are easy

ones. Thanks—a default judgment because the defendant doesn't show up in small claims court. Yes, what was that for, \$87 or something, plus costs?

1740

In any event, the Attorney General, according to Mr Justice O'Connor's judgment, doesn't appear to have been particularly helpful, but they were there.

It goes on, "I urge the government of Ontario to accept the advice that it has been given for many years to enact legislation permitting and regulating contingency fee arrangements in a comprehensive and coordinated manner. There are obvious advantages to having a regulatory scheme.... There is no reason why Ontario, like all the other jurisdictions" shouldn't have it, and he reiterates that this shouldn't apply to family matters. I do point out that the contingency fee section of this bill makes it clear it does not apply to family matters or to criminal matters. Fair enough. However, that's why criminal lawyers like to get their money up front, because if your client gets convicted and sent to jail, the likelihood of being remunerated or having that account honoured is marginal. That's just the reality of that.

What concerns us, though, is not what's in the bill but what isn't, and we appreciate that there has been a growing tendency on the part of this government to delegate more and more things to regulatory schemes. We suspect part of it is just sloppiness, lack of preparation; that part of that tendency is the urgency to whip up a bill, get it together, and produce just the barest of bones and then say, "We'll worry about it later." But what happens then? How many bills have we seen that have received third reading and royal assent but not been proclaimed? More than a few, because that's where the matters were referred to regulation and somebody's just sort of killing some time, ragging the puck, saying, "Oh, that bill, that bill. Well, mention it to me once again next week." I know the syndrome, "Yes, that phone message or the letter I've got to respond to? Mention it to me again tomorrow." I know what that means. It means I'm not particularly eager to have to get around to it, and staff people have to sort of twist my arm and follow me, bird-dog me, all day to get me to do it. I've got a feeling that's what's going on in some ministries.

We're concerned about what isn't here, and particularly concerned about the ability expressed in the bill of a lawyer to go to court to seek—because the bill talks about the proposition of a cap, maximum fee. Fair enough. We don't know what that's going to be yet. That's not so fair. Two, the bill talks about a lawyer's right to go to court to seek an increase above and beyond the cap. However, it doesn't specifically articulate the right of a client to go to court and say, "Look, I know I signed this agreement and I know the agreement was for 30%, but at the end of the day I discovered that my lawyer or law firm spent"—this was a done deal from the get-go, do you know what I'm saying, that they ended up spending—and I'm just picking numbers out; don't take me literally. But they ended up spending 10 hours on it. "So is it fair that they take \$300,000 of my million-dollar

judgment with really what was in effect a done deal at the get-go?"

Now, in the briefing that I got from a number of outstanding ministry staff—Mark Leach, William Bromm, John D. Gregory, John Lee, John Twohig, Sunny Kwon, Marie Irvine and Abiodun Lewis—all under the watchful eye of the minister's police officer, Mike Langlois—not that he's really a cop, but he was there to keep an eye. It was sort of like the Soviet Union, you know, during Stalinist times? He was there to make sure he could rat out on any of the bureaucrats if they said anything inappropriate—not that any of the bureaucrats would have said anything inappropriate.

In the briefing I had with them, they said—

Mr Rob Sampson (Mississauga Centre): Careful, Peter. You came close.

Mr Kormos: Close don't count.

A client doesn't have the express right to go to court and say, "This is ridiculous that that lawyer should get 30% of my settlement when at the end of the day they did relatively little." A client, according to the briefing I got, could still have an assessment, but what does that say or do about the contingency agreement? We've either got a regime where we have contingency agreements where you have a signature, a contract, an agreement that surely lawyers should be able to rely upon, and clients—this does not improve access to the courts, not one iota, because just as plaintiffs in the past were able to have law firms represent them and carry the cost of their case if it was a meritorious case where there was a likelihood of settlement, they'll have that right now.

The suggestion that this improves, increases or enhances access to the justice system is naïve and inaccurate. We have always had contingency fee systems for as long as I've been alive, which is more than 22 years and change. We've always had contingency fees. Let's not pretend that they aren't here, just as they were in the past.

The Acting Speaker: Questions or comments?

Mr Marchese: I'm surprised that the Tories don't want to take up their two minutes to respond. I certainly liked my friend's speech, the member from Niagara Centre. I thought it was a great speech. I was particularly fond of the fact that he was informing the public of how best to reach their local members and ministers. That was important. He took a lot of time to make sure the public knows how to reach you guys, because it's often very true that many of you don't come to the meetings when we have them, where often the Liberals and the NDP are debating amongst themselves because we have a member that's absent over there.

I want to add one piece of information to what the member from Niagara Centre has included, and that is to say, if you want to reach the ministers, write on the envelope "private and confidential." I'll tell you why. If you don't write "private and confidential," the civil servants get the letter and by the time the minister gets it, they're out of office. You've got to write "private and confidential" because no one else can touch it except the minister and/or his handlers. Usually the handlers say,

"Minister, this says 'private and confidential'; I'd better give it to you." I want to add that to the list.

I want to add the matter of the limitations issue because what they have done is to help the insurance companies by reducing the limitations from two years to one. Why would they that, except for there's big grease going on there? It's the payola, it's the grana. It isn't Joe Blow from my riding, a little guy from my riding, calling in; it's the insurance companies that send the 750 bucks, the 1,000 bucks, the couple of thousand bucks—that's what it's about.

We need to fix it. That's why we need to go to committee hearings: so we can expose the problem, so that people can be heard. They don't want hearings and they don't want the public to hear.

Hon Mr Clark: I have a hard time not laughing at your conspiracy theories. If everything you said was true, we'd be doing nothing over here on the government side. What a joke.

Interjections.

Hon Mr Clark: Now the Liberals want to join in on this. Give me a break. You're telling people that nobody signs letters and nobody reads letters. I have numerous ministers as colleagues here and we all read letters. We read letters that come from you, honourable member from Niagara. I even read your letters. I can't believe I actually read your letters, but I do read your letters and I respond to them with my own pen, not a computer-generated monitoring system. You must believe in the X-Files. You must think the X-Files are true.

All this nonsense about computers, that the minister never sees it, they never look at anything, the minister doesn't touch anything, the minister is not involved—give me a break. The last time the ministers weren't involved was with the social contract.

No one wanted to take any credit for the social contract. That's the last time the ministers of the government were not involved. That, by the way, was the last time they didn't sign letters. They didn't respond to any letters on the social contract. At that point in time, they didn't want to talk to the union leaders any more because you were elected to look after your union leader buddies, and you ignored them. You just kind of shut the doors and locked them out. That's what you did.

I can understand why you're bitter about it, but the reality is that on this side of the House, when we get correspondence, we respond to the correspondence because we want to hear from the constituents. We don't take this nonsense from you, the member from Niagara.

1750

Mr Ernie Parsons (Prince Edward-Hastings): I am particularly pleased to hear of the brand new policy that they will respond to all correspondence. That's been a struggle for three and a half years. If that's a ministerial statement, thank you.

Interjections.

Mr Parsons: I'd like to speak to the bill, if I could, for a minute, if that would be OK. I know the member for Niagara Centre actually touched on this—

Interjections.

Mr Parsons: When you don't have anything worthwhile to say, evidently volume makes up for it.

On the bill, as it was presented—the member from Niagara Centre touched on it, though there weren't many things he didn't touch on: on the limitations portion of it there's one area he mentioned that I would like to support. It says there is “no limitation period for proceedings by the crown to recover monies paid in social assistance, health or economic programs, student loans, awards, grants...” That means the time never runs out; if the government made a mistake, for a social assistance program time never runs out.

I contest that. About a year ago the federal government indicated that a recalculation of their numbers showed that they had sent too much money to Ontario. Premier Harris at that time said that it was their mistake. “We're not giving it back, ever. If it's their mistake, we get to keep it.” That's quite a different philosophy from what they put in this bill. I think it has to do with an attitude of the government that there is one standard for others and a different standard for the government. Certainly, that is not consistent with, “Ottawa made the mistake. It's our money. We're going to take it and run with it.” I think a lot of people in Ontario, though they understood the implications of paying it back, still felt that the morally correct thing to do was to pay it back to Ottawa, but not this government.

The other concern I have about this bill is the limitation of 15 years on buildings. Buildings are designed to withstand such things as tornadoes and hurricanes, which may not show up in the 15 years.

Mr Prue: As I prefaced my comment the last time, I was looking forward to my colleague from Niagara Centre, as always. Even though he raises a few hackles, he is interesting and eloquent. He did make a very good point in terms of getting to your MPPs, which I think was lost. That good point is that if you send it to a minister, if you send it to the Premier, there is a whole legion of people that you have to go through first. Very often, I would suggest, it would be very difficult for this Premier, for any Premier, to handle the enormous amounts of correspondence one would get on any given issue.

My own office has received over 100 e-mails from CAs and CGAs on this very topic. We are responding to every single one of them; it's not that difficult to do so. It's not that difficult, with an e-mail, to simply put “reply.” The answer, since they're form letters, will be in form responses. People have to expect, when they send a form letter, that they'll get a form response. But Mr Kormos made exactly the right point: if you want to get through, get through to the constituency offices. That is the place where MPPs, whether they are cabinet ministers or backbenchers, whether they are in the Liberal Party or in the New Democratic Party—you will hear it there.

He also made some other very good points about people on social assistance 15 or 20 years after the fact having to defend actions, having to defend how much money they were given or not given. I will tell all of you that students contact our office quite regularly who have

paid off their student loans eight, 10 and 12 years ago and are suddenly being asked for money. How do you defend that? How could anyone defend it? This bill needs to be brought to be fair to everyone. The statute of limitations should apply to all.

The Acting Speaker: Response.

Mr Kormos: I've got to tell you I'm overwhelmed. I appreciate the affectionate and supportive comments that were made to my brief discourse on this bill. I am impressed that government members could set aside their partisanship and be as warm in their response to me as my own colleagues are here in the New Democratic Party caucus. It's rare for me to get praise from government members, including a cabinet minister, but the warmth of your comments inspires me. It's what gives me the strength to carry on for another day and keep up the good fight.

I want to tell the Minister of Labour that his warm comments, his compliments about the observations I made about this legislation are appreciated. Some day I hope I have the opportunity to sincerely respond in kind.

The problem is that there's a lot in this legislation: (1) incorporating of CGAs, among others, into public accountancy; (2) introduction of a regulatory scheme around contingency fees; and (3) a major revision of the Limitations Act. My concern is that not as many members as want to and as should be speaking to the bill will be allowed to because of time allocation. My concern is that this won't go to public hearings and therefore won't have the valuable input of any number of people out there who can provide constructive criticism with respect to the contingency fee regulatory regime and the Limitations Act, particularly the self-interest the government has used in giving itself no Limitations Act, the government once again being the snivelling lapdogs of the auto insurance industry and giving them everything they want, to the detriment of innocent victims.

The Acting Speaker: Further debate.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It's unfortunate that I only get about four minutes, so I'll try and be concise. I will, contrary to the people in the opposite benches, be talking just about the bill and nothing else.

For the people at home, I think it's important to let them know what we're talking about this afternoon because a lot of times members go away from the actual bill and talk about all sorts of other things, about their constituencies, and that's important as well. It is important that we talk about constituencies and their concerns. I think the Minister of Labour mentioned just a second ago that he directly, as all of us do directly, touches the constituents in terms of signing letters. I've seen him at many of my events where he comes in, lays it on the line and explains to the people directly.

Coming back to today's bill, Bill 213, Justice Statute Law Amendment Act, 2002, that our honourable Attorney General David Young spoke briefly on and that many members of this House have spoken on, I'm also

pleased to join in this debate today about the justice statute act.

One of the things this bill basically does is that it brings fairness and equal treatment of justice for all citizens of Ontario. It is important that the people of Ontario first of all understand the legal system, the justice system and, secondly, they should all have the right to use the system, even if one's financial means are not there. Therefore, I briefly want to address affordability.

Simply put, the cost of using the legal system should not act as a barrier to justice. I think that's very important. No matter what your level is in society, whether you have money or not, the justice system should apply equally, and it is important that everybody should be able to access that. That is why this legislation includes an amendment to the Solicitors Act. If this legislation is passed, it would modernize the way legal fees are regulated, giving all Ontarians greater protection, flexibility and improved access to the courts.

The proposed legislation would regulate the way individuals enter into contingency agreements with their lawyers. Contingency agreements style legal fees to the outcome of a case. Under such arrangements, if the client wins a case, the client pays a prearranged fee. If the client

does not win the case, the client does not pay. That's pretty simple. I think that makes a lot of sense. In this way, individuals would be given the option of negotiating a different financial arrangement with their lawyers so that unpredictable legal fees and upfront costs do not serve as barriers to justice.

Middle- and lower-income Ontarians should not have to sacrifice their families' futures to exercise their legal rights. This legislation is designed to ensure that they don't. By modernizing the way legal fees are regulated and ensuring strong public protections, Ontarians would benefit from a new tool, contingency agreements, to help them deal with the escalating costs of hiring a lawyer. In particular, the very nature of complex cases often necessitates lengthy and costly preparation, so that the cost of complex cases may be prohibitive to many Ontarians. Yet these types of cases can be among the most important, not only to the individuals or organizations involved—

The Acting Speaker: It being 6 of the clock, this House stands adjourned until 6:45 of the clock this evening.

The House adjourned at 1801.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Conway, Sean G. (L)	Renfrew-Nipissing-Pembroke	
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Elliott, Hon / L'hon Brenda (PC)	Guelph-Wellington	Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance
Eves, Hon / L'hon Ernie (PC)	Dufferin-Peel-Wellington-Grey	Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales
Flaherty, Hon / L'hon Jim (PC)	Whitby-Ajax	Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Galt, Hon / L'hon Doug (PC)	Northumberland	Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement
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Gilchrist, Steve (PC)	Scarborough East / -Est	Parliamentary assistant to the Minister of the Environment and Energy and government House leader / adjoint parlementaire au ministre de l'Environnement et de l'Énergie et leader parlementaire du gouvernement
Gill, Raminder (PC)	Bramalea-Gore- Malton-Springdale	Parliamentary assistant to the Premier and Minister of Intergovernmental Affairs / adjoint parlementaire au premier ministre et ministre des Affaires intergouvernementales
Gravelle, Michael (L)	Thunder Bay-Superior North / -Nord	
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Hardeman, Ernie (PC)	Oxford	Parliamentary assistant to the Minister of Community, Family and Children's Services / adjoint parlementaire à la ministre des Services à la collectivité, à la famille et à l'enfance
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Hudak, Hon / L'hon Tim (PC)	Erie-Lincoln	Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises
Jackson, Cameron (PC)	Burlington	
Johns, Hon / L'hon Helen (PC)	Huron-Bruce	Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Johnson, Bert (PC)	Perth-Middlesex	Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative
Kells, Morley (PC)	Etobicoke-Lakeshore	Parliamentary assistant to the Minister of Municipal Affairs and Housing / adjoint parlementaire au ministre des Affaires municipales et du Logement
Kennedy, Gerard (L)	Parkdale-High Park	
Klees, Hon / L'hon Frank (PC)	Oak Ridges	Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
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Kwinter, Monte (L)	York Centre / -Centre	
Lalonde, Jean-Marc (L)	Glengarry-Prescott-Russell	
Levac, Dave (L)	Brant	
Marchese, Rosario (ND)	Trinity-Spadina	
Marland, Margaret (PC)	Mississauga South / -Sud	
Martel, Shelley (ND)	Nickel Belt	
Martin, Tony (ND)	Sault Ste Marie	
Martiniuk, Gerry (PC)	Cambridge	
Maves, Bart (PC)	Niagara Falls	Parliamentary assistant to the Minister of Transportation / adjoind parlementaire au ministre des Transports
Mazzilli, Frank (PC)	London-Fanshawe	Parliamentary assistant to the Attorney General and Minister responsible for Native Affairs / adjoind parlementaire au procureur général et ministre délégué aux Affaires autochtones
McDonald, AL (PC)	Nipissing	Parliamentary assistant to the Minister of Enterprise, Opportunity and Innovation / adjoind parlementaire au ministre de l'Entreprise, des Débouchés et de l'Innovation
McGuinty, Dalton (L)	Ottawa South / -Sud	Leader of the Opposition / chef de l'opposition
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Miller, Norm (PC)	Parry Sound-Muskoka	Parliamentary assistant to the Minister of Northern Development and Mines / adjoind parlementaire au ministre du Développement du Nord et des Mines
Molinari, Hon / L'hon Tina R. (PC)	Thornhill	Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Munro, Julia (PC)	York North / -Nord	Parliamentary assistant to the Chair of the Management Board of Cabinet and Minister of Culture / adjoind parlementaire au président du Conseil de gestion du gouvernement et ministre de la Culture
Murdoch, Bill (PC)	Bruce-Grey-Owen Sound	Parliamentary assistant to the Minister of the Environment and government House leader / adjoind parlementaire au ministre de l'Environnement et leader parlementaire du gouvernement
Mushinski, Marilyn (PC)	Scarborough Centre / -Centre	Parliamentary assistant to the Minister of Training, Colleges and Universities and Minister responsible for Women's Issues / adjoind parlementaire à la ministre de la Formation et des Collèges et Universités et ministre déléguée à la Condition féminine
Newman, Hon / L'hon Dan (PC)	Scarborough Southwest / -Sud-Ouest	Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
O'Toole, John R. (PC)	Durham	Parliamentary assistant to the Minister of Health and Long-Term Care / adjoind parlementaire au ministre de la Santé et des Soins de longue durée
Ouellette, Hon / L'hon Jerry J. (PC)	Oshawa	Minister of Natural Resources / ministre des Richesses naturelles
Parsons, Ernie (L)	Prince Edward-Hastings	
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Prue, Michael (ND)	Beaches-East York	
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Spina, Joseph (PC)	Brampton Centre / -Centre	Parliamentary assistant to the Minister of Labour / adjoint parlementaire au ministre du Travail
Sterling, Hon / L'hon Norman W. (PC)	Lanark-Carleton	Minister of Transportation / ministre des Transports
Stewart, R. Gary (PC)	Peterborough	Parliamentary assistant to the Minister of Natural Resources / adjoint parlementaire au ministre des Richesses naturelles
Stockwell, Hon / L'hon Chris (PC)	Etobicoke Centre / -Centre	Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement
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Tsubouchi, Hon / L'hon David H. (PC)	Markham	Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Turnbull, Hon / L'hon David (PC)	Don Valley West / -Ouest	Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation
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Wilson, Hon / L'hon Jim (PC)	Simcoe-Grey	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
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Clerk / Greffier: Katch Koch

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Ces listes figurent dans les premier et dernier numéros de chaque session et du premier lundi de chaque mois. Par contre, une liste des circonscriptions paraît si l'espace est disponible.

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