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**Official Report  
of Debates  
(Hansard)**

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(Hansard)**

**Thursday 13 May 2004**

**Jeudi 13 mai 2004**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

Clerk  
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Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Thursday 13 May 2004

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

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*The House met at 1000.  
Prayers.*

**PRIVATE MEMBERS'  
PUBLIC BUSINESS**

ANTI-SPAM ACT, 2004

LOI ANTI-POURRIEL DE 2004

Ms Marsales moved second reading of the following bill:

Bill 69, An Act to prevent unsolicited messages on the Internet / Projet de loi 69, Loi visant à empêcher la diffusion sur Internet de messages non sollicités.

**The Deputy Speaker (Mr Bruce Crozier):** Ms Marsales, according to standing order 96, you have 10 minutes to lead off.

**Ms Judy Marsales (Hamilton West):** The distribution of unsolicited commercial e-mail, known as spam, appears to have reached unprecedented levels in Canada according to a recent Ipsos-Reid poll entitled E-mail Marketing 2004: Being Heard Above the Noise. The study notes that, on average, Canadian Internet users receive 197 e-mails a week, an increase of 60% in one year.

In its simplest definition, what is spam? Spam is simply unsolicited e-mail. But, as you will hear, it's the variety of intentions contained within the spam that is of greatest concern.

The control of spam is a very complex issue that requires co-operation from all levels of government. It requires co-operation of Internet providers as well as the engagement of the general public and general users of computers as to the significant dangers which exist with the escalation of spam, not the least of which is the undermining of the Internet.

What is the current status in Canada? Currently in Canada, roughly 15 billion pieces of spam are distributed every day. This was according to a recent University of Ottawa study. The study goes on to say that these pieces of spam account for over 50% of global e-mails, and it's predicted that this number will grow to over 70% in very short order.

There's not only the distribution of the spam at issue but the cost of the spam and, as I referenced earlier, the content of the spam. The cost of spam, from a business perspective, has been estimated at \$1 per spam of lost

productivity for industry. That, as you can imagine, is terribly significant.

There is an organization in Canada called the Coalition Against Unsolicited Commercial E-mail. What they have said is that spam is far more than a mere annoyance. Spam is costing hospitals, schools, governments, business and end-user consumers millions of dollars every day. Junk mail is postage-due marketing. It is like a telemarketing caller calling you collect. The cost has shifted to the recipient. Connections must be faster and storage space larger to cope with the incoming spam. Businesses must employ more people to deal with the flood of unwanted e-mails. The costs are borne by the end users, not by the person doing the mailing, as is the case with traditional direct marketing.

I ask you, can you imagine what would have happened in the infancy of television if everyone was allowed to broadcast whatever they wanted? I think we would all agree that television would no longer be the medium we currently know it to be.

There is another gentleman in Canada doing an awful lot of work right now. His name is Professor Michael Geist. He too is out of the University of Ottawa. He says there was a time when the cure for indigestion caused by Spam was no farther away than a trip to the drugstore. At this point, with your indulgence, Mr Speaker, we were going to do a spam routine. We were going to sing, "Spam, spam, spam, spam. Spam, spam, spam, spam." Unfortunately, there is no longer an easy antidote or an easy antacid for the spam we know today.

In January 2003, the annual cost of spam was estimated at \$8.9 billion for US corporations, \$2.5 billion for European business, and another \$500 million for US and European service providers. In addition to these direct costs, spam has the potential to erode consumer confidence in electronic commerce and, as a result, threaten the growth of all on-line businesses. Interestingly enough, Professor Geist went on to say:

"On the marketplace front, the government's emphasis on consumer choice with regard to ISP service is misplaced. The issue is not about consumer choice but, rather, about consumer cost. Quite simply, consumers bear the cost of spam regardless of which ISP they choose. Each provider employs a battery of marginally effective anti-spam measures that require significant resources. The cost of those resources is ultimately borne by the consumer, who indirectly pays not to receive the spam."

Also of interest was the fact that Industry Canada just yesterday released a paper indicating that they are now

going to take issue with this unwanted e-mail from a federal perspective. Interestingly enough, they have established a task force, and I met with two of those members quite by accident yesterday. It says:

“Today, spam has become an international annoyance for Internet users. According to current estimates”—and this is from Industry Canada—“spam accounts for more than half of the world’s e-mail traffic, resulting in significant losses in personal and commercial productivity, as well as decreased confidence in e-commerce....”

“In fall 2004, Industry Canada will organize a round table meeting with key stakeholders to review progress on the implementation of its proposed collaborative plan to reduce and control spam. In spring 2005, the task force will present its findings to the Ministry of Industry.” But this is not just a federal issue, as I referenced earlier. This is an issue that washes over both the provincial jurisdiction and the federal jurisdiction, and it certainly imposes responsibility on all of us as computer users.

#### 1010

What are the other experiences in terms of the world? I will point out to you that in the United States, for example, we hear a lot about spam control, and there are currently 21 US states that have laws that regulate unsolicited e-mail. I would like to read again from the coalition against unsolicited e-mail position:

“On the legislative front, legal approaches already exist in such diverse regions as the European Union, Korea, Japan, Singapore, Australia and 30 of the American states.” They say 30, but I could only find 21. “Indeed, Canada may soon be the only industrialized country without such legislation in place, a shortcoming which is likely to lead to spammers regarding Canada as a ‘spam-friendly’ favourable environment in which to set up shop, given our relatively lenient banking laws and advanced Internet infrastructure.”

I don’t think this is what we want here in Ontario, and the legislation we have put forward speaks to what is necessary to control this. In fact, there are two sections within the bill, sections 2 and 3, which will require the Minister of Consumer and Business Services to initiate consultations with other governments and with the Canadian Association of Internet Providers relating to the control of spam.

Section 4 of the bill provides that any person may give notice to the minister or the body to which the minister delegates responsibility that they wish to be on a no-spam list, and persons sending spam must first check to see if the address is on the no-spam list. The list will not be a public document, and the minister will provide only negative information from it; for example, that an address is not on the list.

Section 9 of this bill provides that wherever a message is initiated, if it is received by a person in Ontario it is deemed to have been sent to that person and the act of sending it is deemed to have been carried out in Ontario. The bill also provides for offences and punishments that are more severe in respect of messages that involve pornography. That, of course, is another issue of this bill

that’s most relevant, particularly with explicit sexual activity or attempted fraud or, even more severe, the targeting of children as the receivers. It also provides a cause for civil action in nuisance for sending excessive spam and deems damage to have been caused if the volume is sufficient to cause inconvenience.

You might ask, “What is the percentage of spam?” In the information we have been able to glean, 25% of spam is adult environment, 37% of it is get-rich-quick schemes, 1% is vacation, 2% is contests, 2% is health, 4% is other, 5% is investment, 6% are Web site promotions and 18% are software offers. So clearly, governments can’t do everything.

It was told to me that for a marketer to derive a benefit from using spam, they only need to have a .001% response. Clearly, for them to continue this practice, they are getting that degree of response. So we as consumers, we as individuals, must also be responsible in how we manage spam and how we do not respond to it and the like.

Mr Speaker, I thank you for the opportunity to address this bill.

**The Deputy Speaker:** Further debate?

**Mr Garfield Dunlop (Simcoe North):** I don’t think there are too many mornings when we on this side of the House support two Liberal private members’ bills. I’m going to have an opportunity to speak to Mr Fonseca’s bill as well, but I do want to—

*Interruption.*

**Mr Dunlop:** This is very interesting. I’m surrounded here. I don’t know what kind of plan this is, but I guess I have to be really careful this morning. I think it is interesting.

I guess no one has welcomed the schoolchildren here this morning; it’s great to see the classes on each side of the House watching private members’ hour this morning.

As I said, we’ll be supporting Bill 69, An Act to prevent unsolicited messages on the Internet, and I thank Ms Marsales for bringing the bill forward, although it’s probably an interesting day for you in the House, knowing what’s going on in Hamilton East all day long. It will be an interesting day for all the politicians here at the Legislature.

My comments will be very brief. I just want to say that I think we live in an information world today that’s so intensive. I talk to my former colleagues, people who were at Queen’s Park 35 years ago, and they tell me about the letters they received and how people would respond from the ministries. People would receive letters five and six weeks later, and that was sort of the way we were doing business. Today we have this intensive amount of information coming at us all time, whether it’s on your BlackBerry, your fax machine or the literally hundreds of e-mails we get—we still get dozens and dozens of letters every week.

I don’t know how you folks on that side of the House find it, but I find that one of my biggest challenges in being a member of Parliament is trying to get back to my

constituents and to people who are concerned about different issues, and it adds to the workload we have.

This fits in to what Ms Marsales's bill is about. Of the vast amount of information that floats around the world today—of course the Internet has opened this vast amount of information across the whole planet—the spam type of information accounts for almost 50%, as she said earlier in her comments. I think it's just unacceptable that that type of volume flows on the Internet. We, as government, and the federal government, all have to do something about it.

I believe she mentioned—I hope I'm clear on this—that roughly 15 billion pieces of spam are distributed every day, according to a January 2004 study by the University of Ottawa in partnership with the law firm Osler, Hoskin and Harcourt. Just imagine that: 15 billion pieces of spam every day across the world. It's an incredible amount of information. Imagine if you transferred that into letters. The study goes on to say that these pieces of spam account for over 50% of global e-mail, and it's predicted that the number will grow to over 70% by the spring of this year. So, as the member pointed out in her comments earlier, it's growing at an enormous rate.

There may be a lot more complexities behind this that I'm not aware of, but the intent of the bill is certainly very positive, and if we can reduce the numbers in that area, it would be valuable not only to our constituents but to all Canadians and to people right around the world.

I understand that the federal government has been a little bit slow to tackle the problem—that's my understanding right now. A government report prepared in 1999 concluded that spam-specific legislation was really not required at that time. Of course, we now know how the Internet has grown. When I was elected in 1999, I remember that we used to get four, five or six e-mails a day. That has changed. It seems like it doubles every month and doubles again. When I go back up to my office right now, there will probably be a pile of e-mail that I'll want to look through, because you want to deal with your constituents and do the best you can for them. But I find it is just amazing how many people are using it and how much information is being sent out. Sometimes I find people will forward me a long letter via e-mail and ask me to comment on some long story that was done in the San Francisco Chronicle or some newspaper in Britain or something. First of all, it probably takes an hour to read the article and analyze it. I can tell you it is a huge amount of information.

I look forward to further comments today from my colleagues here—these really aren't my colleagues; they're filling my colleagues' chairs today. But they are colleagues in the House, and they are supporting the bill. Maybe, when we're debating the budget in a couple of weeks' time, you'll be over here cheering us on as we criticize Mr Sorbara's 2004-05 budget.

The other thing I wanted to comment on this morning is that I never knew the member had such a lovely voice, and I was hoping that song would carry on for a few

minutes and we could hear her singing. Thank you for this opportunity. We'll look forward to further comments this morning.

1020

**Mr Gilles Bisson (Timmins-James Bay):** Man, do I need this bill to pass, if it actually works. Most members of the assembly who have their Internet sites posted are subject to getting a lot of spam. On my own particular Web site—gillesbisson.com—we probably get anywhere in the vicinity of 100 to 200 spam messages per day. My staff would be really happy if we were able to get rid of that.

However, this is a difficult issue to deal with. How we make this thing work, should this bill pass, is subject to what the committee is going to have to deal with. The bill is well-intentioned. We all support it. We're going to be voting for it and think it's a great idea.

The problem is, how do you make this work? By saying that a person who wants to send out spam has to check the registry—how are you going to enforce that? There are some enforcement provisions in the bill. I'm not as up on the enforcement provisions as I need to be, but at the end of the day you need some sort of a mechanism that's a strong enough club to discourage people who put out spam from doing so.

Number one, we will vote for it, we will support it, but I really think this bill has to go to committee. The committee is going to have to call some experts about how you're able to make this happen. It's one thing to say we're all in favour of trying to stop spam and this bill is a step in that direction, but the bill in its current form really needs a fair amount of modification in order to give it some initiative.

I noted that yesterday, I think, in the House of Representatives, a similar bill was passed. It had some interesting provisions in it with regard to the prevention side, how they would work it. But, as I understood it, there were fairly large fines in that bill to deal with being able to penalize somebody if they should use spam.

I wanted to take a list of the spam messages I just got from yesterday, when my e-mail was last read. Unfortunately, my staff were a bit busy this morning and they weren't able to pull that together in time. But there are more spam messages that I can't talk about in this Legislature, because it would be lewd and crude. There are all kinds of parts of my anatomy that can get bigger. There are all kinds of things to make my hair grow. There are all kinds of messages to do all kinds of wild and wonderful things, and nasty and perverse things. Quite frankly, I don't want to look at it. I find it quite upsetting to look at some of this stuff. I sometimes wonder about the people who put out this stuff. Don't they have anything better to do than put out those messages?

However, we have to look at the times you do something legitimately. You have group e-mails, for example. How are we going to capture that within this legislation? As a member of this assembly, I let people know that by self-registering on my Web site, if they want to get

information from me we'll pass that on. I'm sure that is not going to be picked up by the legislation, but I think we have to take a look at some uses of the Internet that are quite appropriate and supportive.

The approach I would like to take on this bill is to say, "We'll support it, but at the end of the day, we really need to refer this bill to committee to be able to do the kinds of things that have to be done."

With that, I'm sure other members of the caucus want to put in a couple of words on this spam issue, and I'll leave time on the clock for them.

**The Deputy Speaker:** The member for—just give me half a second—Mississauga West. I know where you're from; it's the direction I wasn't sure of.

**Mr Bob Delaney (Mississauga West):** North, south, east or west—I'm always here.

Last night, I checked my personal e-mail. Of the 231 incoming unread messages, 223 were unwanted and unwelcome solicitations; they were spam.

Bill 69 says to the holders of e-mail accounts in Ontario that your government doesn't like spam any more than you do and will work with the other stakeholders on the World Wide Web to can spam and put its perpetrators in jail.

There is now an entire sub-industry dedicated to producing and distributing unwanted e-mail traffic and the hidden applications contained in executable code inside some of those unwanted spam messages. Spam makes your software more expensive. Applications now need rigorous testing procedures and validations against thousands of permutations of vulnerabilities from such risks as keystroke capture, which sends everything you're doing on your computer to a remote computer; Trojan Horses that enter your system inside a message, inside of a so-called game or inside a free screen saver, only to execute code on your computer and cause damage to your system by deleting or corrupting files; or ad ware that allows a remote computer to store files on your machine and allows others to access those files without your knowledge and permission.

Vendors can only go so far on their own. Last year, industry leader Microsoft assigned 50,000 employees the task of building a trustworthy computing environment for its hundreds of millions of customers. The four corners of this initiative were to make their operating systems, applications and development tools (1) secure by design, (2) secure by default, (3) secure in deployment, and (4) to communicate with its customer base to keep them informed on security issues.

As users, most of us know the three sides of the security triangle: Stay up-to-date on operating system and application patches, use anti-virus software and stay up-to-date with your virus signature, and use a software firewall. But that's not good enough, even if everybody did it, which they absolutely do not. There is still little risk and there are even fewer penalties for investing your time with script and language tools to figure out a new way into an application of an operating system and, once

inside, doing something that may range from the annoyingly harmless to the life-threatening.

As an example, last week's Sasser virus, written by a German 18-year-old, spreads by scanning IP addresses of vulnerable systems through FTP port 5554. It creates a key and corresponding value in the Windows system registry that allows its executable code to run every time the machine is booted. If your patches were up-to-date, you had little to worry about, but if they were not and you were not running a firewall, your system was vulnerable if your IP address was searched. You didn't even have to open an e-mail or click on an attachment.

Internet service providers, or ISPs, now keep detailed logs that assist police in tracking the progress of a virus and tracing it quickly to its source. But what happens if a perpetrator is caught? Often prosecutors lack the legal tools to make a penalty meaningful. Bill 69 offers such tools. Bill 69 says that if you spam someone in Ontario, you commit an offence that will result in a fine, imprisonment, or both. Bill 69 also allows the courts to go after the business perpetrating spam, and after its directors as well.

As it is, spammers are frequently script kiddies out for peer recognition on a chat room or a newsgroup, or unscrupulous hucksters who seldom offer value for money with their commercial solicitations. As an example, police have learned that the author of the spam-propagated Sasser virus sought recognition for his skills as a programmer as his motive for writing the virus. Instead, he faces five years in prison under German law.

Software needs to be secure. Developers need to learn to write software that is secure by design, default and in deployment. Users need to take responsibility for their actions and to secure the entry points to their computer hard discs in a manner similar to how they secure their homes, their cars and their bank accounts. ISPs and Web-hosters need server software that can identify spam at its source and delete it early in the propagation cycle. Law enforcement officers and prosecutors need the means to find, arrest, penalize and jail those who violate the privacy of Canadian homes through the medium of the World Wide Web.

Spam is no joke. Spam is a productivity drain and an increasingly costly waste of time and resources for Internet service providers and for businesses, large and small. It clogs corporate networks and is sometimes a vehicle for viruses that cause serious damage. The cost of spam to North American businesses alone is nearly US\$1 billion annually. That is value lost, just as if the cash itself had been stolen. Spam, like insurance fraud, costs consumers who obey the law.

Canada is certainly not the Wild West in cyberspace law. Sections of the Criminal Code of Canada, the Telecommunications Act and the Personal Information Protection and Electronic Documents Act, or PIPEDA, extend legal protection to consumers and sanctions against spam perpetrators. British Columbia, and now Ontario, have joined the anti-spam crusade in provincial legislation.

As a computer user, some 95% of my incoming e-mail is now spam. I'll fight for this bill, not only because I feel it's part of the solution to secure a universal and safe global Internet, but because I'm just tired of those unending funeral plot, Viagra and hair restorer solicitations.

1030

**Mr Jeff Leal (Peterborough):** I'm pleased to have the opportunity this morning to support my colleague from Hamilton West with regard to Bill 69. I think one of the important elements of this bill, if it moves forward and hopefully is implemented, is the protection of our young people from spam.

In my case, I have a son who is six years old and a daughter who is four years old, and frankly, in terms of facility with computers, they're much more literate than their father. I came to computers fairly late in life. When you have a daughter in JK and a son in SK, they're exposed to the marvellous technology of computers at a very young age. Indeed, for children who are accessing the computer at such young ages, I think there is a real opportunity to bring in some controls to really filter out what I consider a lot of messages through spam that could be harmful in many ways—stuff that's put over electronic links.

In my case, as a former councillor, we introduced the e-mail system to city hall in Peterborough in 2000. It was implemented on the reasoning that it would make the mayor, members of council and senior staff much more efficient in dealing with the concerns of our constituents. But after a while I found it indeed was inefficient, because when I would turn on my computer on a daily basis, instead of getting the five or six messages I needed to conduct my business as a city councillor on a day-to-day basis, it was filled with 200 messages from people advertising a variety of things.

I think we'll always remember Bob Dole, the Republican presidential candidate in 1996. When that product was advertised by e-mail, I always have images of Mr Dole marching down the halls of the United States Congress. It will be forever imprinted. I think this bill is an opportunity to start the process to really get into an area that I feel needs to be regulated.

I want to quote from a Toronto Star article yesterday, talking about the federal government's anti-spam task force. It's about how criminals might be using spam—Michael Geist is a professor of Internet law at the University of Ottawa and a member of the task force: "Canada risks becoming a 'spam haven.' Geist said many criminal spam rings already operate in Canada. 'We're not talking about people operating out of their basements. We're talking about very sophisticated and large criminal organizations,' he said, adding that spammers and virus creators are now working together to exploit consumers."

I think my colleague from Hamilton West is starting an initiative here that I hope all provinces will eventually join to really get a handle on this spam that we have in our computer systems and ultimately to get rid of it, so that on a day-to-day basis we'll just have the information we really need to do our jobs.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm pleased to join the debate on Bill 69, An Act to prevent unsolicited messages on the Internet. This is legislation that certainly merits consideration by this House.

I would like to have known the position of the Minister of Consumer and Business Services on this, because the duties being put on the minister and the ministry are fairly significant with respect to intergovernmental consultations under section 2, and each year a report to the Legislature on what's happening with respect to spam. Also, section 3 requires that "The minister shall initiate consultations with the Canadian Association of Internet Providers."

Certainly the ministry is going to have to be behind this. From what I see of this bill, significant money and resources will be needed to make this happen and make it work, so the ministry is obviously going to have to be behind this. This is not a ministry bill; this is a private member's bill. The member obviously has good intentions, and I accept those intentions with respect to trying to bring this about. But it's not going to happen unless the ministry has the resources and the will to bring this about, and we don't know what the minister thinks about this.

The other part that needs to be addressed is section 7. It's quite confusing as you go through section 7, which is entitled "Offences by e-mail senders" and then over to section 8, which involves penalties. Section 7 deals with persons who commit offences, and there is no definition of "person" in the legislation. I would think it's not related to a corporation, not related to a partnership. It could cover officers, directors, employees or shareholders of particular companies. It becomes problematic because under section 7 it deals with "every person" and then goes over to subsection 8(5), which says, "Where a corporation or partnership is convicted of an offence under this section, the court may, in addition to imposing a fine...." Section 8 deals with "A person who commits an offence under section 7," and section 7 doesn't refer to "corporation or partnership."

That's going to have to be cleaned up, because that's confusing. You could have a person who's an employee directed by their boss to send that spam, and it's the employee who's going to be charged under here and nothing is going to happen to the corporation or the partnership involved in this particular type of activity. The member has set out in subsection 8(4), under "Forbidden to operate business," it "being the owner, director, partner, employee or shareholder," and then it goes on to deal with "Directors' punishment."

I would just say the language is going to have to be cleaned up, because you could run a truck through that with respect to a corporation. They're not going to get convicted under this legislation. A partnership is not going to get convicted under this, and neither is any other type of entity that is a non-person. Persons are covered under this, but it's actually going to be directed at the sender, and that could be the employee of that company. That's not fair, if they're working under orders, because

that's what they're there for, no matter what is going on here.

There certainly should be penalties, just like the health and safety act. I think the member should realize that. The health and safety act is designed as a tiered system in terms of there being corporate responsibility, director responsibility, shareholder responsibility, officer responsibility and employee responsibility. Those tiers of responsibility under the health and safety act all have obligations and all have fines that deal with the breach of those obligations.

This is going to have to be amended to make sure that what section 7 covers also applies to corporations and partnerships and also covers people who are office-holders within those companies. They may not have sent the e-mail but are in fact directing the activities of that operation, and they're going to get off scot-free because there's nothing to trigger getting them. I would hold strongly to that, because quite frankly, it's not going to draw any liability.

#### 1040

The other part of the bill that I would comment on is under section 12, "Cause of action," which is an independent civil action. It reads, "(1) Any person, including an Internet service provider, who receives spam in contravention of this act in quantities that cause significant inconvenience may bring an action..." What is a quantity that causes significant inconvenience? I have no idea, and I don't know whether a court would either. It's certainly a factual test. I think it should be, actually, not absolute strict liability in terms of there being something that is in contravention of the act by sending the spam, but to qualify it by saying "quantities that cause significant inconvenience," what's the test? For a small organization with one machine and just a couple of employees, if you send 50 to 100, that might be a significant quantity, but the question is, does that cause significant inconvenience? I don't know what "significant inconvenience" is. If it stops them from working for an hour or two, that would certainly be a significant inconvenience, depending on the organization. I think that qualifying statement with respect to a civil action is going to be very difficult to understand and difficult for a court to interpret. I understand what the member is trying to accomplish here in terms of causing "significant inconvenience," but at the same time I think that's going to have to be looked at.

I have no further comments.

**Mr Khalil Ramal (London-Fanshawe):** I'm honoured to rise in this place to speak in support of Bill 69, An Act to prevent unsolicited messages on the Internet, brought by the honourable member for Hamilton West. It's a very important topic to talk about, and I'm interested because I receive a lot of e-mail on my Internet, and a lot of my constituents came to me and asked me if we could bring a bill like this to prevent such action, which creates inconvenience for a lot of people in this province.

This is a very complicated issue, especially when we live a life full of technology and with a medium that we

are not able to control 100%. I was reading the bill in detail and was interested in how the member did important research to follow it step by step in order to bring such a strong bill to help the people in this province especially. Everyone in this province probably has a computer and is connected to the Internet. Even now, through BlackBerry, we have the Internet beside us almost 24 hours. On the Internet we receive a lot of e-mails, what we call junk e-mail, which we don't want, and most of the time, when it comes in an e-mail at home, especially when we have small kids, we have e-mail that we don't want our kids to see. It's forced on us. I think the bill will help a lot in order to prevent such action which poisons our children's minds.

It's very complicated and I don't know how we can implement it, especially when we deal with technology. There's always something around it. I was reading the statistics. About 15 billion junk e-mails are received on a daily basis, which cost us millions and billions of dollars, across this globe.

I like what I read from the bill in the details. In order to implement a strong bill, we have to work in conjunction with the federal government and also with Internet providers—I don't know how we can control that—and also with the international market. I hope our Ministry of Consumer and Business Services comes with details to enforce that bill and put it alive in order to help our family, our kids, our people in this province.

Therefore, I'm here today to speak in support. I hope everybody—from what I've heard—on both sides of the House is going to support that bill.

Thank you very much for giving me this time to speak in support of that bill. I leave the time for my friend.

**Mr Tim Hudak (Erie-Lincoln):** I'm pleased to respond to the member from Hamilton West's Bill 69. I'm not going to get into much of the detail of the legislation, as my colleagues did, but speak more in a general sense.

I want to congratulate the member from Hamilton West for bringing this bill forward, because I do see, as other members of the House have already said, that this is a significant and growing concern, not only in the province of Ontario but across the country of Canada and internationally, and in fact the whole realm of intrusions into privacy. There's the notion of having some peace in our home from annoying telemarketing calls in the evenings or on weekends. There are spam faxes as well, that kind of intrusion. My wife and I have been awakened at 4 or 5 in the morning by the fax phone ringing with a junk fax coming across at that time. And of course there's the growing area of intrusions into privacy on the Internet, imposing a significant externality on users of the Internet and increasing the costs to business and in our time in going through all the junk e-mail that hits us. And there's the new area of spim, I think they call it, using Internet instant messaging services as another intrusion. You may be reading the National Post for that day and these instant messages pop up on your screen. They're not only annoying and costly, but they could be tremendously misleading ads as well.

If the bill proceeds, obviously the challenge is to ensure that laws we bring forward are consistent with the breakdown in powers between the federal ability and the provincial ability to act in these areas. But I say God bless the member for bringing it forward, because the federal action in this area has been absolutely lame. There was a very flaccid announcement this past week by Industry Minister Robillard to put together a committee to talk more about the evils of spam.

The CRTC has been consulting in this area since 2001 or maybe before that. I think that's been enough time for talk federally. We need some action in this area. The United States, Britain and European countries are leaving Canada in the dust in protecting personal privacy, particularly on these intrusions into the home, whether through the computer, the fax line or the telephone line.

At the very least, this bill, particularly if it gets support from the government and the Minister of Consumer and Business Services, can help start pushing the agenda—from what we've seen, a very weak attention to this at the federal level.

I'm reminded too about the movie *Minority Report*, where Tom Cruise's character, whose name slips my mind now, walks into a Gap store and is bombarded with ads that know what he purchases and know the size of his clothing and such. Well, that's a few steps down the road. The reality is that today, through data-mining techniques, they can put together a profile of the Web sites you may have visited, the information you've downloaded. They could tell, for example, the purchasing preferences of the member for Hamilton West without her permission, without opting in. You can do your best to try to opt out of this type of process, but you may just be giving your e-mail address to even more predators on the Internet.

This is just the beginning of the dangers to our personal privacy through the Internet—a tremendous tool, with vast and growing potential, but also great risks to our personal privacy.

I've seen very strong work and I want to commend the Minister of Consumer and Business Services for some great ideas in advancing the consumer protection agenda. His most recent legislation sounds great to me, and some interesting changes he's proposed to the liquor laws and regulations in this province, including bring your own bottle—interesting ideas. If I had only had the time, a few more months at that ministry myself.

I hope the minister will champion this bill and get some action as well at the federal level.

**1050**

**Mr John Wilkinson (Perth-Middlesex):** It is always a pleasure to rise in the House, particularly for my colleague for Hamilton West and her private member's bill, Bill 69.

I was thinking about spam. As you know, I'm a business person, so I've been part of that technological revolution over the last 20, 25 years. When I looked at spam—s-p-a-m—I thought, really, that stands for something these days.

“S” for significant. I think we've all learned today in the debate that spam is significant, that more than half,

almost two thirds, of all e-mail is spam, unsolicited. They come into your e-mailbox. You didn't ask for it. You didn't ask for it at all.

The second thing, p, is that it's pervasive. Although we have technology now that allows people to filter, or try to filter—and actually create an industry. It makes me wonder whether or not those who sell anti-spam filters are actually doing spam to create a demand so they can fill that with their product. Really, it is pervasive.

The third point, the “a,” is that it's annoying. I think we've all had to deal with the terrible frustration of having to deal with this. Mr Dunlop was saying the same thing.

The other thing is “m”—malevolent. This is what we all have a great fear about as legislators, that our children, who all have the ability to access their e-mail accounts, who all have an account with Hotmail or Yahoo, are being bombarded by content that—as the member from Timmins-James Bay said, parents have nightmares about the stuff their children would be exposed to.

I want to commend the member for Hamilton West and all the members for speaking in favour of this bill, particularly the member from Mississauga West. I don't think anyone here in this House has more technical ability with regard to the whole issue of computers and software and how they work than Mr Delaney. What he is telling us, of course, is that spam is the preferred vector for viruses. So let alone the fact that about a dollar of economic production is lost for every spam. These millions, hundreds of millions, billions of spam we have to deal with are the way that malevolent people get viruses into our computers—for various reasons. Some young teenaged boys just do it because they can, and they want to prove they can do it. But we also have a security risk. We have a risk to our entire economy, when you think of terrorism. You read some of the books about where terrorists will hurt our North American economy and in the Western world in the future, and it is through this kind of cyber-war.

We are allowing a situation where billions of unsolicited spam are coming into our computers. That's why I want to commend the member from Hamilton West.

One of the things I have seen as a suggestion is that marketers, advertisers, must have an e-mail address as a source that begins with the letters “adv” to show they're advertising, or their Web site has to end with a new suffix “.adv” so you know it is advertising and can decide whether you want to have e-mails from people that start an e-mail address with “adv” or have a Web site or an e-mail address as a source that ends with “.adv.” That may give us the ability to separate the sheep from the wolf, the wheat from the chaff. I would commend that suggestion that I've read about in my research about this bill as a way for us to deal with it.

Finally, I'm sure that if we were to tax this stuff, it would stop in a big hurry. Not that we'd want to go to taxes, but when you look at the health and the security of

our children, I would say a penny a spam and we'd have a lot of health care in this province.

**The Deputy Speaker:** Ms Marsales has two minutes to respond.

**Ms Marsales:** I want to express my sincerest appreciation to my colleagues on both sides of the House for supporting Bill 69, but I would also like to thank some of the experts that Monsieur Bisson was talking about earlier, one of whom is Nick Bontis, a professor at the DeGroote School of Business at McMaster University, which is in Hamilton West; and Tom Copeland, the president of the Internet providers association, and Lori Assheton-Smith, who is the senior vice-president and general counsel, Canadian Cable Television Association.

In closing, I want to share with you an example of just how quickly this spam issue is spiralling out of control and how desperately we need to do something to bring it into check. I think it was referenced a minute ago, about the newspaper article yesterday giving us the discouraging report that not only is spam choking the Internet, but we have a new spam cousin on the scene called spim.

**Mr Leal:** Spim?

**Ms Marsales:** Spim.

**Mr Hudak:** The evil twin.

**Ms Marsales:** Yes. This is defined as junk being sent from instant messenger software, and as the article states, you can't even escape by leaving home. Unsolicited ads are already being sent to your cellphone. Can you imagine, Mr Speaker? There is just no privacy left.

We have to keep in mind that spam knows no boundaries, but all stakeholders have a role to play. I am just one of those stakeholders, as we all are in this Legislature. We must engage the general public. We must engage the federal government. We must engage the Internet providers' association. We must engage everyone who has an interest in communications at all levels to ensure that the complexity of the issue is dealt with, as well as the confidence in securing the Internet for all of us to use in the future.

#### OLYMPIC DAY ACT, 2004

##### LOI DE 2004

##### SUR LA JOURNÉE OLYMPIQUE

Mr Fonseca moved second reading of the following bill:

Bill 71, An Act to proclaim Olympic Day / Projet de loi 71, Loi proclamant la Journée olympique.

**The Deputy Speaker (Mr Bruce Crozier):** Pursuant to standing order 96, Mr Fonseca, you have 10 minutes to lead off.

**Mr Peter Fonseca (Mississauga East):** Altius, citius, fortius: higher, stronger, faster. Those are what Olympians strive for, Mr Speaker. But not only do they strive for those things as principles and values; they strive for values that transcend what we call the celebration of humanity, and those are the values of excellence and fun and fairness, human development, leadership, peace, respect. It is when the world comes

together under those strong values that we create this Olympic spirit.

I had the great honour of representing Canada in the 1996 Olympic Games in the marathon, and it was a tremendous experience to be able to represent our great nation. I'm running along in the marathon—I was ranked 40th in the world at the time—and there were about 126 of us in that race. When we took off on that Atlanta morning, it was about 30 degrees Celsius, 96% humidity, and I can tell you, I was not feeling really well at about 32 kilometres into this 42-kilometre race. But when I saw the people cheering and I saw a group of Canadians with that Canadian flag—I had drifted back in the pack—my head got up and I started pushing on. I crossed the line in 21st, and it was one of the greatest experiences of my life.

Now, being in an Olympic Village, for those who haven't been in an Olympic Village, it's amazing. People of all cultures, races, sizes and shapes come together, so you have Polish and Indians and Kenyans and Chinese and Italians and Portuguese; 200-some-odd nations come together in that Olympic Village. What I found amazing was that people from other nations outside of Canada, like Italians or Polish or Chinese, found it awkward to be around so many different cultures, but what is great about being Canadian and about being an Ontarian, about living in the GTA area, is that we have an Olympic Village here 365 days of the year, and we are able to live in a peaceful civic society here that the rest of the world looks upon as golden. This is our gold medal, the gold medal that we shine out to the rest of the world. That was the most amazing experience I felt, in terms of that human experience.

#### 1100

Now, the games are about breaking barriers and pushing the envelope, achieving new heights. Sometimes we see those in terms of sport, in that somebody can lift more weight or run a little bit faster. But they've also broken ethnic barriers, social barriers, technological barriers, all the obstacles that hold us back from greatness. We think back to Jesse Owens, the barriers he broke, or Cassius Clay, who then became Muhammad Ali, the barriers that were broken by this great athlete; or we think about our team and how it united our country, the team that was led by Wayne Gretzky in Salt Lake City, our women's and men's gold medal hockey teams; or we think back to Simon Whitfield crossing the line, with his gold medal in the triathlon in the Sydney Olympic Games—all these people breaking barriers, winning.

But we also remember Jeremy Witherspoon, where he fell trying to achieve his gold medal in the long course speed skating. The thing is that when someone is not able to achieve, our hearts go out to those people. It doesn't matter if they finish first or last or in the middle; it's that they are striving for excellence. We, together, push for them, either as we watch in the stadium or, if we don't have that opportunity, as we watch on TV, as do four billion or five billion people around the world.

As to the Olympic experience, I'm going to tell you a short story about an experience I had. Within an Olympic stadium, there is a track that the fans cannot see, a warm-up track. As I was warming up for my event, I would hear the stadium just roar. It was unbelievable. It felt like the whole place was going to shake and crumble down. I was thinking, "What is going on?" as I was jogging along. I realized that what was happening was that those pole vaulters were going over that bar, one centimetre higher and another centimetre higher, and all those people were screaming. It seemed somewhat absurd to me: just for another centimetre? But no, they were screaming for humanity to break barriers. That's what they were screaming for.

That's what everybody screams for. As we work here for the people of Ontario, that's what 12 million people in Ontario are screaming for: to break barriers, to make our life better. That is what greatness is all about. Greatness is about the ability to overcome barriers that seem unending. It is to conquer mountains that seem insurmountable, to rise above one's fears and triumph over pain. It's to push ourselves and, in so doing, inspire others. For us to achieve greatness, we must do great things, take great strides and change the world, starting with ourselves. Like an Olympian, we each represent our race, culture and country and should strive to be agents of peace and change. Through our actions and by working together, we make ourselves aware and gain an understanding of what we represent and of ourselves. This is greatness.

It would be appropriate to recognize the fourth Tuesday of September as Olympic Day, a day that celebrates Olympism and the seven values of the Canadian Olympic Committee.

Now, the Canadian Olympic Committee contacted Avril Lavigne and asked her about the Olympic Games, and Avril said, "What's important about the Olympic Games is not where the athletes come from or what they look like, but playing fair and doing the best they can." Nelson Mandela made a statement about what Olympic spirit is all about.

**Mr Bob Delaney (Mississauga West):** An honorary Canadian citizen.

**Mr Fonseca:** An honorary Canadian citizen, as my colleague from Mississauga West says.

The Olympic Games remind us that competitors can be friends and equals a far greater percentage of the time than they will be adversaries. Even though the competition is fierce, the rivalry ends when the event ends. This message is fittingly delivered by Nelson Mandela, whose life has exemplified peace, hope and equality.

Another great individual making great strides in pushing the Olympic spirit is Christopher Reeve. Often at the Olympic Games, even when competitors don't reach the podium, they reach into their hearts by representing the very best humanity has to offer. Christopher Reeve demonstrates the power of inner strength. He defines the core Olympic values of joy and effort and inspiration, just a few of the many things that make the Olympic Games so special.

We talk about character and the character we want to build in our kids, our youth, and everybody in this great province. I say that as we build strong communities, we incorporate those values of excellence—the right of all people to pursue their personal level of excellence, which could be in education or in any endeavour they desire; of fun—the path to greatness should not be seen as competitive nor as a chore, but rather as an enjoyable endeavour that we undertake for ourselves and with others; the great one of peace. Through our actions and by working together, we make ourselves aware of what we represent and increase our understanding of ourselves. In so doing, we become agents of peace and change.

That is why I feel we should proclaim Olympic Day. Olympic Day is represented in Ontario 365 days a year and is something we live by every day. Thank you very much for being able to speak on these great values.

**Mr Norm Miller (Parry Sound-Muskoka):** It's my pleasure to join in the debate today on Bill 71, An Act to proclaim Olympic Day, put forward by Mr Fonseca, the member for Mississauga East.

First of all, I'd like to congratulate Mr Fonseca on being one of the few who manage to get to the Olympics. That's certainly a great accomplishment. I think it's something many of us dream about doing, but very few of us actually have the ability and are able to do all the hard work that makes them able to make the Olympics.

I know that in my younger days, a sport I very much enjoyed was downhill skiing. I spent just about every spare moment I had in my high school days racing and competing, dreaming about being on the Canadian Olympic team, skiing at a very small ski hill just north of Bracebridge—well, a small one by Bracebridge called Rainbow Ridge, which no longer exists, and then at a little family place called Curlew, just south of Huntsville. It no longer exists either, but it was a small place where families participated. A race, I think, lasted about 20 seconds on the hill; it was that small. But there, I still aspired to be in the Olympics. I raced hard and to the best of my ability—obviously not good enough to be in the Olympics. But from that small ski hill, we actually did have a person who made it to the Olympics. Liisa Savijarvi competed in Sarajevo in the 1984 Olympics and had a great career on the World Cup circuit as well.

Really, what is to be accomplished by this bill? I say it's putting forward Olympic values, the glory of the hard work paying off, the achievement that comes from that, but I also think the greater societal goal has to be that we encourage more people to become physically active and to develop a healthy lifestyle. In my case, I still ski and enjoy cross-country skiing as well. I'm involved in lots of other sports, none that I'm very good at, but I still enjoy them and keep fairly active with those.

**1110**

I think that is the goal that can be accomplished by a bill such as this. If we can encourage more people, if we can develop in more young people especially an interest in sports and physical activity, then that's a very worth-

while thing. It will benefit those individuals in terms of a much better quality of life. It benefits government as well, with things like less cost for the health system down the road as we have more people that are physically active and in better shape.

I think there's certainly a role to be played by schools as well, in the physical ed departments in schools. I remember through my youth having some great phys ed teachers: Art Luker in public school, and Lanny McQuain and Bob Barrett in high school, who did a great job of introducing their students to many different sports. I remember Lanny McQuain was the coach of our downhill ski team. He himself hardly skied at all but still managed to get us to achieve to the best of our abilities. He did a great job. I think there needs to be more phys ed in schools. In fact, I think it's a good idea for it to be mandatory.

I think this bill is really about developing more of an interest in our young people in becoming physically active, and recognizing that the Olympics play a role in getting more of us to work toward a physically active lifestyle.

On that point, I think we need to look around this room a little bit at the MPPs. Maybe we should be starting the MPP Olympics, as a possibility, to encourage physical activity around here.

**Mr Hudak:** O'Toole would win the long-distance speaking contest.

**Mr Miller:** Yes, and not the long-distance speaking contest either, that Mr O'Toole would certainly win, as you say.

Anyway, I will be certainly supporting this bill. If it goes a way towards getting more of our youth active, I think it's a worthwhile thing.

**Mr Khalil Ramal (London-Fanshawe):** I'm honoured to rise a second time in this House, to speak in support of Bill 71, An Act to proclaim Olympic Day. When it comes from an Olympic champion, Mr Fonseca, the member from Mississauga East, I believe he's just the perfect person for the perfect bill. I was listening to him, the details of how he described the value of that day, the importance of that day. I believe he stated it very well.

The Olympics are about breaking the barriers among all the international athletes who come from everywhere. Despite their colour, their religion, their ethnic background, all compete on the same level. All they care about is doing their best in order to represent their countries.

Mr Fonseca had the honour to represent Canada in 1996 as a runner. When he spoke with passion about the importance of this bill, I just felt him running right then. I can see him running with full passion, trying to encourage others to follow his path.

Another important thing for this bill is to encourage people to be physically active in order to get healthier, which was our mandate and our commitment to the people of this province, to encourage people to walk and do some kind of sport—any type of sport—in order to strengthen their health.

I come from a city, London, Ontario, where we encourage a lot of sport. We try all the time to convince all the games to come to London. We had the honour in 2001 to host summer games along with the city of Woodstock, St Thomas and Grand Bend. We had a wonderful time. Athletes came from all over Canada to be part of that competition. We had a good, good time because London has great facilities. We have a great river, a famous river. Also, we have the John Labatt Centre. We have a lot of hockey arenas, a lot of fields, to enable athletes to compete in Olympic rules and fashion.

We were happy when we heard the announcement last week that we are hosting, in the year 2005, the Memorial Cup. All of that because our city, London, our council, our mayor, don't save a minute where they're not soliciting, talking, trying to promote health, trying to promote the Olympics, trying to promote sport as a way to put people together, to break barriers, to help people be physically active and also to get more people to come see our beautiful city of London.

Today Mr Fonseca, by introducing this bill, is trying to put people on the right track, the right way, in order to help the younger generation be involved in soccer, running, hockey, baseball. All these activities are very important to us. I would encourage every member of this House, in order to continue our message, to encourage constituents, to support the bill and support all physical activities—I hope also from both sides of the House. The support of the bill is very important to celebrate and talk about the importance of Olympic Day, in order to have a healthy generation, a healthy community. I go back to the Romans. They used to say, "A healthy mind comes from a healthy body." Therefore, I'm supporting the bill, and hopefully everybody in this House will support the bill along with me.

**Mr Jeff Leal (Peterborough):** Indeed, it's a pleasure for me to support Bill 71, An Act to proclaim Olympic Day. I had the opportunity to do a little research with the National Library of Canada. Bruce Kidd, outstanding Olympian and athletic director for the University of Toronto, has written a series of essays about the history of the Olympic movement in Canada. I just want to quote from Bruce's essay:

"Canadian amateur sport constitutes one of the longest-standing nationalist movements in Canada. In the year of Confederation, Montreal dentist and lacrosse player George Beers established the National Amateur Lacrosse Association to instill self-discipline and a sense of citizenship among athletes through the orderly conduct of games and to foster pride in the new nation through dramatic athletic performances in international competition. Subsequent amateur sports leaders adopted these goals and when they joined Pierre de Coubertin's modern Olympic movement in the early 20th century, they made Canadian Olympic teams the flagship for these" very worthwhile "ambitions.

"The first Canadians to compete in Olympics did so as individuals or as members of local clubs. Canada's first Olympic champion was Toronto Lacrosse Club star

George Orton. At the 1900 Olympics, Orton, who was studying at the University of Pennsylvania, travelled to Paris with the American team and took the gold medal in the 2,500-metre steeplechase and the bronze in the 400-metre hurdles. The requirement that athletes compete as members of national teams was not established until the games of the IVth Olympiad in London in 1908.

“At the 1904 Olympics in St Louis, Canada took four gold medals. Étienne Desmarteau of the Montreal Police Association won the hammer throw and George Lyon of Toronto’s Lambton Golf Club won the golf competition. The Galt Football Club and the Winnipeg Shamrock Lacrosse Club won titles in their respective sports. In 1906, at the so-called Interim Games in Athens, Hamilton runner Billy Sherring, sporting a large green shamrock on his chest, won the marathon. Despite their local affiliations, these athletes’ victories were quickly acclaimed for Canada, and whetted public opinion for the Olympic Games.”

But also the great elements of Canadian citizenship were shown during the 1936 Olympic Games in Berlin. We know that those games were quite controversial because “The Nazis’ murderous treatment of Jews, trade unionists and so many others ignited an international protest.” While Canada did send an official delegation to the Berlin games in 1936, a number of Canadian “athletes like speed skater Frank Stack, race-walker Henry Cieman, and boxers Sammy Luftspring and Norman “Baby” Yack decided not to go,” in protest that the Nazis were violating many of the citizenship principles that we hold dearly. Indeed, those individuals actually wanted to protest by going to the People’s Olympics, which were held as a counter Olympic event in Barcelona during that same time.

“The revitalization of amateur sport was furthered by the government of Prime Minister Pierre Trudeau, first elected in 1968. An enthusiastic participant in physical activity himself, Trudeau believed that the performances of Canadian athletes in international competition sharpened the ‘image Canadians have of themselves.’” In the face of Quebec separation, western Canadian regionalism and the anger of Aboriginal people and others, Trudeau thought that the Olympics, the spirit imparted by the Olympics and the example that Olympians showed in their citizenship were models of Canada, and I believe my colleague’s bill will help support that ideal.

1120

**Mr Kuldip Kular (Bramalea-Gore-Malton-Springdale):** It’s indeed my pleasure to have the opportunity to speak on Bill 71, presented today by my esteemed colleague the Olympian from Mississauga East.

When we think of the Olympics, we think of sports and competition. But the Olympics are so much more than that. Let me talk a bit about the history of the Olympics. We all know that the ancient games were taking place in 776 BC. The games took place in four cities in ancient Greece. The names of those cities were Olympia, Nemea, Delphi and Isthmia. At the start, the ancient games used to last only one day, compared to the modern games, which last 16 days.

The founder of the modern Olympic Games was a French nobleman, Baron Pierre de Coubertin. In 1894, in Paris, the International Olympic Committee was formed, and it was agreed to hold the Olympic Games every four years. It was hoped that the athletes taking part in international competition would promote peace and friendship between their countries. The most important thing in the Olympic Games is not to win but to take part. The essential thing is not to have conquered but to have fought well.

As I have said before, the Olympics are so much more than sport; they represent core values. These core values, as put forward by the Canadian Olympic Committee, are excellence, fun, fairness, human development, leadership, peace and respect. In my own riding of Bramalea-Gore-Malton-Springdale, many organizations portray these values in the work they do on a daily basis.

In Canada, the summer Olympics were held for the first time in Montreal in 1976. Unfortunately, politics have affected the games at different times.

Another aspect of the games is that they have become commercial in recent years. Television rights are sold, and large companies sponsor events and teams. Some people think this is a bad thing, but it provides the money to build facilities that allow athletes to train and increases public awareness of the Olympic movement.

At the end of the day, the Olympic Games are an inspiration for the whole world. Friendships are built through participation in sport. The performances of the best athletes in the world can inspire all of us to achieve our own potential. The efforts of those who do not win Olympic medals can also be an inspiration to young people across the world.

Olympic Day, which this bill is all about, is a part of the worldwide commemoration of Baron Pierre de Coubertin’s convening of the first meeting of the International Olympic Committee in Paris in 1894 and the founding of the modern Olympic Games.

In closing, I would like to give my support to this bill, which has been put forward by the member from Mississauga East. I would request that all members of the House, on both sides, support this bill, and I’m proud to do so.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I’m certainly pleased to join the debate on Bill 71, An Act to proclaim Olympic Day. The values that are in the bill are certainly not just about the Olympics and the values that athletes display. If you wanted to rename the bill, you could call it “An Act to proclaim Volunteer Day,” for the values that volunteers put forth every day to make their communities better places to live in.

The values that are set out in the bill are excellence, fun, fairness, human development, leadership, peace and respect. Those seven values are something that obviously make a community better and permeate our society in terms of what we’re trying to achieve. Certainly the Olympic tradition, which the member is putting forth—when you look at those values, I remember one movie that caught my attention, and probably a number of

people in the audience have seen it, *Chariots of Fire*, great movie that depicts not only the politics but also the greatness and fair play of the athletes who participated from the United States, the United Kingdom and Scotland, to name a few, in terms of what they were trying to accomplish.

I think the seven values set out in the bill are very special. They denote what's special about our society. I can think of people and organizations in my riding that exemplify those values; to name a few, Sam Cancilla, who was just given the Paul Harris Fellow award by the Huronia Rotary Club for the work he's done for the community, from being involved in the Allandale Recreation Centre to Victoria Village, which is a new seniors' facility in our riding, a state-of-the-art facility that was opened last year. The Minister of Health and Long-Term Care, George Smitherman, was there to open that facility. It's a state-of-the-art facility for seniors' care. Also involved in that project was Jean McCann.

I was out the other night at the Royal Canadian Legion, which has a Citizen of the Year award, and that was awarded to Jean Colbert, who is very involved in the Scout movement and a selfless worker at the Legion. The people at Legion branch 147—the president up there, Royden Johnston, and Debbie Cook—are serving people day in and day out and trying to make our community better. There are also Neil McKinnon, the president of the Army and Navy Club, Chuck Byron and all the volunteers who make up those organizations. They give hundreds of thousands of dollars each and every year to different organizations within the community to make Barrie a much better community.

The work that's done by the service clubs—the Barrie Rotary Club, of which I'm a member. I'm very proud of the fundraising activities and the initiatives they're undertaking. One is for the cancer care centre that's going to be built in Barrie. They're going to have a standalone facility by the cancer care centre for the families of people afflicted with cancer to be able to stay close to their family members. That's a great project among many they have undertaken.

You have to salute the volunteers who work in the hospitals each and every day, whether it's Royal Victoria Hospital in the north end of my riding or Southlake Regional Health Centre or the nursing homes. Those are the unsung heroes who represent the values the member has put forth, each and every day, to make other people's lives better and to make our communities better.

#### 1130

There is the work that's been done in the south half of my riding. Sylvia Luxton was second to none in the setting up of the Danube seniors' centre to serve the seniors in the area and to provide a bus service. The seniors there and the people within that community and the work they do, whether it's CarrotFest or dealing with other initiatives—I was at a haircutting event the other day where the mayor raised \$12,000 for the hearing loss part of Sick Kids Hospital. He had all his hair cut off his head, and his beard too. I didn't even recognize him

when he came up to me at a 50th anniversary. I got my hair cut that day; as you can see, it's still fashionable. We raised \$19,000 in total for that day. It was great. At Mary and Vita Hair Design in Bradford, they do that event every year and give that money to the Sick Kids Hospital.

Also, just to name a few of the people in Innisfil, there are Larry Wilkins and Gord Walker and all the events they put on in the community, and of course there is the work the people do at Sandy Cove Acres.

The features and the values that are in here—excellence, fun, fairness, human development, leadership, peace and respect—all are depicted whether it is our Olympic athletes or our day-to-day volunteers who make our society better.

**Mr Tony C. Wong (Markham):** I'm happy to rise and speak in support of Bill 71. I want to start by saying that when I read the preamble, where it refers to "the pursuit of excellence, innovation and success," it sounds familiar, and yes, this also appears in some of our economic development literature in Markham. Many of our IT companies have done exactly that. This is the point: Whether it is the pursuit of business or the pursuit of volunteering in the community or public service or the various pursuits of academic excellence, this also applies.

I want to speak about one of my good friends in Markham, Bill Crothers, who is the chair of the York Region District School Board of trustees. He is also a former Olympian; I think he ran the 800 or 1,500 metres. He has taken on so many challenges over the years. We know that York region has experienced phenomenal growth in population, but also a phenomenal growth in terms of diversity. We've said that diversity is our strength, but it also comes with challenges, of course, and he has always been able to deal with these challenges, day after day, with strength, optimism and persistence. I'm sure that Olympic flame is still under his belt today.

I want to talk about my personal experience in 1976. I came to this country in 1971, so it was only five years after that when I was in Montreal for the 1976 Olympics. I was just so impressed and proud to be a Canadian at that time, hosting the whole world. It was a very important experience for me. I think we should all be proud in pursuing this experience and this spirit.

The member from Mississauga East talked about there being an Olympic village right here, and that was so well said. I think many new immigrants have not heard of, never mind Sir John A. Macdonald or Cartier; they probably have not heard of John Diefenbaker or Lester Pearson. But the Olympics, oh yes, they've heard of that and they know about it very much. This is something we can all rally around, and even for you, this is going to be a fun item. We've said so many times that, yes, there are so many problems with our youth, but what have we done? I think proclaiming an Olympic Day is an event that we can support and they can also support.

I want to very quickly talk about another experience, a personal experience of mine, and that's the Special Olympics. In the year 2000, York region hosted the Ontario Special Olympics, and I was able and proud to

support that. I still remember their slogan. It goes something like this: "Let me win, but if I don't win, let me be brave along the way." That is the spirit of Olympicism and Canadianism.

**Mr Michael Prue (Beaches-East York):** I rise today to support this motion that the fourth Tuesday of every September be Olympic Day. In our hearts, though, I think every day should be Olympic Day, quite frankly. I'm not sure why that particular date has been chosen because when the Olympics fall, they're almost always in the summertime: July, August. This is perhaps a period of reflection when the Olympic athletes come home after winning so many medals.

In the world today, and in Canada, in Ontario and in this city of Toronto, support for the games is widespread. It is hard to find a person who thinks we should not participate in the Olympic Games, although you will occasionally find people who are thankful the Olympic Games did not end up in Toronto because of the expense, cost overruns, political problems, security and everything else that is associated with the modern games. People are not always clamouring to host the games.

Personally, when I was on city of Toronto council and as the mayor of East York before that, when the idea was first floated by the mayor of North York, who was then Mel Lastman, we all embraced the idea that Toronto would be a perfect location for the Olympic Games because of our multicultural bent, because we literally had people from the four corners of the world here and because we had a great deal to offer in an almost idyllic situation, with the lake and the facilities we have in our community.

Having said that, we still embrace the Olympic Games, whether they be held in Beijing or Atlanta. This year they're going to finally be held in a place where I think they are most appropriate, in Greece. Greece of course is the home of the Olympics.

The Olympics have changed a great deal. When people talk about the Olympics in ancient times, they are really talking about a very different Olympics than the Olympics we have today. If you do some research, if you read about the Olympic Games you will discover, to the surprise of many, that the Olympic Games were religious in significance. They were primarily a religious institution, set aside at the time of the harvest to praise the goddess Demeter, and also to praise the other gods of the whole pantheon of Greek culture as it existed at that time.

It was a time of pride of small villages in the Peloponnese, which sent their champions to the games. The games were running, wrestling, hammer throws and discus. They were probably much smaller than we have today. It was those small villages in the Peloponnese that 3,000 years ago sent their champions off to the games every four years. Their champions came back with glory for their village.

In fact, the Olympic Games did not go beyond Greece until the time of the Roman conquest. People are surprised that the Olympic Games were entirely a Greek function. People would literally come from the four

corners of Greece up until the time the Romans invaded and successfully conquered that nation, at which time they became more than pan-Hellenic. They actually became pan-Romanic, so that people from the four corners of the world, as it was then known, from Egypt, Greece, Rome and what is modern-day France and Germany, would come to participate in those games.

If you've ever had an opportunity to travel to the original Olympia, it is a place of great and extreme beauty. The great religious monuments were there. The temple of Zeus, which was one of the seven wonders of the ancient world, is there. The track is still there. It was a place revered in ancient Greek and later Roman culture.

The Olympic Games were also very different in that women did not participate. This is a modern invention of this century. The only woman who was ever allowed to enter the ancient Roman and Greek games was the priestess of Demeter, which harkens back to the agricultural roots of the original games. She was the only woman who ever set foot or who ever saw the actual games. She didn't participate, but she saw the athletes perform.

#### 1140

The modern Olympics are much different. They are of course a worldwide spectacle. They are watched by billions of people every day, billions of people who watch the spectacle, who cheer on their champions, particularly the champions from their own nation, but who also watch to see the spectacle of sport in its raw and most beautiful way, which is with gifted amateurs and not so many professionals—although that too is now creeping in, as we know only too well with our Olympic hockey team, which is made up of more professionals than amateurs. But the summer games to this day mostly remain amateur-driven, and that's a good thing.

We have had experience in this country of the Olympics at Calgary and Vancouver and Montreal—or they're about to come to Vancouver—and we have seen that it is an absolutely good thing.

To celebrate the Olympics is to celebrate sport. Although we are supporting this, as a culture we need to start looking at what the state of sport is in this country. That's where you have to know that the state of sport in this country is not where it should be. It starts with children. It starts with having schools open in the evening so the kids can play basketball. It starts with having playgrounds open without user fees so they can play baseball. It starts with having the cultural centres and community centres open without user fees so every kid has an opportunity to participate regardless. If you can do that, then you will have a whole cadre of people who one day might be Olympians.

I was driving in today and heard the news. The news was not surprising, not shocking, but it had to do with people selling clothes in Canada. The Bay, a veritable Canadian institution, has made a decision that they are going to put most of their marketing into the plus-sizes because the market for plus-sized clothing in Canada is rising three times faster than it is for ordinary clothing.

That has to tell us something as a people. If we are now putting all of our marketing into plus-sized clothing it is because more and more of us are becoming plus sized, and this is because fewer and fewer of us are getting exercise and we're starting to eat things that maybe we shouldn't. We need, as a culture, to reverse this. Passing this bill is one aspect.

But what we're asking, and what we'll be asking and looking for on Tuesday when the finance minister comes in, is: Where is the money going to go for our schools? Where is the money going to go for our sports groups? Where is the money going to go to our communities? We need to know that user fees will be a thing of the past, particularly as they refer to children and young adults. They need an opportunity to participate in sports and all that will come from that. We need to know that the school boards won't have to look for money and rent out the facilities but will freely open them to all kinds of community activities, as they did only a few years ago. We need to know that the community groups can spend time actually helping the kids learn about the sport, rather than spending all their time selling chocolate bars and fundraising. We need to know that groups like those who were here yesterday with Community Living can anticipate that there will be money for them for things like the Special Olympics, money so their athletes can have an opportunity to participate. The fees for some of their groups have gone literally from nothing to \$2,000 and \$3,000 per participant. We need to know that that is a thing of the past.

So we look to the member and we look to his party and say, good bill. Make sure that the Minister of Finance does the right thing on Tuesday next week by virtue of all the citizens of this province, particularly our young. Thank you very much.

**Mr Garfield Dunlop (Simcoe North):** I'm pleased to rise today to make a few comments on Bill 71, An Act to proclaim Olympic Day.

I congratulate the member, Mr Fonseca, for bringing forth this bill. It's a nice bill. It's a warm and cozy bill. I mean, who wouldn't want to support an Olympic Day proclamation?

It's important that we acknowledge our Olympic athletes. I can think of a couple of people I wanted to just put on the record today who have been very involved in the Olympics over the years. I've got a gentleman in my riding—whose name is Walter Henry. Walter was in the boxing divisions through the 1960s and early 1970s. He worked extremely hard and trained. He got a lot of publicity in our community and the community of Orillia where he's from. In fact, today he's married to Chief Sharon Stinson Henry of the Mnjikaning First Nation. He has worked hard over the years and has been just a class act for the city of Orillia, as have all the members of his family.

Growing up and getting to know a little bit about the Olympics, Walter was somebody we all looked up to in our community. He was an example of what an Olympic athlete was all about. They didn't have a lot of money to

train, didn't have a lot of money to advance their careers, but with self-determination and hard work they managed to get to that level of other careers. Walter, in fact, won a few medals at the Olympics—I believe it was in Mexico City—which was the highlight of his career.

I also wanted to say something—I know how hard the Olympic Committee worked here in Ontario a couple of years back, trying to secure the Olympic Games for the city of Toronto. We have a facility up in our riding called Hardwood Hills. It's operated by a young lady named Kim Vinney. Last night, Kim was nominated Businesswoman of the Year in the city of Orillia. Kim worked extremely hard, building her business up in the area with biking trails, cross-country biking and cross-country running. If we had gotten the Olympics in Ontario and for the city of Toronto, hers had been pre-chosen as the facility that would house a lot of outdoor sports. It's just a great facility. If anybody hasn't been to Hardwood Hills, it's one of the best cross-country ski trails and mountain biking trails that we have in Ontario. I thank Kim for that. I know how much she wanted the Olympic Games, but it didn't come about.

Of course, we're fortunate—and I think that's one reason we need an Olympic Day. I hope that at some point this can actually occur because we, as Canadians, have been fairly outstanding in the fact that in recent decades we've had Montreal, Calgary and now we're about to have Vancouver. The fact that Canada has been a leader in promoting the Olympics and hosting the Olympics here in our country says a lot for the country and the stature we have around the world. We are considered one of the greatest places in the world to live. I think that's why a lot of the people, when they're selecting the Olympics, actually choose Canada at different times.

There's one issue I have with the Olympics: the lack of funding for a lot of our athletes. I know it's not too bad if you're a hockey player now, certainly if you're one of the NHL players and you get chosen for one of the Olympic teams—particularly the men's league, of course. They won the gold medal in 2002, and we were very proud of them. However, they are professional athletes and have earned large salaries. The women who won the gold medal for us are not professional athletes and they have some funding issues around that.

If there's anything we can do—maybe promoting an Olympic Day. One thing that might help us help Olympic athletes is the fact that if we had an Olympic Day and there's a proclamation, it might go somewhat toward securing more funding, and it may be some money at the provincial level. I'm not saying it's something that Minister Bradley or Minister Sorbara should come up with money on immediately, but when they're national sports and we are representing the nation, I think the federal government has a large role to play. There's no question: They have not been there for our Olympic athletes. As far as I'm concerned, they've never been there for our Olympic athletes. I hope that at some point in the future we can properly fund the training of these

young men and women who represent our country in such a great manner.

#### 1150

I think the bill is a very positive bill. As we look to the future of our country, it's something that, when you specify any day, it adds to your province or your country's spirit. I don't know if Mr Fonseca spoke to this at all, because I came in late on it; I'm sorry. It may be something that could be a worldwide bill: Many countries could use Olympic Day. I don't know if that's what your intention is or not, but I can't see why that wouldn't be the case. Each year you celebrate an Olympic Day and it's proclaimed across the world—not a statutory holiday, but certainly promoting the fine work that our Olympic athletes provide for our country. So I thank you for the opportunity to speak today. We'll be supporting the bill, and I congratulate the member for bringing forth this bill. It's a nice bill to have, and I think we'll get the support on it.

**Mr David Zimmer (Willowdale):** It's my pleasure to rise and speak in support of Bill 71. This bill is about recognizing the value of the Olympic spirit. These values are: hard work; fair play; respect for others of all religions, creeds, nationalities; and respect for the values of competition. These are Olympic values, but these are also Ontario values. These are the values that make Ontario a great province and will continue to make Ontario a great province: hard work, fair play, and respect for all races, all colours, all creeds and all nationalities.

Let me say a word about the Olympic spirit recognizing competition. If Ontario is to succeed in the global economy, we must be good competitors; we must have great respect for competition. This is an Olympic value which, by the adoption of Bill 71 and the recognition of Olympic Day, will enhance and underscore the importance of these values.

In short, the Olympic template, the Olympic spirit, is also a template for a successful Ontario. It's for this reason that I rise in support of this bill.

**The Deputy Speaker:** Mr Fonseca, you have two minutes to reply.

**Mr Fonseca:** I'd like to thank all my colleagues for speaking on Bill 71, An Act to proclaim Olympic Day: my colleagues from London-Fanshawe, Peterborough, Bramalea-Gore-Malton-Springdale, Markham, Willowdale, Parry Sound-Muskoka, Barrie-Simcoe-Bradford, Beaches-East York and Simcoe North. I'd also like to mention another member here, Mike Colle of Eglinton-Lawrence, who was actually a coach at St Michael's College School and helped at the early onset of my career on going to the Olympic Games. I do know that many of the other members here make such a huge difference in their communities to create future Olympians—and when I say “future Olympians,” I don't mean just in sport; I mean in Olympic spirit: those that strive for the values that we have said, in terms of respect, peace and excellence, those who have that self-discipline to give back, and so much that they do give back to their communities.

Yes, this bill is about active living. Everybody who's listening today should go out for a walk, a bike ride, a jog

or go swimming. There are so many things you can do to get in a little bit more active living. Try to get everybody in Ontario to do 20 minutes a day of active living. It's about values of peace and respect. It's about pride. It's about celebrating our successes, and the many successes that we have had. Often, we focus many times on our failures. I want to focus on our successes, on raising the bar, on shooting for excellence, which millions of Ontarians do every day. That's what this bill is about.

Mr Speaker, I thank you for the opportunity to speak on this bill today.

#### ANTI-SPAM ACT, 2004

#### LOI ANTI-POURRIEL DE 2004

**The Deputy Speaker (Mr Bruce Crozier):** The time for private members' public business having expired, we shall deal first with ballot item number 19.

Ms Marsales has moved second reading of Bill 69, An Act to prevent unsolicited messages on the Internet. Is it the pleasure of the House that the motion carry? Carried.

Ms Marsales?

**Ms Judy Marsales (Hamilton West):** I would like to move that Bill 69 be referred to the standing committee on general government.

**The Deputy Speaker:** Agreed? Agreed.

#### OLYMPIC DAY ACT, 2004

#### LOI DE 2004

#### SUR LA JOURNÉE OLYMPIQUE

**The Deputy Speaker (Mr Bruce Crozier):** We shall now deal with ballot item number 20.

Mr Fonseca has moved second reading of Bill 71, An Act to proclaim Olympic Day. Is it the pleasure of the House that the motion carry? Carried.

Mr Fonseca?

**Mr Peter Fonseca (Mississauga East):** I move that Bill 71 be referred to the standing committee on justice and social policy.

**The Deputy Speaker:** Agreed? Agreed.

All matters having to do with private members' public business having been dealt with, I do now leave the chair. The House will resume at 1:30 of the clock.

*The House recessed from 1156 to 1330.*

#### MEMBERS' STATEMENTS

#### MARGARET MARLAND

**Mr Jim Wilson (Simcoe-Grey):** I rise to pay tribute to a good friend and a long-time member of this assembly, Mrs Margaret Marland. On Sunday, May 30, Margaret will join friends and family as they celebrate her 30 remarkable years in public life in the province of Ontario.

Margaret was first elected in 1974 as ward 2 trustee for the Peel Board of Education and quickly moved up the ranks to become a city councillor in Mississauga and councillor for the regional municipality of Peel in 1978. In 1985 Margaret was elected as the Progressive Conservative MPP for Mississauga South, and was re-elected four times before her departure from public life in October 2003.

Right through her 18 years at Queen's Park she demonstrated leadership and professionalism while serving in a number of roles, including chair of the PC caucus, deputy House leader and minister responsible for children.

Margaret is an honorary member of the Rotary Club of Mississauga Centre and a proud supporter of the United Way of Peel Region and the Mississauga women's hospital auxiliary.

Her passion for public life and her loyalty to her constituents has left a mark on this assembly. Margaret will be best remembered in this place for her upbeat spirit and her genuine respect for the rules of this House. She would have made an excellent Speaker, for I know all of us who served with her had the utmost respect for the way in which she performed her duties as an MPP.

It gives me great pleasure to extend my best wishes to Margaret, her husband, Ken, and children Ruth, Donald and Robert on this very important milestone in Margaret's life. Margaret Marland, truly a classy lady.

#### BRIAN WINKWORTH

**Ms Monique M. Smith (Nipissing):** I rise today to bring to the Legislature's attention a great member of my community. Brian Winkworth was named Kiwanis Club's citizen of the year and we will be honouring him tonight in North Bay.

Brian is the youngest citizen in North Bay to be given this great honour. With four children, it's hard to imagine how he has managed to fit in so much community work. He's the regional manager of our Cogeco cable company. He and his wife moved to our community 17 years ago and have been devoted to it ever since.

He has been involved in over 20 charitable and community organizations, including the chamber of commerce, Rebuilt Resources, North Bay Mining Week, and the health professionals awareness committee, and has volunteered countless hours to charitable events around our area.

One such event was the recent tribute to our mayor, Jack Burrows, where Brian and a team worked diligently to create a fabulous video. He collected video clips from hundreds of people in our community, including the fans of the North Bay SkyHawks, the congregation of Jack's church, and his buddies at Tim Hortons, and I was happy to be part of that.

Due to some scheduling miscommunication, I was a bit late and it was a freezing cold morning on the waterfront in North Bay. Brian was there waiting for me half an hour late with a smile on his face, saying, "No problem. No worries," because Brian does everything

with a smile. He is an example for our youth and for all the members of our community.

I would like to thank the Kiwanis Club for acknowledging Brian's commitment and contributions. I'd like to thank his wife, Nancy, and their four children, Steven, Michael, Amy and Andrew, for sharing their husband and dad with our community. I would like to congratulate Brian on being citizen of the year

#### LAW ENFORCEMENT

**Mr Garfield Dunlop (Simcoe North):** I'm pleased to rise this afternoon to comment on the latest Liberal embarrassment concerning law and order. On June 11, 2003, the Tory cabinet approved a total of \$700,000 allocated over three years, \$242,000 in 2003-04, \$325,000 in 2004-05 and \$137,000 in 2005-06. The funds were to be drawn from the victims' justice fund. The \$700,000 was to be used as a pilot project for the Toronto Police Service, to help the service closely monitor an estimated 800 registered offenders living in the Toronto area.

The \$700,000 was allocated for a reason: to help protect our young people from sexual predators. It was with disbelief when we learned yesterday that the new McGuinty government has, for over seven months, refused to flow the funding to the Toronto Police Service.

The Liberals suggested that they would replace the program with a possible national program. We now learn that the Liberals have been humiliated and embarrassed into suggesting that the program, announced and approved last summer by the Tory government, will be in fact honoured.

Each and every day, a Liberal trial balloon or a Liberal broken promise is uncovered and identified in our province. The Premier, who likes to have photo opportunities in the classroom, has little or no concern with the monitoring of sexual predators, the people who can and will harm the children of our province. The ultimate flip-flop this week is an embarrassment to the Liberal government and a wake-up call to once again brand Liberals as soft on criminals.

#### ST ELIZABETH HEALTH CARE

**Ms Laurel C. Broten (Etobicoke-Lakeshore):** Yesterday morning, I participated in the RNAO Take Your MPP to Work Day and visited with a non-profit charitable organization that provides innovative in-home nursing therapy and home care. That organization is St Elizabeth Health Care.

Not only did I have an opportunity to meet with a number of the St Elizabeth nurses during a round table held at LAMP Community Health Centre, in order to listen to their comments and concerns, but I also had the opportunity to shadow a nurse working in the community as she visited the home of a wonderful family dealing with the extremely challenging and heart-wrenching health issues experienced by their son.

As I learned during my visit, the child and family program provides customized strategies to support and

respond to the complex health care needs of children and their families—like the family I met yesterday. Some of the innovative care and treatment that is provided is home chemotherapy, home dialysis, home infusion and palliative care, as well as family support and training.

I want to thank and commend the nurses at St Elizabeth for offering me the opportunity to share a morning with them, to see first-hand their challenges, and to speak with a family that is on the front lines of nursing care in our province.

I also want to offer thanks to the nurses all across the province, but especially those in my riding of Etobicoke-Lakeshore, for the important work they do in all of our communities each and every day. Thank you for working long hours through difficult circumstances. Thank you for your professionalism and your desire to help us find solutions to better our health care system. Most importantly, thank you for caring.

#### NORTHEAST MENTAL HEALTH CENTRE

**Ms Shelley Martel (Nickel Belt):** The Northeast Mental Health Centre is in crisis, and the Liberal government has done nothing to respond. On April 2, the board wrote to the Minister of Children and Youth Services, asking for \$436,000 to avoid cuts to children's mental health services. On April 15, the ministry said no.

This means the end of mental health services for children under six in Sudbury district east, Manitoulin Island and Espanola; an end to mental health support for children in CAS foster care; an end to the district day treatment program which allows high school students to complete their credits while being treated for substance abuse; a reduction in services for children who are dually diagnosed with mental illness and developmental disabilities; and an increase in the waiting time for pre-school speech and language programs, from eight months to one year. These cuts are devastating for children across the northeast who suffer from mental illness.

On May 4, the board also wrote to the Minister of Health, asking for \$1.5 million to avoid cuts to adult community mental health programs and hospital-based services. There has been no reply. Without help, the cuts will include closure of counselling and treatment programs in Elliot Lake and Walden; an increase in wait times for counselling and treatment elsewhere in Manitoulin/Sudbury; an increase in wait times for seriously mentally ill patients needing help from the ACT team; and a reduction of nine beds on the hospital side, by the end of fiscal 2004-05. These cuts will be devastating for adults in the northeast who suffer from mental illness.

There is a crisis here for patients and staff. It demands a positive response from this government.

#### DEOHAEKO SUPPORT NETWORK

**Mr Wayne Arthurs (Pickering-Ajax-Uxbridge):** I rise today to welcome members of the Deohaeko Support

Network, guests from Durham region whom I've come to know and work closely with over the past decade. These families support their adult children with intellectual disabilities to live in their own homes in the Rougemount Co-operative in Pickering, that they built and established in 1994. The co-operative offers affordable housing to over 200 people, representing the full diversity of individuals and families in Durham region.

#### 1340

The young adults of these families are supported to live in their homes and contribute to their community through the provision of some individualized funding. Individualized funding allows individuals with intellectual disabilities and their families to direct their own funding and, thus, their own lives.

Through individualized funding, a one-to-one support person assists an individual to access the rich resources that are typical in any community: places of work, volunteer opportunities, leisure and recreational clubs and facilities, and places of worship. Therefore, each person creates a day and a life that is uniquely their own, at the heart of their own community.

In return, individuals who are assisted to access their communities in these ways contribute greatly with their time, commitment and energy. They become involved in paid work, they may start their own small business, and they employ the people who provide them support.

Our communities are stronger and healthier when all members of our community find a way to participate, feel welcome and contribute. Deohaeko Support Network is a fine example of that in my riding and my hometown.

#### HYDRO OTTAWA

**Mr John R. Baird (Nepean-Carleton):** There is a growing scandal brewing in Ottawa. It involves secret contracts, payments of more than half a million dollars to well-connected friends of the government, untendered work and double-dipping. It's all happening in a big government-owned hydro company.

The entire mess falls on Ottawa Mayor Bob Chiarelli and his chief of staff, Brendan McGuinty. This well-placed Liberal pair were happy to have left the impression with local taxpayers that Hydro Ottawa was directed by public-spirited citizens who worked for nominal fees.

John Hamilton, former chair of the board, resigned, citing political interference from city hall. Mayor Bob and his chief of staff, Brendan McGuinty, installed a new head, Bob's boy on the board, Glenn Shortliffe.

And the scandal brews. Today an Ottawa Citizen editorial asked three questions: How could a man whose chief responsibility was to oversee management receive untendered contracts from the same management he oversees: \$295,000 dollars over two years? Two, the justification for such compensation included that he was lobbying against Bill 210. Not only did he never contact me, every Liberal member of the Legislature voted

against Bill 210, including Dalton McGuinty. Also, Mr Shortliffe was not a registered lobbyist.

Taxpayers deserve answers. Some have suggested that Mayor Bob enlisted Glenn Shortliffe to do his dirty work for him in rural Ottawa. We await more information on this Liberal McGuinty scandal.

#### NURSING WEEK

**Mr Tony C. Wong (Markham):** Today I would like to recognize Nursing Week in Ontario and applaud the tremendous efforts of Ontario's nurses.

I especially wish to recognize the efforts of Linda Campbell, a nurse working in Markham Stouffville Hospital who was recently awarded the Toronto Star's Nightingale Award for achievement in nursing in Ontario.

Linda Campbell was selected by a panel of judges from 94 nominees. She worked extensively during the SARS crisis caring for patients in the palliative care unit last April, including Laura Quintero Sierra's 88-year-old father. Linda Campbell's loving and sensitive care to the needs of this family helped to comfort the 88-year-old father in his dying days. As a result of Ms Campbell's exemplary work, Ms Quintero Sierra nominated her for the Nightingale Award.

We, the people of Ontario, appreciate the hard work and dedication that is demanded of nurses such as Linda Campbell and recognize the tremendous sacrifices they make. Throughout many difficult medical crises, nurses have helped Ontario citizens cope by showing compassion, intelligence and courage, and as with last year's SARS outbreak have often risked their own lives in the process.

On behalf of the citizens of Markham, I would like to thank Ms Linda Campbell and all the staff at Markham Stouffville Hospital.

#### BY-ELECTION IN HAMILTON EAST

**Mr Robert W. Runciman (Leeds-Grenville):** As all members know, today is judgment day in Hamilton East. Today's by-election is the first major electoral test for the McGuinty Liberals, the first opportunity for the public to send a message to this Liberal government. All signs point to a message Liberals aren't going to like.

And is it any wonder? The McGuinty Liberals have shown complete disrespect for the residents of Hamilton East. In very cynical moves, McGuinty first called a snap by-election and rammed through a candidate of his choosing, not the local association's, all in an attempt to garner a perceived sympathy vote. Those insults to the intelligence of Hamilton East residents were followed by a barrage of spending announcements in an attempt to buy votes with the voters' own money.

This is a government that deserves to lose this by-election. In seven short months, they have reinforced the negative sentiments that too many Ontarians have about politics and politicians. They have casually and cavalier-

ly tossed aside important promises they made to voters last September. In seven months, their front bench has displayed arrogance in its refusal to answer opposition questions that is reminiscent of the Peterson Liberals following the 1987 election.

In conclusion, the McGuinty Liberals have broken faith with the people of Ontario and we encourage the residents of Hamilton East to consider the outstanding Conservative candidate, Tara Crugnale, when they cast their votes today.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

**Mr Pat Hoy (Chatham-Kent Essex):** I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption.

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

Bill 40, An Act to amend the Insurance Act to protect emergency service providers from rate increases to their personal contracts of automobile insurance / Projet de loi 40, Loi modifiant la Loi sur les assurances visant à protéger les fournisseurs de services d'urgence contre l'augmentation des taux dans leurs contrats d'assurance-automobile personnels.

**The Speaker (Hon Alvin Curling):** Shall the report be received and adopted? Agreed. The bill will therefore be ordered for third reading.

#### INTRODUCTION OF BILLS

##### PROFESSIONAL LEARNING PROGRAM CANCELLATION ACT, 2004

##### LOI DE 2004 ANNULANT LE PROGRAMME DE PERFECTIONNEMENT PROFESSIONNEL

Mr Kennedy moved first reading of the following bill:

Bill 82, An Act to amend the Ontario College of Teachers Act, 1996 to cancel the Professional Learning Program / Projet de loi 82, Loi modifiant la Loi de 1996 sur l'Ordre des enseignantes et des enseignants de l'Ontario en vue d'annuler le programme de perfectionnement professionnel.

**The Speaker (Hon Alvin Curling):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please say "aye."

All those against, say "nay."

I think the ayes have it.

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

*The division bells rang from 1347 to 1352.*

**The Speaker:** All those in favour, please rise and be recognized by the Clerk.

#### Ayes

Arthurs, Wayne	Dombrowsky, Leona	Peters, Steve
Bentley, Christopher	Duguid, Brad	Peterson, Tim
Berardinetti, Lorenzo	Duncan, Dwight	Phillips, Gerry
Bradley, James J.	Fonseca, Peter	Prue, Michael
Broten, Laurel C.	Gerretsen, John	Qaadri, Shafiq
Brownell, Jim	Hoy, Pat	Rinaldi, Lou
Bryant, Michael	Jeffrey, Linda	Ruprecht, Tony
Cansfield, Donna H.	Kennedy, Gerard	Sandals, Liz
Caplan, David	Kular, Kuldip	Sergio, Mario
Chambers, Mary Anne V.	Kwintler, Monte	Smitherman, George
Churley, Marilyn	Leal, Jeff	Takhar, Harinder S.
Colle, Mike	Levac, Dave	Van Bommel, Maria
Cordiano, Joseph	Marchese, Rosario	Wilkinson, John
Craiton, Kim	Marsales, Judy	Wong, Tony C.
Crozier, Bruce	Martel, Shelley	Wynne, Kathleen O.
Delaney, Bob	McNeely, Phil	Zimmer, David
Dhillon, Vic	Meilleur, Madeleine	

**The Speaker:** All those opposed, please rise.

#### Nays

Baird, John R.	Hudak, Tim	Runciman, Robert W.
Chudleigh, Ted	Klees, Frank	Scott, Laurie
Dunlop, Garfield	Miller, Norm	Tascona, Joseph N.
Hardeman, Ernie	Ouellette, Jerry J.	Wilson, Jim

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 50; the nays are 12.

Mr Kennedy?

**Hon Gerard Kennedy (Minister of Education):** I will address this in ministerial statements.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### TEACHERS' PROFESSIONAL DEVELOPMENT PERFECTIONNEMENT PROFESSIONNEL DES ENSEIGNANTS

**Hon Gerard Kennedy (Minister of Education):** I rise today to speak to legislation that will improve the work environment, the morale and ultimately the ongoing professional development of Ontario teachers.

On April 22, Premier McGuinty outlined our government's plan for dramatic improvement in public education. Our plan is based on the firm belief that Ontario's public education system can and must deliver excellence for students. The future of our students and of our province depends on it.

Notre plan se fonde sur la ferme conviction que le système d'éducation public de l'Ontario peut et doit assurer l'excellence pour tous les élèves. L'avenir de nos élèves et de notre province en dépend.

We can only stop the slide that has been allowed to occur in our publicly funded schools if we take responsibility for the success and the well-being of every-

one who works in those schools. An education system that aspires to unlock the potential of every student has to be a system that in turn unlocks the potential of the teachers and the other education workers within it.

The McGuinty government will take responsibility for teacher excellence. A key difference between this government and its immediate predecessor is that we believe teachers want excellence just as much as we do. Our policy is one of respect for teachers as professionals, individuals who conduct themselves in a manner that deserves the public trust. Every Ontario student needs and deserves highly trained and highly motivated people at the front of their classes. Today's legislation is an important prelude to ensuring that by bringing long-overdue respect and relief to the classroom teacher in Ontario.

This bill does one very simple but necessary thing: It eliminates a hugely flawed, punitive approach of the previous government toward the teaching profession in the form of its professional learning program, or PLP. This program, also known as the teacher-testing program, was brought into place four years ago as part of the previous government's divisive approach toward Ontario's teachers in public schools. Rather than motivate our teachers, they took out partisan advertising. Rather than work with teachers, the government made them a target.

The PLP policy was a policy of conflict from the beginning. It originated as an election promise for teacher testing in 1999 to prey on public concerns about the quality of education. Instead, it became the most centralized, bureaucratic and overly prescriptive program of professional development that you could find anywhere. Teachers were ordered to complete 14 courses over five years, only from centrally approved courses and providers, or the Ontario College of Teachers, created by the government, would take away their teaching privileges and certificate. Recommendations provided by the College of Teachers at the time were overruled, and its independence was trampled on by the previous government. This served to alienate the college from its membership.

Since it was imposed in 2001, the PLP has been an enormous failure in practice. By September 2003, less than one in five teachers had registered for even one course of the official program, let alone the five or six they should have had by then to reach the compulsory number. The PLP has cost the College of Teachers \$10 million, paid for by additional annual fees levied on individual teachers.

While dollar cost is just one measure, the amount of discouragement the PLP policy has generated among Ontario teachers is much greater. A study released two weeks ago cited the rate of depression among Ontario teachers as indicative of toxic workplaces, with incidences one third above other workplaces and long-term disability rates doubling since 1993. According to the College of Teachers, we have been losing one in three of our new teachers within the first five years of practice. Ultimately, the previous government succeeded at only

one thing: disenfranchising an entire profession and undermining one of the province's most valuable resources for its future, its teachers.

We're going to fix that.

**1400**

We are taking a new, respectful approach to teachers' professional development. Nous adoptons une nouvelle approche respectueuse à l'égard du perfectionnement professionnel des enseignantes et enseignants.

What matters most is that teachers get the training and development they need in a timely fashion.

Aujourd'hui, je suis fier de déposer un projet de loi pour abroger le programme de perfectionnement professionnel et mettre fin officiellement à l'époque d'irrespect envers les enseignantes et enseignants. Aujourd'hui, nous renouvelons notre engagement à l'égard de la paix et de la stabilité dans le système d'éducation public de l'Ontario, afin que nous puissions fournir la meilleure éducation possible à nos élèves.

The Ministry of Education will soon release a discussion paper outlining approaches to teacher excellence that will tap into the best our teachers have to offer. We will collaborate with teachers, as well as principals, school boards and faculties of education, and we'll gather input from parents, students and others to ensure a framework for meaningful professional development.

Some of the approaches that will be considered are: innovative mentoring programs for new teachers by more experienced teachers in schools, increased professional development days, enhanced summer development program opportunities, evaluating the link between teacher performance appraisals and development, and funding for teacher development.

In closing, I want to be clear: We already have tremendous, outstanding teachers in this province. As Minister of Education, on behalf of this government, I want to express our appreciation to them for the selfless work they are doing on behalf of children and young adults.

Further, I say to the members of the public that Ontario's teachers are professionals who by definition have some of the keenest appreciation for the value of continuous learning. While we have lost ground in this province, as a result of the PLP, on working together on teacher development, this House should know that Ontario teachers continue to take courses and upgrade their skills outside of the PLP framework. I am confident that Ontario teachers are very prepared to engage their responsibility for self-development. In this as in other areas, our government will treat them with the professional respect they deserve. We believe that teaching is more than a profession; it is one of the highest callings and a matter of public service.

The Professional Learning Program Cancellation Act, 2004, recognizes our teachers as the dedicated professionals they are. I ask all members in this House to join me in supporting this bill.

**The Speaker (Hon Alvin Curling):** Responses?

**Mr John R. Baird (Nepean-Carleton):** I'm certainly pleased to rise and respond to the statement presented by

the Minister of Education on behalf of the opposition caucus and our education critic, Jim Flaherty.

All of us believe teachers do a phenomenal job in the province of Ontario. I can speak personally that I have benefited greatly from our public education system. I even have a diploma signed by Sean Conway and a nice letter congratulating me on being an Ontario scholar in our public education system, which is signed by Sean Conway as well.

In fact, I first got involved in politics when the federation president ran for Parliament for the Conservative nomination in Nepean-Carleton some years ago. She was my teacher at D. Aubrey Moodie Intermediate School, and she is actually one of the reasons I got involved in politics.

Teachers and the fundamental role that teachers play in our education system are so important. To ensure that their skills are constantly being upgraded, we on this side of the House believe that teacher testing and professional development requirements are an important part of any efforts to increase standards in our public education system.

We should be very clear in this response that this speech by the Minister of Education is less about excellence in education and has everything to do with payback to the union leaders who generously supported the Liberals in the last election campaign.

People say, "Can you quantify that? Can you quantify the back-slapping union bosses who got behind Dalton McGuinty and this minister?" Let's look at the facts: the Elementary Teachers' Federation of Ontario, \$12,400, and another \$1,000 from them as well; the Ontario English Catholic Teachers' Association, 7,500 bucks; and an additional 400 bucks later. Our friends at the Ontario Secondary School Teachers' Federation, not just \$885, not just \$200, but \$9,600 more.

*Interjections.*

**Mr Baird:** Even the member for Leeds-Grenville is outraged by this, and I share that concern. The Toronto elementary Catholic teachers, \$15,000. The union bosses are now clearly in control over at the Mowat Block, and they can get this minister to sign off on just about anything they put in front of him.

Some people have asked, "Why is this announcement being done today?" All of the provincial news tomorrow will be about how the Liberals lost the by-election in Hamilton. This will get put off to the back pages of the paper. They didn't dare go to Hamilton and make this announcement because they know just how unpopular this piece of legislation will be, about handing over the control of our education system to union bosses.

Someone said, "I remember Dalton McGuinty saying other things about this." I know the member for Simcoe North will agree. Let's take a journey down the Liberal flip-flop trail on this. Back in 1995, the Red Book said they would "require teachers to upgrade their certification during their careers," and that "teachers must be well qualified and stay up to date throughout their careers." That's the Red Book, 1995, article 1.

Back in 1995, Dalton McGuinty was for enhanced teacher education. He said that he was in favour of enhanced teacher education on February 22, 1995. In 1999, the Liberals said, "All new teachers will be required to pass certification exams."

**Mr Robert W. Runciman (Leeds-Grenville):** Then the cheque showed up.

**Mr Baird:** "Then the cheque showed up," the member says.

In 1999, April: They're now against teacher testing. In 1999, they changed their mind again: "All of our new teachers will have to pass province-wide examinations," despite having taken four years of education. They changed their mind again. Another time in 1999, "Dalton McGuinty said his party would require education faculty graduates to pass a test before they could teach."

We keep going on in 1999: "There should be a ... requirement to pursue ongoing training, the same way there is for" other professions, McGuinty said on September 2, 1999. McGuinty also said on October 1999 that there should be "ongoing professional development."

They put the cart before the horse. They're going to repeal this legislation and they're leaving nothing in its place, and they should be ashamed of themselves.

**Mr Rosario Marchese (Trinity-Spadina):** There is something that we agree with the Liberals on in this announcement and that is that the Tories were unnecessarily pugilistic against teachers. They never lost an opportunity to diminish teachers, as a result of which many have been demoralized. We agree with Liberals in that regard. But I've got to tell you, I'm getting—

*Interjections.*

**Mr Marchese:** Hold on, please. I am getting awfully tired of these weekly Liberal announcements about how much they love teachers, how much they respect teachers, and that they want peace and stability. It's tiring me out, because every time you make a statement in this Legislature I think you, Gerard, are about to announce something really big that's going to help teachers and students. So every time I go to something that you've been part of—

*Interjection.*

**Mr Marchese:** Hold on, Bruce. Calm down, Bruce; calm down.

Every time I go to some announcement like a couple of weeks ago when the Premier and you announced that you were going to have Premier's Awards for Teaching Excellence, I thought, "Oh, my God, there's going to be something big," and it's the Premier's Awards for Teaching Excellence. It's a nice thing to do, but to bring all the media to come to Bishop Marrocco, to bring me, to bring the Tory critic to come to such announcements—please, it's tiring.

What about Gerard? What about the fact that when you were in opposition, you used to talk about "curriculum casualties"? Do you recall those words? Nod if you agree. You used to say it daily in this House—the curriculum casualties, where high school students were dropping out as a result of the changes the Tories made,

and that you cared about what happened to them and that you were sincerely worried as a Liberal, worried that students were leaving the system without anything to do. Remember that?

1410

So I said, "Gerard, very, very soon, some announcement in this place"—or outside of this place; it doesn't really matter to me—"is going to say, 'We've solved the problem of these curriculum casualties, because it was important when I was in opposition, and it's important while I'm in government.'"

*Interjection.*

**Mr Marchese:** I'm sorry, Gerard; I can't hear you.

We have heard nothing from the minister or the Premier on how they're going to save those students. That was an urgent matter seven months ago and is now no longer urgent. So yes, the Premier's Awards for Teaching Excellence are nice, and yes, the professional learning programs that the Tories had established were pugilistic and designed to be punitive and designed to permit the public to think that somehow they were getting something out of the program to help teachers improve their professional development, and it didn't do that. It's nice that he is finally going to fix this particular problem, but I'm waiting for some other major announcement, Gerard.

**Hon Mr Kennedy:** The budget?

**Mr Marchese:** I'm waiting for the budget.

I'm telling you this: All the little mini-announcements that you are making are designed to create an impression that something is really happening with this minister and in this ministry, but very little is going on. This is all a ploy designed prior to Tuesday's budget for us to believe we're getting something because next Tuesday, when Sorbara delivers his budget, the pecunia are not going to be there, Gerard, and I know this. I'm putting myself on the line. I'm taking a bold risk here because I don't think that the money is there. It's not going to come. All this announcement about the school capping, the promise you made, is but puffery. It's a commitment that will never come, Gerard.

I know it and I'm putting my reputation on the line here, because I think you're going to reduce class sizes. You're going to reduce class sizes in a couple of schools here and there, where there are some serious bulges, but I am telling you this: You are not going to put a cap on grade 3, grade 2 and grade 1. I don't believe you are going to do that. The 1,000 teachers who were required to do it, that you said that the Premier said that he later denied he ever said it, on the Focus Ontario program, are not going to come.

*Interjection.*

**Mr Marchese:** I'm telling you, Gerry, you can whine all you want, but I'm waiting to see your face and your reaction on Tuesday. I'm waiting for the reaction of parents and teachers about all of the good things that you were going to give us to fix the education system.

This is OK, Gerard; I'm waiting for the big stuff.

## SPEAKER'S RULING

**The Speaker (Hon Alvin Curling):** Yesterday, the member for Toronto-Danforth, Ms Churley, rose on a point of order concerning ministerial statements. Specifically, the member referred to standing order 35(c). The member contended that the statement made by the Minister of the Environment did not correspond with the advance copy of the written statement provided to her, and that the inconsistency was substantial in nature, thus impacting on the member's ability to respond appropriately.

The member was joined in her assertion by the member for Nickel Belt, Ms Martel, and the member from Nepean-Carleton, Mr Baird, both of whom claimed that the inconsistency between written and oral ministerial statements had in fact occurred on other occasions. The government House leader, Mr Duncan, also spoke to this point.

It will likely not come as a surprise to members that this issue has been raised previously in this House. Speaker Edighoffer offered in 1990 that the Speaker does not receive a copy of ministerial statements and is therefore unable to follow along.

On October 19, 1992, Speaker Warner added to that when he stated the following:

"I would add that, even if the Speaker were required to receive copies of written statements, it would not be her or his responsibility to determine whether a discrepancy is substantial in nature or whether it is an embellishment of no consequence.

"While the powers of the Speaker in this regard are circumscribed, surely it is in keeping with the spirit of the standing order that ministers adhere closely to the written text when making statements so as to avoid possible misunderstandings. It may be that on occasion, changing circumstances require that the oral statement differs in some respect from the written statement. In such a situation, I would expect that any minister would wish to advise the House of the departure from the prepared text."

The matter was again raised on June 22, 2001, at which time Speaker Carr concurred with the previous Speakers. I am inclined to agree as well with my predecessors. I do not receive copies of ministerial statements and thus am not in a position to determine if the text is followed precisely and, as Speaker Warner said, even if I did receive copies, it would not be up to me to determine whether discrepancies are substantial or inconsequential.

Having said that, I would add that I expect ministers to follow the standing orders and that if, of necessity, there are consequential changes to the text of ministerial statements, they advise the House at the outset of the statement itself.

## DEFERRED VOTES

STRONG COMMUNITIES  
(PLANNING AMENDMENT) ACT, 2003  
LOI DE 2003 SUR LE RENFORCEMENT  
DES COLLECTIVITÉS (MODIFICATION  
DE LA LOI SUR L'AMÉNAGEMENT  
DU TERRITOIRE)

Deferred vote on the motion for second reading of Bill 26, An Act to amend the Planning Act / Projet de loi 26, Loi modifiant la Loi sur l'aménagement du territoire.

**The Speaker (Hon Alvin Curling):** Call in the members. There will be a five-minute bell.

*The division bells rang from 1416 to 1421.*

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

## Ayes

Arthurs, Wayne	Duguid, Brad	Peters, Steve
Bentley, Christopher	Duncan, Dwight	Peterson, Tim
Berardinetti, Lorenzo	Fonseca, Peter	Phillips, Gerry
Bradley, James J.	Gerretsen, John	Prue, Michael
Brotten, Laurel C.	Hoy, Pat	Qaadri, Shafiq
Brownell, Jim	Jeffrey, Linda	Rinaldi, Lou
Bryant, Michael	Kennedy, Gerard	Ruprecht, Tony
Cansfield, Donna H.	Kular, Kuldip	Sandals, Liz
Caplan, David	Kwinter, Monte	Sergio, Mario
Chambers, Mary Anne V.	Leal, Jeff	Smitherman, George
Colle, Mike	Levac, Dave	Takhar, Harinder S.
Cordiano, Joseph	Marchese, Rosario	Van Bommel, Maria
Craitor, Kim	Marsales, Judy	Wilkinson, John
Crozier, Bruce	Martel, Shelley	Wong, Tony C.
Delaney, Bob	McNeely, Phil	Wynne, Kathleen O.
Dhillon, Vic	Meilleur, Madeleine	Zimmer, David
Dombrowsky, Leona	Oraziotti, David	

**The Speaker:** All those opposed, please rise.

## Nays

Baird, John R.	Hudak, Tim	Scott, Laurie
Chudleigh, Ted	Klees, Frank	Tascona, Joseph N.
Dunlop, Garfield	Miller, Norm	Wilson, Jim
Eves, Ernie	Ouellette, Jerry J.	
Hardeman, Ernie	Runciman, Robert W.	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 50; the nays are 13.

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

**Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):** I request that this matter be referred to the committee on general government.

**The Speaker:** The bill is accordingly referred.

## ORAL QUESTIONS

## ONTARIO BUDGET

**Mr Frank Klees (Oak Ridges):** My question is to the Deputy Premier. Can you please tell the people of On-

tario just what sacrifices they'll have to endure as a result of your budget coming up next week?

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** The people of Ontario will no longer have to endure the sacrifices they did under your government: cuts to health, cuts to education, putting tax cuts for the wealthy and private schools ahead of our public schools, putting the interests of large corporations and their taxes ahead of public health care.

I say to the member, be here next Tuesday, 4 o'clock. Don't go to Magna this year. Be here. When you're here, you're going to see a budget that delivers on this government's and our Premier's commitment to improve public health care, to improve public education and to begin to undo the legacy that was left by eight years of Harris-Eves mismanagement and incompetence. It's a time we're all looking forward to, and we'll look forward to seeing you right here next Tuesday.

**Mr Klees:** Deputy Premier, yesterday the Minister of Finance was quoted by the hard-working reporters from the Toronto Sun as saying he wouldn't describe any of the measures in the budget as being sacrifices at all. Yet three days ago, Dalton McGuinty told the Empire Club that sacrifices would indeed be necessary. Three weeks ago he said in a press conference that sacrifices from all of us would be necessary. Today's Star quotes Premier McGuinty in Washington, DC, as saying it's going to take a great deal of sacrifice. Which Premier should we believe, Mr Sorbara or Mr McGuinty?

**Hon Mr Duncan:** What you can believe is this government is going to begin to clean up the mess in public health care and public education that your government left. What you can believe is there will be no more sweetheart deals from Hydro One and OPG for backroom consultants. What you can believe is that this party with its majority puts the interests of average Ontarians and working families far ahead of where you put them. What you can believe is that the people of Ontario will accept every budget initiative and understand that this government's priorities are in the right place and that we're going to fix the mess you left behind, a shameful mess, a mess that you, sir, are in part responsible for, but we are going to fix it. We're going to improve public health care and public education and undo your miserable legacy.

**Mr Klees:** The Deputy Premier is getting quite worked up over this issue, and I'm sure it's because he himself isn't sure which Premier is right about these issues.

The Deputy Premier of Ontario has told Ontarians that there wouldn't be sacrifices. The other Premier said there would indeed be sacrifices. I'd like to ask the Deputy Premier—maybe he's the real Premier, after all—which of these Premiers is right, or is it true that one Premier doesn't know what the other Premier is doing, and isn't that really the legacy of this government to date?

**Hon Mr Duncan:** I have enormous respect for the Premier of Ontario and for the Minister of Finance. We will deliver a budget that improves public health care, that improves public education, that begins to undo the

legacy of closed hospitals, laid-off nurses, teacher bashing and lost days in education. We are beginning to address the concerns that our communities have: underfunding, downloading, bad pollution controls.

This government—our Premier, our finance minister and each of the 71 members in this caucus—is committed to the principles we stood on. We are going to improve public health care and public education. I believe that when the people of Ontario see this budget next Tuesday, they will compare us to you and say, "Boy, did we make the right choice last October."

**The Speaker (Hon Alvin Curling):** New question.

**Mr John R. Baird (Nepean-Carleton):** To the Deputy Premier: I just thought that if you were so proud of this upcoming budget, you'd let voters in Hamilton East see it before they cast their ballots.

Next Tuesday, after Hamilton East voters go to the polls, the Minister of Finance will table his budget in this place, despite Dalton McGuinty's attempt to upstage him and do a fireside chat with Ontario voters. Before the Minister of Finance rises in his place with his head in a cloud of scandal, a company named Royal Group Technologies, which he directed for 10 years, is under investigation by the RCMP, the Ontario Securities Commission and the Canada Revenue Agency—serious charges relating to a company and its financial books. The minister was the chair of the audit committee, which approved each and every financial statement. Minister, can you confirm to this House that neither the minister nor any of his agents have had anything to do with the Ontario Securities Commission or the TSX, or that his personal political staff have not had anything to do with the securities commission? Can you do that, Minister?

1430

**Hon Mr Duncan:** What I can say is that the Integrity Commissioner has absolute confidence in the integrity of the Minister of Finance. He said that in a letter dated March 8, 2004.

I would say to the member, while there is a forensic audit of interest going on of the corporation, the questions of interest to this Legislature are the ones that the finance minister is going to address. The finance minister's budget is going to address the problems in our public health care system that the member's government left behind. He's going to address the questions around public education that their government left behind. They chose to fund private schools. We choose to fund public schools.

Let's quit talking about nonsense. The minister has been very clearly supported by the Integrity Commissioner. Let's talk about the substance of the budget. Let's debate public education and public health care and get this debate and those questions out of the gutter.

**Mr Baird:** They think a criminal probe is nonsense. The member opposite may think an investigation by the tax and audit group at Revenue Canada is laughable. The member opposite may think that a serious investigation at the Ontario Securities Commission on behalf of investors, shareholders and pensioners is not serious, but

those of us on this side of the House sure do think it's serious.

Would the minister clearly inform the House whether Minister Sorbara or any of his agents has had any contact whatsoever with the Ontario Securities Commission, the RCMP or Revenue Canada with respect to the serious investigations going on about Royal Group Technologies, a company that he directed for more than a decade?

**Hon Mr Duncan:** What I can say in response to this desperate smear is that the Integrity Commissioner said: "Put bluntly, it would have been manifestly wrong for you to involve yourself or your ministry in any aspect of the OSC's investigation of Royal, or in any OSC investigation. In particular it would have been wrong for you to have taken it upon yourself to disclose or to cause the disclosure of the OSC/Royal investigation."

Surely, based on that question, the member is suggesting that the finance minister or any member should violate the law. We say no. The finance minister has conducted himself appropriately. The Integrity Commissioner has said that. Case closed.

Let's talk about the budget. Let's talk about public health. Let's talk about public education. I have a lot more confidence and faith in this finance minister than in any finance minister your government ever had.

**Mr Baird:** The minister's refusal to answer the direct questions are beginning to speak volumes about this. His cavalier attitude toward serious charges being levelled against a company and those who were involved in it speaks volumes about this.

Another central figure in this scandalous mess is a gentleman by the name of Vic De Zen. Can you—

*Interjections.*

**Mr Baird:** I can tell you, I've never been sued for slander and had to settle out of court—

**The Speaker:** Order. Member for Nepean, would you direct your question to the Chair.

**Mr Baird:** I'll remind the members of the House that I have never been sued for slander and I've never had to settle out of court for saying slanderous things.

Another central figure is Vic De Zen. I'd like the minister to stand in his place and tell this House whether the minister or his agent has had any contact of any kind with Mr De Zen. Can he do that?

**Hon Mr Duncan:** In responding to this absolutely shameful question—the member talks about integrity in government. The Minister of Finance wrote to the Integrity Commissioner, and you'll recall that one of your ministers did the same thing. When your minister got the response, he refused to release it and he still hasn't released it.

This is released, and the shameful nature of your question and the absolute lack of integrity in the question betray the fact that they don't want to talk about how this government is going to fix the mess in public health care and public education. That's your legacy. A \$5.6-billion deficit is your legacy; 39 closed hospitals are your legacy. We're going to fix the messes you created and we're going to do it with integrity.

## SALES TAX HARMONIZATION

**Mr Michael Prue (Beaches-East York):** My question is to the Acting Premier. Despite numerous, repeated, persistent questions by the press gallery of Ontario, your government refuses to tell Ontarians whether it is your plan to harmonize the provincial sales tax with the GST. Ontarians need to know. Is there going to be an 8% tax slapped on their gas? Is there going to be an 8% tax slapped on their hydro? Is there going to be an 8% tax slapped on their natural gas? Mr Minister, are you planning any steps toward harmonizing the PST with the GST? If this is just another trial balloon, please shoot it down today.

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** What's going on here again is uninformed, unimaginative speculation. You will get the answer to your question next Tuesday at 4 o'clock in this chamber. I can tell you what there won't be in the budget. There won't be a 52% increase in tuition like your government delivered to post-secondary education. There won't be a 43% increase in hydro rates like your government did to Ontario ratepayers. There will be a commitment to public health care and public education the likes of which we haven't seen, certainly in the last nine years. Be here next Tuesday. You'll get the answers to all your questions.

**Mr Prue:** I was hoping to get the answers to my questions today. The people want to know now. They want to know if they really chose change. They want to know whether there's going to be an 8% tax on their children's clothing and whether there's going to be an 8% tax on books. They want to know whether they really chose change in the last election, or whether they are getting more of the Harris-Eves approach to user fees and hidden taxes.

Mr Minister, I ask you once again, will you tell this House that you will not be taking steps toward harmonizing the GST with the PST? Please shoot down the balloon today if you can.

**Hon Mr Duncan:** This is actually a Howard Hampton trial balloon, and like most of the other research Mr Hampton has produced in this House, like the person with his car insurance premiums, I'm sure it will be proved to be wrong.

I would suggest to the NDP that they wait until next Tuesday at 4 o'clock. Your questions will be answered and you will see real change in this province, change like we've already brought about in education with the bill you supported today, change like we brought about with the Adams mine legislation that you voted for, change like we brought about by eliminating the private school tax credit, which you voted against after everything you said.

I look forward to meeting the House here next Tuesday at 4 o'clock. The finance minister will deliver a budget that brings about real change in Ontario, change I know you'll be proud to support as you have on a number of other occasions in this House.

## HEALTH CARE FUNDING

**Ms Shelley Martel (Nickel Belt):** I have a question to the Acting Premier. It is question period, so I'm looking for an answer. Minister, Ontarians are worried that your budget will force them to pay or pay more for important health services. You know that every year there are millions of Ontarians who need access to high-quality eye care, podiatry, chiropractic and physiotherapy services, and many of those who benefit are on a fixed income and cannot afford to pay for those services out of their own pockets. These cuts will hurt the very people who can least afford it at the same time as you're keeping in place the 35% tax cuts to the wealthiest Ontarians put in place by your friends in the Conservative Party.

Minister, yes or no: Announce today, is your government going to delist important health services or are you going to ensure that Ontarians will not have to pay for tertiary services?

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** I'll refer that to my colleague the Minister of Health.

**Hon George Smitherman (Minister of Health and Long-Term Care):** What I can say to the honourable member is something I had the chance to say six or eight times yesterday, which is that—

*Interjection.*

**Hon Mr Smitherman:** That's right. The member from Trinity-Spadina offers to his own member some very good advice, and I'd like to stand by it.

**Ms Martel:** Minister, why should I wait till Tuesday? It's question period today. I have an important question, and this is a question that's important to many people who use these services. You know that patients need access to high-quality eye care, physiotherapy and chiropractic services. You know that many of these important health care services are important for treatment and for health promotion and health prevention as well. You know that many of the people who use these services, especially physiotherapy, are folks who are on a fixed income and they can't afford to pay for these costs out of their own pocket.

Tertiary health care services are important health care services and your government should be paying for them. Today, Minister, will your government be delisting these important services and forcing Ontarians to pay out of their own pockets for them?

1440

**Hon Mr Smitherman:** The member well knows by now that the budget is coming on Tuesday, but I'm pleased to be able say that our party and government is going to act to deliver on the commitments that we took to the people of the province of Ontario, which is to enhance the quality of our health care services. As a government, we've already made moves to enhance funding for Ontario's hospitals by \$385 million. Two days ago, we announced \$191 million additional dollars on an annual basis to deal with the challenges in our long-term-care facilities. I believe those announcements

are symbols of the desire on the part of our government, in reasonably challenging fiscal circumstances brought about by their Magna budget and the like, to enhance the quality of health services in province of Ontario.

Beyond that, I would say, with all due respect to the honourable member, that Tuesday afternoon at 4 o'clock will be an opportunity to see that our government is planning to expand the quality of health services with a particular focus on the most vulnerable in our society.

## LAW ENFORCEMENT

**Mr Garfield Dunlop (Simcoe North):** My question today is for the Attorney General. Minister, yesterday you and your cabinet colleague Monte Kwinter started the day by downplaying and sidestepping the Toronto Police Service's need for \$700,000 to track sexual predators. This is funding our government had already approved back on August 6, 2003, by cabinet.

Only hours later, during question period, you executed the quickest flip-flop in the short history of the Dalton McGuinty government. That's when you said, "Of course the government will be providing that funding. Of course we will." I need to know—and so do the parents of children like Holly Jones—why you hesitated for seven months about funding this worthy police project, especially when our government had already approved the funding.

**Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal):** I presume the member supports the expansion of anything we can do to try to track sex offenders. I assume the member supports that. That's what we're doing over here. I don't think this is a particularly partisan or political matter. I think this is something that we want to do mostly to give people some confidence in their community. We're doing that. I'm glad it's clear to you now. If you have any questions about the specifics of the program, I know Minister Kwinter will happily explain all this to you, but this is a good thing. I hope you support it and I'd like to hear you support it when you stand up, sir.

**Mr Dunlop:** Minister, yes, we do support it, but we wonder why it took you seven months to support it. We all know that the one thing you and your federal Liberal cousins truly have in common is that you are all very soft on crime. I'm glad we received your assurance in the House yesterday that the money is coming to the Toronto Police Service. I'm sure you can appreciate why we had to verify your comments today in case you decided to flip-flop on this issue once again.

Can you please tell us in this House, and clearly enough so that it makes sense to Chief Fantino and the Toronto Police Service, exactly when will the Toronto Police Service get their money, all \$700,000 over three years from the victims' justice fund, as approved by the cabinet. When will they receive the funding?

**Hon Mr Bryant:** That's exactly what Chief Fantino said we are trying to get right so that in fact we are

providing the best possible service for the safety of this community that's particularly affected and everybody across the province of Ontario. That's exactly what the federal minister announced yesterday in saying that we are going to be expanding the national registry.

I don't know why this member cannot take yes for an answer. This is good news for Ontario. This is good news for safer communities. Yes, I know when you were in government, you were all talk no action. I understand this particular announcement is a good example of that, but we're not going to follow that lead. We're not going to do the all talk, no action. We are going to be all action. We are going to come to this House and explain what we're doing. That's exactly what I'm doing now. I don't understand why you can't take yes for an answer.

#### TOBACCO CONTROL

**Mr Jim Brownell (Stormont-Dundas-Charlottenburgh):** My question is to the Minister of Health. Last week a volunteer from the Canadian Cancer Society visited my office here, Janet Allingham of Morrisburg, Ontario. She stressed to me the importance of tobacco control in the province. She presented me with eye-opening information and statistics. She also illustrated to me the hodgepodge fashion in which Ontario communities are restricting second-hand smoke exposure in hospitality and recreational premises. She also informed me that May 31 is World No Tobacco Day.

Most recently, the city of Cornwall in my riding has gone 100% smoke-free. South Stormont is working on a bylaw to ban smoking in all public places. We know tobacco is the largest cause of preventable illness and premature death in Ontario. We know that Toronto, as of June 1, 2004, is phasing in a no-smoking bylaw. With World No Tobacco Day fast approaching, I ask you what we as a government are doing to urge and aid all Ontario municipalities to go smoke free.

**Hon George Smitherman (Minister of Health and Long-Term Care):** I want to start by applauding those municipalities across Ontario that have demonstrated extraordinary leadership in dealing with the number one killer of people prematurely in our province. That's tobacco-related death and illness, with 16,000 people annually losing their lives in our province, and that many families affected.

What are we doing? We're moving forward as a government to replace the hodgepodge, the patchwork quilt of laws by a piece of provincial legislation. We're going to draft that over the course of the summer with a view toward bringing it to the House in the fall.

I would like to say in addition that with the public health branch of the Ministry of Health and Long-Term Care and our fine new chief medical officer of health, Dr Sheila Basrur, we're going to lend support on the enforcement side to municipalities that have bylaws in place, or that are being implemented throughout the course of this year, to make sure they get the support necessary to see that those good, strong bylaws in

municipalities across the province get all the support they need to be true.

**Mr Brownell:** I understand that this issue is a priority to you, and it certainly is for me. Each year 12,000 Ontarians die prematurely due to tobacco-related illnesses. Most teenagers start smoking and become addicted at a very early age. We know that smoking is the largest preventable health epidemic facing Ontarians. I strongly believe that cigarettes should not be accessible to young people, and that education combined with accessibility is the only way to get cigarettes out of the hands of our youth. What is our ministry doing to ensure that Ontario's young people do not start smoking?

**Hon Mr Smitherman:** I think the honourable member has touched on a pretty central issue here. The fact of the matter is that pressure comes every single day from tobacco manufacturers to turn young kids on to cigarettes. The fact of the matter is that we plan, as a key element of our strategy, to engage youth in that campaign, to empower them, to give them tools and resources so that they can talk to one another about the challenges around smoking.

Retailers in this province are restricted from selling cigarettes to people under the age of 19. The letters I most like signing as Minister of Health are those letters sent to me from public health officials that revoke the right of retailers to sell cigarettes because they've been caught on successive occasions selling them to minors.

We have more to do on this front, but the comprehensive fact is that we're coming forward with—over the course of this year we'll re-engage the government of Ontario in this very important battle. I believe we can contribute significantly to making Ontarians the healthiest Canadians by waging a successful war against tobacco.

#### HEALTH CARE FUNDING

**Mr Norm Miller (Parry Sound-Muskoka):** I have a question for the minister of Health. I've heard from many constituents, who have been calling, writing and emailing my constituency offices in Parry Sound and Bracebridge, concerned about the delisting of chiropractic services from OHIP. Let me share one constituent's letter.

"Dear Mr Miller: I have just been informed that the government may decide, in the next few days, to delist chiropractic services from OHIP. So much for their promise not to reduce access to health care!

"The news to eliminate funding was very disconcerting to me since I see my chiropractor on a weekly basis and do not have extended health coverage. I require the regular services of a chiropractor and would not be able to go as often as I do now since I would not be able to afford the extra charges. I have a temporal mandibular joint problem (TMJ), which causes headaches and also have chronic upper and lower back problems. The chiropractic adjustments keep my headaches under control as well as the other conditions that I seek treatment for,

without the use of drugs which I feel only mask and do not eliminate the problems.”

In your election campaign, you promised not to reduce access to health care. Do you consider the delisting of chiropractic services a reduction in access to health care?

1450

**Hon George Smitherman (Minister of Health and Long-Term Care):** I remember when that party's leader was campaigning in 1995. He promised not to close hospitals.

I want to say in response to the honourable member the same thing I've now said about 10 times over the course of the last two days: Our government's budget on Tuesday will demonstrate our commitment to universally accessible, publicly funded health care in the province of Ontario. We will expand on programs in order to enhance the quality of health care in the province of Ontario. Beyond that, I would urge the honourable member to stay tuned for Tuesday at 4 o'clock.

**Mr Miller:** Minister, why don't you rule out the delisting of chiropractic services? You promised greater access to health care in the election, and I'm sure you want to make health care more cost-effective, as I do. Chiropractic services are not only necessary medical treatments for many but they are an exceptionally cost-effective part of the system. The Manga report, published in 1993, showed that chiropractic services were by far the most cost-effective way to deal with lower back pain. Eliminating coverage of this is just going to cost government more by having to rely on medicinal treatments and additional visits to physicians or emergency departments.

Given that chiropractors are such great value for the money invested by the province of Ontario, why would you even consider cutting back paying for chiropractic services?

**Hon Mr Smitherman:** I think that the honourable member has been involved in a game of speculation. His party has been doing that on a number of fronts.

The decision time is coming soon, and people will have an opportunity to gauge by that. I believe that what they'll see from our government is a commitment to restore essential public services in the province of Ontario: health care, education and the quality of life in our communities. Beyond that, Tuesday at 4 o'clock is my recommendation.

## PUBLIC TRANSPORTATION

**Mr Tony C. Wong (Markham):** My question is for the Minister of Transportation. Minister, as the MPP for Markham, I'm delighted with last Friday's announcement on the rapid transit expansion for York region. As a former regional councillor, I strongly supported the major improvements to York region's transit system. My constituents and I are very pleased that the provincial government is following through on its commitment to York region to invest in public transportation sooner rather than later.

The \$150-million investment for Quick Start, the first phase of the York region rapid transit plan, from the provincial, federal and regional governments will ensure that urban centres in York region, and especially the town of Markham, will continue to contribute to Ontario's economic growth by tackling gridlock and creating a reliable public transit system.

Minister, my question to you is, can you tell me what the residents of Markham can expect from the York region rapid transit system?

**Hon Harinder S. Takhar (Minister of Transportation):** First of all, I want to thank my colleague from Markham for his support, his persistence and for his patience as well.

The York rapid transit plan is to start on September 1 with the Quick Start program. When the program is fully developed, it will serve four corridors: Yonge Street, Highway 7, Markham—

**Mr Frank Klees (Oak Ridges):** You're answering the wrong question.

**Hon Mr Takhar:** —do you want to answer it?— Markham north-south link and Vaughan north-south link.

We are making these strategic investments in order to make sure that we can serve the people of Markham better than the other government had ever done before.

**Mr Wong:** Thank you, Minister, for that answer. As you know, convenience and ease of access are hallmarks of successful public transit systems. The residents of Markham deserve no less and, in fact, demand these features in order to commit to regular usage of the new rapid transit system. The success of this new system is expected to produce a 30% increase in transit ridership in York region, removing 7,000 car trips a day off the road.

Minister, how will the new rapid transit system allow Markham residents to easily and conveniently access public transit, thereby alleviating traffic gridlock?

**Hon Mr Takhar:** Again, I want to thank my colleague for his question. Quick Start will help connect Markham, Newmarket, Richmond Hill and Vaughan along the four key transportation areas. The Markham area will also be connected to GO Transit and the TTC as well. We also plan to make sure that York residents and Markham residents can go to the Brampton area, as well as to the Durham area. We will also make sure that the buses we require are state of the art and can serve the people of Markham well.

## GASOLINE PRICES

**Mr Peter Kormos (Niagara Centre):** To the Minister of Tourism: I know that when you said yesterday that high gasoline prices weren't going to hurt our tourist operators down in Niagara or, for that matter, anywhere else in Ontario, you didn't really mean it. Because you know these tourist operators, small mom-and-pop operations, restaurateurs, people selling souvenirs, people running their bed and breakfasts, and you know that when gasoline prices are skyrocketing, people aren't coming to these drive-to destinations. People don't fly to

Niagara Falls, they drive to Niagara Falls; people don't fly to Huntsville and area, they drive to Huntsville and area.

Minister of Tourism, please, you're the senior member of your caucus, the senior member of your cabinet. Stand up and warn your colleagues, warn your government that high gasoline prices are going to have a serious impact on tourism, especially the mom-and-pop small business operators.

**Hon James J. Bradley (Minister of Tourism and Recreation):** I want to very much thank the member for that question. I usually don't thank people for questions, but that's a very good question.

I have to say to the member that all of us lament—perhaps all, but I certainly do and I think he does—the dramatic increase in gasoline prices. It is affecting everyone in all jurisdictions in North America. For instance, I was in the city of Buffalo last Monday morning and they were talking about prices in western New York at the time. What we all want to see is that price of over \$40 a barrel come down. I know that that specifically is not within provincial jurisdiction.

I was checking the Agenda for People, the New Democratic Party platform. I thought there might be some good suggestions in there; I couldn't find any. I checked Rae Days to see if there were any suggestions; I couldn't find any. But I agree with him. It is a challenge and we have to help those tourist operators meet that challenge.

**Mr Kormos:** I appreciate your expression of concern around these extraordinarily high gasoline prices and the acknowledgment that they're going to hammer our small tourist operators this coming summer.

Don't look to the Agenda for People, don't look to Walkom's book; look to member Jim Bradley's Bill 16 from November 1999. I was here and I applauded you. I said, "By God, that's the kind of representation folks in Niagara need. I'm proud to be the member from St Catharines's colleague. I'm proud to support his legislation that would regulate gasoline prices." You see, Minister, back in 1999—and I've got to tell you that I like you personally—you stood up and proclaimed that the provincial government had the jurisdiction to control gasoline prices. Tourist operators are counting on you now. Stand up and declare clearly that your government should be using the Bradley formula from 1999 to control gasoline prices now, when tourist operators—

**The Speaker (Hon Alvin Curling):** Minister?

**Hon Mr Bradley:** I certainly thank the member for reminding me of some past legislation. I must say, I think that specific piece of legislation, as I recall, referred to the independent operators and the way they were dealt with. That's what the bill addressed. And I will be most happy to confer with the federal government in this matter to determine whether they are able to help these independents out.

I remember that when you were in government, I think you raised the tax on gasoline by 13%. I understood why. I remember that Brian Charlton and Jenny Carter, who

were both energy ministers in your government, actually watched as the gas prices went up, and they did come back down again. I know that the Minister of Energy is monitoring this matter carefully and is prepared to take whatever action he deems appropriate at the appropriate time.

1500

## DAIRY INDUSTRY

**Mr Jim Wilson (Simcoe-Grey):** My question is to the Minister of Agriculture. In a letter dated April 15, 2004, you advised the Dairy Farmers of Ontario and the Georgian Bay Milk Co that you are reviewing a decision of the Agriculture, Food and Rural Affairs Tribunal dated March 28, 2004.

Your letter indicated that you had taken it upon yourself to intervene in this matter "because of the importance to all stakeholders of the dairy export issue." However, instead of providing all stakeholders with an opportunity to be heard, you only notified two stakeholders and you gave them less than two weeks to respond. In spite of this limited notice and short deadline, I understand that you have received an additional 10 submissions from export processors and brokers.

Minister, will you assure the Legislature that your decision will carefully consider these exporters' views, including the letters written by companies like Nestlé and the association that represents Ontario's dairy processors, the Ontario Dairy Council?

**Hon Steve Peters (Minister of Agriculture and Food):** I thank the member for his interest in agricultural issues. I can assure the member as I stand before you today that all submissions will be considered, and I will use those submissions to base a decision on and will respond accordingly.

**Mr Wilson:** This is becoming an extremely important issue in terms of jobs and milk exports in the province.

One of the 10 letters that you would have received, Minister, was from a Hamilton dairy, an exporter called Salerno Dairy Products Ltd. Salerno advised you that losing its export business has already caused that company to lay off over 20 employees. Another major dairy exporter, Saputo, is shutting down plants in Ontario and investing in Argentina because it cannot get export milk here at home.

Will you assure this House and the people of Hamilton that your government will ensure the Georgian Bay Milk Co in my riding can continue to supply Salerno and other dairy exporters so that jobs and investment can continue to be maintained and created in Hamilton and across the province?

**Hon Mr Peters:** Again, I thank the member for his question. As I said, there have been a number of submissions made to the ministry as a result of this ongoing issue. These submissions are being taken into consideration and an answer will be coming in due course.

## TEACHERS' PROFESSIONAL DEVELOPMENT

**Mr Brad Duguid (Scarborough Centre):** My question is to the Minister of Education. This morning I had the opportunity to visit Bellmere Junior Public School in my riding, where I met a number of teachers and students, teachers and students still trying to cope with the legacy of a previous government that had a propensity to attack teachers rather than work with them. Bellmere Junior Public School serves a highly diverse population, with major language and literacy challenges as a result. However, the teachers involved in their highly successful reading recovery program demonstrated a renewed passion among their faculty, given the renewed respect that teachers have from the McGuinty government.

My question to the minister is, how will scrapping the professional learning program's teacher testing help restore peace and stability in our schools so that we can provide the best possible education experience for our students?

**Hon Gerard Kennedy (Minister of Education):** I want to congratulate the member for being at Bellmere junior school and seeing first-hand what needs to be done in education, and for taking that concern.

*Interjection.*

**Hon Mr Kennedy:** We heard already part of the reason that there is still an aspect of discouragement. The member opposite, a representative of the remnant of the former government, today couldn't deal with what's good for teachers and had to talk about union bosses, apparently has trouble sleeping at night thinking about that, and can't distinguish 115,000 dedicated teachers in classrooms all across the province from some—I don't know if it was a childhood scarring experience or whatever made him afraid of unions, but unfortunately it coloured the whole government.

What we have in mind instead is doing the work that should have been done eight years ago: sitting down with teachers and working out professional development, how much we can support, how much of it needs to be done at the school, how much has to be connected to the evaluations that teachers are going through. It isn't good enough to have the symbols, to do it the lazy way that government did. We will make sure that every teacher that we ask to accomplish—and we're asking them to accomplish a lot—gets the professional development they need so they are equipped to do the job we're asking of them.

**Mr Duguid:** Last week I had the opportunity to visit St Victor's school in my riding. At St Victor's school I sensed a renewed optimism in the classroom, now that I think teachers and students recognize they have a government that's passionate about improving the education system. Our teachers have had to cope with eight years of a government that appeared to prefer to confront and belittle the teaching profession rather than work in part-

nership with teachers to improve the quality of education in our classrooms.

My supplementary question to the minister is, how will the McGuinty government promote teacher excellence in our schools to ensure that our teachers have the skills, ability and passion to provide an education experience in Ontario that's second to none?

**Hon Mr Kennedy:** I should say to the other members of the House that there are gold stars coming from the Minister of Education for anyone who visits that many schools, MPPs back to school, but more importantly it's appreciated by parents and students that people actually connect, that they don't go there with blinders on, with preconceived notions.

All schools are different than the ones we went to. Our kids have to be better prepared than we were in our own time, and the key to that is making sure the teachers are prepared. We're looking at teacher mentoring programs. We're losing a lot of young teachers. We need to support them in the early years. We have experienced teachers who can do that. We need to create and support programs that will make that happen. When we ask teachers to do new things, we have to provide the training time. To throw a curriculum at teachers and hope it sticks to students isn't a way that's going to work. In this province today, when we do that, we'll provide either professional development days or resources to make sure that happens.

I look forward to other questions from the members opposite, to be able to elaborate on what needs—

**The Speaker (Hon Alvin Curling):** Thank you. New question.

## TOURISM BROADCASTING

**Mr Jerry J. Ouellette (Oshawa):** My question is for the minister from the Niagara region, my colleague the Minister of Tourism. As I know you are well aware, there are a great number of ambassadors for our province promoting many aspects of the life we enjoy. Whether it's snowmobiling or other activities such as fishing, many promote tourism through a televised audience, bringing in billions of dollars through the promotion or filming of those activities.

Last fall the CRTC made some substantial interpretive changes that pulled off a number of television shows promoting Ontario, many of which were actually filmed in Ontario. There was the problem that many of the films were filmed a year in advance, so what takes place, as I'm sure you're well aware, is that the fishing shows you see this spring were filmed last fall. These changes could not be done for those shows to be in place this year. Minister, what are you doing to aid this industry with the CRTC changes and to help promote Ontario in the film industry?

**Hon James J. Bradley (Minister of Tourism and Recreation):** That's an excellent question. I want to commend the member on that. We always want to help the industry in whatever way we can, and I would be

very interested in receiving further communications from the member on that.

It's most unfortunate that decision was made, because he's quite right. I have watched those shows. I have watched a number of shows, even one that the member was on. I won't say what show it was, but I agree with the member that those kinds of shows are of great interest, not only to people in various parts of Ontario who can enjoy this experience, but we even have people over the border who are watching those shows and have them available.

I'd be happy to look into this matter further. I know the member will be kind enough to give me all the necessary information. I'd like to have a meeting with him and see if, together, we can sit down and solve this problem.

**Mr Ouellette:** Just to give you more insight, the CRTC guidelines also state that mentioning a jurisdiction such as the province of Ontario would only be allowed as a classification of paid advertising time. I know you can well imagine the impact of that. Also, it does not allow for the mentioning of Web sites, such as your ministry, to promote Ontario. We are trying to get as much as we can to happen in Ontario, but another difficulty is that the various broadcasters are interpreting the guidelines differently, so one television station is interpreting it one way and another is interpreting it another way.

From your comments, I would hope that you're able to work with these broadcasters to ensure consistency in the interpretation of the CRTC guidelines. I would ask you to continue to promote Ontario through the tourism networks, through these agencies, to make sure that Ontario continues on. Minister, will you sit down with all these broadcasters and the people promoting Ontario to ensure consistency?

**Hon Mr Bradley:** The member brings up a very good suggestion as far as I'm concerned. That consistency is needed. You're quite right. When there is a declaration that comes down from the CRTC, it has to be something that's extremely clear so that there is not room for interpretation one way or the other.

1510

I'm disappointed with the fact that that information isn't able to be made available in programs of that kind without being declared to be an advertisement. I think a lot of the information we want to provide to people is simply public information; it's not necessarily an advertisement. Yes, we hope people are going to be favourably influenced by it, but not everything has to be an advertisement to simply gain a favourable impression of Ontario.

I would invite the member to come along with me to sit down with the broadcasters, because I don't think all the good ideas necessarily reside on one side of the House. I invite him to come along with me and we'll see if, together, we can solve this problem.

## HIGHWAY 24

**Mr Dave Levac (Brant):** My question is for the Minister of Transportation. The Highway 24 corridor between Cambridge and Brantford, indeed north of Cambridge and even south of Brantford, is a matter of great economic significance to the safety and the economic development of an area that serves, in effect, a population of over 1.2 million people.

Minister, you recently published and released an environmental assessment study design report for that highway corridor, the whole corridor, not just the highway. I would appreciate knowing what steps you're taking as a result of this report.

**Hon Harinder S. Takhar (Minister of Transportation):** First of all, I want to thank my colleague from Brant. He has a keen interest in it and has written me several letters, and I have copies of all those here, to promote this project.

I'm pleased to report that we have completed the first phase of the environmental assessment study, and that has identified some of the transportation issues. Based on that, we are going to move toward the second phase of the environmental assessment. That will require the route planning and also will identify what alternatives will be available to us. So we are moving ahead with this project. In the meantime, we have started a design for interim improvements to Highway 24, such as traffic signals at the Blue Lake Road intersection.

**Mr Levac:** That is actually very good news, to know that we are moving forward on that. It's a very important safety issue on that highway, not only just the economic development.

Now that you've taken these steps, I need to point out there's a working group that's initiated by the mayors of Brantford and Cambridge, consisting of no less than seven mayors, chambers of commerce, staff of municipalities and other invited guests who have been meeting to discuss this very important topic. Minister, will you meet with this working group, which includes such municipalities as, shall we say, Hamilton, Guelph, Cambridge, Brant, Brantford, Haldimand, Norfolk, Kitchener-Waterloo? And other groups have said they want to join this working group.

It's obvious there's a keen interest in this corridor. Will you be able to meet with this group, to help them push their agenda along for the safety of Highway 24 and also for the economic development of that corridor?

**Hon Mr Takhar:** I want to thank the working group for the excellent work they have done. I also want to thank my colleague for taking the leadership on this project. I will be more than delighted to meet that group and see where we go from there.

## WATER QUALITY

**Ms Marilyn Churley (Toronto-Danforth):** My question is for the Minister of the Environment. Yesterday you told this House that you are going to review all

drinking water regulations. I've read the material now and your new advisory council only has the mandate to review regulations under the Safe Drinking Water Act. Regulation 903 comes under the Ontario Water Resources Act and deals with the safety of well water.

Minister, you have to agree that this is a very important issue. Will you specifically direct your advisory council to review regulation 903, so that people who drink well water are protected as well?

**Hon Leona Dombrowsky (Minister of the Environment):** I'm happy to have this opportunity to address the question the member has raised.

I want to apologize to the members of the House. When I gave the statement yesterday, I was certainly of the opinion that the statement I was reading was the one they had. I understand there were some technical problems that prevented that, and I appreciate the direction from the Speaker on that.

With respect to the question the honourable member has raised with regard to regulation 903, recommendation number 86 of the O'Connor report is very clear about what the responsibility of the province is in terms of ensuring that wells are safe in the province. Regulation 903 is the regulation that, in fact, deals with that. There has been a great deal of discussion around whether or not it is adequate. I appreciate the point the member has made, but at this point in time, the ministry is of the mind that wells in the province of Ontario do have a safe regimen in place, and I will consider what the member has asked me to do.

**Ms Churley:** I thank the member for her apologies about yesterday's mix-up in statements and trust that it won't happen again.

Minister, I've raised this issue before, and I have to say it is reminiscent of my asking questions under the previous government, before Walkerton happened, warning them about dire consequences if certain regulations weren't fixed. I'm in the same situation here with you. There have been warnings from OPSEU, from the Canadian Environmental Law Association, that you're actually reducing the safety of our drinking water. You promised, the Liberals promised, to protect our drinking water. You spoke piously about Walkerton. Yet you are keeping in place a regulation that makes the water more dangerous to drink. So I'm asking you again, will you agree to review regulation 903 today, to protect the drinking water of the people of Ontario.

**Hon Mrs Dombrowsky:** I would like to take this opportunity to remind the member opposite, first of all, of the commitment of this government to protect drinking water. We have initiated a source water protection initiative in the province. We have introduced the Adams mine act. Yesterday was a very good news announcement. We have announced the Advisory Council on Drinking Water Quality and Testing Standards. We have also decided to investigate regulation 170.

I want to remind the member opposite of the commitment made by the NDP in 1990 that they were going to introduce a safe drinking water act—in 1990. They were

in government for five years. The member opposite was a member of cabinet, and they did nothing. I would suggest that we have done more in seven months to protect water in the province than the NDP did in five years.

#### MID-PENINSULA HIGHWAY

**Mr Tim Hudak (Erie-Lincoln):** The question is to the Minister of Transportation. Minister, could you notify the members of the assembly and the people of Niagara, specifically what concrete steps you've taken in the last seven months to advance the mid-peninsula corridor.

**Hon Harinder S. Takhar (Minister of Transportation):** I have answered this question several times in the House, and I have indicated before that we are absolutely committed to moving ahead with the full environmental process on this project. We are right now finalizing the terms of reference for this project.

**Mr Hudak:** With respect to the minister, frankly, the superficial responses to these questions are becoming very tiresome. It's very troubling to the people of Niagara. Minister, as you know, Niagara is a growing, dynamic and important part of the province of Ontario. This is the number one transportation issue, by far, in the Niagara Peninsula, and you continue to dismiss this issue by doing absolutely nothing in these past seven months.

Tremendous work has been done to date: The needs assessment has been completed, consultation on the terms of reference for the EA is completed, the study design is completed, and the EA is ready to be submitted to the minister. And you're telling me, in your answers to the order paper that you're going to scrap them all and go back three or four years—an additional three or four years added on before the people of Niagara can enjoy this new highway.

Minister, please tell me that you're not scrapping these reports and that you're going to move forward and accelerate this process, rather than taking us back to square one.

**Hon Mr Takhar:** As usual, the party on that side always enters into speculation. He thinks we are going to scrap it. We never said we would scrap it. We will consider the need assessment as part of the environmental process, but the member knows better what really comprises the environmental assessment. I have answered him in writing several times, and I have answered him in this House several times. We're going to move ahead with the environmental assessment process the way it's supposed to happen, and we will do it in a timely fashion.

1520

#### AIR QUALITY

**Mr Lorenzo Berardinetti (Scarborough Southwest):** My question is to the Minister of the Environment. I woke this morning to hear that much of southern Ontario will be blanketed in smog today. My constituents and the people of Ontario would like to know what your ministry is doing to deal with this situation.

**Hon Leona Dombrowsky (Minister of the Environment):** Certainly this government and the Ministry of the Environment are always very concerned with air quality issues in Ontario. The Premier identified this in our campaign and, I believe, has committed to some very bold actions that will enable us to begin to address the emissions issue in the province of Ontario.

The Premier and the Minister of Energy have committed to replacing coal-fired power plants in Ontario. The Premier has indicated that we will require Ontario electricity suppliers to obtain at least 5% of their electricity from clean, renewable sources by 2007 and 10% by 2010. We will reduce electricity use in government buildings by 10% by 2007. What's more, the McGuinty government will also require 5% ethanol content in gasoline by 2007 and 10% by 2010.

**Mr Berardinetti:** Last summer, the previous Minister of the Environment told Ontarians to stop using their barbecues. Do you have any practical advice for Ontarians on how they can better protect themselves whenever the air quality in our communities becomes poor?

**Hon Mrs Dombrowsky:** This is a very serious issue, and if we are going to have an impact on the climate change phenomenon, we all have to participate in the solution. I'm very happy to offer some suggestions to the people of Ontario in this House today.

Number one, my suggestion to those folks who live in an area where there is public transit is please leave your cars at home and take public transit. I ask that people consider conserving electricity in their homes by turning off lights and using less electricity. I've asked that they also consider using appliances such as gas-powered engines, lawn mowers and such, sparingly. They should not be used in this kind of weather. I'm also very proud to report today that our Premier is in Washington being, I think, a real leader on this issue.

#### COMMUNITY SAFETY

**Mr Robert W. Runciman (Leeds-Grenville):** I have a question for the Minister of Community Safety, and since the Liberal backbenchers and the minister chewed up so much time, I'll try to condense it into one question. It deals with Douglas Moore, the accused serial killer in Mississauga. I'm sure you've read a great deal about that, as most of us have, and have been horrified by the facts surrounding the murders of three young men and the suspicion of Mr Moore's involvement in those deaths.

There were some questions raised about whether the Peel Regional Police knew about Mr Moore's presence, and that raises issues about whether there should be changes to the community safety act in terms of more prescription and public notification. I would ask if you are looking into that, and I would also ask if you would consider calling an inquest—as minister, you have the authority—into the murder of René Charlebois. An inquest into René's murder could lead to the same positive recommendations that flowed from the inquest into the murder of Christopher Stephenson by sexual

predator Joseph Fredericks. Minister, I ask you to consider both of those and respond here today.

**Hon Monte Kwinter (Minister of Community Safety and Correctional Services):** It's interesting that he's the minister responsible for bringing in the community safety act, which gives a chief of police or his designate the ability to announce to the public that a sexual predator who has been released is living in their community. It does not provide for mandatory reporting. When you brought in that act, if you felt that mandatory reporting was a requirement, why didn't you put it in?

**Mr Runciman:** That wasn't a political question.

**Hon Mr Kwinter:** Well, you're saying, "I brought in the act, I didn't require mandatory reporting and now I'm saying to you, 'Why don't you make it mandatory?'" I'm suggesting to you that you had the opportunity, if you felt that was what had to be done, to make it mandatory.

**The Speaker (Hon Alvin Curling):** That's the end of oral questions.

On a point of order, the member for Nepean-Carleton.

**Mr John R. Baird (Nepean-Carleton):** Thank you very much, Speaker; I appreciate it. I have a request for unanimous consent that we pass Bill 80, An Act to provide information to consumers respecting the price of gasoline and the ownership of gasoline retailers and to require certain additional information from major oil companies, standing in the name of my friend Bruce Crozier, that we have second and third readings right now. I ask for unanimous consent.

**The Speaker:** I heard a no.

#### PETITIONS

##### ONTARIO DRUG BENEFIT PROGRAM

**Mr Jerry J. Ouellette (Oshawa):** I have a petition that reads as follows:

"Whereas the Liberal government has said in their election platform that they were committed to improving the Ontario drug benefit program for seniors and are now considering delisting drugs and imposing user fees on seniors;

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

"To halt the consideration of imposing an income test, delisting drugs for coverage under the Ontario drug benefit plan or putting in place user fees for seniors, and to maintain the present Ontario drug benefit plan for seniors to cover medications."

I affix my name in agreement.

##### PROPERTY TAXATION

**Mr Jeff Leal (Peterborough):** To the Legislative Assembly of Ontario:

"Whereas recreational trailers kept at parks and campgrounds in Ontario are being assessed by the Municipal

Property Assessment Corp (MPAC) and are subject to property taxes; and

“Whereas owners of these trailers are seasonal and occasional residents who contribute to the local tourism economy, without requiring significant municipal services; and

“Whereas the added burden of this taxation will make it impossible for many families of modest income to afford their holiday sites at parks and campgrounds;

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

“That these seasonal trailers not be subject to retroactive taxation for the year 2003; and that the tax not be imposed in 2004; and that no such tax be introduced without consultation with owners of the trailers and trailer parks, municipal governments, businesses, the tourism sector and other stakeholders.”

#### CHIROPRACTIC HEALTH CARE

**Mr Ernie Hardeman (Oxford):** I have a petition here signed by a great number of my constituents.

“To the Legislative Assembly of Ontario:

“Whereas over 1.2 million people use chiropractic services every year in the province of Ontario; and

“Whereas those who use chiropractic services consider this an important part of their health care and rely on these services along with the OHIP funding in order to function; and

“Whereas the elimination or reduction of chiropractic services would be viewed as breaking the promise not to reduce universal access to health care; and

“Whereas by eliminating or reducing OHIP coverage of chiropractic services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

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

“That the Parliament of Ontario does not delist chiropractic services from the Ontario health insurance plan, and that assurance is given that funding for chiropractic services not be reduced or eliminated.”

I affix my signature to the petition.

#### ONTARIO BUDGET

**Mr Lorenzo Berardinetti (Scarborough Southwest):** I have a petition to present to the Legislative Assembly of Ontario, and it reads as follows:

“Whereas the parliamentary tradition in Ontario of presenting annual budgets in the House of the Legislative Assembly has existed for decades; and

“Whereas the previous government in 2003 showed disrespect for our public institutions and the people of Ontario by presenting a budget inside a private, for-profit auto parts factory; and

“Whereas the Dalton McGuinty government and the current Minister of Finance will be presenting the 2004 budget inside the Legislature on May 18, 2004;

“We, the undersigned, petition the Legislative Assembly of Ontario to uphold parliamentary tradition and hold a public presentation and debate of the 2004 budget, and every budget thereafter, by our publicly elected members of Parliament inside the legislative chamber.”

As I agree with this petition, I affix my signature to it.

#### ONTARIO DRUG BENEFIT PROGRAM

**Mr Tim Hudak (Erie-Lincoln):** I'm pleased to present a large number of petitions from seniors across Niagara, including Fort Erie, Ridgeway, Niagara Falls, Wainfleet and Port Colborne, that read as follows:

“To the Legislative Assembly of Ontario:

“Whereas during the election campaign the Dalton McGuinty Liberals said they would improve the Ontario drug benefit program but now are considering delisting drugs and imposing higher user fees; and

“Whereas the Liberal government has increased costs to seniors by taking away the seniors' property tax rebate and increased the price of hydro;

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

“The Dalton McGuinty Liberals should keep their campaign promise to improve the Ontario drug benefit program and abandon their plan to delist drugs or increase seniors' drug fees.”

In support, my signature.

1530

#### PRIMARY CARE

**Mr Jeff Leal (Peterborough):** “To the Legislative Assembly of Ontario:

“Whereas the community of Peterborough is suffering a crisis in terms of accessibility to health care brought on by a severe and growing shortage of family physicians; and

“Whereas the community of Peterborough has demonstrated extraordinary, strong local leadership in developing a proposal for primary care reform which is very innovative and will provide access to primary care for a growing list of more than 20,000 residents in our community without a family physician; and

“Whereas this proposal has been endorsed by the county of Peterborough, the city of Peterborough, the Peterborough County Medical Society, the Peterborough Community Care Access Centre, the Peterborough Regional Health Centre and the Peterborough County-Health Unit;

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

“To work with representatives of the local community to ensure that all residents of Peterborough have access to an appropriate primary care provider through the timely

implementation of the proposed integrated primary care model, as this model provides appropriate and equitable compensation for family physicians while incorporating sufficient interdisciplinary health care providers, community linkages and appropriate administrative, infrastructure and information technology supports to enable health professionals to enjoy a more realistic, healthy work-life balance.”

I'll affix my signature to this petition.

#### GO TRANSIT SERVICE

**Mr Bob Delaney (Mississauga West):** I have a petition to the Legislative Assembly of Ontario from another group of weary commuters in northwest Mississauga.

“Whereas the city of Mississauga has, within a generation, grown from a linked collection of suburban and farming communities into Canada's sixth-largest city, and tens of thousands of people daily need to commute into and out of Mississauga in order to do business, educate themselves and their families, and enjoy culture and recreation; and

“Whereas gridlock on all roads leading into and out of Mississauga makes peak-period road commuting impractical, and commuter rail service on the Milton GO line is restricted to morning and afternoon service into and out of Toronto; and

“Whereas residents of western Mississauga need to commute to commute, driving along traffic-clogged roads to get to overflowing parking lots at the Meadowvale, Streetsville and Erindale GO train stations;

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

“That the government of Ontario, through the Ministry of Transportation and highways, instruct GO Transit to allocate sufficient resources from its 2004-05 capital budget to proceed immediately with the acquisition of land and the construction of a new GO train station called Lisgar at Tenth Line and the rail tracks to alleviate the parking congestion and provide better access to GO train service on the Milton line for residents of western Mississauga.”

On behalf of my entire street, I am pleased to sign this petition.

#### CHIROPRACTIC HEALTH CARE

**Mr Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly, and it reads as follows:

“Whereas over 1.2 million people use chiropractic services every year in the province of Ontario; and

“Whereas those who use chiropractic services consider this an important part of their health care and rely on these services along with the OHIP funding in order to function; and

“Whereas the elimination or reduction of chiropractic services would be viewed as breaking the promise not to reduce universal access to health care; and

“Whereas by eliminating or reducing OHIP coverage of chiropractic services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

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

“That the Parliament of Ontario does not delist chiropractic services from the Ontario health insurance plan, and that assurance is given that funding for chiropractic services not be reduced or eliminated.”

I affix my name in support.

#### TTC RIGHT-OF-WAY

**Mr Tony Ruprecht (Davenport):** I have a petition which is important to every person residing near St Clair Avenue. It reads as follows—

**Mr Mike Colle (Eglinton-Lawrence):** That's a good street.

**Mr Ruprecht:** St Clair is a very good street, yes. Thank you very much.

**Mr Colle:** A lot of good food and restaurants.

**Mr Ruprecht:** Good food, good restaurants, yes.

It reads:

“To the Parliament of Ontario and Minister of the Environment.

“Whereas an environmental assessment is underway on St Clair Avenue West to study potential transit improvements, including the possibility of installing a dedicated TTC right-of-way;

“Whereas the consultation process so far has been in bad faith, top-down and rushed, which has disappointed and angered the local community almost entirely, and not been up to any acceptable public standards;

“Whereas comments by the chair and the members of the Toronto Transit Commission have made it clear that there is a predetermined outcome to the environmental assessment process, regardless of the objections of the local community;

“Whereas a dedicated right-of-way would restrict left-turn access to neighbourhood streets north and south of St Clair, and a barrier down the centre of St Clair would force the vast majority of residents to make U-turns and go further out of their way just to get home or go to work;

“Whereas a dedicated right-of-way would force significantly more traffic on to local streets;

“Whereas safety must be a high priority for any alternative selected and, according to the ambulance and fire department staff, they don't like to work with rights-of-way;

“Whereas a right-of-way would lead to the reduction or elimination of on-street parking on St Clair Avenue West;

“Whereas traffic bottlenecks at certain intersections and underpasses are already terrible, and certain chronically problematic intersections and underpasses could not stand to lose one of these existing two lanes;

“Whereas the right-of-way will have substantial negative economic effects on local businesses;”—

**Mr Colle:** All right with the “whereases”; let’s just sign them.

**Mr Ruprecht:** One more.

“Whereas there is no guarantee that a dedicated right-of-way will improve transit service substantially, as the number of streetcars serving the street will actually be reduced;

“Therefore we, the undersigned, strongly urge the Minister of the Environment to order a full environmental assessment on St Clair Avenue West, one that genuinely consults and takes into consideration the views and opinions of the local community.”

Since I agree with this petition, Mr Speaker, and I know you do too, I’m delighted to sign it.

#### IMMIGRANTS’ SKILLS

**Mr Mike Colle (Eglinton-Lawrence):** I only have three “whereases.” The member from Davenport is the king of the whereases.

A petition to the Legislative Assembly of Ontario—I hate to use this word, but:

“Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

“Whereas newcomers to Canada who choose to settle in Ontario find frequent and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

“Whereas Ontario, its businesses, its people and its institutions badly need the professional, managerial and technical skills that many newcomers to Canada have and want to use;

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

“That the government of Ontario, through the Ministry of Training, Colleges and Universities and the other institutions and agencies of and within the government of Ontario, undertake specific and proactive measures to work with the bodies regulating access to Ontario’s professions, trades and other occupations in order that newcomers to Canada gain fair, timely and cost-effective access to certification and other measures that facilitate the entry or re-entry of skilled workers and professionals trained outside Canada into the Canadian workforce.”

I, along with the good citizens of Mississauga in the Battleford Road area, my Page Natasha Persaud from Eglinton-Lawrence, and the member from Davenport, all agree with this petition. I will affix my name to it with honour.

#### PHYSIOTHERAPY SERVICES

**Mr Tony Ruprecht (Davenport):** I have a petition with only one “whereas.” This petition reads as follows—

**Mr Mike Colle (Eglinton-Lawrence):** How long is it?

**Mr Ruprecht:** It’s less than 50 seconds. Just relax.

**Hon David Caplan (Minister of Public Infrastructure Renewal):** We’re timing you now.

**Mr Ruprecht:** You can go ahead right now. Look at the clock.

**The Speaker (Hon Alvin Curling):** Please go on.

**Mr Ruprecht:** Mr Speaker, I’m delighted to present this petition to you. It reads as follows:

“Whereas seniors and other qualified patients require the continued provision of physiotherapy services through schedule 5 clinics to promote recovery from medical conditions and continued mobility and good health;

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

“The patients of schedule 5 physiotherapy clinics request the continued support of the Legislative Assembly of Ontario for provision of OHIP-covered physiotherapy treatment to qualified seniors and others in need of these vital health care procedures.”

If I was more than 50 seconds, I apologize.

1540

#### ONTARIO BUDGET

**Mr Kuldip Kular (Bramalea-Gore-Malton-Springdale):** “To the Legislative Assembly of Ontario:

“Whereas the parliamentary tradition in Ontario of presenting annual budgets in the House of the Legislative Assembly has existed for decades; and

“Whereas the previous government in 2003 showed disrespect for our public institutions and the people of Ontario by presenting a budget inside a private, for-profit auto parts factory; and

“Whereas the Dalton McGuinty government and the current Minister of Finance will be presenting the 2004 budget inside the Legislature on May 18, 2004;

“We, the undersigned, petition the Legislative Assembly of Ontario to uphold parliamentary tradition and hold a public presentation and debate of the 2004 budget, and every budget thereafter, by our publicly elected members of Parliament inside the legislative chamber.”

I put my signature to this as well.

#### BUSINESS OF THE HOUSE

**Hon David Caplan (Minister of Public Infrastructure Renewal):** Mr Speaker, pursuant to standing order 55, I rise to give the Legislature the business of the House for next week.

On Monday, May 17, Bill 18.

On Tuesday, May 18, will be the presentation of the budget by the finance minister here in the Legislature of Ontario.

On Wednesday, May 19, will be the response to the budget statement that is going to be made here in the Legislature by the leader of the official opposition or by an opposition member.

On Thursday will be the beginning of the debate, led off by remarks by the leader of the third party.

## ORDERS OF THE DAY

**Hon David Caplan (Minister of Public Infrastructure Renewal):** I believe we have unanimous consent to move a motion without notice respecting consideration of Bill 31, An Act to enact and amend various Acts with respect to the protection of health information.

**The Speaker (Hon Alvin Curling):** Do we have consent? Agreed.

**Hon Mr Caplan:** I move that when the order for third reading of Bill 31 is called, 20 minutes shall be allocated to each party with no questions or comments to follow any speech, and that if the recorded division is required, the vote be deferred until deferred votes on Monday, May 17; further, that the NDP member be allowed to speak first in rotation.

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

## HEALTH INFORMATION PROTECTION ACT, 2004

### LOI DE 2004 SUR LA PROTECTION DES RENSEIGNEMENTS SUR LA SANTÉ

Mr Caplan, on behalf of Mr Smitherman, moved third reading of the following bill:

Bill 31, An Act to enact and amend various Acts with respect to the protection of health information / Projet de loi 31, Loi édictant et modifiant diverses lois en ce qui a trait à la protection des renseignements sur la santé.

**Ms Shelley Martel (Nickel Belt):** I'd like to thank the members for giving me the opportunity to proceed first in rotation this afternoon. We support Bill 31 on third reading. We did at second reading as well. I appreciated the opportunity as health critic to participate on the committee during both the public hearing process and the two sets of clause-by-clause that took place.

Privacy legislation in Ontario has been a long time in coming. Under the previous government, there were no less than four iterations of privacy bills put forward, where there was much public discussion, public consultation, there were draft bills, some even went to committee and, at the end of the day, under the former government, there wasn't a bill that was finally agreed upon. It became even more incumbent for Ontario to do something after the passage of the federal privacy

legislation, which took place and went into effect January 1, very specifically in the health care sector so that the sector itself would be dealing with protection of people's personal health information.

So that is where the bill comes from, and it clearly was extremely important, because many people thought that the federal legislation did not go far enough and did not very specifically apply to the health care sector; and it doesn't and it didn't. So now we have a piece of legislation that will deal very directly with all of those providers, who are called "custodians" in this bill, who will now have very serious and important responsibilities to deal with the protection, disclosure and transferral of people's private health information.

During the debate on second reading, I raised four concerns with respect to the bill. I want to go through those concerns again to point out where they have been dealt with in a positive way, and talk to you about two of the concerns that were not dealt with.

So let me begin with the first, which had to do with section 37(3) of the bill. This was a section that related to the disclosure of personal health information with respect to someone being in a health care facility. The particular section talked about the facility, ie a hospital in many cases, being able to provide information to someone who would call, requesting information about someone who was a patient in that facility. So before the amendments, the bill would have permitted a caller to call a health care facility—let's use a hospital in this case—and find out the following information: (a) whether or not a certain individual was a patient or resident in that facility; (b) what the general health of that individual was, including critical, poor, stable or satisfactory; and (c) the location of the individual in that particular facility.

During the public hearings, we heard concerns raised by a number of groups, who represented both people living with HIV/AIDS and people who suffer from mental illness—and, in particular, their advocates—that it would be most detrimental for those individuals in particular to be subject to this provision, that in a number of cases, perhaps the family and friends of those individuals would not know that they were suffering from a mental illness because that had not been disclosed to them, would not know that they had HIV/AIDS, because that had not been disclosed. But a caller calling into a facility could essentially gain that kind of information based on the location of the patient in the facility. So, for example, if they were calling a hospital that had a particular wing for acute care, for people who were in a very serious mental illness state, an acute state, if you could call and get information about their location, then you could know exactly what their illness was, know what they were suffering from. A number of people made representation to say that the disclosure of that kind of information for these people suffering these kinds of illnesses would cause them more harm, be much more detrimental than it might be for someone else who was on a ward in a hospital, for example, recovering from surgery. I agreed with that.

The first time we did the clause-by-clause for this bill, we looked at some potential changes and the ministry said they weren't able to come up with language. During the debate on second reading, I encouraged the ministry to look at this particular section again to really protect the health care interests of these folks. And to their credit, the ministry staff made some changes that now means that express consent of a patient in a facility must be requested and must be granted before any of that kind of information is disclosed.

**1550**

So as the bill has been amended for the second time, this section now reads very clearly:

"A health information custodian that is a facility that provides health care may disclose to a person the following personal health information relating to an individual who is a patient or a resident in the facility if the custodian offers the individual the option, at the first reasonable opportunity after admission to the facility, to object to such disclosures and if the individual does not do so"—to then confirm:

"1. The fact that the individual is a patient or resident in the facility.

"2. The individual's general health status described as critical, poor, fair, stable or satisfactory, or in similar terms.

"3. The location of the individual in the facility."

So the change—which is a positive change that responds to the concerns of those who came forward to point out this section—is that now the express consent of the patient must be sought by the health information custodian before any information is given by the health information custodian to someone who calls in. I think that's an important change and one that goes much further than in the original draft to actually protect privacy rights and personal health information, particularly of those people who suffer from mental illness or those people who suffer from HIV/AIDS.

The second concern that I raised came in subsection 72(11) of the bill, and that was the section dealing with the regulation-making process. Under the bill, there will be a public process for regulations, and I appreciate and support that. The minister, as he makes regulations in this regard, will be publicly, through a notice on the *Gazette*, letting the interested parties know what the proposed regs are. There is a period for consultation, there is a period for ministerial comment etc. So it's going to be an open process for a bill that's very important, and for the regulations, which are very important as well.

What I disagreed with in the original draft was that in this particular section it said very clearly that there would be no review of a ministerial decision to not have a public process or public consultation with respect to regulations. So if the minister decided that for some regulations he or she did not want the public process that is described in the bill to be implemented, then there was no opportunity for a review of that decision.

I said during second reading and during the original clause-by-clause that that didn't make any sense to me,

that the ministry was trying to move to have a very public process and any section that specifically denied a review of a decision to deny that process would only lead people to wonder what the ministry had to hide. I didn't think it would put the ministry and the minister in a very good light.

I suggested very strongly that there should be a review, and the review should be done by the Freedom of Information and Protection of Privacy Commissioner because she is the one who will have responsibility for this bill. She will take the lead in the implementation of this particular bill.

When we came back for clause-by-clause the second time, there was a change, and the change does now allow for a review of any decision that has been made by the minister to not have a public process with respect to certain regulations. The change now will allow any person to apply for judicial review under the *Judicial Review Procedure Act* on the grounds that the minister has not taken a step required in this section. So there is now the opportunity for a review of the decision, and I appreciate that change.

It is not the change that I favoured, because I continue to believe that the person who would best be in a position to do the review would be the Freedom of Information and Protection of Privacy Commissioner, since she will have overall jurisdiction for the bill. That was not the change that the government moved forward with. I appreciate that the option the government is putting in place will probably have costs for individuals as well, which wouldn't be the case if the appeal was to the FOI commissioner.

Having said that, there is now room and opportunity and a process for a review, and I think that's a good thing. The government will never find itself in a position of someone or some body or some organization saying that the government had something to hide when it decided not to have a public process around the implementation of regulations under this bill.

There were two other concerns I had raised that were not dealt with, and let me just talk about those for a minute. We had representation by faith communities. They came together as a group and provided the committee with a very interesting presentation about their concerns with respect to the bill.

After their presentation to us, the government did make two of the three amendments that had been requested by the faith community. The third amount that had been requested, however, was the following, and I'm quoting from their letter to the committee: "Where an individual who is a resident or patient in a facility that is a health information custodian is in a life-threatening condition, the health information custodian shall inform a representative of the individual's religious or other organization where that group is known by implication or otherwise."

Obviously, if that had been implemented, it would have put an obligation or an onus on the faith communities themselves to provide contact information to the

various institutions so they would know whom to call. The faith communities said to us that they felt they could work with the Ontario Hospital Association and others in the long-term-care sector and other sectors to implement this particular provision.

The ministry did not move forward with the third amendment that had been requested by the faith communities. I wish they had, because we moved a long way to dealing with their concerns, and I hope we won't find ourselves in a position where we wish we had done what they asked us to.

I know there were concerns about how the faith community could participate under this bill. I think most of us recognized we had to meet those concerns. The ministry went a long way to doing that, and I wish we could have done the last part of this request in terms of making sure there could be some connection, when someone is in a life-threatening situation, to have someone of that faith community contacted.

The final concern I raised that hasn't been dealt with is a serious one, and it has to do with the cost of implementation of the bill. We heard from a number of presenters who expressed concerns about the timing of the implementation but also the cost. In fact, we made changes to the timing of the implementation at the request of the Ontario Hospital Association, for example, who very clearly said to us that it would take some time for them to change their computer systems in order to comply with the bill. So we did make those kinds of changes.

But I am very concerned that the costs regarding implementation will be very difficult for many of those community-based organizations that now fall under the bill. On second reading, I used the example of community-based mental health associations and organizations that did come forward and very clearly expressed concern in this regard. Many small, community-based mental health organizations don't even have a computer system to speak of, and under this bill they have some very important and very serious obligations, as do all other health care custodians, with respect to how information is protected, how it is kept, how it is disclosed to other health care custodians etc. Those obligations are indeed serious, and the penalties that flow, if there is disclosure, are also quite significant.

My concern continues to be that we have placed an undue and serious burden particularly on small, community-based health organizations that will find it extremely difficult to comply. We know that under the Conservative government many of these organizations have had their budgets frozen for the last number of years and will find it extremely difficult to find the money necessary to comply with the bill within their current operating budget.

There was no change on the part of the government to announce that funding would be made available, particularly to small health organizations, to actually implement the bill. I truly hope we don't find ourselves in a position, and that many of these small groups don't find them-

selves in a position, of unwittingly disclosing information or unwittingly not being in compliance with the legislation just because they can't afford to do so. I truly hope we are not going to find ourselves in that position, because that would be a very serious and very difficult and tragic situation indeed, because as I said earlier, the penalties can be quite serious under the bill.

So perhaps the government, as we start to implement the bill and people come forward to talk to the bureaucrats about the cost, will change its mind and do something, at least for the very small providers, the small health care custodians, many community-based organizations that want to comply, that have to comply, but know it will be very expensive for them to comply, and reconsider their position in this regard.

In closing, we have supported this bill and support it here again on third reading. There was a lot of work done over two sessions of clause-by-clause to make changes to the bill. Many amendments came forward, although many of them were technical in nature. I appreciated being part of the committee, and I do want to thank very much the bureaucratic staff who made themselves available at every opportunity to committee members for questions, comments and assistance, and also the minister's own personal political staff who travelled with the committee and tried to answer our questions as best they could.

We look forward to this legislation going into effect. I can only say again that I hope the government monitors it very carefully, not only to ensure it's implemented correctly but to deal with the ongoing concern I have about costs, to ensure it can be implemented properly, particularly for health care custodians that are small, community-based health organizations.

**1600**

**Mr Frank Klees (Oak Ridges):** I'm pleased to participate in this debate. Several times in the debate relating to this legislation we've talked about the role that the previous government and, in particular, the member for Kitchener-Waterloo has played in the development of this legislation. I'd like to add my thanks to my honourable colleague the former Minister of Health for her courage and the vision she showed in tackling this issue several years ago, and for her continued dedication to this important issue as seen in her contribution to the development of this legislation.

While the name and contributions of Elizabeth Witmer have come up several times in the discussion of Bill 31, I think it's important to understand just how far back the roots of this legislation actually go.

It was back in June 1996, nearly eight years ago, that our government began consulting with the health care community on the issue of health care privacy. We had in fact started work on a discussion paper almost immediately following the 1995 election. The next year, we put the paper out and followed it up with regional round table meetings that resulted in more than 100 written submissions. By November 1997 we had draft legislation ready for public consultation. That draft act and a plain-

language overview were then sent out for review and comment to more than 1,000 individuals and organizations. The overview alone was sent to another 4,000 people or organizations in Ontario.

On top of that, we held more regional consultations across the province, with another 200 written submissions coming back to the government as a result of that process. This was a large and long-term consultation process. The results then helped us to formulate the privacy act. We brought that forward through then-Minister Witmer in the year 2000.

It was actually that legislation that was the germination of so many of the concepts and provisions we see today in Bill 31; for example, the idea of the health information custodian, the importance of personal access to one's own records and the need for a careful balance between personal privacy and the legitimate needs of the health care system. Those were all elements of that original legislation and came about as a result of that extensive consultation. The ensuing debate covered many of the same areas we've seen discussed in the Bill 31 process. There were many valuable lessons learned over the past eight years that have been applied to make this a good bill.

I know that many of those lessons and improvements have been brought forward by the former minister. I'd like to join the long list of those who have paid tribute to her determination and foresight in starting the process that has brought us to this point of debating Bill 31 in this session of the Legislature.

I started with this historical review in order to put this bill into perspective for members here, as well as for members of the public. This is not a new effort by a new government. It is not even a new effort to address a long-standing issue. It is, rather, the continuation of a very long process that began with the determination of our government some eight years ago. To be fair, it has reached this stage in the House because the current government was, to its credit, willing to learn from those eight years of experience and listen to the voices from this side of the House.

I can only wish that we could see the same kind of respect for the experience of members here on other issues that are before the Legislature, such as Bill 8. A number of members opposite are on that committee. It's unfortunate that they are not empowered, as members of the backbench, to take the kind of initiative they know they should, because that bill continues to be so very flawed, in spite of the many amendments that have been made to it. I won't name the members because I want to save them the embarrassment, but they are here, to their credit. I see them cringe as we're in that deliberation in the committee because they know they are doing serious damage to the health care system through Bill 8. However, there's still time. We still have some time in that committee for some amendments. We trust that, perhaps, some wisdom will prevail.

Of course, we're not here to speak about Bill 8, so I'll return to Bill 31. Just in the short time I have available, I

want to make reference to some of the key issues of this bill. The first of those issues is the change in information technology over the years within the health care field, and the importance of this bill as it relates to privacy matters.

One of the reasons our government tackled the tricky issues of health care privacy was the trend in IT. Every doctor's office, every clinic and hospital, has become highly computerized. These advancements in technology forced us, as a government, to face the reality of what to do about private information issues and the potential attack on privacy as a result of that. Those trends continue and in fact accelerate almost daily. It has increased the need for legislation like Bill 31.

When one's complete and confidential records can be stored on a USB key smaller than your small finger, there is a great danger of that particular information perhaps being lost, stolen or copied by others. So when these complete records can be transmitted anywhere in the world within seconds, there is a greater danger of them being shared inappropriately, or perhaps misdirected or taken without the patient's consent.

We saw these dangers growing and knew that the old rules, which applied to paper records, could not meet the demands of the electronic age. So inherent in this bill are a number of provisions that will ensure the safeguarding of that important medical information.

There's another issue that gave rise to this bill. That is the fact that we have a significant pressure on funding in the health care field, not only in Ontario, but across the country. For that, to a large degree, we can credit Paul Martin and the federal Liberals. As a result, we have made provision in this legislation, through amendment, to ensure that hospital foundations will be able to access some of the records, limited as they are, with regard to patients, so they can continue the good work of fundraising to former patients of the facility.

As I say, there are safeguards in place for that. There are restrictions on hospitals, being able to sell that information. Particularly, given the funding pressures on our hospitals today, it's important for hospitals, for foundations which raise in excess of half a billion dollars annually, to be able to continue that practice.

This bill addresses a number of privacy issues. As the official opposition caucus, we feel it is very important that we have this framework in place, which is why we will be supporting this legislation. There are some areas, I might say, that we believe still need refinement, still need some revision, and we believe that can be addressed before the bill is actually implemented. From that standpoint, I expect there will be consensus from members in the House to give support to this bill, with those exceptions.

I now want to yield the floor to my colleague for the remaining time we have, and again give credit to my colleague Elizabeth Witmer for the good work she's done in years past to bring this bill to the point where it can be debated today.

1610

**Ms Laurie Scott (Haliburton-Victoria-Brock):** I'd like to thank the member from Oak Ridges for sharing his time with me this afternoon, and would also like to pay tribute to all the parties in the Legislature for their co-operative spirit during this legislation.

*Applause.*

**Ms Scott:** A standing ovation.

As my colleague from Oak Ridges mentioned: It was a difficult problem to tackle; our colleague from Kitchener-Waterloo was the first to tackle this; and it's certainly full of special challenges. Anything to do with the privacy of personal information is going to be sensitive; it's simply human nature. Particularly, having worked in a hospital, the sensitivity of medical records and anything to do with physical or mental health or anything about our bodies or minds is as personal as it can get. But we do have to look to the future and update. Computers and technologies have dramatically changed the whole playing field in medicine. So people are understandably concerned with electronic storage of information.

We're trying to get away from the thick file. My own community health centre is trying to look ahead into a modern age that won't be full of paper but will be based on electronic data that's going to save a lot of space. But this certainly opens up potential for threats to the security of health records. The new technologies are welcome, but have left the security of information more and more difficult to maintain.

Another reason this is a difficult issue to tackle is the sheer number of stakeholders involved. Health care privacy directly affects every person and family in Ontario, but it's also of intense interest to every organization and company involved in diagnostics and treatment, pharmaceuticals, chronic care, health insurance—the list goes on and on. Each of these sectors has concerns, ideas and visions of what they would like to see happen. It's certainly a minefield we're walking into, but we need to start addressing the sensitive and complex issues involved. I think all members of the House and the people of Ontario do owe a great debt, as the member from Oak Ridges has said, to Elizabeth Witmer for initiating action on this issue.

In light of the treatment we've seen of similar issues, such as Bill 8—and I know we're on Bill 31—it's refreshing to receive the kind of positive reception to the concerns and ideas that we have seen. The House and this government could certainly use more of this kind of positive, co-operative work. Too often we've seen the government fall into the trap of refusing to consider useful and even necessary amendments to legislation simply because they're proposed by the opposition. These responses are automatic, but it's important that we accomplish the genuine business of this place: debating and helping to create laws for the people of Ontario. We're thankful that they were open to amendments. We're looking to go back to make any changes, which I will mention, to be considered later on.

I'm very pleased to speak to Bill 31—the improved piece of legislation it is now, compared to when we started at first reading. Compliments to the committee for all the work they've done on that.

I think the legislation holds together very well and will contribute significantly to its goals. We have legislation now that will go a long way toward protecting the confidentiality of health records. It's not perfect, but it is full of compromises, and it has a couple of unfinished corners that I will address for a few minutes.

First of the all, in the implementation of Bill 31, the success or failure of these important initiatives is still very much up in the air. Solid legislation like we have here is not enough to ensure the privacy of health records. It's going to take ongoing dedication and attention from the government to make sure the goals set out in Bill 31 are actually achieved, and to recognize that it will require adaptation and change on a very large scale.

I'm glad to see that the government heeded the concerns of many organizations about the short time limit before the new regulations are imposed, and accepted the amendment to at least give organizations till next January for implementation of these, which certainly helps a lot of the smaller centres, as mentioned before by Ms Martel.

In helping medical professionals and organizations to become prepared, two key elements must be present. One is continued consultation and amendment to resolve complex issues, such as the lockbox concept. The six-month delay will help in solving the lockbox issues.

The other is the regulatory powers granted to the minister and the government by this legislation. This is a bit of an echo of the concerns we heard in respect to Bill 8, and I'm hoping the government is listening to the dangers of pushing new powers for demanding more accountability without offering any in return. We truly want co-operation and active participation of the people in the organizations in the new way of doing things, and we have to demonstrate mutual action and responsibility. Simply telling people what to do and demanding their co-operation because it is for their own good will not suffice and may backfire. We do not want that to happen.

It's very important for the government to hold equally broad consultations, not only on the legislation but certainly on the regulations. As I mentioned before, this will be an ongoing update as technology expands further, so we want more consultations and ongoing recognition of the needs and concerns of the stakeholders and the implementation of the suggestions they're recommending.

There are good reasons why we have two ways of granting authority for government action. I think my friends across the floor need to be reminded every once in a while, as I'm sure all political parties do, that the most important aspects of a law are supposed to be dealt with through legislation, the government bringing it before the Legislature. It's simply a core value of democracy, and we've talked a lot about democratic renewal and more democracy.

Regulations are meant to deal with smaller, everyday aspects of the law. They're meant to spare the entire Legislature the time and energy to debate non-controversial topics or those that must be changed very frequently or very quickly. Regulations should not be used to make fundamental changes in a law, and each law should be written to prevent that from happening. In some cases, by accident or design, the law does not allow itself to be changed through regulation. That's very true when it comes to this bill and the new regulatory powers it grants.

I want to quote the OMA representative, who told the committee:

"I would like to note for this committee our concerns about the extensive regulation-making powers found in the bill. They are so wide-ranging that they allow the government to change virtually any aspect of the law by regulation. This is contrary to the traditional division of legislative and regulatory authority and represents an intrusion of the government's executive powers into the lawful powers of the Legislature. Not only does it create the power to completely undermine the content of the act, it undermines the democratic process of the Legislature. We recommend that this committee review the proposed regulatory-making powers closely with a view to significantly curtailing them."

I'm sure that given this government's strong public record of speaking out in favour of open government and democratic responsibility, they will take this OMA suggestion into account. I look forward confidently to further amendment of the bill, as the OMA has quite correctly requested.

Another point I'm going to touch on quickly is the concerns raised by hospitals, foundations and organizations about the mounting cost of modern health care—the impact of our aging population, increasing demand for sophisticated diagnostic treatments and preventatives, and the growing role that institutional fundraising has taken in meeting these challenges. The outstanding efforts of the hospitals, foundations and other institutions across the province have helped to increase our high level of care. So the money certainly is working. The work is coming from fundraising events and not the government.

Our government saw this coming for many years. We recognized the mounting pressures on the system and introduced the idea of using private funds to pay for the bricks and mortar of new hospitals. I'm glad to note that the current government has seen sense and is allowing the hospitals to go forward under the common sense funding method. I'm glad to see the government recognize that fundraising is not a luxury for our health care institutions, it is a necessity.

I look forward to more discussion on Bill 31 as it goes to committee and comes back for debate.

1620

**Ms Kathleen O. Wynne (Don Valley West):** Before I begin, I want to note that I'm going to be sharing my time with my colleagues for Etobicoke North and Mississauga East. I also want to acknowledge, as other

speakers have, the work of the other members in the House on the committee, particularly the members for Kitchener-Waterloo and Nickel Belt, neither of whom is here, but I want them to know that it's important, especially for new members, to have people on committees who are as knowledgeable about the legislation as they are. From my perspective, the process of getting Bill 31 to this point has been one of co-operation and collaboration, and it's been much appreciated.

Yesterday afternoon, the Minister of Community and Social Services, in a reception for community living, noted that it's unusual that members from all sides of the House can come together in a non-partisan way to support the promotion of a good idea. We were celebrating the consensus on the work of community living. This bill, although it's drier and somewhat less heart-tugging than our collective agreement on the work of community living, is nonetheless a piece of legislation that is necessary to protect the interests of all Ontarians.

When the Canadian Mental Health Association, Ontario division, came before us on committee, they articulated what the goals of an effective piece of personal health information protection legislation should be. They said that the primary goal of the legislation should be the protection of personal health information; providing an individual with access to their own information and the right to protect that information; that the legislation should recognize limited circumstances in which information could be collected, used or disclosed without consent; that the legislation should facilitate the sharing of information to improve health care while still respecting the individual's rights; that the information and privacy commission should be responsible for the legislation; that the legislation should be clear and easy to understand and use; and that it should not create an unnecessary administrative burden. They acknowledge that this legislation goes a long way to fulfilling all these goals.

In general terms, among other things, Bill 31 lays out parameters and rules around the handling of information and records, the storage of records, the destruction of records, because that's an important piece. Where does information go when we are destroying it and what does it mean to actually finally destroy information, especially in this technological age; who can access information; how is consent granted; how can consent be withdrawn; who has the capacity to consent to the sharing of information; who can be a substitute decision-maker; and what are the consequences in the case of a breach in any of these areas? Schedule B of the bill lays out how information is to be protected among members of quality assurance committees in health facilities in order to facilitate learning and treatment, because that information needs to be protected in order for a true sharing of information in those facilities to happen among the members.

Some of the legislation that passes through this House is legislation that's long overdue and addresses problems that should have been addressed decades ago. Much of it

brings to mind the adage that if you want a big tree, the best time to plant it was 40 years ago, but the second-best time to plant it is today. Bill 27, the Greenbelt Protection Act, is a prime example of that type of legislation. We should have been on that as a society a whole long time ago in terms of protecting our green space. Bill 31, although other members have said it, I agree has been a long time coming in terms of number of years. It really is privacy information that has become critical with the advances in technology and the sheer volume of information that we can gather and collect now, and with the complexity of our health care system.

The other precipitating motivation for this legislation is the fact that federal legislation has been put in place and will create confusion in the health sector if provincial legislation is not enacted. So those are the prime motivating factors.

Bill 31 deals with present need, but it also puts a framework in place to deal with future advancements. Last week, I had the privilege of attending the opening of a new facility to house the genetics program at the North York General Hospital. The North York General Hospital sits just outside of my riding, in the riding of Willowdale, but many constituents of Don Valley West consider it their community hospital. The facility is a terrific state-of-the-art home for this genetics program. Everyone involved in the development of it is it to be congratulated. The program provides assessment and counselling, prenatal diagnosis, specialty genetic clinics in the Charlotte and Lewis Steinberg Familial Breast Cancer Clinic, Huntington disease, paediatric and general genetics clinics.

The reason I raised the issue of this genetics clinic is that, as I toured the facility and was shown the scope of the services provided, the information gathered and the diagnoses that can be attained, it occurred to me that there are some very specific questions around genetic information that pertain directly to this legislation. During the hearings on the legislation, the issues of sensitive personal information were raised, particularly in the context of mental health issues. But we did not get into an in-depth discussion of genetic information and the implications of the bill for genetic information and genetic research.

The particular issue relevant to genetic information is that genetic information is not only of relevance to an individual, it's of relevance to whole families. Genetic information is, by definition, information about whole families. It raises questions about who has the right to that information, and sets up a latent conflict between the rights of the individual and the rights of family members. It also raises the question of whether genetic information should be treated like all other health information or whether there need to be special parameters for the protection of genetic health information.

This is an international conversation, and these issues have not been resolved by this piece of legislation. Indeed, they are matters that we're going to have to keep talking about as a society. There needs to be a full dis-

ussion of the need for standards and approach, general expectations and protocols around genetic research and information.

But I raise it because Bill 31 does set out a provision for future information in clause 71(1)(l). What it says is:

"Subject to section 72, the Lieutenant Governor in Council may make regulations ...

"(l) specifying requirements, restrictions or prohibitions with respect to the collection, use or disclosure of any class of personal health information by any person in addition to the requirements, restrictions or prohibitions set out in this act."

So that allows for regulations to protect, for example, genetic information, to be made under that section.

This bill doesn't do everything. It sets up future regulations that we may need to put in place. There's no argument in this House about the need for this legislation. As a society, we're going to have to keep talking about the protection of private health information as we go forward. I am happy to support this bill.

1630

**Mr Shafiq Qadri (Etobicoke North):** First of all, I'd like to speak and offer some remarks, not only as the MPP for Etobicoke North, but also as a physician. I can tell you that this legislation—as the MPP from Nickel Belt said, quite rightly—was a long time in coming.

This idea of protecting health information has many aspects that are worthy of our support. Codification of best practices—really, a formal itemization of what exactly is consent, be it informed, implied, extracted and, of course, recorded. It's a matter of dealing with the quality of care—for example, the full disclosure of medical mistakes or medical errors—and also for tracking purposes, for health planning and management, all the while maintaining confidentiality, security of information, but at all times having provisions for the utilizability or the usefulness of that information. In particular, something that's especially progressive with this bill is the fact that we'll have oversight and coordination from a central body, an independent agency, and that, of course, is the Information and Privacy Commissioner.

As has been mentioned in this chamber, we in the health care delivery sector are in fact health information custodians, not only guardians of information but guardians of the very people we deal with. This triggers a fiduciary role or a very massive patient-client privilege. In fact, I'd like to quote from *The Fountainhead*. Ayn Rand wrote: "Civilization is the progress toward a society of privacy. The savage's whole existence is public, ruled by the laws of his tribe. Civilization is the process of setting man free from man."

As a doctor, I can tell you that the information that crosses our thresholds, our desks, is sacred. The holding, the dissemination and the use of that information is sacred. For example, what exactly is the medical model? An individual will come and share information of an extraordinarily sensitive nature, baring all, be it body, mind or soul. We will collect information based on our history, our physical examination, and, of course, the

tests, be it of a physical nature or a mental nature. We will have subjected those patients to observation, examination, assessment, care, service and procedure.

What are some of the types of information that we may actually deal with? For example, there may be very sensitive information that individuals may not wish to share, be it of a sexual abuse nature, drug abuse, the status of being HIV positive or negative, depression, previous or current abortions, sexually transmitted diseases, alcoholism.

As family doctors, we'll track these individuals over time. We may know, for example, about previous marriages or even ongoing affairs or prison terms—even about some individuals who do not want to share with their own families, their own loved ones—or whether they have agreed to organ donation. So the circle of health care, that lockbox, this idea of consent, is very important.

One of the other things is a very interesting daily dance or juggling act that doctors will perform. As family doctors, we will often have multiple members of the same family, even multiple generations, all of whom ask us at various levels, in various ways, to act as snitches, to actually share information about other members of their family. Whether it is the Hippocratic oath or the College of Physicians and Surgeons or even our own medical training, there are very firm guidelines as to who can receive this kind of information without the express written authorization of the very individual concerned.

Of course there are fail-safes to this, whether it's dealing with communicable diseases such as tuberculosis, or police and public safety issues. For example, we'll be bringing legislation forth to communicate the idea of what to do with gunshot wounds when they present to emergency rooms and so on.

In general, this bill is very worthy, a long time in coming. As a physician, I wholeheartedly endorse it, in particular the aspects of still allowing the ministry and other health care planners full access to this information on a population-wide basis. With the issues of codification of best practices, health planning and management, all the while maintaining confidentiality, security and also our custodial nature regarding health information, this bill deserves our support.

**Mr Peter Fonseca (Mississauga East):** I'm privileged to rise in the House today to talk about Bill 31, the Health Information Protection Act, 2004.

The McGuinty government is committed to making our health care system work for the people of Ontario by making it more accountable and transparent to those who pay for it. One of the ways we're delivering on our agenda for positive change is with Bill 31. This bill will guarantee that Ontarians can be confident about how and when their health information is being used, and we'll ensure the enforcement of their rights.

Bill 31 is vital to our commitment to improve Ontario's health care system, a system that's the very best expression of the values we cherish as Canadians. At its core is the fundamental principle that patients are at the

centre of their care. Patient-centred health care is the principle guiding the changes our government is making to the province's health system.

As a government, we have a responsibility to ensure that Ontarians have the opportunities to be informed participants in their own health care and well-being. Patients must have the means to control how their personal health information is used. Bill 31 puts people in control of that information.

Our government's plan for positive change means making health care into a true system. What we have now is more a collection of separate silos than an integrated system. We don't have the tremendous patient benefits that can result from co-operation and interconnectedness. Our government is tearing down those artificial walls between the health care silos, walls that stand between the patients and the care they need and deserve.

With Bill 31, all health care providers working with a patient can share information and work as a true team to make the best possible decisions for that patient. Bill 31 will enable us to utilize the great potential of health information technologies to deliver better quality patient care and safer patient care.

With this legislation, people can have confidence that their personal health information is safe and secure, no matter where they receive their care in the province. Public trust in the security of personal health information is essential for innovations like the electronic health record that will enable us to transform health care. The electronic health record can help break down the silos and greatly enhance communications within the health care system. Patient care would become not only safer, but also more informed and comprehensive.

Since our government introduced Bill 31 last December, the standing committee has travelled the province to gather significant input on how the bill might be improved.

I thank the many individuals and organizations that have worked with us over the past months. Their contributions have been critical in improving this bill. Indeed, the bill reflects many of the suggestions, while remaining true to its original purpose and intent.

Our health information is highly personal and people are understandably protective of it. That's why Ontarians need and deserve health information privacy legislation. What's more, health care providers have been asking for such legislation for some time. They too deserve clear rules about personal health information so that they can deliver high-quality care across the spectrum of health system settings and situations.

I'd like to take a moment to acknowledge the work done by the previous government. Their work has helped to pave the way for Bill 31.

Now, with the additional input from our health care partners during public consultations, we've developed strong legislation to protect the privacy of Ontarians' personal health information.

Our government is particularly grateful for the spirit of co-operation that has characterized the development of

Bill 31. I'm very proud to say that we have all-party support for this legislation. We look forward to duplicating this approach in developing other future legislation that will best serve the people of this province.

Let me take a few moments to review the basic principles on which Bill 31 is based.

First and foremost, our legislation was developed with the patient in mind. Bill 31 provides legislative protection for the privacy, confidentiality and security of personal health information in the health sector. It will entrench in law many of the current practices and codes of conduct that already distinguish Ontario's health care providers.

Bill 31 gives people the right to have access to their personal health information records and to require correction of those health records if the information is incomplete or inaccurate. Bill 31 provides for oversight and enforcement of these rights, and for effective remedies if these rules are not followed. Bill 31 ensures that Ontarians can be confident about how and when their personal health information will be collected, used and disclosed, and that their rights will be enforced.

Once it becomes law, Bill 31 will give Ontario the strongest rules and limits ever on how health information is gathered and applied.

The McGuinty government is proud of Bill 31. We're also pleased to have had the opportunity to work closely with the health care partners and with the Information and Privacy Commissioner. We are convinced that Bill

31 best serves Ontarians. It serves the needs of patients, and it serves the needs of health care providers. It does so by providing clear, consistent rules for collecting, using, storing and sharing personal health information.

Health care is about people. It's about patients. This bill sets out, in a clear and balanced way, to ensure that patients have a system that's accountable and transparent—a system that respects the rights, their dignity and their privacy. By working together and by listening to the people of this province, I know that we have developed legislation that we can all take pride in. This is legislation that will best serve Ontarians now and far into the future.

**The Acting Speaker (Mr Joseph N. Tascona):** Mr Caplan has moved third reading of Bill 31. Is it the pleasure of the House that the motion carry? I hear a no.

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

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

This vote is deferred until Monday, May 17, 2004.

**Hon David Caplan (Minister of Public Infrastructure Renewal):** I move that the House do now adjourn.

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

This House stands adjourned until 1:30 pm on Monday, May 17.

*The House adjourned at 1642.*

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