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of Ontario

First Session, 38<sup>th</sup> Parliament

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de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 2 November 2004**

**Mardi 2 novembre 2004**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Tuesday 2 November 2004

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mardi 2 novembre 2004

*The House met at 1330.  
Prayers.*

MEMBERS' STATEMENTS

OTTAWA-CARLETON  
DETENTION CENTRE

**Mr John Yakabuski (Renfrew-Nipissing-Pembroke):** Prisoners jam-packed in cells, sleeping on floors, no exercise or showers for days, deprived of proper legal counsel, and housed in filthy, bug-infested cells. No, this is not a third-world prison; it's the Ottawa-Carleton Detention Centre.

One of the reasons that conditions there are so bad is the Liberal government's decision to close the Pembroke Jail and the minister's failure to consider locally developed options that would have kept the facility open in Pembroke to serve Renfrew county. As a result of the indifference of the Minister of Community Safety and Correctional Services to the situation, we now have what the Ottawa Citizen calls a "meat truck" ferrying prisoners from Ottawa to Pembroke and back, this at an enormous cost to taxpayers.

It has also created a logistical mess and deplorable conditions under which inmates are transported. One such instance saw a 17-year-old female, a ward of the children's aid society due to sexual abuse, transported with adult male prisoners who made sexual comments during the trip and again while in adjacent holding cells.

The minister was warned repeatedly by myself and other stakeholders that these things would happen. Our warnings have in fact come true. There are many horror stories.

I urge the minister to revisit the issue now and give favourable consideration to a locally driven proposal to construct and operate a remand centre in the city of Pembroke.

BILL McMEEKIN

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** Four years ago, almost to the day, my father died. His name was Bill. He was a veteran. This statement is dedicated to my dad and to the countless other Canadian men and women who were proud to stand in the defence of freedom:

He was getting old and paunchy and his hair was falling fast,  
And he sat around the Legion, telling stories of the past.  
Of a war that he had fought in and the deeds that he had done,  
In his exploits with his buddies; they were heroes, every one.

And tho' sometimes, to his neighbours, his tales became a joke,  
All his Legion buddies listened, for they knew whereof he spoke.  
But we'll hear his tales no longer for old Bill has passed away,  
And the world's a little poorer, for a soldier died today.

He will not be mourned by many, just his children and his wife,  
For he lived an ordinary and quite uneventful life.  
Held a job and raised a family, quietly going his own way,  
And the world won't note his passing, though a soldier died today.

A politician's stipend and the style in which he lives  
Are sometimes disproportionate to the service that he gives.  
While the ordinary soldier, who offered up his all,  
Is paid off with a medal and perhaps, a pension small.

If we cannot do him honour while he's here to hear the praise,  
Then at least let's give him homage at the ending of his days.  
Perhaps just a simple headline in a paper that would say,  
Our country is in mourning, for a soldier died today.

HOLOCAUST EDUCATION WEEK

**Mr Cameron Jackson (Burlington):** Shalom. I rise to inform all members of the House that this week is Holocaust Education Week, sponsored by the United Jewish Appeal Federation of Greater Toronto.

Until November 11, more than 125 events will be held that will deepen our understanding of the Holocaust of 1933 to 1945 and what is to be learned by this extraordinary human tragedy in which six million Jews and others were murdered by the Nazis and their sympathizers.

Although we in North America experienced the terror of September 11 once, the people of Israel live in fear of similar attacks every day. But today, more than ever before since the Holocaust, anti-Semitic and anti-Israeli attacks are on the rise at an alarming rate around the world, with Ontario as no exception. A Globe and Mail article of June 2 affirmed that the international Jewish community and its institutions are the most frequent targets for bigots.

Muslims in my community were shocked and saddened when the national president of the Canadian Islamic Congress recently affirmed his belief that Jews in

Israel, although not in military uniform, are legitimate targets of terrorist attack.

Today, I stand with my leader, John Tory, and the Progressive Conservative caucus in rededicating ourselves to the struggle against anti-Semitism, hatred and intolerance of all kinds. The lessons of the Holocaust are clearly ones that need to be taught again and again in Canada and, indeed, around the world so that the cry, "Never again," may one day become a reality.

#### COMMUNITY-BASED MENTAL HEALTH SERVICES

**Ms Shelley Martel (Nickel Belt):** The recent dismissal of Dr Koka from the board of the Northeast Mental Health Centre has forced the government to deal with local governance of community mental health in the Sudbury/Manitoulin/East Algoma district.

It's a shame that it took a terrible decision by the board for the matter to finally get the government attention that it deserves. You see, on June 17, Ursula Sauve, the chair of Mental Health Advocates, wrote to Minister Smitherman. She advised that mental health service delivery, as per recommendations from the Health Services Restructuring Commission, were not working in the best interests of local clients. She urged the minister to consider a new governance model to permit local control over district mental health services, and to do so as soon as possible. Regrettably, that did not occur at that time.

Rumour has it that the minister is now committed to returning district mental health services previously run by Network North to a local board. If that's the case, then the minister should announce publicly that this is the direction he'll pursue and the community should be told what the time frame is for the change in governance to occur.

Two other issues need to be dealt with on a priority basis. Firstly, the minister should fully review the recommendation of the Health Services Restructuring Commission regarding the location of 31 complex care beds for mental health patients. This is a very divisive issue between North Bay and Sudbury, and it needs to be resolved positively.

Secondly, the minister must immediately review the level of funding needed to properly run mental health services in the Sudbury/Manitoulin/East Algoma district. It won't help at all to get local control over services that are falling apart. We need the funding necessary to deal with mental health clients in Sudbury/Manitoulin/East Algoma.

1340

#### WHISTLER CUP

**Mr Kevin Daniel Flynn (Oakville):** It is with great pleasure that I rise today to recognize some visitors in the members' gallery who have contributed, and are contributing, so much to skiing, not just in Ontario but in Canada. They're actually behind me in the east gallery.

Today we are visited by Ken Read, president of Alpine Canada, and who many of you will know as a member of the Crazy Canucks; John Mealey, president of Alpine Ontario; and Mark Kristofic, director of Alpine Ontario. With them are members of the Ontario team—and their parents—who competed last March at last year's junior world championship, known as the Whistler Cup. I'd like to introduce Ben Williams, Madison Irwin, Trevor Jackson, Laura Rozinowicz, Shannon Campbell, Krystyn Peterson, Marissa Riopelle and Mike Dea.

Each of these athletes has dedicated a huge amount of time and effort to achieve the necessary skills and strength to be the best in Ontario. Their parents are the key sources of encouragement and funding, while their coaches provide the training, both physical and mental, to go for the gold.

For the above reasons, I am pleased that they are here today—athletes, parents and coaches—to be recognized by this House, not only for their individual efforts and achievements but for the outstanding efforts they made in representing us, the people of Ontario, at the Whistler Cup this year. They deserve our applause.

#### BSE

**Mr Ernie Hardeman (Oxford):** I will use my time to address the Minister of Agriculture's insinuation yesterday that the vice-president of the Ontario Federation of Agriculture and I are out of touch with Ontario's farmers, only because we criticized the minister's slow distribution of BSE funding. Only a desperate act to deflect blame would cause the minister to lash out at the vice-president of the largest farm organization in Ontario and suggest that he doesn't know what is happening in his own membership and that he needs to pick up the phone and call cattlemen.

The minister went on to suggest I needed to pick up the phone and get it straight from the cattlemen's mouth as well. I want to assure the minister that I have spoken to the cattlemen, individual cattle farmers who first waited for an announcement from the province and then continued to wait for an application process to develop. But I didn't need to pick up the phone to call them; they called me. They called to ask why it was taking the minister so long to reveal the details of the Ontario program.

The minister tried to tell us yesterday that a three-month wait was acceptable. Well, I'm here to tell you that it wasn't acceptable to the farmers I talked to and that it obviously wasn't acceptable to the farmers the vice-president of the OFA talked to.

Minister, why don't you pick up the phone and talk to a farmer or two? Perhaps then you will realize that three months is too long for desperate farmers to wait, or are you frightened you might have to listen to some other things farmers don't like about your administration? I think that when you speak to the individual farmers, you will find out that the president of the Ontario Federation of Agriculture and the member from Oxford were really right all along.

## PATHFINDER PROGRAM

**Mr Lou Rinaldi (Northumberland):** Yesterday was a good day for DNA research and a good day for the people of Peterborough and Trent as well. Through Ontario's rural economic development program, which invests in projects that support sustainable rural economies and community partnerships, the government announced a \$1.3-million investment into a DNA education and research network known as Pathfinder, which has its headquarters in Peterborough and Trent.

This project will develop infrastructure needed to commercialize technologies related to DNA profiling, forensics, robotics, geomatics, bioinformatics, natural resources management and environmental sciences. The project also expects to create up to 2,500 direct jobs and 3,000 indirect jobs over the next 10 to 25 years.

Bonnie Patterson, president and vice-chancellor of Trent University, said, "Through the Pathfinder program, the provincial government has demonstrated leadership by supporting Peterborough's cluster initiative, which will add to Ontario's prosperity."

Today's investment means that researchers will be able to work in modern, fully equipped laboratories. It means they will have the space needed to conduct their research the way they want, as opposed to having to alter their research because of lack of space.

Yesterday's announcement not only means better jobs for Ontarians; yesterday's announcement is ensuring we have a better understanding of how systems work.

## GASOLINE TAX

**Mrs Liz Sandals (Guelph-Wellington):** I have a message for the member from Simcoe North. Despite what he said in the House yesterday, I'd like him to know that rural communities like Blind River, Chapleau, Collingwood, Huntsville, Ingersoll, Kawartha Lakes, Leamington, Meaford, Midland, Owen Sound, Uxbridge—the list goes on—also benefit from our government's delivery of the gas tax. And, as I'm sure the member knows, even his hometown of Orillia received a portion of the gas tax. I hope the member hasn't forgotten that; the mayor of Orillia hasn't forgotten. The mayor says the gas tax "means an awful lot."

We have lots of other accomplishments for rural Ontario. We've established the rural economic development program. We've delivered approximately \$153 million to farmers for BSE recovery. We've put a moratorium on closing rural schools. We're working on expanding biodiesel projects.

I certainly don't think I should have to remind the member of his record while he sat in government. You had four different agriculture ministers between 1999 and 2003. You closed at least 85 rural schools. You lost more than a thousand farmers per year.

I would like the member to know that, unlike his government, we're not turning our backs on rural communities.

HURON PERTH  
HEALTHCARE ALLIANCE

**Mr John Wilkinson (Perth-Middlesex):** For the opposition it must be true that ignorance is bliss. Yesterday the member for Erie-Lincoln, perhaps distracted by his 37th birthday, stated to this Legislature: "The Huron Perth Healthcare Alliance is closing 47 hospital beds."

**Mr Ted Chudleigh (Halton):** On a point of order, Mr Speaker: It's the tradition in this House that members' statements are not used to criticize other honourable members.

*Interjections.*

**The Speaker (Hon Alvin Curling):** Order. I didn't hear the criticism, but I listen very carefully.

The member for Perth-Middlesex.

**Mr Wilkinson:** Thank you, Mr Speaker. I trust you will give me some diversion on time.

I can only assume that the member in question must be suffering from the same incompetent briefings that plague his neophyte leader, John Tory. Rather than scare-mongering, the member should have contacted the CEO of this multi-site hospital and checked the facts.

This is what CEO Andrew Williams wrote to me yesterday:

"John,

"As discussed Friday last, we will not be implementing any layoffs, divestments or bed closures without government approval....

"Over the next number of weeks and months I anticipate a lot of rumour and innuendo. My only request is that if these rumours differ from what I have told you, please assume that they are wrong.

"If you want me to speak with the MPP who thinks he knows what is going on with the alliance when, in fact, he doesn't, just let me know."

After reading about the incompetent research that sticks to John Tory and his caucus like negative-option billing, I can only assume that the peekaboo Leader of the Opposition from Bay Street will pull a Donald Trump and say to his research staff, "You're fired."

**Mr Garfield Dunlop (Simcoe North):** On a point of order, Mr Speaker: I want to mention to the member from Guelph-Wellington that I have 11 municipalities in my riding and they all have written—

**The Speaker:** That is not a point of order.

*Interjections*

**The Speaker:** Order. We started off fairly well, but I caution all members not to use members' statements to criticize each other. This has been done on all sides, and I caution members not to use that strategy in the future.

## VISITORS

**Mr Mike Colle (Eglinton-Lawrence):** On a point of order, Mr Speaker: In the west public gallery we have a delegation from the People's Republic of China, representing 15 provinces from that great country. We have special representative Gary Yuan, the general director of

policy in the Ministry of Finance in China, and Mr Wang, the deputy director of non-tax revenue from the People's Republic of China.

Welcome to Canada.

## INTRODUCTION OF BILLS

### HOME FIRE SPRINKLER ACT, 2004

#### LOI DE 2004 SUR LES EXTINCTEURS AUTOMATIQUES DOMICILIAIRES

Mrs Jeffrey moved first reading of the following bill:

Bill 141, An Act to amend the Building Code Act, 1992 respecting home fire sprinklers / Projet de loi 141, Loi modifiant la Loi de 1992 sur le code du bâtiment en ce qui a trait aux extincteurs automatiques domiciliaires.

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

**Mrs Linda Jeffrey (Brampton Centre):** The Home Fire Sprinklers Act, 2004, is aimed at preventing loss of life due to fire by ensuring that new homes are constructed with fire sprinklers.

### HIGHWAY TRAFFIC AMENDMENT ACT (SCHOOL CROSSING GUARDS), 2004

#### LOI DE 2004 MODIFIANT LE CODE DE LA ROUTE (PASSEURS SCOLAIRES)

Mr Brown moved first reading of the following bill:

Bill 142, An Act to amend the Highway Traffic Act with respect to school crossing guards / Projet de loi 142, Loi modifiant le Code de la route en ce qui a trait aux passeurs scolaires.

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

**Mr Michael A. Brown (Algoma-Manitoulin):** This bill amends the Highway Traffic Act to expand the function of school crossing guards to cover directing the movement of all persons across a highway, not just the movement of children, as at the present time.

I would like to thank the council of the township of Shedden and, in particular, councillor Debbie Solomon for bringing this matter to the attention of the House.

## DEFERRED VOTES

### ONTARIO HERITAGE AMENDMENT ACT, 2004

#### LOI DE 2004 MODIFIANT LA LOI SUR LE PATRIMOINE DE L'ONTARIO

Deferred vote on the motion for second reading of Bill 60, An Act to amend the Ontario Heritage Act / Projet de

loi 60, Loi modifiant la Loi sur le patrimoine de l'Ontario.

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

*The division bells rang from 1353 to 1358.*

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

### Ayes

Arthurs, Wayne	Horwath, Andrea	O'Toole, John
Baird, John R.	Hoy, Pat	Oraziotti, David
Bartolucci, Rick	Jackson, Cameron	Parsons, Ernie
Bentley, Christopher	Jeffrey, Linda	Peters, Steve
Berardinetti, Lorenzo	Kennedy, Gerard	Phillips, Gerry
Bradley, James J.	Kormos, Peter	Prue, Michael
Broten, Laurel C.	Kular, Kuldip	Qadri, Shafiq
Brown, Michael A.	Kwinter, Monte	Ramsay, David
Brownell, Jim	Lalonde, Jean-Marc	Rinaldi, Lou
Bryant, Michael	Leal, Jeff	Ruprecht, Tony
Cansfield, Donna H.	Levac, Dave	Sandals, Liz
Caplan, David	Marsales, Judy	Sergio, Mario
Chambers, Mary Anne V.	Martel, Shelley	Smith, Monique
Churley, Marilyn	Martiniuk, Gerry	Sorbara, Greg
Colle, Mike	Matthews, Deborah	Takhar, Harinder S.
Cordiano, Joseph	Mauro, Bill	Tascona, Joseph N.
Crozier, Bruce	McMeekin, Ted	Van Bommel, Maria
Delaney, Bob	McNeely, Phil	Watson, Jim
Dhillon, Vic	Meilleur, Madeleine	Wilkinson, John
Di Cocco, Caroline	Miller, Norm	Wilson, Jim
Duguid, Brad	Milloy, John	Witmer, Elizabeth
Duncan, Dwight	Mitchell, Carol	Wong, Tony C.
Flynn, Kevin Daniel	Mossop, Jennifer F.	Wynne, Kathleen O.
Gerretsen, John	Munro, Julia	Zimmer, David

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

### Nays

Barrett, Toby	Hardeman, Ernie	Ouellette, Jerry J.
Chudleigh, Ted	Hudak, Tim	Runciman, Robert W.
Dunlop, Garfield	Klees, Frank	Sterling, Norman W.
Flaherty, Jim	Murdoch, Bill	Yakubski, John

**The Clerk of the Assembly (Mr Claude L. DesRosiers):** The ayes are 72; the nays are 12.

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

Shall the bill be ordered for third reading?

**L'hon. Madeleine Meilleur (ministre de la Culture, ministre déléguée aux Affaires francophones):** Je voudrais que ce projet de loi soit référé au comité permanent de la justice. I would like to ask that this bill be referred to the standing committee on justice policy.

**The Speaker:** So ordered.

Deferred votes.

*Interjections.*

**The Speaker:** Order. Minister, I'd like some order. Member from Niagara Centre, I'd like some order.

**Mr Peter Kormos (Niagara Centre):** Merci. Thank you, Speaker.

**The Speaker:** Thank you, too.

MINISTRY OF CONSUMER AND  
BUSINESS SERVICES STATUTE LAW  
AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT DES LOIS  
EN CE QUI CONCERNE LE MINISTÈRE  
DES SERVICES AUX CONSOMMATEURS  
ET AUX ENTREPRISES

Deferred vote on the motion for second reading of Bill 70, An Act to amend various Acts administered by or affecting the Ministry of Consumer and Business Services / Projet de loi 70, Loi modifiant diverses lois appliquées par ou touchant le ministère des Services aux consommateurs et aux entreprises.

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

*The division bells rang from 1403 to 1408.*

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

**Ayes**

Arnott, Ted	Hardeman, Ernie	Orazietti, David
Arthurs, Wayne	Horwath, Andrea	Ouellette, Jerry J.
Baird, John R.	Hoy, Pat	Parsons, Ernie
Barrett, Toby	Hudak, Tim	Peters, Steve
Bartolucci, Rick	Jackson, Cameron	Peterson, Tim
Bentley, Christopher	Jeffrey, Linda	Phillips, Gerry
Berardinetti, Lorenzo	Kennedy, Gerard	Prue, Michael
Bradley, James J.	Klees, Frank	Qaadri, Shafiq
Broten, Laurel C.	Kormos, Peter	Ramal, Khalil
Brown, Michael A.	Kular, Kuldip	Ramsay, David
Brownell, Jim	Kwinter, Monte	Rinaldi, Lou
Bryant, Michael	Lalonde, Jean-Marc	Runciman, Robert W.
Cansfield, Donna H.	Leal, Jeff	Ruprecht, Tony
Caplan, David	Levac, Dave	Sandals, Liz
Chambers, Mary Anne V.	Marsales, Judy	Sergio, Mario
Chudleigh, Ted	Martel, Shelley	Smith, Monique
Churley, Marilyn	Martiniuk, Gerry	Sorbara, Greg
Colle, Mike	Matthews, Deborah	Sterling, Norman W.
Cordiano, Joseph	Mauro, Bill	Takhar, Harinder S.
Crozier, Bruce	McMeekin, Ted	Tascona, Joseph N.
Delaney, Bob	McNeely, Phil	Van Bommel, Maria
Dhillon, Vic	Meilleur, Madeleine	Watson, Jim
Di Cocco, Caroline	Miller, Norm	Wilkinson, John
Duguid, Brad	Milloy, John	Wilson, Jim
Duncan, Dwight	Mitchell, Carol	Witmer, Elizabeth
Dunlop, Garfield	Mossop, Jennifer F.	Wynne, Kathleen O.
Flaherty, Jim	Munro, Julia	Yakabuski, John
Flynn, Kevin Daniel	Murdoch, Bill	Zimmer, David
Gerretsen, John	O'Toole, John	

**The Clerk of the Assembly (Mr Claude L. DesRosiers):** The ayes are 86; the nays are 0.

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

**Hon Jim Watson (Minister of Consumer and Business Services):** I ask that this bill be referred to the standing committee on justice policy.

LICQUOR LICENCE  
AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI  
SUR LES PERMIS D'ALCOOL

Deferred vote on the motion for second reading of Bill 96, An Act to amend the Liquor Licence Act / Loi modifiant la Loi sur les permis d'alcool.

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

*The division bells rang from 1412 to 1417.*

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

**Ayes**

Arthurs, Wayne	Gerretsen, John	Patten, Richard
Bartolucci, Rick	Hoy, Pat	Peters, Steve
Bentley, Christopher	Hudak, Tim	Peterson, Tim
Berardinetti, Lorenzo	Jeffrey, Linda	Phillips, Gerry
Bradley, James J.	Kennedy, Gerard	Qaadri, Shafiq
Broten, Laurel C.	Kular, Kuldip	Ramal, Khalil
Brown, Michael A.	Kwinter, Monte	Ramsay, David
Brownell, Jim	Lalonde, Jean-Marc	Rinaldi, Lou
Bryant, Michael	Leal, Jeff	Ruprecht, Tony
Cansfield, Donna H.	Levac, Dave	Sandals, Liz
Caplan, David	Marsales, Judy	Sergio, Mario
Chambers, Mary Anne V.	Matthews, Deborah	Smith, Monique
Colle, Mike	Mauro, Bill	Sorbara, Greg
Cordiano, Joseph	McMeekin, Ted	Sterling, Norman W.
Crozier, Bruce	McNeely, Phil	Takhar, Harinder S.
Delaney, Bob	Meilleur, Madeleine	Van Bommel, Maria
Dhillon, Vic	Miller, Norm	Watson, Jim
Di Cocco, Caroline	Milloy, John	Wilkinson, John
Duguid, Brad	Mitchell, Carol	Wilson, Jim
Duncan, Dwight	Mossop, Jennifer F.	Witmer, Elizabeth
Flaherty, Jim	Orazietti, David	Zimmer, David
Flynn, Kevin Daniel	Parsons, Ernie	

**The Speaker:** All those opposed, please rise one at a time.

**Nays**

Arnott, Ted	Horwath, Andrea	Murdoch, Bill
Baird, John R.	Jackson, Cameron	O'Toole, John
Barrett, Toby	Klees, Frank	Ouellette, Jerry J.
Chudleigh, Ted	Kormos, Peter	Runciman, Robert W.
Dunlop, Garfield	Martel, Shelley	Tascona, Joseph N.
Hampton, Howard	Martiniuk, Gerry	Wilson, Jim
Hardeman, Ernie	Munro, Julia	Witmer, Elizabeth

**The Clerk of the Assembly (Mr Claude L. DesRosiers):** The ayes are 65; the nays are 21.

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

Shall the bill be ordered for third reading?

**Hon Jim Watson (Minister of Consumer and Business Services):** I move that this bill be referred to the standing committee on general government.

**The Speaker:** So ordered.

**ORAL QUESTIONS**

**HOSPITAL FUNDING**

**Mr Robert W. Runciman (Leader of the Opposition):** My question is for the Acting Premier. Today, we see more evidence of your Liberal pay-more, get-less health care plan. In today's London Free Press, there's a scathing indictment of your government's botched plans for Ontario's hospitals. We now know that the London Health Sciences Centre has submitted a plan to your government calling for the elimination of 130 acute care beds and will be forced to cut 380 jobs. St Joseph's

hospital has submitted a plan calling for 218 beds to be cut, along with 420 staff. All told, the London hospital said today that your Liberal pay-more, get-less health care strategy will result in 4,000 fewer day surgeries.

Can you guarantee to this House today that not one hospital bed will be closed in London and that patients currently on the waiting lists for surgery will not see their surgeries cancelled as a result of your underfunding?

**Hon Gerard Kennedy (Minister of Education):**

What I can guarantee this House and, more importantly, the patients in London and elsewhere in this province is that health care is going to continue doing what it's been doing since we took over this government, which is to get better and better. It's going to be improving because it is being handled by a government that believes in public health care and that doesn't do what the Tory government did and play around with private ownership, and because we have funded hospitals in this province 4.3% more than last year, including the services in London.

Now, I know that a government that only ever saw a blunt instrument when it came to government, that cut out 5,000 hospital beds, doesn't recognize when a management plan is being brought to bear. We expect to hear from and talk to hospitals around the province.

I can tell you that our health minister has in place a plan to ensure the highest and increasing quality of patient care. That's exactly the outcome we expect to see in London and in every other community in this province.

**Mr Runciman:** We know this government's approach to hospitals. We saw it by Minister Smitherman's response today: Attack the hospital and accuse them of crying wolf. That's your approach to the hospital sector.

This government spends a lot of time talking about the supposed investments they've made in hospitals this year. We now know this is bafflegab. It means nothing in reality. We see the world-renowned London hospitals being forced to make severe cuts to front-line patient care.

You claim you've increased hospital operating budgets by 4.3% this year. In reality, they only received 1.8%, according to the Ontario Hospital Association. In fact, London received 0.2% of their funding request, while St Joseph's received a 1.4% increase.

Minister, you can't hide from the realities facing our hospitals. You have a responsibility to show leadership and act. Can you do that? Can you do that today, guarantee there will be no hospital bed closures and no cuts to patient services in London and across Ontario?

**Hon Mr Kennedy:** Let's see what we're offering the patients of Ontario. He speaks about bafflegab. We're spending \$700 million more than was in your Magna budget last year. When it comes to offering services, this is the same government that cut \$557 million over two years. They closed 28 hospitals.

So in terms of what patients can look to and depend on, they can depend on an approach to hospitals that makes sure we get sustainable health care and increasing quality. What we hear from the members opposite is in

complete and utter contradiction to what they did when they were in power. The patients of this province know where the guarantor of high-quality care is; it rests with this Premier, with this health minister and with everyone in this government.

**The Speaker (Hon Alvin Curling):** Final supplementary.

**Mr Runciman:** I didn't see the London-area MPPs applauding that response.

Three years ago, when the Liberals were in opposition, the MPP for Elgin-Middlesex-London, Mr Peters, spoke in the House and called on the three London-area MPPs to speak up on behalf of London's hospitals. He accused the then Conservative government MPPs of abandoning their constituents and putting lives at risk.

That effort to scare Londoners is coming back to bite Mr Peters and your promise-breaking government. Your London-area MPPs are clearly puppets on a string, intimidated by a bully Minister of Health. If that is not the case, let's hear from them.

Minister, will your government do the right thing, show leadership and guarantee that not a single hospital bed will close in London?

**Hon Mr Kennedy:** To hear that coming from a former minister of a government that cut 5,000 hospital beds out from under, that parked elderly people in the hallways of emergency rooms all across this province—

*Interjections.*

**The Speaker:** Order. Could I have some order, please. I'm getting a lot of noise from the opposition, and I can't hear the responses.

**Mr John R. Baird (Nepean-Carleton):** They're cowering in a cave like Osama bin Laden.

**The Speaker:** Member from Nepean-Carleton, that means you too.

**Hon Mr Kennedy:** The member is sitting next to a former health minister who stood in this House and said they would not cut children's heart surgeries in London and then cut those services.

There needs to be a government that is prepared to help make hospital services and health care services work in this province, for now and in the future. We provided the funding—

*Interjections.*

**The Speaker:** Order. I would like some order, please. Could you put that away, please. Thank you very much.

## WASTE DISPOSAL

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** To the Acting Premier: Democratic hopeful John Kerry plans to review the Toronto-Michigan trash agreement within the first 120 days of his presidency. And with the election polls showing a dead heat, that means theoretically that we have a 50% chance of a garbage pileup at the Michigan border in three months. Regardless of who wins, the countdown has begun: Republican senators and state representatives in Michigan don't want Toronto trash either.

Acting Premier, your government has had a year to take action on this front. The clock is ticking. What is the government's plan?

**Hon Gerard Kennedy (Minister of Education):** Well, it's interesting to hear the member opposite predicting a Democratic win down south and wanting to speculate on this eventuality. But I say to the member opposite that rather than panic, he should understand that each municipality and every waste hauler has their own responsibility for their waste management. They have contracts. They've issued approvals in Toronto, Owen Sound, Peel, York and Durham. And now, Toronto and Durham have enacted bans on the recyclables that would have potentially kept it from going across the border, and I understand that York region is planning to do the same.

I would say to you that the municipalities are doing, as they should, everything they can to make sure there isn't going to be any imminent problem in terms of getting the waste across the border as their contracts require to be done.

**Mr Barrett:** Acting Premier, as I indicated, state senators and state representatives on the Republican side don't want the garbage either. Your government has boasted of a commitment to waste diversion. It is easy to divert waste when you just send all your problems south of the border.

Today I did not hear of a real government plan for a Toronto trash tie-up. Acting Premier, following a border closure, just where will this garbage be heading?

**Hon Mr Kennedy:** I'm not going to speculate on the outcome of the election. We wish both parties well. And in terms of where the waste is going, I think it deserves about as much attention. We are not looking at something of that order happening. We understand that the city of Toronto has contingency plans in place, and they have set, as they should, a 60% waste diversion target. We have, from our standpoint, made more progress in management planning around waste disposal in six months than you guys did in 10 years. So I'd say that the residents of the affected areas of transport or garbage disposal are in better shape than they have been for some time, and there are the proper efforts underway to divert the waste, which is a more sustainable answer in the first place than carting it anywhere.

1430

**Mr Barrett:** In today's Toronto Star, Minister Dombrowsky is quoted as saying that, in an emergency situation, the province has some responsibility and ability to manage it, and that there would be short-term temporary landfill at undetermined sites in Ontario.

Acting Premier, are you going to wait until it's too late and give some undetermined municipality no choice but to be dumped on? Is it going to be London? Will it be Halton, Cayuga? When is your government going to let people know just what your government has determined? What is your government thinking?

**Hon Mr Kennedy:** We're not just thinking, we're developing a comprehensive waste disposal strategy. We've got an expert panel that's looking at how we can site waste disposal sites responsibly and meet environ-

mental requirements. We are developing that and working on the EA process that affects it. We are taking this step by step. We are prepared to deal with every exigency. And we would say to the members opposite that they failed in their nine years of government to come up with any reasonable answers to waste disposal in the province. They did nothing as a government, and they're simply prepared to carp on anything that comes up that questions what they've done. But we're doing what needs to be done. We're taking responsible action to make sure this can be dealt with.

*Interjections.*

**The Speaker (Hon Alvin Curling):** Question period has started off pretty noisily. If I'm not able to get some order, I'm going to start naming people so I can hear the questions and responses. New question.

#### HOSPITAL FUNDING

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Acting Premier. You are forcing hospitals across Ontario to develop brutal cutback plans. The latest victim of your misguided attack on community hospitals are the London Health Sciences Centre and St Joseph's Health Care centre, which together will have to close 348 beds and eliminate 1,000 hospital jobs.

A year ago, on September 3, during the election campaign, Dalton McGuinty said, "We will bring stability to our hospitals by providing adequate multi-year funding." Is this what Premier McGuinty meant by his promise: close 348 hospital beds and lay off a thousand hospital workers?

**Hon Gerard Kennedy (Minister of Education):** Perhaps the member opposite doesn't want the health care system to work. Perhaps he isn't prepared to look at exactly what it takes to make hospitals and the other components of the health care system work better. Some \$43.3 million has been invested in a variety of health care services in the London area—hospitals, long-term-care homes, home care—to make sure that patients get the kinds of responses they need, where they need them.

For the member opposite to suggest that simply because a management plan has been worked on with the local hospital authority to make sure that we can have sustainable health care is going to lead to the consequences he's talking about simply suggests that the member opposite is less interested in making the health care system work and more interested in supporting some of those who aren't working quite as pointedly and as diligently at seeing that patients are protected all of the time. We'd put to you that the Minister of Health and the local members have met with the hospital authorities in question and they believe very well that patients will be protected now and into the future.

**Mr Hampton:** We're used to having the Minister of Health with his frontal attack on hospitals. Now we get the Acting Premier with a backdoor attack on hospitals.

These two hospitals in London are already the product of hospital amalgamations. In fact, they are regarded as

being on the vanguard of restructuring. They've passed 11 efficiency reviews as regional health centres. They're way out in front, but you want to cut another 348 beds and another 1,000 hospital staff. You want to put at risk a number of surgeries. You want to create longer waiting lists. That's all predicted in terms of what is going to happen. I ask you again, is this what Premier McGuinty meant when he said he was going to provide hospitals with stable, multi-year funding—cut jobs, lay off nurses and close hospital beds?

**Hon Mr Kennedy:** I am sure the member opposite really means instead to characterize this as the first step in a seven-step process, but he's not saying that the kinds of things he's reiterating today are not happening today or tomorrow, that in fact there are 18 months within which to work with hospitals in a collaborative, co-operative way that his previous government, now a somewhat distant memory for the people of this province, thankfully, was unable to do. This is the same member who stood in his place as a member of a cabinet that cut \$277 million from hospitals.

We're talking about how to properly manage a 4.3% increase, increases in every other essential area of health care, right in the London area, enhancing care for patients, taking some of the pressures off hospitals and making possible exactly the kind of budgets we're talking about. The member opposite would prefer instead to excite and alarm, and not provide the kind of support there needs to be to make sure that health care is done sustainably. We're not afraid of working with hospitals to arrive at that result, and we're going to continue to do that. We make that undertaking to the member opposite and to the people of London.

**Mr Hampton:** What the people of London see is a government that breaks its promises and is now going to give London hospitals a working over. You mention 18 months. This is what the head of the Ontario Nurses Association, Local 100, in London says: "Trying to recoup \$90 million between now and March 2006 is next to impossible." This is what the volunteer hospital chair says: "The cuts will create havoc in the system in Ontario that I'm not sure we would ever recover from."

On your side of the ledger, Minister, you have \$825 million of new, additional federal health care money. If you look at your budget, you've got \$2 billion sitting in contingency funds. Why don't you use some of that money to work with hospitals, to help them make these adjustments rather than forcing them to lay off nurses, cut hospital beds, delay surgeries and create longer waiting lists? Why don't you live up to your Premier's promise and provide hospitals with the stable, multi-year funding they need rather than attacking them as you are now?

**Hon Mr Kennedy:** Again, there is an obligation and responsibility of every member of this House, in terms of when they predict things like that, to have it based in some kind of reality. The reality for patients in this province today is that there are a billion dollars more in hospitals than when we came into office. There are invest-

ments in our budget of \$2.16 billion, paying for essential services and providing the exact services that patients in London and elsewhere require: \$50 million alone for new full-time nursing, \$470 million in hospital operating funds, \$230 million expanding drug coverage, and investments in home care and long-term-care facilities of \$406 million.

The point here is that there is a plan, not the kind of stumbling around that happened for four and five years when the NDP government was there and the eight lost years when the previous government hacked and slashed at the health care system. We will have a premium health care system in this province. We will work with all the partners involved. There will be some differences of opinion, but those difficulties need not be exploited to have patients have concerns that actually are never going to come to pass.

1440

#### CHILD CARE

**Ms Shelley Martel (Nickel Belt):** I have a question for the Acting Premier. Your Best Start program for children has gotten off to a very bad start and Ontario children are paying the price. During the election, you promised to spend the majority of funds you're receiving from the federal government through the early childhood development initiative on high-quality, regulated child care. On April 1, Ontario received \$194 million through this agreement, but not one penny of that federal money is going to be spent on child care this year. You promised to spend a majority of this federal money on child care. Why are you breaking that promise?

**Hon Gerard Kennedy (Minister of Education):** In fact, we're very proud of the Best Start initiative. It is very important that in this province, even before they start school, every child has a chance to reach his or her potential. We have put forward a plan that is, we think, vital in terms of the chances that those individual children will have, and we have put forward this year \$58 million. As I'm sure everyone in this House is glad to know, every dime that we've received from the federal government is going into child care. It is going to create up to 4,000 new subsidized spaces focused on increased learning for those preschool children, because we know the value it's going to contribute. We are going to become the first government in many years to actually expand child care services in this province, and we're glad to do so.

**Ms Martel:** You see, Minister, you made my point. The fact of the matter is, not all of the money you are getting from the federal government is going into child care this year. You are receiving \$194 million from the federal government this year through the early childhood development agreement. Not a penny of that money is going into child care this year. That was confirmed in the estimates as well.

Over and above that, in the last election you said, "A child's development is enhanced through good parenting

and quality child care. If we want our kids to aim higher, we have to give them strong support sooner.” You also promised in the election that you would invest \$300 million of new provincial money in high-quality child care. We see in the budget this year that not one penny of new provincial money is going to be spent on high-quality child care.

Minister, why are you breaking that promise that you made to Ontario families?

**Hon Mr Kennedy:** Perhaps there’s something in the member opposite that has her refusing to accept the fact that there is \$58 million more going toward child care than there was last year. It’s going into new child care services. It is helping to produce the base for a program that will continue to grow as the capacity of the government does to provide it.

As we speak today, the House will be interested to know that Minister Bountrogianni, Minister of Children and Youth Services, is in Ottawa discussing the set-up of a truly national child care program, in which Ontario will be an enthusiastic, willing participant. We believe that advantage is necessary for our young children, and it will be provided.

**Ms Martel:** It must be hard for your minister to go to Ottawa and urge the federal government to live up to its election promise on child care when you haven’t done that here in Ontario. The fact of the matter is, before the election you promised that a majority of the money that you are getting through the early childhood development agreement, a five-year program, would be invested in early childhood development. None of that money is going into child care this year. You also promised that you would invest \$300 million of new provincial money in child care. Not a penny of new provincial money is going into child care this year. Across the province, we have thousands of families who are on a waiting list for high-quality child care, and they can’t get a space.

When are you going to show some leadership, live up to the election promises you made and deliver on providing high-quality child care for Ontario families who need it?

**Hon Mr Kennedy:** Again, for some reason the member opposite would choose to look at a glass and see it half empty. There are 4,000 spaces.

*Interjections.*

**Hon Mr Kennedy:** Look, I agree that those are not all the spaces that we want to have, but those are more spaces than were produced in this province for many, many years. Every single dime that we have received from the federal government since we’ve been in office is supporting those spaces.

Now, the member opposite may wish to talk about what the previous government did with certain dollars and so on, but I can tell you that we’ve created a Ministry of Children and Youth Services exactly for the purpose of consolidating and putting together services that neither of the other two governments represented in this House were prepared to do to make sure there was actual delivery for children. There are programs that didn’t exist

in this province before, and Minister Bountrogianni and this government are very committed to making sure that what we have in our platform is going to come to pass.

**Mr Tim Hudak (Erie-Lincoln):** On a point of order, Mr Speaker: I ask for unanimous consent to allow the Acting Premier to be changed to somebody who is actually going to answer a question.

**The Speaker (Hon Alvin Curling):** I don’t think it’s a point of order. New question.

#### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr Garfield Dunlop (Simcoe North):** My question today is for the Acting Premier as well. On September 9, Minister Papatello announced that your government will close your only regional centre in Orillia by March 31, 2009. It will affect 680 employees and 350 clients.

I support the concept of moving people with developmental disabilities from institutions into the community, providing they do not have severe, complex needs. The reality, however, is that many of HRC’s residents are folks with very complex needs that cannot be met in a regular group home setting in any community that I know of in the province. For example, many are both severely developmentally disabled and mentally ill.

Minister, where do you intend to place these people so they can live their lives with the dignity and respect they deserve?

**Hon Gerard Kennedy (Minister of Education):** I thank the member for his question. Obviously, it is a concern for every member of this House and every party in this House that has participated in a long-term plan to see inclusion be the operative word and the operative experience for those who, now adults, started off as children with developmental disabilities. And there have been successful plans to integrate people who have been living in institutional care into communities.

We will be following those kinds of paths. We will be working with the communities affected; we will be working with the families affected. In many cases, sadly and unfortunately, there aren’t remaining family members. And the government, in this case our government, dealing with this portion of those people still living in facilities, will treat them and their future with the dignity and care they deserve. So this is a longer-term plan. It’s over a period of time.

*Interjections.*

**Hon Mr Kennedy:** The members opposite ask about how. The how comes with the successful support of people living in the community, just as has been done in institution after institution that we’ve phased out in this province under the party opposite, under the third party. It’s been successfully done. And respect means not prejudging these people, but all of us offering the kind of support that’s required to have them truly participate in the community. That’s the path we’re headed on. It’s truly the one that is—

**The Speaker (Hon Alvin Curling):** Thank you. Supplementary?

**Mr Dunlop:** I say to the Acting Premier that this government has not consulted with the families of the clients. Your minister said in this House on October 18, "It is important that on the day we made that announcement we took great care to have an opportunity to speak with families in advance."

I don't think that the 200 people I met with on Saturday would agree that a heads-up on the day of the announcement shows you even care about their opinion. These people, family members of the HRC residents, are scared and horrified by your cruel decision: closure with no plan. They are afraid that even if you find places for their loved ones, they still won't get the level of care they are receiving currently.

Acting Premier, on behalf of the families of the 350 clients, is your government prepared to revisit your cruel decision to close this HRC without any real plan?

**Hon Mr Kennedy:** I ask the member opposite to have a care, to take care, in terms of the kind of thing he is inciting with the characterization he's made of the government's plans. He stands in his place, knowing full well—

*Interjections.*

**The Speaker:** Order. Member from Whitby-Ajax, come to order.

**Mr Frank Klees (Oak Ridges):** Who do you think you are?

**The Speaker:** Member for Oak Ridges, order. Acting Premier?

**Hon Mr Kennedy:** For the member opposite to characterize it the way he has is to ignore the fact that there is a plan that would take this to 2009 for an adjustment period, that the government has already agreed to meet with parents to be involved in that plan and that there is a commitment of \$110 million: \$70 million to create new places and \$40 million in community services. If the member rose in his place unaware of that, he is now aware. And he shares the responsibility of every person in this House to help these families, to advocate on behalf of those children, but to make sure it's done in a way that does not create undue alarm on the part of either those families or the persons affected.

We have inclusive policies that have shown this can and—

**The Speaker:** Thank you. New question.

#### OMA AGREEMENT

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Acting Premier. Your secret deal with the doctors appears to be falling apart. First, it was the Coalition of Family Physicians telling its 4,000 members to vote no. Now, it is the physician Specialist Coalition urging Ontario's 8,500 specialists to vote no. Together, these two organizations represent more than a majority of Ontario's doctors.

Acting Premier, if your backroom deal with doctors is defeated next week, where is plan B? What is it, and will you start telling people about it now?

**Hon Gerard Kennedy (Minister of Education):** The leader of the third party may wish to use his considerable influence with the doctors who are voting on the agreement.

We're very proud of this agreement. It's worth supporting and deserves the support of the members opposite and of all members of this House.

It is trying to put in place the elements that will transform health care in this province, that will actually provide the right kinds of incentives for the kind of health care the constituents in the member's riding and every riding in this province have been looking forward to. Yes, it has taken a little bit of time for some people to understand. Many would like to look at it through the old lens of health care agreements, but we see in this a forward-looking way of aligning doctors with a satisfying practice, with the kinds of practices that will help preventive care, that will help geriatric care, that will help provide the essential services that people need. We have a plan that we believe is going to provide the best for the future, and we look forward to its being implemented.

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**Mr Hampton:** What we know is that so far, organizations representing a majority of doctors are telling their physician members to vote no. I think the people of Ontario deserve to know if there is a plan B and what it is.

What we've seen from your government so far is nasty surprises. You cut chiropractors, you cut optometrists, you cut physiotherapists, you adopt the Conservative government's terrible strategy of cutthroat bidding for homecare, and then you impose a new health tax that is very regressive and unfair for lower-, modest- and middle-income families. I ask the minister: It looks like your health care deal with doctors is in trouble. What is plan B? Is it going to include as many nasty surprises as the people of Ontario have already seen?

**Hon Mr Kennedy:** I shouldn't stand in disappointment, I guess. I invited the member opposite to support a plan that is good for the north, that is good for underserved areas in this province, and instead he wants to speculate about its demise. I think the Toronto Star said it quite appropriately: "George Smitherman deserves praise for this gutsy deal that will be a good investment for the vast sums of money spent. The agreement buys the sort of genuine, transformative change that Roy Romanow called for in his 2002 report."

We have a health minister who is doing the kinds of things that are needed for sustainable, high-quality health care in this province. He deserves the support of the third party and every member in this House.

#### ASSISTANCE TO FLOOD VICTIMS

**Mr Jeff Leal (Peterborough):** My question today is to the Minister of Municipal Affairs and Housing. We've all seen the sorry Tory tour of Ontario. It has hit London, Ottawa, and last Friday, October 29, it stopped in Peterborough. I was flabbergasted to read the Progressive

Conservative leader-elect Johnny-come-lately Tory's comments regarding the provincial response to the Peterborough flood disaster. According to the Peterborough Examiner on October 30, 2004, Mr Tory "blamed the delay in the delivery of funds on the Liberals, saying it 'speaks to a government that doesn't have control of the management of its own affairs.'"

No doubt, Minister, you're as confused by the statement as I am, not to mention how shocking and surprising Mr Tory's comments must have been to Mayor Sylvia Sutherland, who "flatly refuted provincial Conservative leader John Tory's suggestion that the Liberals have been slow to deliver flood funding" to the city of Peterborough.

*Interjections.*

**The Speaker (Hon Alvin Curling):** The member from Simcoe North, will you come to order, please; the member from Erie-Lincoln also.

Just wrap up in 10 seconds.

**Mr Leal:** Minister, can you please inform my constituents—and set the record straight for Johnny-come-lately—of our government's quick response to Peterborough's flood disaster on 7/15.

**Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):** Let me say that I too was shocked and amazed when I read John Tory's comments in the Peterborough Examiner. I'm sure he has confused our record with the record of his own sorry-Tory government some two years ago. You may recall that there was a flood in the summer of 2002. It took five months for that Tory government to come up with any relief at all.

What did we do? I'll tell what you we did. On the same day that disaster relief was requested by the city of Peterborough, I personally met with the council of Peterborough and the county of Peterborough and handed them a cheque for \$5 million as a down payment toward Peterborough's recovery. I'm very pleased that the money was delivered to the victims of that flood almost immediately thereafter.

**The Speaker:** Supplementary?

*Interjections.*

**The Speaker:** Your own members are heckling and cutting into your time. Go ahead.

**Mr Leal:** Minister, thank you so much for setting the record straight. It certainly supports Mayor Sutherland's comments that she thought Mr Tory's comments were extremely unfair. Mayor Sutherland certainly understands the facts: that the province responded quickly to the Peterborough area's needs. Please inform my constituents how the Peterborough disaster relief committee and the McGuinty government have worked together to assist those members of my community to recover from this disaster.

**Hon Mr Gerretsen:** I first of all want to commend the Peterborough area flood relief committee for its very quick action in delivering emergency relief to the flood victims. To date, the province has provided \$8.5 million to the city, the county and the three surrounding municipi-

palities. These advance payments are for municipal emergency cleanup and infrastructure repairs and for early financial assistance to the victims of the flood. To date, over \$2 million has been given to over 3,100 households, farms and small businesses. In addition, over 300 interim payments have been made in cases of extreme hardship and urgent situations.

Again, our government and the Peterborough area flood relief committee are pleased to be working together so that the people of Peterborough who were severely hurt by this flood can be helped in a speedy and timely fashion.

## HYDRO PROJECT

**Mr Frank Klees (Oak Ridges):** My question is to the Minister of Energy. Last Thursday I asked a very specific question of the Minister of Education relating to a hydro corridor in York region. He refused to answer the question, deflected it to you, and you made it clear that you yourself were very unfamiliar with that file. Today I would like to read to you from a letter that was sent to Mr Tom Parkinson, president and chief executive officer of Hydro One. You were copied on it. It relates to the draft environmental study report that Hydro One released.

The mayor says, "Your staff has admitted publicly that Hydro One did not follow the process required by the class environmental assessment for minor transmission facilities in a number of ways." He talks about the fact that they "failed to notify and deal properly with the town of Markham and the other municipalities." He goes on to say, "Your draft ESR"—speaking to Hydro One—"released last week demonstrates Hydro One only gave lip service to any routes other than the two you initially considered." He goes on to say that the meeting that was held was completely ineffective.

I am asking you today, in light of the fact that the municipality has asked that you deal with this, will you direct Hydro One to withdraw this study so that it can be—

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

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** The Hydro One board, as I informed the House yesterday, in fact extended the period of review: instead of 30 days, 60 days. This is a decision of the Hydro One board. Hydro One, as I understand it, had a number of public consultations, and there are others scheduled. The options are being studied under the environmental studies report. They were posted on October 21 for a 60-day public review period, following which Hydro One will decide whether to file the ESR with the Minister of the Environment or not. Accordingly, I think the process should be allowed to unfold. This is a decision of the Hydro One board, and we'll wait to see the results of the posting of the environmental studies report.

**Mr Klees:** This letter that was written by Mayor Don Cousens from the municipality of Markham makes it

very clear this process was flawed. Your parliamentary assistant in debate here on Thursday night said, "It's important that they listen to the local government and those local constituents, and there is a process in place to do that." She goes on to say, "We have talked how many times about allowing the municipalities themselves to have more autonomy in what occurs in their area."

She specifically referred to the importance of allowing democracy to take place at the local level, and that you have committed as a government to listen to local municipalities.

The town of Markham and every other municipality in the region of York is saying that this process was flawed. Will you agree today to direct Hydro One to withdraw this study and ensure that they follow the process as prescribed in the Environmental Assessment Act? Will you do that today?

1500

**Hon Mr Duncan:** On October 21, Hydro One's draft environmental studies report was posted on Hydro One's Web site and will be available for a 60-day review. There is a public process available. If public concerns cannot be addressed by Hydro One during the 60-day review, concerned stakeholders—that could be the municipality, that could be residents—can apply to the Ministry of the Environment for a bump-up to an individual EA. Completion of the EA, by the way, I should say, does not commit Hydro One to construction. Hydro One has notified stakeholders that it will not seek Ontario Energy Board approvals until asked to do so by York region and other local distribution companies.

Accordingly, there is a fair process in place. The mayor of Markham has stated his point of view on this. The process has the ability, within defined legislative and regulatory parameters, to resolve disputes of this nature. I would encourage those participants to continue to work through the process to help assure that the decisions that are taken are in the best interests not only of Markham but also the entire York region. I'm confident that the processes as defined by—

**The Speaker:** Thank you. New question.

#### JOB SECURITY

**Mr Peter Kormos (Niagara Centre):** A question to the Acting Premier. Down in Cambridge, folks have been working at Tiger Brand sportswear since 1881. In August, they went into CCAA protection, putting 320 decent jobs at risk. Tomorrow morning at 10 am, a court hearing is going to be held to select the successful bidder who will be the new owner, the purchaser of Tiger Brand.

The workers understand that the higher bidder is one who plans to shut the operation down and ship the production overseas, sending these jobs not just out of Ontario but out of Canada and out of North America.

Acting Premier, what steps is your government going to take to protect these jobs at one of Cambridge's heritage companies?

**Hon Gerard Kennedy (Minister of Education):** The Minister of Finance.

**Hon Greg Sorbara (Minister of Finance):** I wouldn't want to comment on the specifics of the CCAA application, but I just want to say to my friend and to the House that, obviously, we'll be monitoring it.

The good news, sir, is that this economy is producing jobs now at a very, very encouraging rate. In fact, in a couple of days I'll be reporting to the House on the strength of the Ontario economy. While we're concerned at any point where a company sees the possibility of the doors closing, I am very encouraged with the economic growth, particularly down in the Cambridge area and throughout the automotive sector.

**Mr Kormos:** Sir, your government goes AWOL when companies go into a CCAA. Tiger Brand workers need action. They need positive, immediate action from this government to save those important value-added manufacturing jobs here in Ontario.

In the past, governments in Ontario have taken real action. Look at Provincial Papers in Thunder Bay. Take a look at Spruce Falls in Kapuskasing. Look at de Havilland Aircraft in Toronto. Look at St Mary's Paper up in Sault Ste Marie. Those were jobs saved by government activism.

The future of one of Cambridge's heritage companies is at stake; 320 jobs are at stake. These workers have been faithful members of that industrial community, creating wealth in this province. Your service sector jobs don't substitute for the industrial value-added manufacturing jobs. These workers want to know they've got a government they can count on to help save those jobs.

Tell us now, is this government going to intervene to ensure that Tiger Brand will maintain its jobs in Cambridge, new purchaser included?

**Hon Mr Sorbara:** I know the Minister of Economic Development and Trade will want to comment on that.

**Hon Joseph Cordiano (Minister of Economic Development and Trade):** As always, when there are layoffs, job losses, this government is very concerned for the workers and the families. I can assure the member that we will, through my ministry, work with the displaced workers, as a first instance, if that should happen—

*Interjections.*

**Hon Mr Cordiano:** Just a minute. I'm just saying that if there is a problem—

*Interjections.*

**Hon Mr Cordiano:** Can you listen to my answer? If there are job losses—we are always concerned—we work with them.

However, having said that, there is a CCAA process underway. We don't know where this will end up. As a result—

**Mr Frank Klees (Oak Ridges):** You just don't know.

**Hon Mr Cordiano:** We do know. There is a CCAA process underway. What I'm saying is that in the case of job losses, we're always concerned. We always act through our ministry. We work with people throughout

the province with respect to worker adjustment, and we do that on a regular, ongoing basis. You know that is the case. You know as well that we are—

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

*Interjection.*

**The Speaker:** It seems to me there's quite a habit of people running on after I stand up.

*Interjection.*

**The Speaker:** Order. When I call order, I'd like members to sit down so we can proceed.

New question.

#### ACCESS TO GOVERNMENT SERVICES

**Mr Jim Brownell (Stormont-Dundas-Charlottenburgh):** My question is to the Minister of Consumer and Business Services. I understand today our government launched ServiceOntario.ca, a multi-year plan to improve access to government services.

In today's information age, many citizens of Ontario want instant access to government services. The number of Ontarians connected on-line is growing at an unprecedented rate. We've seen that, and it's especially apparent in my riding of Stormont-Dundas-Charlottenburgh. Previous governments did not efficiently tap into the world of information technology; as a result, trying to access government services can be daunting. Ontarians need to be able to access information they need in a more efficient manner.

Minister, can you explain to this House how your announcement today will deliver timely, cost-effective and accountable public services for the people of Ontario?

**Hon Jim Watson (Minister of Consumer and Business Services):** I want to thank the member for Stormont-Dundas-Charlottenburgh. When the Premier formed the government, he asked all of us to work with other ministries to improve the delivery of service and the efficiency of government for the people of Ontario. We currently have over 200 Web sites. There are 70 call centres in the province of Ontario and 1,500 counter services. We wanted to eliminate some of the guessing games consumers have to go through when it comes to finding out basic information about their government.

I was very pleased to be joined by the Minister of Labour and the Minister of Culture this morning at the Metropolitan Toronto Reference Library where we launched ServiceOntario.ca, a new province-wide Web site which, in essence, creates one-stop shopping for those people seeking out information. It also attempts to eliminate the silo mentality that has been around government for far too many years. It's an opportunity for us to provide information by allowing the public, business community and labour groups to go on to ServiceOntario.ca.

**Mr Brownell:** I understand the Ontario government collaborated with other levels of government to design this new information portal. With collaboration and sharing best practices, this new Web portal includes infor-

mation that crosses ministries and, indeed, governments and provides the user with a one-stop shop for government services. Busy Ontarians will appreciate this new efficiency. Now Ontarians can change their address on their driver's licence, register a business name and plan an Ontario holiday all in one place. Better access to information and government aids both the individual and small business.

Minister, will you go into, in more detail, the benefits ServiceOntario.ca will provide for consumers and business alike?

**Hon Mr Watson:** Again, I thank the member for his interest in this. Let me just give you three specific examples where ministries are working together. First, the children's ministry has a portal on ServiceOntario.ca. People logging on can receive information about adopting a child, children's health, financial benefits available to students and services for children with special needs.

There's the workplace gateway that Minister Bentley has championed: rights and responsibilities under employment standards, information about wages and hours of work, working outside Ontario, hiring construction workers and subcontractors. How to start and run a tourism business—my friend the Minister of Tourism from St Catharines. On the ServiceOntario.ca portal, we provide information on start-up, funding and finance, human resources and training, industry associations and research. It is truly a one-stop shopping opportunity for consumers, labour and business. It cuts through some of the red tape. We heard a lot about cutting through red tape over here. We're actually doing something about it on this side of the House.

1510

#### VOLUNTEER FIREFIGHTERS

**Mr Tim Hudak (Erie-Lincoln):** A question to the Acting Premier: I want to tell you about the Lincoln Nine. The Lincoln Nine are so-called double-hatter firefighters who work full-time in one community and volunteer their services as firefighters in their hometown of Lincoln. Because of pressure from firefighter union leaders, the Lincoln Nine are effectively being forced to make an awful choice: between their full-time jobs and continuing to volunteer to protect the community in which they live.

This is fundamentally unfair, unjust and just plain wrong. Years of mediation and conciliation have proven to be not successful. It is time to act. Will you support the rights of the Lincoln Nine to volunteer in their hometown of Lincoln?

**Hon Gerard Kennedy (Minister of Education):** The Minister of Community Safety will be happy to respond to that.

**Hon Monte Kwinter (Minister of Community Safety and Correctional Services):** I find it really interesting that that party, when they were in power, had a private member's bill that—

*Interjection.*

**Hon Mr Kwinter:** I didn't do anything? You didn't do anything. Your members didn't even show up for the vote. It was defeated. If you were so supportive, why didn't you enact that legislation?

I should tell you, I am very concerned about the—

*Interjections.*

**The Speaker (Hon Alvin Curling):** Member for Erie-Lincoln, I don't want a shouting match about a question and answer. I want to give the minister an opportunity to—and Minister, I ask you to direct your answer through the Speaker.

**Hon Monte Kwinter:** I've said virtually from day one that we are very concerned. We want to make sure that the safety of the people of Ontario is paramount. We want to make sure that volunteerism is encouraged. Having said that, we think that the process of collective bargaining should work. The fire marshal is monitoring the situation, and he has the authority, when he feels that a community is at risk, to act. That is where we're going with it.

**The Speaker:** Supplementary?

**Mr Ted Arnott (Waterloo-Wellington):** The member for Erie-Lincoln has again underscored why legislation is needed to protect double-hatter firefighters, to protect their right to volunteer in their home communities and to ensure a high level of emergency response preparedness in rural and small-town Ontario.

The minister, just now, made reference to the fire marshal. He said he's listening to the fire marshal. Yet at the standing committee public hearings two years ago, the fire marshal said, "There is a provincial and public interest in protecting two-hatters who wish to serve as volunteer firefighters. We do not believe that a non-legislated solution is achievable or enforceable." The fire marshal has said legislation is needed to protect double-hatter firefighters. And this spring, he reconfirmed that position in writing to me.

My question is this: When will the government listen to the fire marshal, grow a backbone and take a stand in favour of community safety in rural and small-town Ontario?

**Hon Mr Kwinter:** The member, whom I commend for bringing forward his legislation when he was a private member on the government side, unfortunately couldn't get his colleagues to support his bill. Having said that, I want you to know that the quote you made is two years ago, when you were part of that government. I suggest to you that the fire marshal takes his responsibilities very seriously. When there is in fact a cause for him to intervene, he will inform me of that. That point has not been reached to this date, and we are monitoring the situation very closely.

#### HYDRO GENERATION

**Ms Marilyn Churley (Toronto-Danforth):** I have a question for the Minister of Energy. I have a letter from Mayor David Miller, requesting a full EA for the Portlands Energy Centre that is to be built in the city of

Toronto, in my riding. I, along with hundreds of residents, also called for a full EA, but you turned us down.

There are a number of serious issues that need to be examined before giving approval for this huge gas plant in the portlands. One is air quality. We asked that one condition be the closure of the Lakeview coal plant, but you even refused that condition. Instead, the Liberals are holding an energy policy conference, where you will be discussing ways to put off your pledge to close the coal plants by 2007. Minister, is that why you wouldn't allow this simple, clear condition to be imposed, in order to build this gas plant?

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** Our government is committed to ensuring that Ontario has an adequate supply of electricity now and in the future. Portlands—the Ministry of the Environment made the decision not to proceed to full environmental assessment. The environmental consequences of gas-fired generation are well known and well understood. There is a scoped environmental assessment, as I understand it. My colleague the Minister of the Environment has been working with the partners in Portlands in terms of getting this process underway.

We remain committed to replacing coal-fired generation, and we'll identify the cleanest and most affordable potential power sources in Ontario as replacements for coal. After years of mismanagement by the previous government, we remain committed to closing the coal plants here in Ontario and moving forward with cleaner sources of electricity.

**Ms Churley:** Minister, if that were the case, why wouldn't you impose that as one of the conditions for this gas plant to be built? That's pretty clear.

I also want to ask you about another issue. As it stands right now, this plant won't even be efficient. It promoted itself to be a cogeneration plant. It claimed to the community that it was going to produce electricity plus steam heat that would lessen the energy taken from the grid by buildings dependent on electrical heat, but negotiations with steam distributors have failed and this plant's commitment to cogeneration is in serious question at best.

Minister, you've been talking about efficiency and conservation, yet this plant is not even going to be cogen. Ontario is sending an anti-efficiency message. All your commitments are just reduced to platitudes. It's time to walk the talk on conservation and efficiency. I'm asking you for a full EA. And will you revisit this project's approval so cogeneration is absolutely part of the equation?

**Hon Mr Duncan:** I'm astounded that member would use environmental protection legislation to slow down the closure of coal plants. That's what you're advocating. She wants us to keep Lakeview open. That's what the member wants. Well, we're going to close Lakeview and replace it with cleaner gas-fired power. I say to the member opposite: I would have thought she'd want there to be enough electricity to serve downtown Toronto in the years ahead. I take it that the member would like job

losses in downtown Toronto because the banks can't keep the lights on. Is that what she wants?

Get with the game plan. Natural gas is cleaner. It's more efficient. It will allow the closure of Lakeview in April of next year, on target, on time. It will make the greater Toronto area better to live in. It will help reduce smog. You ought not to try to use environmental legislation to slow down the closure of coal plants. Get with the game and take a solid—

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

#### YOUTH EMPLOYMENT

**Mr Brad Duguid (Scarborough Centre):** My question is to the Minister of Community Safety and Correctional Services. This past July the government announced \$500,000 in funding supports to the Toronto mayor's panel on community safety. This provincial funding was intended to help more than 300 young people in disadvantaged areas of Toronto improve their job and life skills by providing summer employment.

Numerous studies have shown that early intervention in the lives of at-risk youth can make a positive contribution that will help them keep on the right track so that they can have a successful future. Can the minister tell this Legislature whether this funding was a success and whether it has led to opportunities for at-risk youth in communities such as Malvern, Jane and Finch, and St James Town?

**Hon Monte Kwinter (Minister of Community Safety and Correctional Services):** I thank the member from Scarborough Centre for his question. There's no question that it was a resounding success. The mayor's panel on community safety was chaired by Chief Justice Roy McMurtry. It had representatives from various community groups and also had representation from the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services.

Their initiative was to bring at-risk youth the opportunity to have a job. That meant that for the first time ever, these young people would have the satisfaction of getting a paycheck; for the first time ever, they would have the satisfaction of having a real job; for the first time ever, they would have the ability to use this particular job as a reference. That was a wonderful opportunity, and at the end of the program, there was no question that it was worthwhile and it was something that benefited Toronto and Ontario as a whole.

1520

**Mr Duguid:** Our government is continuing to demonstrate that not only are we getting tough on crime, we're also getting tough on the causes of crime. Our communities recognize that if we're to be successful in addressing youth crime and violence, community participation and buy-in in those programs is absolutely essential. How has the business community responded to this program, and what are the longer-term benefits of this approach?

**Hon Mr Kwinter:** Indeed, there were long-term benefits, and I just want to read a letter that I received from two people who were involved in the program. They said:

"In our role as counsellors for the Jobs for Youth program in the Malvern community, we have gained a wealth of experience through orientation sessions, youth and employer interaction and a number of other administrative tasks related to our position.

"As a result of the implementation of this program, we have exceeded our quota and are very impressed with our total number of placements from the Malvern community. Jobs for Youth allowed our clients to gain valuable work experience, which resulted in employment for a large number of the youth at the conclusion of the program."

These words from these community leaders are clear evidence of the tremendous success of this program.

Finally, I think what's really important is that many private sector companies participated and they have agreed to continue to participate. It's a wonderful program with wonderful results.

#### VISITORS

**The Speaker (Hon Alvin Curling):** We have with us in the Speaker's gallery the German-Canadian Friendship Group from the Federal Republic of Germany. Please join me in welcoming them here.

#### PETITIONS

##### HEALTH CARE

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the Liberal government has announced in their budget that they are delisting key health services such as routine eye exams, chiropractic and physiotherapy services,

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

"To reverse the delisting of eye exams, chiropractic and physiotherapy services and restore funding for these important and necessary services."

I have also signed this.

##### CHIROPRACTIC SERVICES

**Mr Bruce Crozier (Essex):** I have a petition addressed to the Legislative Assembly of Ontario in support for chiropractic services in the Ontario health insurance plan signed by a number of petitioners who say:

"We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 8, 2004, provincial budget and maintain OHIP

coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province.”

#### LESLIE M. FROST CENTRE

**Mr Norm Miller (Parry Sound-Muskoka):** I have a petition to reopen the Leslie M. Frost Centre, signed by many residents of my riding. It says:

“To the Legislative Assembly of Ontario:

“Whereas the Leslie M. Frost Centre has been Ontario’s leading natural resources education, training and conference centre aimed at fostering an understanding of natural resource management, with a focus on ecosystems and their sustainability for future generations; and

“Whereas the McGuinty government refused to consult with municipalities and other user groups before taking this drastic action and continues to operate in a clandestine manner; and

“Whereas this move will hurt the people and economies of Muskoka and Haliburton, especially those in the local tourism industry; and

“Whereas the Frost centre is a valuable resource for elementary, secondary, post-secondary institutions, as well as a variety of other groups;

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

“That the McGuinty government reverse the decision to close the Leslie M. Frost Centre, allowing valuable summer programs to continue while a long-term solution is developed.”

I support this petition and affix my signature to it.

#### HEALTH CARE SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

“Whereas the McGuinty Liberal government is cutting provincial funding for essential health care services like optometry, physiotherapy and chiropractic care;

“Whereas this privatization of health care services will force Ontarians to pay out-of-pocket for essential health care;

“Whereas Ontarians already pay for health care through their taxes and will be forced to pay even more through the government’s new regressive health tax;

“Whereas the Liberals promised during the election that they would not cut or privatize health care services in Ontario;

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

“We demand the McGuinty Liberal government keep its promises and guarantee adequate provincial funding for critical health services like eye, physiotherapy and chiropractic care.”

I agree with the petitioners. I have signed this as well.

#### CHIROPRACTIC SERVICES

**Mr Jeff Leal (Peterborough):** I have a petition to the Legislative Assembly of Ontario regarding support for chiropractic services in the Ontario health insurance plan.

“Whereas,

“Elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need;

“Those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

“Elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

“There was no consultation with the public on the decision to delist chiropractic services;

“We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province.”

#### CHILDREN’S HEALTH SERVICES

**Mr Jim Wilson (Simcoe-Grey):** To the Legislative Assembly of Ontario:

“Whereas there are approximately 23,000 children and youth in Simcoe county and York region who have special needs; and

“Whereas approximately 6,000 of these children have multiple special needs that require a range of core rehabilitation services; and

“Whereas children with multiple special needs (and their families) throughout the province access ongoing rehabilitation services that are critical for their development at children’s treatment centres in their area; and

“Whereas there is no children’s treatment centre in Simcoe county or York region. For families that can travel, the closest services are in Toronto; and

“Whereas Simcoe county and York region is the only area left in the entire province that does not have access to children’s treatment centre services in their own area; and

“Whereas the Ministry of Health and Long-Term Care provided funding to the Simcoe York District Health Council for implementation planning for an integrated children’s rehabilitation services system in December 2001; and

“Whereas the implementation plan was submitted to the Minister of Health and Long-Term Care in December 2002; and

“Whereas the proposal was reviewed and approved by the appropriate ministries in 2003, and in August the Ministry of Health advised the Simcoe county and York

region district health council that the funding had been committed and would be available shortly;

“We, the undersigned, petition the Legislature of Ontario to release the funding for the children’s treatment centre in Simcoe county and York region so that core rehabilitation services can be delivered to the children and youth in Simcoe county and York region.”

I agree with the petitioners and have signed it.

#### LONG-TERM CARE

**Ms Shelley Martel (Nickel Belt):** I have a petition signed by over 300 residents in the riding of Nickel Belt. It reads as follows:

“Whereas the Ministry of Health has recently approved a request by the Sudbury Regional Hospital to expand the geographic area where hospital patients who need long-term care can now be placed;

“Whereas this situation has occurred because there are no long-term-care beds available in the Sudbury region for these patients;

“Whereas patients now face discharge and placement in long-term facilities far from home, in Chapleau, Espanola and Manitoulin Island;

“Whereas the redevelopment project at Pioneer Manor has freed up space which could be converted into 30 temporary long-term-care beds;

“Whereas this provides a positive solution to our bed crisis;

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

“We demand the McGuinty Liberal government fund these 30 temporary long-term-care beds so that no patient is sent far from home for long-term care.”

I agree with the petitioners, and I have signed this as well.

#### GO TRANSIT SERVICE

**Mr Bob Delaney (Mississauga West):** I have a petition to the Legislative Assembly of Ontario from a group of people in the Lisgar and Churchill Meadows region, and it reads as follows:

“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 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.”

As one of those residents, I wholeheartedly endorse this petition and Alexander will carry it for me.

1530

#### CHIROPRACTIC SERVICES

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I now have close to 1,000 names and 333 letters from people concerned about the delisting of chiropractic services. I quote in part:

“Whereas,

“Elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need;

“Those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

“Elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

“There was no consultation with the public on the decision to delist chiropractic services;

“We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province.”

These were presented to me by Dr Brunarsky, and I sign these petitions.

#### IMMIGRANTS’ SKILLS

**Mr Wayne Arthurs (Pickering-Ajax-Uxbridge):** I have a petition to the Ontario Legislative Assembly:

“Access to Trades and Professions in Ontario.

“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 add my name to this petition.

#### VOLUNTEER FIREFIGHTERS

**Mr Tim Hudak (Erie-Lincoln):** I’m pleased to present a petition on behalf of those who want to see double-hatter firefighters protected, like Russ Yule of Jordan and Dan and Sharon Mitchell of Beamsville. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas many volunteer fire departments in Ontario are strengthened by the service of double-hatter firefighters who work as professional, full-time firefighters and also serve as volunteer firefighters on their free time and in their home communities; and

“Whereas the Ontario Professional Fire Fighters Association has declared their intent to ‘phase out’ these double-hatter firefighters; and

“Whereas double-hatter firefighters are being threatened by the union leadership and forced to resign as volunteer firefighters or face losing their full-time jobs and this is weakening volunteer fire departments in Ontario; and

“Whereas Waterloo-Wellington MPP Ted Arnott has introduced Bill 52, the Volunteer Firefighters Employment Protection Act, that would uphold the right to volunteer and solve this problem concerning public safety in Ontario;

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

“That the provincial government express public support for MPP Ted Arnott’s Bill 52 and willingness to pass it into law or introduce similar legislation that protects the right of firefighters to volunteer in their home communities on their own free time.”

In support, I add my signature.

#### FREDERICK BANTING HOMESTEAD

**Mr Jim Wilson (Simcoe-Grey):** To the Legislative Assembly of Ontario:

“Whereas Sir Frederick Banting was the man who discovered insulin and was Canada’s first Nobel Prize recipient; and

“Whereas this great Canadian’s original homestead located in the town of New Tecumseth is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth, under the leadership of Mayor Mike MacEachern and former Mayor Larry Keogh, has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

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

“That the Minister of Culture and the Liberal government step in to ensure that the Banting homestead is kept in good repair and preserved for generations to come.”

Of course, I agree with the petition and I’ve signed it.

#### CHIROPRACTIC SERVICES

**Mr Shafiq Qadri (Etobicoke North):** I have a petition addressed to the Legislative Assembly of Ontario regarding support for chiropractic services in the Ontario health insurance plan.

“Whereas,

“Elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need;

“Those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

“Elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

“There was no consultation with the public on the decision to delist chiropractic services;

“We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province.”

I send this to you by way of page Emilie.

#### HEALTH CARE FUNDING

**Mr Tim Hudak (Erie-Lincoln):** I am pleased to present a petition on behalf of Tom Lewis of Ridgeway, Ontario, and Shirley Athoe of Fort Erie. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Dalton McGuinty Liberals promised a health care system that gives us all the care we need when we need it; and

“Whereas chiropractors, optometrists and physiotherapists provide the necessary health care to the people of Ontario to maintain healthy and active lifestyles;

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

“The Dalton McGuinty Liberals should keep their promise to invest in health care and restore funding to cover optometry, physiotherapy and chiropractic care under OHIP.”

I have signed my signature in support.

#### EYE EXAMINATIONS

**Mr Jim Wilson (Simcoe-Grey):** “To the Legislative Assembly of Ontario:

“Whereas the 2004 provincial budget was not clear on whether adult optometry patients who have or who are at risk for medical conditions, such as diabetes, glaucoma, macular degeneration and clinically significant cataracts would continue to be covered through the Ontario health insurance plan; and

“Whereas Ontario’s optometrists strongly feel that Ontario seniors, those under 20 and those with chronic sight-threatening diseases must continue to receive primary eye care services directly from Ontario’s optometrists; and

“Whereas forcing patients to be referred to optometrists through their family physicians ignores the years of specialized training optometrists undertake to detect, diagnose and treat eye conditions; and

“Whereas almost 140 communities across the province have already been designated as underserved for family practitioners and the government’s approach will only exacerbate the problem unnecessarily;

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

“That the Ministry of Health and Long-Term Care immediately clarify that the eye examination services they provide to patients at risk for medical conditions will continue to be covered by OHIP and the coverage for these services is not dependent on a patient being referred to an optometrist by a family physician.”

I have signed that petition.

#### ORDERS OF THE DAY

HIGHWAY TRAFFIC STATUTE  
LAW AMENDMENT ACT  
(CHILD AND YOUTH SAFETY), 2004  
LOI DE 2004 MODIFIANT  
DES LOIS EN CE QUI CONCERNE  
LE CODE DE LA ROUTE  
(SÉCURITÉ DES ENFANTS  
ET DES JEUNES)

Resuming the debate adjourned on November 1, 2004, on the motion for second reading of Bill 73, An Act to

enhance the safety of children and youth on Ontario’s roads / Projet de loi 73, Loi visant à accroître la sécurité des enfants et des jeunes sur les routes de l’Ontario.

**The Speaker (Hon Alvin Curling):** The member for Ottawa-Orléans has completed his debate. I think it’s questions and comments, and we start with the member from Haldimand-Norfolk-Brant.

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** The member for Ottawa-Orléans was the last speaker on the government side of the House with respect to Bill 73.

As we pick up this debate again this afternoon, I will remind the House, I will remind the government members, that much of the legislation contained therein is very similar to legislation that was introduced two years ago with respect to the booster seat components of the bill that we’re deliberating this afternoon, booster seat legislation that was introduced by the Minister of Transportation at the time, Norm Sterling.

At that time, in December 2002, the injury prevention program of Sick Children’s Hospital commented on the direction that was being taken by the government of the day. This organization is known as Safe Kids Canada, a national injury prevention program. It had some good things to say about this initiative. At that time, we were taking a look at requiring the use of booster seats for children over 40 pounds. It was considered a progressive step toward reducing what I think we all recognize as one of the leading causes of not only severe injury, but also death among young, school-aged children.

Again, as we know, these kinds of booster seats position the seatbelt safely over the child’s body to maximize protection in the event of a collision. It also reduces the likelihood of the child being ejected from the vehicle, if that vehicle were to roll over.

The only comment I have is that a lot of parents obviously don’t know the value of this, and I’m suggesting we put a little bit more emphasis on education rather than legislation.

1540

**Ms Marilyn Churley (Toronto-Danforth):** I’m pleased to spend a couple of minutes responding now, but we’ll be speaking in more detail about this bill in a few minutes. The NDP supports this bill in principle, and I think some of my colleagues who have spoken have made that very clear. I don’t think there’s anything we can do that’s more important than bringing in laws that will help protect our children, and this is one of those.

We have some issues with the bill as proposed, and that’s why we’re calling for the bill to be sent to committee. Some of those who have some concerns can come and speak to the committee and, if necessary and possible, we can make some amendments to actually improve the bill.

I understand that there are some concerns about the fact that—and I don’t know how I feel about this myself at the moment. I have mixed feelings, because I know when the NDP brought in red light cameras, and the Liberals then were opposed to it—

*Interjection.*

**Ms Churley:** Yes, yes. Well, some of them weren't here. But one of the major complaints we heard about at that time was that it didn't matter who was driving the car; if the car got a ticket, the owner of that car was responsible. The Liberals then made quite a big fuss over that and said it wasn't fair. I thought at the time, and still do, that the overall good it would do for our community and for our safety was worth it.

We have the very same situation in this bill, where if you loan your car to somebody to pick up your kids or whatever and they get stopped for breaking this particular law, then they're not responsible, you are. The owner of the car is responsible. I don't necessarily think that is a bad thing. I just think that we need to examine it more and look at the ramifications of this and other issues in the bill that there are some concerns about.

**Mr Michael A. Brown (Algoma-Manitoulin):** I want to take this opportunity to comment on the speech made by my colleague, the effective and hard-working member from Ottawa-Orléans.

One of the things that I find particularly interesting and particularly important in this bill is the school bus safety portion. If you represent Algoma-Manitoulin, you represent roughly 700 kilometres of the TransCanada Highway, Highway 17. On any given school day, I don't know how many buses would be out on the TransCanada Highway moving young people from their homes to various schools. In the district of Manitoulin, we will be moving hundreds of children every day on our school buses, so school bus safety is tremendously important.

In this bill, we are doing something for which I want to compliment my friend the member for Chatham-Kent-Essex. He has, I think, three times—is it?

**Mr Pat Hoy (Chatham-Kent Essex):** Six.

**Mr Brown:** Six times he has presented a bill to this Legislature, asking that we make vehicle owners responsible for passing school buses when their lights are flashing. This is a very preventable cause of great injury and death to young people in Ontario, as they leave the school bus and some unthinking or negligent driver passes when the lights are flashing. We all know they should stop. This bill adopts Mr Hoy's fine suggestion that we allow those people to be prosecuted on the basis of identifying the vehicle. It provides certain safety that we do not do the wrong thing, but it allows vehicle owners to be prosecuted. This is a great step forward.

**Mr Jim Wilson (Simcoe-Grey):** I spoke at length about Bill 73 the other day. I just want to say something that I didn't bring up at that time in response to comments that have been made here. I agree with some of the comments in terms of the school safety sections of this bill. For the viewers at home, the owner of the car will be charged regardless of who is driving, so I think it should go to committee, and I agree with members who may want to sort that out.

But the bill mentions photo radar, which is something I didn't mention in my debate the other day. If the government is planning on bringing back photo radar, I don't think it should be doing it through bills like this; it

should have a photo radar bill. There is mention of photo radar in the bill. There is speculation out there in the transportation community and the policing community that the government is paving the way for photo radar. I'm not a big fan of photo radar, nor do I like red-light cameras, although I understand some municipalities find they are necessary in order to keep traffic moving. I think it's too Big Brother-ish, and certainly I would want to see this House have a complete debate on photo radar.

Plus, when you don't get any demerit points—and this is the problem with the school bus section of this too. If someone is driving your car and they pass a school bus with the red lights flashing, there are no demerit points toward the driver. Again, it's the owner of the vehicle who will be charged.

Photo radar, to me, just meant rich people could speed and poor people couldn't, because there were no demerit points. I also felt, when it was in for a short time when the NDP were in, that it was like driving by a slot machine. It was a cash grab for the government. It's a huge revenue generator for any government that brings it in. I'm not totally convinced, as I say, that it's a good idea for the province.

I would like to see this bill go to committee also in terms of child seats. I think we need more public education. I would hope the minister would come forward with a comprehensive plan to make sure people understand this legislation, and understand current safety legislation, so that our roads are safer in Ontario.

**The Speaker:** The member from Ottawa-Orléans has two minutes in which to summarize.

**Mr Phil McNeely (Ottawa-Orléans):** I wish to thank the member from Halton, who is supportive of this bill, and the member for Toronto-Danforth, who spoke in support of the bill. It has the same issue as the red-light cameras have. I wish to thank the member from Algoma-Manitoulin. The school bus safety issue, which he talked about, the safer school buses, is so important to us. We just wonder why this has taken so long to get here. I'd like to thank the member from Chatham-Kent-Essex, who worked over the years to get this bill there.

Everything seemed to be going very well until we got into something I don't think this bill deals with: photo radar. I stand to be corrected on that, but to put a smoke-screen up on such a great bill, such good legislation that is being proposed by our Minister of Transportation, does not seem fair.

I spoke on the current legislation, about how many passengers a young driver with a G2 permit can have in his car. I felt that was a very important part of this legislation. For the first six months driving independently under the G2 licence, young drivers could take one passenger aged 19, if this legislation comes in. That will be great. There is a reason for that: 16- to 19-year-olds make up a little over 5% of Ontario's population, but they account for 11% of all traffic fatalities. So we're on the right track here. Drivers aged 19 and under are three times more likely to be involved in a fatal accident or collision if they are carrying passengers 19 and under in their car.

For those reasons, this is a good bill for the G2 drivers. All the issues of safety that the Minister of Transportation has brought forward in this bill are so important, so it's great to see most people in this House supporting this legislation.

**The Speaker:** Further debate?

**Mr Jim Flaherty (Whitby-Ajax):** I'm pleased to have the opportunity to rise and speak to Bill 73. I'd say at the outset, just listening to the member from Ottawa-Orléans about photo radar not having much to do with the bill, that he might want to have a look at the bill, in particular the limitation section on page 4, which I was going to talk about later on, which I will. It talks about "An owner of a motor vehicle convicted of an offence under section 128 on the basis of evidence acquired through the use of a photo radar system," and then it goes on with respect to other matters.

1550

It is quite perplexing, actually, when one reads through it, to suddenly see this reference to photo radar in the bill. When I look at it and try to understand why the minister instructed legislative counsel to draft the bill in this way, I can only relate it to the attempt in the bill to impose liability on owners and not only drivers. The way they would do that, I suspect, is with cameras taking photos of licence plates, which of course would tell you, with a search of the Ministry of Transportation records, who the owner of the vehicle was, but would not tell you who the driver of the vehicle was. I may be incorrect about that.

I look forward to the Ministry of Transportation—the minister or the parliamentary assistant; those responsible for Bill 73—perhaps providing an alternative explanation. Otherwise it does appear that this bill is a wolf in sheep's clothing in the sense that there's an attempt to deprive Canadians living in Ontario of traditional rights they have when they're charged with an offence and that those rights would be taken away by this bill.

It also, of course, opens the door. Once you do it once, you can do it more than once. It's perhaps easier for governments, once they've already breached the wall and said, "All right, we're going to use photo radar," with respect to a good purpose, by the way—you know, protection of our children and making sure children getting on and off school buses are safe and the use of booster seats for children of a certain size and weight are all good things, but often good things are accomplished in ways that trample the liberties of people which have been respected and established over many years. We have a duty here in this place, I think, to safeguard the traditional rights of the people of Ontario and make sure, even with well-intentioned legislation, that those rights are safeguarded.

Having read the bill, I see no impediment to the government accomplishing the goals sought to be accomplished here by requiring them to get into photo radar. It is a significant offence. We all know it. I believe the penalty is six points for passing a school bus with the lights flashing, and so on. I think most people—certainly

in my community, Whitby and Ajax—are very conscious of that law. There are big signs on Highway 2 in Whitby, I know, about that. People want to obey that law because they realize that their children and their neighbours' children are using those school buses. I say to the government that I think the goal can be accomplished without trampling liberties and rights that people have in the province.

Clause (5) allows the owner of the vehicle which fails to stop at a school bus to be charged. I challenge the minister to justify that to the people of Ontario how an advance is made, in this case, by prosecuting the owner of the vehicle as opposed to apprehending the wrongdoer, which indeed is our tradition in this country and in this province. After all, this is a significant offence and an offence that I think is viewed as significant by most people in the province. So that's clause (5), the ownership aspect.

I hope the government is not going down the road—whether one agrees with photo radar or not is not the point I'm raising today. The point I'm raising is that the government should be open and direct. If the plan is to introduce photo radar in the province of Ontario for speeding offences and so on, then let the government say so and let the government not try to bring, through the back door in a school bus bill and a bill about booster seats, the reintroduction of photo radar in the province.

So the issues about ownership and photo radar are cause for significant concern in the bill.

The lack of respect for the rights of people in Ontario is always a concern—respect for the rule of law. It could happen in this bill, as I read it, that the owner of a motor vehicle could be charged with one of these offences and could be convicted without knowing about it. I say that because I've tried to read through the service provisions of the bill—and I welcome comment from the minister or his parliamentary assistant on this point. I read through the service provisions, particularly those on page 3 of the bill, and it appears that the drafters and legislative counsel have been told to go through permutations and combinations here that would permit service, by subservice, in effect, on owners, so that it's possible that an owner of a vehicle would be convicted of an offence under the Highway Traffic Act without actually receiving physical notice of the fact that they were being charged or had been charged with the offence.

I think that is offensive to people in Ontario. I think they expect to have the opportunity to make a full answer when they're charged with something. This is an imperfect administration of the justice system. Everyone working in the system, I know, tries to do the best they can, but there are mistakes made. That's why we have the court system that we have. That's why we have justices of the peace and judges to hear these cases where people have legitimate defences. But one can't put up a defence unless one knows he has been charged with an offence. I worry about that as I try to find my way through the legislative language here with respect to service on an owner of a vehicle when the owner was not the driver of the vehicle.

The other issue, of course, is the tendency of the government these days to deal with relatively peripheral issues. There is no promise that the government made about this issue, when I look through the 213 promises, but there is an issue about trustworthiness here. Again, it's this concern about bringing in legislation with detrimental provisions with respect to the rights of the people of Ontario in a bill which is designed for a laudable purpose, of course, such as safety for our children. We see in the bill—and something that is not talked about—the potential for conviction of the owner of a vehicle who has not done anything wrong. We also see the naming of photo radar as being a way of adducing evidence in those cases.

Again, these are not issues that I hear talked about on the other side. I do hope some of the speakers will address those issues so that people in Ontario can be satisfied that there is not this subversive intent to do, indirectly through this bill, what ought to be done directly and debated in this place, if that's the intention of the government.

The member for Toronto-Danforth, also the member for Algoma-Manitoulin and the member for Simcoe-Grey, I believe as well, all mentioned this ownership issue. The member for Simcoe-Grey expressed some concern about it and said that it should be something that ought to be discussed at some length in committee. I certainly support that view of my colleague from Simcoe-Grey. There seemed to be less concern expressed by the government member for Algoma-Manitoulin. I'd suggest to him, respectfully, and to his colleagues that they might want to ask the Minister of Transportation questions about this issue and satisfy themselves, if it's possible to be satisfied on this issue, that it is necessary for the purposes of the bill to have this kind of vicarious liability imposed on persons who are not actually committing an offence.

It's quite rare for that to be done. It's not that it has not been done, ever. We have vicarious liability for the owner of a vehicle being operated with consent by another person for the damages or harm caused to another or another person's property. That principle in the civil law is well established, but when you move into provincial offences, or certainly into the criminal law, the tradition has been that one has to be an actor in order to be charged and convicted and not simply passive, the fact being that you own something, imposing some sort of criminal or quasi-criminal liability on that person.

That's an important issue that I hope we hear more of in the remarks by members on the government side, from the minister and the parliamentary assistant, and that I hope gets covered in committee at some length, because it does not appear, or at least we haven't heard any evidence here that is convincing, that it is necessary to impose this kind of vicarious, quasi-criminal liability on people in Ontario in order to accomplish the goal.

**1600**

The photo radar aspect is a major issue, because as the member for Simcoe-Grey noted, it creates at least a two-tiered system. It says to people who are wealthy in the

province of Ontario: "The amount of a fine won't mean that much to you compared to someone of more modest means. Therefore, be at liberty to speed or whatever else photo radar is going to be used for." I don't know, of course, what's in the government's mind in that regard.

I do know that this bill, in section 6 on page 4, talks about certain types of penalties not being imposed on the owner through the use of a photo radar system. The section talks about "not liable to imprisonment, a probation order under subsection 72(1) of the Provincial Offences Act or a driver's licence suspension as a result of that conviction or as a result of default in payment of a fine resulting from that conviction." One would have to fit that section into the act itself.

The scheme seems to be—and this is worrisome, I think, for all of us who believe in the rule of law as fundamental to our democracy—that the government is saying, "We will use photo radar against an owner, but we realize that that actually isn't quite the right thing to do, because it is vicarious and it's not direct. We won't have to prove that the owner did anything wrong. So when we do that, here's the consolation prize: We will say that you will not be sent to jail as the owner and you will get basically lighter penalties."

Well, I think the government should be more up front than that. It's either the right thing to do or it's not the right thing to do. If it's the right thing to do—and this is a policy decision to be made by the government of the day after debate in this place. If the government thinks it's the right thing to do—to impose quasi-criminal liability on owners of vehicles who are not personally at fault or who have not done anything wrong, through the use of special evidence like camera evidence through photo radar—then let them say so and let them be forthright about that so that we can have a fulsome debate in this place and in the media and so that people in Ontario can comment on that issue.

We know from the past, going back into the mid-1990s, how controversial the issue of photo radar is. It is a strong argument, it seems to me, that it creates different classes of motorists, those with more money and those with less money, because certainly a substantial fine is much less affordable to many people in this society than it is to people who are well-to-do.

There is also a regrettable tendency in photo radar, and I think we have all seen that, for it to be set up in places in which there are not frequent accidents. The goal always has to be—and I laud the goal of the bill—increased public safety, particularly for our children. I think many motorists feel that they would find it more acceptable to be subject to some sort of photo radar surveillance where it was demonstrably for the public good; that is, intersections where there are a large number of collisions. And we all know that is tracked. We see every year the collisions in the city of Toronto, for example, which has the most collisions, the second most and so on. So that kind of data is available, and I'm sure it's available on the provincial highways across Ontario as well.

So I think the public quite rightly says, “You know, if you’re going to take liberties with my liberties and bring in substitute liability-type provisions like photo radar against owners of vehicles, then at least make it demonstrable that it’s for the public good, that we will reduce accidents in certain places, and then measure that. If it’s going to be introduced, then come back a year later and say, ‘We introduced red-light cameras, for example, at a particular intersection. The number of motor vehicle collisions at that intersection the preceding year was X, and with the camera there were this number of charges and so on based on the camera evidence. Here’s the result. Here’s the lessening,’ or not ‘of the number of accidents and injuries at that location.’”

So it is important, it seems to me, if governments are going to move forward with significant changes in the law of evidence and in imposing significant liabilities on owners of motor vehicles in Ontario that they are not subject to now, first of all, they must be forthright about what they’re up to, so that we can have informed debate in this place, and the public can have informed debate; and, secondly, the use of the sections, assuming they’re passed, must be measured, so that we have the courts and the police forces around the province reporting back about the efficacy of the procedures being used that would be authorized if this bill does become law in its present form.

It is a concern that we are dealing with some of these issues which are not primary issues of concern to people in Ontario. I heard the Minister of Finance in question period today say we are—I think the quote was—“producing jobs at an encouraging rate.” That will have to be examined, given the employment statistics which I quoted in this House just recently showing that basically we have flat growth, were it not for some increase in the public sector. We have a government that is imposing very substantial taxes on the people of Ontario, including new taxes. We have an admission by the government that it was wrong to make a commitment to the people of Ontario not to raise taxes. The government knew, or ought to have known, that that was a major commitment that could not and would not be kept by this government.

We’re also seeing less service, and this is a great concern, particularly in the city of London. I think people in Ontario were prepared to cut some slack for the government if there was going to be a new health tax—and yes, it is a tax, not a premium. It’s a personal income tax deducted at source. I think some people in Ontario were prepared to say that if there was some demonstrable benefit, an increase in services as a result of that tax, then maybe they were prepared to see how it would work. That’s not happening. In fact, what we have is a Minister of Health who’s fighting with the volunteers who are on the boards of our hospitals around the province of Ontario, who give of their time. We have headlines like “Dire Straits in the City of Hamilton,” and the London Health Sciences Centre. The bottom line is that we have less service in our health care system and we are paying more taxes to be in that system.

We also have the untrustworthiness that comes from a couple of bills that are before this House now, where we are seeing the willingness of the government to attack personal property rights in the province of Ontario. We see that in the heritage bill that we voted on second reading today. I can tell you that I’m a big believer, as you probably know, in heritage buildings—both commercial buildings and residences—in the province of Ontario. I come from one of the oldest towns in Ontario, Whitby, which was an important place in the 1840s before the province of Ontario existed, an important port, one of the great early towns and one of the great trading centres in the province. I see the member from Pickering is here; Pickering was OK too, but it was no Whitby, as the member knows, Whitby being the county town of the county of Ontario.

People believe in their property rights. Once you start endangering the property rights of one person by expropriating a heritage property without compensation or designating it without compensation; or, in other areas, starting to expropriate farmers or other people without compensation, then we’re into dangerous territory indeed for the people of Ontario. Their property’s not safe when this Liberal government’s in this Legislature. That’s what it means. Because the Liberals are trying take away property rights, which regrettably are not enshrined in the Canadian Charter of Rights. We’re going to watch that carefully, and we’re going to hold them to account, just as we are about imposing liability on owners through the use of photo radar in Bill 73.

**The Acting Speaker (Mr Ted Arnott):** Questions and comments?

*Interjection.*

**Ms Churley:** I go first, but you’ll get your chance. I’m pleased to make a couple minutes’ comments—

**Mr Wilson:** I’m not making any comments.

**Ms Churley:**—in response to the member from—

**Mr Wilson:** Pickering-Ajax.

**Ms Churley:** Pickering-Ajax?

**Interjection:** No.

**Ms Churley:** I didn’t think so. Whatever. Mr Flaherty.

**Mr Flaherty:** Whitby-Ajax.

1610

**Ms Churley:** Everybody seems to be focusing a bit on photo radar, and you can see why. In some ways there are similarities, which is something I fully support, by the way—always did; always will—although I do believe that members are saying there should be demerit points involved in that as well, because otherwise it’s just a fine. If you’ve got the money to pay, you pay, and if you don’t, you don’t and get penalized.

What this bill is all about—I think I’m hearing that everybody’s in support of the bill. How could you not be in support of a bill that will provide better safety for our children? Just to remind people what the bill is about, this particular bill deals with basically three different areas: booster seats, school bus safety—the arm they want to put on buses, which I think is absolutely critical, and

there are some issues in terms of funding that I'll talk more about later—and of course graduated licences. I'm proud to say it was a New Democratic government that brought in graduated licensing. I believe the Liberals even supported it. I can't remember. Did you find a way to support it?

**Hon David Caplan (Minister of Public Infrastructure Renewal):** I don't remember it.

**Ms Churley:** You weren't here, but your mother was.

Again, I want to support this bill. I intend to support this bill. I do want it to go to committee, because there are a number of issues and we could go through committee quickly on this. I don't want to hold it up. I think it's really important, but there are some issues, and we need to make amendments.

**Le Président supplément:** Le député de Glengarry-Prescott-Russell.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):**

It was interesting to hear the members for Whitby-Ajax and Simcoe-Grey refer to photo radar. I have to say that when the previous government repealed photo radar in 1995, they did not remove the mention of photo radar from the Highway Traffic Act. Therefore, the Highway Traffic Act already provides legal authority to hold vehicle owners responsible for certain offences. That's why we only have to amend this authority to include owners' liability for passing a school bus.

I just wonder where they have taken photo radar in this bill. There's no mention at all of photo radar. We said all along that anybody passing a school bus while the flasher is on becomes responsible. No matter who drives the car, it's the owner's responsibility to make sure that whoever drives the car, drives according to the traffic act.

It's true that the person getting the fine, or who has been found responsible, could sometimes have a clean record, but we, the government, will make sure the investigation is on to find out who was driving the car. If it is a stolen car or a rental car, the police department will investigate accordingly. So once again, when the owner of a car is not the person driving it, they could be arrested not because of photo radar but because of an eyewitness, a bus driver or anybody who has seen somebody passing a school bus with flashing red lights.

**Mr Wilson:** I just want to compliment my colleague for Whitby-Ajax. I'm sorry I informed our NDP colleague for Toronto-Danforth of the wrong name of the riding. It wasn't her fault.

I want to say to the member for Glengarry-Prescott-Russell that when we repealed photo radar—as I said, I just think it's a cash cow. You mentioned that it's still in the Highway Traffic Act; the lawyers didn't take the wording out. If you're not intending to bring forward photo radar—you're doing it through the back door here; you're leaving the legislative authority in place and you've got regulation authority in this bill—if you're serious and honest about not wanting to bring it back, then simply put an amendment, when this bill goes to committee—and I hope it goes to committee—to make

sure there's no reference in any law anywhere in this province with respect to photo radar. But I don't think that's what you intend to do. I think you intend to slip it in to help yourselves with the spending spree you've been on and your mismanagement of the finances of this province. You're going to use it as a cash cow and you're probably going to allow municipal partners to use it as a cash cow.

As I said, and as the honourable member from Whitby-Ajax also said, it allows rich people to speed all they want. There are no demerit points. It's simply the owner of the car who gets charged. If you've got a Mercedes or an Infiniti or something like that—I'd prefer that people drove Hondas made in Alliston, Mr Speaker. But if you're really rich—and a lot of rich friends of mine will say they didn't mind having it in at all. Now, we're not rich any more with the pay we make around here; I can tell you that. I was making more money in 1987. But there's the odd prosperous person in the wonderful riding of Simcoe-Grey who has made the comment in the past that photo radar was a joke and they enjoyed speeding because they could certainly afford to pay the bills. That's not making it up; that's a true story. So if you don't like photo radar, be honest, take it out of the law and settle the issue once and for all.

**Mr Hampton:** I had the opportunity to listen to the comments of the member for Whitby-Ajax, and as I listened to him, it said to me that there are good reasons for this bill to go to committee. There's good reason for this bill to be examined with some care in committee so that hopefully, when it emerges from committee, we will be very clear in understanding what exactly the bill does and what exactly the bill does not do, so that we will better be able to perform our responsibilities for the people of Ontario in terms of ensuring that it is good legislation and that it meets the advertising that has been put out in advance. So my sense is that the member for Whitby-Ajax has given us yet another good reason to send this bill to committee for more detailed examination, and so that we can hear from not only the public, but from those who would claim to be experts in the field or have some knowledge and experience in the field.

When you're dealing with issues like this, which are so important to public safety and which promise to promote and improve public safety, it seems to me it is very, very important at the legislative committee stage to determine exactly what tests the legislation meets. Does it in fact live up to all of the earlier advertisement and pronouncements that it's the greatest thing since sliced bread? We want it to meet those tests, and that's why it should go to committee.

**The Acting Speaker:** That concludes questions and comments. The member for Whitby-Ajax has two minutes to reply.

**Mr Flaherty:** I thank the member for Toronto-Danforth and the member for Kenora-Rainy River for the comments about the importance of the bill going to committee and being examined carefully and coming back to this House, I hope, in amended form.

I also thank the member for Glengarry-Prescott-Russell for his comments, but I must say that this is a government bill, and it's up to the government to do something about photo radar or not. They have chosen to put photo radar into this bill. It's in the section that I've already quoted and it is referenced to an owner of a motor vehicle both in English and in French, so I don't quite understand what the defence is. If they don't want photo radar used as a result of Bill 73, then they can say so in the bill and ask the Legislature to approve it.

I'm pleased to hear that the member for Simcoe-Grey continues to associate with his rich friends; the member for Glengarry-Prescott-Russell has some as well, I'm sure. I know that the front bench in the NDP has some rich friends from my time as Minister of Labour. I met some of them.

There are quite a few people who would know people—and this was the point that the member for Simcoe-Grey was making, of course—who would flout photo radar because they have more resources than people who have less resources. That isn't the kind of justice system that most of us want to have in Ontario. I think we always try to look for the deterrence factor when people are behaving inappropriately and committing offences under the Highway Traffic Act in Ontario, that we look for a certain deterrence to what happens rather than just a tariff. After all, these aren't parking offences that we're talking about; these are moving offences. The bill talks about moving offences involving children and school buses, and these are vitally important.

1620

**The Acting Speaker:** Further debate on Bill 73?

**Ms Churley:** I'm very sad to say that I don't have that many rich friends. I know we're hearing a lot—I don't know how we all ended up in Bill 73 talking about our rich friends here, but I do have a few—maybe two. I won't name them here, but I must say that they are very responsible citizens. I know that when they get behind the wheel of their very expensive cars, they are responsible. Certainly, their thought is not, "Well, gee, I can afford to pay this ticket, and I'm going to just not worry about kids getting off a bus. I'm just going to speed by, perhaps hitting one, because I can pay for this."

I've got to tell you that I believe this is a little bit of a red herring here. What we need to do is to educate people so that it's not about—obviously, you need deterrents. You need carrots and sticks. But whether or not you can afford it is not the issue; it's about protecting the safety of our children, and that, of course, is one of the issues around this bill that I've already said in a couple of two-minute responses earlier that I generally support. I support in principle most components of it, but there are some issues that I know some of my other colleagues have talked about, and I'll speak to as well, that we need to examine a little more closely and make some changes to.

What I don't want to see is this turning into a whole debate about red light cameras and whether or not they are just, because rich people can speed because they can

afford it and poor people can't. I do believe, however, that there should be demerit points involved in speeding. I believe anything that we can do—I know that if I'm in a situation where I feel I'm going to get a demerit point, even if there are no safety implications to what I'm doing, that has a huge impact on my behaviour, especially these days with auto insurance going up and up and up thanks to the policies of the new Liberal government. After promising to fix it, they've made it even worse. But because of that, I think it's even more urgent; I think it would work even more because we're all so afraid of our auto insurance going up because the government will not do what is the right thing to do now, and that is to go to public auto insurance. It has been clearly defined now in other provinces that that is the only way to go in terms of keeping our rates reasonable. But because the auto insurance rates are going up and up and up, we are very, very careful. Drivers are very careful not to do anything that will make those rates go up even higher. I know it's a big concern of many of my constituents.

I want to talk a bit about what is in the bill. Photo radar actually isn't in this bill, believe it or not, to people who may be watching. It seems to be a major issue with us today. That's because there are some similarities—

**Mr Flaherty:** It's in section 7.

**Ms Churley:** Is it? Within this bill? I thought this bill was talking about booster seats, school bus safety and graduated licences. Those are, in fact, the major pieces of the bill that I want to talk about. Photo radar is something that I supported when the NDP was in government, and I was very disappointed when I saw the Conservative government throw it out. In fact, it should be brought back in again. But let's remind the newer Liberal members here, that when in opposition then, they voted against photo radar. Talk about a flip-flop on that one. But at least it might be some of the new members who said, "Come on. The NDP did a good thing there. Let's bring it back."

I'm very glad that we're finally debating this bill. I believe the bill has been languishing on the order paper since May or something. It's nice to see, in the new spirit of co-operation we seem to be having in this Legislature, that the government is calling forward bills that are important and that generally, in principle, are bills that we support. I have absolutely no intention of holding up a bill that I think is important to get through because it contributes to public safety. What I do want to make sure, though, is that we are not sitting here every night until midnight debating important public policy that has huge impacts—we're lawmakers—on the people we serve. It's important that we discuss these bills, have good debates about these bills, when everybody is alert, awake, very coherent and knows exactly what it is they're talking about. I've seen, by example, some of the mistakes that have been made by the government whip in the evening when everybody is tired and not paying enough attention. In fact, he sent one of his own bills to committee of the whole House. That was the Liberal acting whip that night. Perhaps we're off to a new start here.

We're certainly very happy to be debating these bills that we generally support. We support this bill in principle. I want to talk for a minute about the component I'm particularly interested in, and that's the booster seats. What this is all about is, "Forward-facing booster seats will be required for children who are too big for a child car seat but too small to be protected by a seat belt. This includes preschool to primary grade children weighing between 18 kilograms and 36 kilograms"—that's 40 pounds to 80 pounds; people still think a lot in pounds, but I'm sort of in that stage in between—"with a standing height of less than ... 4 feet, 10 inches"—that could almost include me; I just escaped that, I believe; I'm a little taller than that—"or maximum age of eight years. Demerit points will be applied to drivers who misuse, or fail to use, infant or toddler seats or booster seats."

I want to talk about that for a second, because I know the member for Hamilton East and others have raised some concerns about the way the legislation is written now and how it might impact on a grandparent or somebody else who doesn't normally pick up the children from the child care or school or whatever. I believe that anybody for whom it's the normal practice to go and pick up children should have the booster in their car, the proper safety belts and whatever else is required to keep children safe.

I remember very well when I was a single mom and my child was in daycare. I was at university and something would go late or my bus would be late or I'd be held up for whatever reason, and I could not get to the child care centre in time, when it closed, and I just had to have somebody go pick up my child. In some cases, the child care would fine you if you were late. I didn't like doing that to the child care workers anyway, but in some cases they just shut down and you had to take the child with you or they'd be very angry with you. On those occasions—I didn't have grandparents around but I had friends around—I would have to call upon my friends in an emergency situation—and believe me, it happened more than once—where they would have to quickly go and pick up my child.

I have to tell you that I rode my child around on the back of my bike at the time, which is another interesting story. I didn't have a car. I was a poor student. That was even before we wore helmets. Can you believe that? Back then, it wasn't required. This was in British Columbia where I was at Simon Fraser University, but I know that at that time there were no laws in Ontario either. That's an example of where we've gone a long way. Mr Speaker, it was a colleague of yours, Dianne Cunningham, who worked very hard on a private member's bill. Our then-government supported the bill that said that at least children have to wear helmets. But back then we didn't wear helmets. Anyway, I used to ride around with my child, my lovely daughter, Astra, when she was a little girl, on the back of my bike. But I would have to ask my friends to go and pick up my child, and they didn't have booster seats in their car. I don't think people in that circumstance should be penalized. I think we have to find a way around that. I really do.

I also think there needs to be, if necessary, for low-income people, some assistance in making sure that those booster seats are at reasonable cost. That, I think, is absolutely critical. That's a point we need to look at. I know that a number of people, I believe from all parties, raised that.

School bus safety: That's a very interesting one, because we all support school bus safety. What this involves is, "All new school buses will include a safety-crossing arm to prevent children from walking into the bus driver's blind spot at the front of the bus." We know there have been tragic deaths of children as a result of that. The faster we can get the arm put on those buses, the better we'll all feel, particularly parents who have their kids going on the bus and getting off that bus. I'm sure every day there's a worry because of that blind spot. So we support that.

#### 1630

There are a couple of other parts to that. I believe that is the most important part. There are fines involved in this as well, and vehicle owners may be charged if their vehicles are reported to have illegally passed a school bus. That is again the issue that has been raised in terms of both photo radar and this particular issue. I said earlier that I believe public safety comes first. I also believe, however, that if we can find a way at the committee level to ensure that it is the driver who is penalized and not the owner of the vehicle, that that would certainly be a better thing. I do want to make sure that this school bus safety feature goes through. I think it's absolutely critical.

It's a mad world out there now. I ride my bike a lot, I walk, I take public transportation and I drive. So I'm involved in every aspect of getting around this city. We all notice that it's getting more and more dangerous: more cars running red lights, everybody in a hurry, cyclists sometimes going through red lights. I believe the vast majority of cyclists are obeying the rules, but there are some who don't and give us all a bad name. I feel now, riding my bike, that it's far more dangerous out there on the streets than it used to be—gridlock and everybody being in a hurry—but in particular for the elderly and children crossing streets. Nobody stops at a yellow light any more. You can't make a left turn anymore on a yellow light, the way it used to be. You just can't do it. Everybody now assumes that you go right through the yellow light. So if you're trying to make your left turn, you've got to wait and turn on a red. It didn't used to be that way. So it's much more dangerous for children now, and I'm very, very concerned.

We've all seen it happen: cars whipping by streetcars when the doors are opening. Sometimes it's a matter of proper education; sometimes it's a matter of people just being in too much of a hurry to care. So this feature is extremely important.

I do want to talk about—and this is critical and a really important point that members of the New Democratic Party have been talking about, and will again; that is, the bill imposes new responsibility on school boards to improve their school bus fleets. But at the same time,

the Liberals are cutting. Liberals' cuts to busing leave boards—

**Mr Mario G. Racco (Thornhill):** Talk to the issue.

**Ms Churley:** Somebody, a Liberal, says, "Talk to the issue." This is the issue. This is exactly the issue: imposing new responsibility on the school boards but at the same time cutting busing, leaving boards with less money to implement it.

**Mr Racco:** They gave them more money.

**Ms Churley:** They're still saying they gave them more money. Just listen to this. Just let me tell you what you did. They keep saying they gave them more money.

When the Liberals came in, they promised to reinvest in transportation, and the new allocation—you should listen carefully, because this is going to be a problem in communities; it is, clear across the province. The new allocation of transportation funds is not equitable. It is hurting parents and hurting children in many of our boards. So the ministry is playing lottery with the school bus transportation funds. Some boards win, and some boards are losing. There is a 6.41% overall increase over two years. Nobody is arguing that, but you have to listen to what the problem is. First of all, that's simply not enough. The Liberals promised to reinvest, not redistribute, and that is what is happening here. That's exactly what happened under the Tories' so-called equalization formula. Mr Speaker, you will remember that.

**Mr Jeff Leal (Peterborough):** It's 16% in Peterborough.

**Ms Churley:** In Peterborough, perhaps, but we're talking about clear across the province.

When the Tories promised to bring in more equitable funding for urban and rural boards, that's what they did. Instead, what we saw under them was an overall decrease. So what's happening is that boards are beginning to cut services—this is happening out there—such as surplus seating and changing the qualifying distance.

I'm going to give you an example that has been brought up, and people should listen to this.

**Mr Brown:** This has not happened.

**Ms Churley:** It is happening. Talk about putting their heads in the sand and not taking them out. It's true. Member for Durham, you would know. Here comes the member from Durham, and he can tell you it's happening. In the Durham District School Board, 600 to 1,000 families have had at least one child being cut out of bus service. Mothers or fathers leave one child in the bus and drive the other in the car behind the same bus. This is happening. It's true. We're not making this up. In fact, I couldn't make this up if I tried. It's crazy, but that's what's happening out there. The previous—

**Mr Brown:** You are making this up.

**Ms Churley:** They're saying that we are making it up. I'll have to have those parents call some Liberal members and tell them themselves. I'm sure they'll be doing that.

The previous transportation funding formula had been in place since 1997. Back then, parents complained that it did not sufficiently fund school boards. As I said, the Liberals promised to change how funds were allocated

for busing. They published the proposed changes in a document called Equitable Allocation Through a New Funding Model for Student Transportation in Ontario. I want to say to you again, the funding is not equitable. Thirty-one boards will have an allocation for 2005-06 that is less than the amount received in the years 2003 and 2004. This is a fact. As a result, more than 30 boards of education will lose funds for buses beginning in 2005-06. So all of the school boards, it's true, will get a 2% increase this year, and for those boards with projected increases, phase-in funds as well—

**Mr Richard Patten (Ottawa Centre):** The formula has been reviewed.

**Ms Churley:** No. You know what, Mr Speaker? I find this shocking. They will be hearing from parents who hear Liberals laughing tonight at their plight as a result of this inequitable formula. I'm sure the member for Durham will tell you stories, because some of it's happening in his riding. It is not wrong. The funding formula has got to be fixed, and they will hear more and more about that.

I want to talk a little bit about graduated licences:

"Currently, the number of passengers permitted in a vehicle driven by a G2 driver is limited to the number of working seat belts.

"A new regulation would restrict the number of passengers that young G2 drivers, aged 19 and under, can carry.

"For the first six months, these drivers could carry one passenger aged 19 and under.

"For the balance of their time in G2, or until the driver turns 20, these drivers could carry up to three passengers aged 19 and under.

"These restrictions would not apply if the G2 driver is accompanied by a fully licensed driver with at least four years driving experience, or if the passengers are family members, regardless of age."

I believe that this is something that I can support. It was the New Democratic government, as I mentioned earlier, who brought in graduated licensing. I believe it's been a success. I believe that we can improve upon it, that the object here is—I assume anyway, from what I've read—to limit how many people, to the extent possible, might be put at risk when a driver is just learning how to drive. I think that is extremely supportable.

In closing here, there are a number of issues in this bill that need to be addressed. Overall, I'm supportive of the bill. I'm concerned about the lack of funding to school boards to allow them to bring in the new safety feature that could become law very soon. I believe that has to be looked at. I believe that we need to go to committee as well, beyond that, and we will be bugging the government to keep their promise and bring in an equalized formula to improve the funding for all school boards across the province in terms of busing. The busing of our children, not just the safety features on the buses themselves, but also the accessibility for children to have a bus when they have to go—what?—five, six, seven

blocks away, in some cases, and sometimes on very dangerous one-way, fast-moving streets.

So that funding formula is absolutely key for the school boards to make it work, but we also want to take a look at some of the other clauses around—I talked about these things—the driver of the car having to take responsibility for breaking the law and not necessarily the owner. So I'm looking forward to this going to committee so we can address these issues.

1640

**The Acting Speaker:** Questions and comments?

**Mr Peter Fonseca (Mississauga East):** I'd like to thank the member from Toronto-Danforth for her comments and for getting behind this bill in principle. This bill is responsible, it's timely, it's proactive and it's working toward making our province safer and healthier.

We've just come through a happy Halloween, and I can say a happy Halloween, when kids aren't hurt out on the streets. Now, this government is taking responsibility and taking control for those who at times have not got an awareness in terms of road safety, and that's our kids. We've got kids walking up and down the streets and crossing the road, and drivers these days, with gridlock, have gotten impatient at times. We have to make sure they continue their ongoing learning, as I do and many of us do, in terms of our road safety.

But there are times when I've seen cars behind school buses get somewhat impatient and dart past the school bus. That causes a big hazard and a huge safety concern for our children, our kids and everybody. That will affect not only the child who may be hurt by that vehicle, but it will affect their families and others in the community.

This is about our platform to build strong and safe communities. The school buses and the safety arm that's been introduced in this bill is the right thing to do. I know the member from Oak Ridges doesn't believe so. He sees it as a tax grab. I don't. I see this as a safety measure, looking after our kids who don't have control over some of those situations.

**Mr Garfield Dunlop (Simcoe North):** I just heard the member opposite talking about how someone thought it was a tax grab. If you want to prove otherwise, maybe you would adopt the private member's bill put forward by the man sitting in the Speaker's chair tonight, which exempts tax on the booster seats. For all these young families who are trying to afford these expensive seats, perhaps that would be a good first step. Show us how sincere you are and eliminate any tax on those booster seats. I think that would be a good gesture on behalf of the government.

But I really want to talk about another tax this afternoon for a couple of minutes, and that's the gas tax. I was insulted today by the member from Guelph-Wellington when she mentioned that I didn't know what I was talking about in my own riding. I want to tell you, I have 11 municipalities, which includes two First Nations, and only two of my municipalities, the city of Orillia and the city of Midland, get any advantage from the gas tax. All of the other municipalities pay into that, pay gas tax, all

the citizens in those municipalities, and not one penny is going into the other nine municipalities. I think that's insulting to rural Ontario. And I found it insulting that the member from Guelph-Wellington knew so little about it. She had to come to this House and try to insult me in a private member's statement, and then we turn around and she's the one who looked foolish on the whole situation, because we're serious about this.

I don't know where you Liberals from rural Ontario are over there and why you're not speaking up on behalf of your rural Ontario municipalities. They pay money into this, all of the residents. Millions of people across Ontario pay the gas tax and do not get one cent back toward roads and bridges. You're putting it all into your special little city areas.

Thank you very much, Speaker. I appreciate this opportunity.

**Mr Wayne Arthurs (Pickering-Ajax-Uxbridge):** I'm pleased to add a couple of minutes of comments, particularly to the member for Toronto-Danforth and her comments. It's interesting. I can almost relate with her experience, particularly a number of years ago in my case, in the late 1960s and early 1970s, with bicycles and kids on the back of them, getting back and forth to university. At that time I was at York University. It was a concrete jungle. I understand they've got trees and flower beds there now and it's a very different place. The same kinds of experiences that she would have had, I was having here with my family, my wife and a young daughter in Toronto.

I'm not quite sure what the member for Simcoe North was referring to, but it certainly wasn't Bill 73. I'd like to take a minute or so to point out some of the types of benefits that will come from this by virtue of what currently happens in Ontario. Road accidents are the leading cause of death and injury to youth in Ontario. If no one can see that the provisions of this bill will help to address the potential for death and injury—I think all members agree that the objective and what's in the bill will help to reduce those death and injury situations.

One in five people killed on Ontario roads are under 19 years of age. Provisions that will assist new drivers to gain appropriate experience such that their cars are not overloaded, particularly late at night, and provisions whereby young children are properly secured in vehicles with parents, grandparents, relatives or caregivers, will certainly enhance the opportunity for young people in Ontario to be able to experience a full and valuable life.

A recent transportation survey found that one-third of school bus drivers sampled observed at least one incident of illegal passing each day. That's one in three bus drivers seeing illegal passing of their vehicles loaded with children on a daily basis. Clearly there have to be initiatives to address those—

**The Acting Speaker:** Order. We have time for one last question or comment.

**Mr John O'Toole (Durham):** I thought it was important that the previous speaker mentioned Durham and the issue surrounding the funding of school buses

equitably across the province. Unlike what Mr Kennedy, the Minister of Education, has said, it really isn't turning out to be as equitable as Ms Churley has outlined. I would only say that, as to the funding model on transportation across my riding of Durham, which would include four different board areas plus the French language panels, there are great disparities in the funding when it applies to the Kawartha Pine Ridge board, and their counterpart coterminous board is getting a minuscule part of the funding. That's creating some important inequities.

I guess the key is that Bill 73, which I'll be speaking to later, is to some extent a compliment to the previous government. If you look to the history of the bill, you'll see that even in Minister Takhar's opening statement on the day, where he recognizes it's to continue the work being done by the then Progressive Conservative government. In that respect, I respect Minister Takhar. As a new minister, he wasn't properly trained to not give the opposition or the previous government any credit. In fact, he would have to look to the record to see that there really was nothing in their election record that they would do anything on road safety, which is a shame.

But in my comments, I think it would be remiss if—I see Mr Hoy is in the chamber. Not to point that out, but I think the work he did on school bus safety, although we fundamentally disagree, respectfully, it's my view and the view of many here that Mr Hoy should be in cabinet. Whether or not he was Minister of Transportation, I think he could have done a very admirable and respectable job in agriculture, although school bus safety has been his one point of light, and for that I thank him. I'll speak to the bill later.

**The Acting Speaker:** The Member for Toronto-Danforth has two minutes to reply.

**Ms Churley:** I want to thank the members for Mississauga East, Simcoe North, Pickering-Ajax-Uxbridge and Durham for their comments. I must say I agree with the member for Simcoe North that a tax exemption for booster seats is a very good idea. I alluded to the fact that we have to make sure that—

*Interjection.*

1650

**Ms Churley:** Is it the Speaker's bill?

**Mr O'Toole:** Yes, it's Mr Arnott's bill.

**Ms Churley:** I think, Mr Speaker, it's an excellent bill, and I think we have to be sure everybody can afford these booster seats.

I found it interesting that, with all of the heckling and yelling at me when I was talking about how, starting next year, some school boards across the province are going to see reductions in the transportation funds, not one Liberal member got up in their two-minute response to me and spoke about that. I want to reiterate what a serious problem this is. If you don't believe me, go look at the document that your own Liberal government put out. Over 30 boards of education are losing funds for buses beginning next year, 2005-06. So, yes, when you say you increased funding by 2% this year, that is correct; you did

do that. But we're not talking about this year. We're talking about your—

**Mr Brown:** Yes, you were.

**Ms Churley:** No, I'm talking about next year. In the discussion paper that they put out, Mr Speaker, the 2% is just for this year. So the issue is not about this year; it's starting next year and into the years to come.

**Mr Patten:** It's being reviewed.

**Ms Churley:** So now they're admitting that. They are now saying it is being reviewed. Well, I would put a stop to it right away. This is going to come into being about the same time, probably, as this new bill is being implemented. This is a big problem, and I wish the Liberal members would start paying attention to it.

**The Acting Speaker:** Further debate on Bill 73?

**Mr Lou Rinaldi (Northumberland):** It's a pleasure to rise in the House to speak about Bill 73. I guess what Bill 73 really means in an overall context—at least to me, and I'm sure to the rest of the House—is that it's about kids, it's about the youth and it's about health and safety. And when we talk about the youth and the kids of our society and how we best protect them, what we're really talking about is the future, because that's really, really important.

Let's tackle the part about booster seats. What we're saying is that we know, as parents and as experts and as grandparents, that with some of the guidelines we had before for booster seats, some kids literally fell between the cracks. So we want to make sure that for those kids who are not of an adequate weight, adequate height and adequate age, we're here to protect them.

I can tell you that over 30 years ago, when my kids were born and were very young, I remember going on trips, and when you have more than one, two or three, my wife or whoever was in the car trying to juggle and look after those kids. If I reflect on it today, it's scary; it really is scary. I mean, we weren't sure where—well, we just did it. But I guess I would say that at least in my case we were fortunate that accidents didn't happen.

I look at my grandkids—I'm fortunate to have six of them now—and how well regimented they are, that they have to have booster seats to protect them. You know, there is no question about it whatsoever that they like to get in the seat. It certainly takes some of the burden off, for example, if you are by yourself in the car, which many times happens, worrying about looking after that child, whether it is your own child or, in my case, in most cases, grandkids. And we certainly enjoy having our grandkids with us.

We heard the concerns about when grandparents, in an emergency, have to pick up kids from school or from the babysitter. I tell you, we don't have extra seats in my car, and I do have six grandkids. Four of them live very close to us, so my wife, I must say, does a lot of babysitting. We absolutely have no problem. It is part of our duty to make sure we have a seat if we have to look after one of our grandkids. I think it's the least we can do. So I have absolutely no reservations moving ahead with this piece of legislation that takes away the risk of those kids being injured.

I think we need to talk about the fact that it's not particularly because of this government's brainstorming that we do this. We need to look at what experts are telling us, what surveys are telling us. They're telling us that in 2002, 85% of kids between the ages of four and eight were susceptible to higher injuries.

If this bill passes, which I'm sure it will, I think the House as a whole should support this. We're going to provide ample education to parents or child care givers by giving one year of lead time so that they know they have to be prepared for this change. I certainly would encourage people not to wait for the year and hope they recognize how important this piece of legislation is. I'm sure a lot of them will even take the opportunity to implement it into their own cases.

The other thing is that by giving that year of lead time to people who need it, that will give them the opportunity to look out for the best possible bargains for the seats that meet the requirements and for the differing makes and models to best suit their needs. We're not talking about high expenditures. I know that whenever we spend money, it costs money and it is an expense. But when we look at how, for somewhere in the neighbourhood of \$30, or maybe a little better, they could get one of these seats in their cars, look at what the end result might be. We could be saving a child's life. I tell you, for the life of me, that's a really cheap investment to save a child's life, or even the potential to save a child's life or save a child from injury. We're not necessarily talking about life, but in many cases it is injury.

I can relate from experience. I believe it was two, three years ago that my daughter, with her two kids, Jordan and Allison, were involved in an accident on the 401 where their van rolled over. My daughter was driving. That was on the 401, in my riding—it was an accident, through nobody's fault; it happened. Both of my grandkids are safe—not even a scratch. They were both in their car seats. So I can attest to the fact that they do work.

Once again, this is not just legislation in Ontario. I think we're talking about North America; we should be talking worldwide. There are already similar laws in the province of Quebec and some 22 states, and other provinces across Canada are considering similar legislation. I could not reinforce the fact enough that we need to move forward on this and get the job done.

I want to take the couple of minutes, maybe, that I have left to talk about school bus safety, the mandatory crossing arms that we want to put in place for January 1, 2005, that every new school bus will have. In a neighbouring riding of mine, Prince Edward-Hastings, a few years back there was one of those fatalities where, if we'd had a crossing arm, I'm sure the child wouldn't have been killed. I'll tell you how much it means to those people in that community: The mother of that child, who was here in the Legislature a few weeks ago, started a campaign where they're raising money to retrofit existing school buses. I know of other groups that are doing similar things. They are even a step ahead of our govern-

ment. It is very crucial that this legislation goes through because once again it's to protect the vulnerability of those young kids. Their minds are not necessarily on the fact that they have to cross the road, and it happens; that's when we have accidents.

The other important part of school bus safety that I would like to spend some time on is the fact of passing school buses when their lights are flashing. I must say that sometimes it is tempting. You see a bus slow down and you want to race and go by it. I know that there are a lot of people who don't reflect on the impact that might have and what it will cost. The fact that school bus drivers have very little time because of the issue of their looking after the kids in the bus, that they have to identify the driver—I mean, how can you? Even if you wanted to and you had no kids on the bus, it would be very difficult because of the elevation and your line of sight. So I think, just by identifying the licence plate, it's a step in the right direction.

**1700**

We hear, "Well, maybe it is not their car." I believe that as citizens of this province and this country, we need to take some responsibility. If I loan my car to a friend or to a family member, I believe that I have to accept some responsibility for their actions when they're driving the vehicle.

That's a poor argument, when they say, "Maybe it's not the owner, and they're going to be penalized." We talk about a \$2,000 fine. It does sound like a lot of money, but when we look at the potential of half a dozen kids or maybe more getting out of the bus and crossing that road, how can you put a price tag on those things? Maybe it should be more, Mr Speaker.

In wrapping up in a short time—I know that I could talk at length on this—I believe when we're talking about the safety of kids, about education, when we talk about kids in general, that is our future. We should do everything under our power to make sure that we give these kids the best education and protect them to the best of our ability while they are young, because at the end of the day it is those young kids who are going to look after us as we move on in age.

I'm prepared to support this bill right through to the end. Hopefully, we can get it implemented as soon as we can.

**The Acting Speaker:** Questions and comments?

**Mr Wilson:** All afternoon the Liberal members have refused to talk about a provision in this act that allows photo radar and mentions photo radar, in both the French and English versions of the act. I have a sneaking suspicion that they are using this child safety act as a means to at least give some authority to the government to reintroduce photo radar in the province.

The Premier hasn't ruled it out. He told the Hamilton Spectator on August 12, "Some municipalities are proposing that we have a return to photo radar," and he's not ruling it out. Mr Takhar at one point ruled it out, and then he isn't ruling it out. The Minister of Transportation says, "We are considering all sorts of options to improve

public safety,” although he says “there are no immediate plans to implement photo radar.” He said that on January 16.

I didn't like photo radar. I don't like photo radar. It felt like Big Brother driving down the roads, staring at you, staring over your shoulder. We already have very little freedom in our free and democratic society, and that's just Liberal social engineering, and before that, the NDP. Social engineering: That's what they do when they get their hands on the reins of power in this province, and it's a disgrace. And it's a cash cow, and it's for rich people. I mean, imagine the NDP bringing in photo radar, which allows rich people to speed and punishes poor people and doesn't do anything about the behaviour of the driver of the vehicle, because there are no demerit points issued.

I think that there is more to this bill, and I sure hope that it's sent to committee so we can have a full airing. If the government is right, we'll figure that out in committee. Right now, I have my suspicions.

**Mr Howard Hampton (Kenora-Rainy River):** I listened to the comments of the member for Northumberland. I know that government backbenchers are under great pressure from the minister's office to say nice things about the bill and to always speak only about the positive aspects of the bill. What I'm hoping the member for Northumberland will do in his two minutes when he's allowed to comment in response is to tell us why there are so many boards of education that are actually losing transportation funding, and how those boards of education will be able to pay for some of the changes to school board busing when, in fact, they are going to have less money.

If I may, we're already seeing that this is an old Conservative trick that is now becoming a Liberal trick. You announce changes with much flourish and then you fail to point out or you neglect to point out that school boards are going to be on their own in terms of paying for the implementation of these things, when we know that school boards are already hard-pressed. Many of them are being forced to close schools, to close classrooms. They're still being forced to reduce some of their program. In Thunder Bay, where they do a lot of busing, they're looking at closing 19 schools, most of them rural schools. So I hope the member for Northumberland, when he has a chance, will explain why it is that so many boards of education are losing school busing funding and how they're going to pay for these changes.

**Mr Racco:** I'm pleased to speak in favour of Bill 73. Bill 73 partially speaks about booster seats, which are mandatory, and that there is a potential penalty of two demerit points if you and I are caught without them. I believe it's the right thing to do. I believe this is something that should have been done many years ago. As a parent who has children of the age that qualifies, a six-year-old and a four-year-old, I believe there is nothing better that we can ask than to mandate that I and everybody else who drives kids have the booster seats in

our cars to make sure that the safety of our children is maximized. There's nothing better that a parent can ask than to make sure that his or her children are safe, as much as possible. This bill will achieve that, and therefore I think we all should be supporting it.

To suggest that the extra cost is not affordable is nonsense. If we cannot afford to put a booster seat in our car to make the lives of our kids safer, then it just doesn't make sense. The most important thing that a parent should do is to take care of his children, in my opinion, and there is no question in my mind that the taxpayers or the residents of Thornhill and Concord in my riding will be very pleased with such a bill and they will be supportive of it. They are not going to look for excuses, which both the NDP and the PCs are coming up with. The most important thing is that we do what's right for our children, and this bill will do that.

**The Acting Speaker:** Further questions and comments? The member for Durham.

**Mr O'Toole:** I'm pleased to be recognized, because I did want to put on the record that much has been said on Bill 73 and on the booster seat issue, and it is sort of motherhood. There is no one in this chamber that I can identify who would be opposed to making our children's lives safer. And as a parent and grandparent, I can tell you that I, for one, agree that that's a part of the bill that I support.

Now, I do want to put on the record very clearly that Bill 77 was introduced by the member from Waterloo-Wellington on May 6. It was a couple of days after Minister Takhar introduced Bill 73. It was a reasonable attempt to address the idea of affordability, and I think that compassionate members like Mr Levac and others may decide to accommodate the affordability discussion. You know, we had five children, and possibly it would have meant buying a larger vehicle, with the booster seats and proper belts etc, to transport all of the children. This applies to children up to nine, almost from birth. So Mr Arnott's bill goes a long way to stretch the olive branch out to the government to show that they are not just doing the right thing, they are helping people to conform with the law.

I will be speaking on the bill at some time, probably after everyone here has gone home. I'll be speaking last for the opposition side. But I think there is a checklist here that needs to be brought to the attention of the viewer today. If you're in any way involved with the supervision of children or in the daycare or delivery or transportation arrangements in your community, you've got to be put on notice that hereafter you're going to have to have a child's seat or a booster seat appropriate as in regulation to the weight and size and age of the child. You'd almost have to have a little manual to implement this, but there is a checklist. I'd encourage you to follow up on the bill because it's one of enforcement that creates the problem.

1710

**The Acting Speaker:** The member for Northumberland has two minutes to reply.

**Mr Rinaldi:** I want to thank the members from Simcoe-Grey, Kenora-Rainy River, Thornhill and Durham for their comments. I guess I'm somewhat baffled by some of their comments, or lack of comments. After a few days, the two parties in opposition were chastised by the local media for not wanting to debate, and now they've come to their senses and they want to debate, but they tend to go way off track about what we're talking about.

The member from Simcoe-Grey wants to talk about his rich friends and photo radar. It just blows me away.

My friend from Kenora-Rainy River wants to talk about school bus funding. Well, I've met with my two school boards. Yes, there are challenges, there is never enough, but it's the first increase the school bus drivers got in a long time. I also met with the school bus operators, my friend Jeff Leal and I, prior to our budget, and I'll tell you, those bus drivers or owners are a lot happier today. But, once again, they want to go off base.

I thought the member from Toronto-Danforth, who spoke before, was fairly supportive of our bill. I did touch on a lot of those highlights in the 10 minutes that I was allotted to speak before. We need to stick to the crux of the bill. Yes, if there is tweaking needed, I think we're prepared to tweak it as the government, but it is very important that we get this legislation through because, as the clock ticks, we're not being responsible to look after what we have identified as something we need to be responsible for. As legislators in this province of Ontario, we owe it to the parents, the grandparents and, most of all, to those kids to make sure they get the best protection possible.

**The Acting Speaker:** Further debate on Bill 73?

**Mr O'Toole:** It's a pleasure to have a small bit of time allocated to speak to this important amendment to the Highway Traffic Act, and I also want to pay some respect to comments made earlier by the opposition, specifically the member from Whitby-Ajax who, in practising law, is very much aware of the issue of child safety and liability, as he did practise in that area. He did—and I listened to his comments very carefully—make very technical reference, which many members here have avoided addressing in their responses, and I would not attempt to address it, except it is worth referring to clause (6) of the bill, which the member from Simcoe-Grey referenced very briefly.

He said that this is the game of the Liberal government. For much of what the bill contains, there would be unanimous agreement with implementing those safety measures for children and for novice drivers. There could be some debate about the implementation of the regulations. I'm sure that there will be consultations with school bus operators and such. But what is injected in here is the stealth mode that the Liberals operated in. They have actually injected in here an opportunity to reinstate something that's quite controversial: photo radar. In fact, the way they introduced it was rather complicated itself, because Minister Takhar, in one press release and scrum, did indicate that it was being dis-

cussed, and then quickly, when the Premier contradicted him, that very day, he retreated. Then the next day, they must have done a poll overnight and found that perhaps there was some traction from the lower-tier municipalities which, under the Provincial Offences Act, get the revenue under the new municipal-provincial relationships that we set in place.

The argument then becomes that it's a cash cow issue. Now, we did, under some pressure from working with the city of Toronto primarily, implement a pilot strategy to implement the red-light-running issue, the cameras at dangerous intersections, and it indicated that there was some evidence of reduced incidents at the intersections and so it was our intention to move forward, under the mandate of our government, to regulate it provincially. But it appears to me that this is the stealth method, and they're actually going to, under clause (6), allow municipalities to implement photo radar.

I, for one, have said that the province has a role to be straightforward, clear, accountable and honest with the people of Ontario and say what their intentions are. If you look to the Liberal election platform, they ducked those kinds of issues. There wasn't a single thing on highway traffic safety, and this bill comes up.

In complimenting, I always look to history, as one tends to learn something from that. If I look to the history on the improvements that are proposed under Bill 73—I'm going to give you a small bit of history here. The members should know—I'm asking for their attention here—that the child booster seats were in a bill introduced by the PC government. I believe Frank Klees was the Minister of Transportation. It actually died on the order paper prior to the election. So Minister Takhar's respect for Mr Klees is clearly evident here. He's lifting that prior legislation that died on the order paper from when the Conservative caucus was the government, and it is now enshrined in this bill. So there's a section there that you'll probably find support for—not in the detailed rigours of the number of centimetres and the weight of the child, because there isn't a one-size-fits-all by weight or by age. Mr Speaker, as a parent as well, you would know.

But I do think that, respectfully, the member from Waterloo-Wellington, in his private member's bill, Bill 77, extended the opportunity for the government to do the right thing, and for young working families or caregivers to make the transition for the purchase of the first seat or something like that. Just listen to what the people of Ontario say. It's a prohibitively expensive first-time thing. A good way to implement it, to get these seat things into the marketplace safe and to meet the standards, would be to rebate their retail sales tax. I think that's a small gesture in terms of government expense or lost revenue. That would be something that I would encourage you to do. We will see, when we go to committee, just how receptive you are to any sort of amendment.

My experience to date has been such that we moved in Bill 100—the Minister of Energy, Mr Dwight Duncan's

bill that's going to affect every home and every family in Ontario, that's going to raise the cost of electricity—simple amendments that would have called for public hearings on any rate increases. Every one of our amendments for the people of Ontario was defeated, turned down by the majority of the Liberal members; in fact, unanimously, they were whipped to defeat. So I lack confidence in their ability to listen, Mr Speaker, to your bill or to any amendments that the government may bring forward. They may want to separate parts of the bill because, as I've said on the record, the history is that Mr Klees brought in this legislation.

There's some discussion here—and I want to make this very clear—on Mr Hoy's bill dealing with school bus safety and the idea of drivers passing the school bus when that arm is down and the lights are flashing. That's completely unacceptable road behaviour by drivers. The issue here is drivers, and it's been an issue for more than a decade, if not longer than that. The issue here is that if my neighbour borrowed my car and, mistakenly, while rushing their child to the hospital or something, passed, they would be ticketed. The bus driver would write down their licence number—this is how it would actually work—and forward it to the police and I would get the ticket.

It's important to put this on the record. We implemented a \$2,000 fine for failing to stop at a signalized school bus. Our government implemented that change to the Highway Traffic Act in the attempt to both educate the drivers and put very restrictive penalties on the failure to comply with the law. It's in everyone's interest that we obey the Highway Traffic Act, and there shouldn't be exemptions. But they're moving the liability from the driver to the owner of the vehicle, whether it's one of your children doing these things or not. What if there's a case of a resentful school bus operator—and I dare not suggest anyone would do this—but where they, on their routine routes, are going through the same neighbourhood and they're just frustrated that this one car is always jockeying with them to get to the light or the intersection so they don't get trapped behind the school bus? What if they just get resentful and send in my licence plate number to the police? I get the ticket and I actually haven't violated—I have been charged and found guilty without my day in court. So there needs to be some implementation, or at least discussion on implementation, not failing to recognize the importance of compliance with the law.

1720

The idea of a person who has not paid a fine, on getting their licence renewed, being required to complete the payment of their fine before they get their licence—I have no problem with that.

The implementation of the G2 licence: The intent here is the graduated licence to restrict the number of passengers in a vehicle for someone who has a G2 licence. This means that a teenager with a licence, in the first six months, would only have one person in the vehicle under 20 years of age. Six months later they would allow two, and then six months later they are allowed up to three

passengers, I think it is, under the age of 20 in the car. And then the exemption is that members of the family under the age would be allowed. Can you imagine the red tape in enforcement? I think these kinds of amendments are just red tape and regulations. They really aren't, that I can see in a clear, enforceable way, improving the Highway Traffic Act.

But much of this I support. Much of this is the stealthy game of slipping in the photo radar issue here and also transferring the liability from the operator of a motor vehicle to the owner of a motor vehicle. This is social engineering of the worst kind that's attributed often to the Liberal government of trying to run everybody's life: what size of seat belts you have to have, what kind of booster seats you have to have. Every parent should be educated. That should be the first phase. Making it mandatory some time in the future is the way I would implement this important change. But, for the most part, I think the bill should go to committee, and at that point further amendments and refinements will be made. I think you'll find the opposition in conformance with much of the act.

**The Acting Speaker:** Questions and comments?

**Mr Hampton:** Once again, I've listened intently to the speech made by my colleague in the Conservative Party. I want to say that, again, the issue raised of whether or not this is a backdoor, by-stealth reintroduction of photo radar is something that should go to the legislative committee and be looked at with greater detail. Hopefully, at committee we'll be able to call forward some legislative counsel, and also some of those folks who may have worked on the photo radar project in the past, and we'll at least be able to give greater certainty to the people of Ontario of what is, in fact, in the bill and what impact it will have. So I support the member's insistence that the bill go to committee.

To repeat what I said earlier, the government has put a lot of promotional effort into this bill. The government, I think it's fair to say, has tried to say to the people of Ontario that this will somehow be the be-all and end-all of transportation safety in terms of buses and car seats and some of the other measures. So I think at committee we'll be able to see if this legislation meets the test. Of course, that committee will also be able to ask some of the questions as to why some of the school boards that will be charged with implementing this legislation are losing substantial amounts of their transportation budget, the budget which would actually be used to pay for school bus improvements and the updating of school buses.

**Mrs Carol Mitchell (Huron-Bruce):** It is my pleasure to rise today and speak in favour of Bill 73. In the McGuinty government, we are taking action to protect young Ontarians. A recent Transport Canada survey found that one third of school bus drivers sampled observed at least one incident of illegal passing each day. Of all the sampling that was done with the bus drivers, that's how many of our children in Ontario are put at risk each day.

So it's with pleasure that I rise today to support Bill 73. This will begin to further ensure the safety of our children. It is a very comprehensive three-pronged approach, and I want to speak to the three prongs right off the bat. They are the booster seats, the school bus safety, and then the graduated licences.

**Booster seats:** When my children were small was when they first came in. They can be quite difficult and cumbersome, but they really do save lives, and they are very important, not only for the children's safety but the parent's safety as well. When you know they are in a contained unit and you know they are safe, you can then focus on your driving.

**School bus safety:** We cannot do enough to ensure our children are safe going to receive their education on a daily basis. To me, what is recommended simply makes sense. I've seen it working in many jurisdictions and it certainly has been proven.

**The graduated licences:** Being the mother of teenagers, I know how, with the very best intentions, things can go awry when there are more in the car.

Certainly Bill 73 speaks to those concerns and will address them.

**Mr Wilson:** As I've said this afternoon and in debate last week on this bill, I'm somewhat suspicious why photo radar is in this bill. My honourable colleague Mr O'Toole did an excellent job of pointing out the section in the bill. I wish the government would actually admit what they're up to in this area. So I hope the bill goes to committee.

I would like to say, on the issue of transportation, that I have not heard back from the government, and I have raised at least a dozen times each of the following issues.

Highway 26 seems to be cancelled in my riding. It's a road going to nowhere. The mayor of Collingwood got a letter this week from the Minister of Transportation, Mr Takhar, and it says the reason the highway is stalled is, "We're working on further design and property acquisition." Well, that simply is a real bend, given that the property acquisition is done, and surely to God the bureaucrats and engineers at the Ministry of Transportation who started this highway two years ago wouldn't halfway through the project be trying to figure out the design. So I don't think we're quite getting the full story from the government. There are other words for it, but the fact of the matter is that the design is completed, the open houses were held three or four years ago, and the highway is about half done. It's just a small piece of road, and it's about safety, it's not about politics.

Secondly, the traffic lights that are needed in front of the Nottawasaga Inn and Green Briar: I don't know how many times I have to bring it up. They must think it's a joke. Two people were killed there last year. Their crosses are on the guard rails and the flowers seem to be renewed every week when I drive by. So two loving people who worked at the Nottawasaga Inn were killed, and I get the brush-off from the government on this issue. Folks, do you never want to have a hope in Simcoe-Grey of ever appointing a Liberal member? Keep this up, and you never, ever will.

**The Acting Speaker:** The member for Durham has two minutes to reply.

**Mr O'Toole:** It's a pleasure to acknowledge the member from Kenora-Rainy River, as well as the members from Huron-Bruce and Simcoe-Grey, the more recent speaker.

I want to say that the leader of the NDP is quite correct in making sure this goes to committee. If the House can function properly and there could be acquiescence on behalf of the government to pull certain sections of the bill, you would have unanimous agreement. That's the way government works effectively. We'll just see. It's a matter of leadership and confidence, I put to you, as to whether or not this bill passes in time to keep our roads safe.

1730

In the limited time, I want to put on the record that for me the personal application of this stands before me. A month from today, my daughter Rebecca and her husband, David Lohse, are coming to Canada from Australia. They are also bringing with them our two grandchildren, Meghan and Daniel. They're both under two years of age. In fact, one is only about six months old. I'm concerned about having the proper safety seat as well. I put to you that all parents or grandparents have the same concerns.

This is not unique. If you look at the history, this was on the legislative order paper when the election was called, so it's not something that we disagree on, but it applies to each of us as parents or grandparents or caregivers. I think of it in a personal way. I wanted to put it on the record because I look forward to them as a family joining us for Christmas and look forward to buying two seats. I'm also looking forward to your support on Bill 77, which would give me a provincial sales tax rebate, thanks to Mr Arnott.

We can work together. We can help you to run this province properly for the next three years, because in four years we intend to be back on that side. We'll do things by listening and working to make Ontario a better place to live, work and raise your family.

It's been a pleasure to be part of this debate. I look forward to working with you in committee.

**The Acting Speaker:** Further debate on Bill 73?

**Mr Hampton:** I'm pleased to take part in this debate, because there are a few questions I want to raise. Let me move through some of the issues fairly quickly; first of all, the issue of forward-facing booster seats and that this will now require some older children who are not infants to have forward-facing booster seats. I think most of us would be in favour of this. I think we need to talk and ask some questions in committee about how this will be facilitated in all cases.

Second is the issue of graduated licences and how this will work out. Again, there are some nuances here that will have to be looked at carefully in committee, and some questions will have to be answered, but I think most of us are fairly well convinced that graduated licensing has had a positive effect in terms of new drivers

and providing new drivers with the support to become better drivers.

I don't have a lot of questions or issues with those, but where I do have some questions is with respect to school bus safety. Let me say that I believe most people across Ontario want to ensure that our children, should they be transported in school buses, will be as safe as possible and that all aspects of their safety while they're in a school bus are being looked after.

The government has proposed that there be some physical changes made to school buses. One would be that all new school buses will include a safety crossing arm to prevent children from walking into the bus driver's blind spot at the front of the bus when they're crossing streets. I don't think most of us have any trouble with that. All school buses will have decals indicating a maximum \$2,000 fine for passing a stopped school bus. I don't think we have any trouble with that.

But these are actual physical changes to buses. In some cases, boards of education will have to make arrangements for new buses. It simply wouldn't make sense to take an older bus and make these physical changes; it wouldn't be a good investment. But if you're going to go out and buy new buses or you're going to lease new buses or you're going to purchase the services of new buses, that's a fairly expensive undertaking, and that leads me to the next issue. It's one thing to propose some additions to child safety in school buses; it's another thing to pay for them. If the government's going to propose these changes, you would think it would ensure that there is money, there's a budget so that school boards, wherever they may be located across the province, will be able to pay for them.

There's where the problem is, and the problem is that if you look at the funding, the so-called transportation allocations for school busing, you'll find that there are a number of school boards across this province whose allocations for school bus arrangements are being cut. In fact, there are more than 30 boards of education that will actually lose funds for busing and for the purchase of school bus services beginning in 2005-06.

What this reminds me of is that under the former Conservative government we saw them download responsibility for ambulances. The downloading of ambulances was supposed to be cost-neutral; that is, the municipalities and municipal bodies that picked up ambulances were not supposed to be hit with cost increases. In fact, they've been hit with major cost increases. In my constituency, the Kenora District Service Board has been hit just in the last few weeks with a \$1-million increase in costs. Municipalities are literally staggering, trying to figure out how they are going to pay for this million-dollar increase in costs. Everywhere you go, municipalities are being hit with these cost increases.

I look at what the McGuinty government is proposing here. They want to boast to the public, "We're going to do something to improve school bus safety," but there are 30 boards of education that are actually losing in terms of their school bus allocation. They're probably wondering,

"How are we going to pay for this? How are we going to do this?" This is an important question. I want to actually go through some of the boards that are losing substantial amounts of money for busing.

Let's take, for example, the Thames Valley District School Board, which will lose \$2 million of their allocation for school busing; or how about the Durham District School Board, which will lose \$3.5 million; or the Hamilton-Wentworth District School Board, which will lose \$1.5 million; or the District School Board of Niagara, which will lose \$2 million; or the Ottawa-Carleton District School Board, which will lose \$1 million; or the Northeastern Catholic District School Board, which will lose \$1 million; or the Thunder Bay Catholic District School Board, which will lose \$2 million; or the York Catholic District School Board, which will lose \$2.5 million; or the Durham Catholic District School Board, which will lose \$1.5 million; or the Halton Catholic District School Board, which will lose \$1 million; or the Waterloo Catholic District School Board, which will lose \$2 million; or the Ottawa-Carleton Catholic District School Board, which will lose \$10 million of their school busing allocation; or the Conseil scolaire de district du Centre-Sud-Ouest, which will lose \$1.5 million; or the Conseil scolaire de district catholique Centre-Sud, which will lose \$1 million?

This is a very germane question. The McGuinty government is saying, "We're going to improve school bus safety," but at the same time the devil is in the detail. You have all these school boards actually losing money. Their money for school board allocation is going to be cut, not just flatlined, by \$1 million, \$2 million and in some cases \$10 million. How are they going to pay for new school buses with these additions to the school bus, or how are they going to pay for physical changes to the school buses they have now, when their actual budget is being cut?

I just want to review some of the background of this. During the election, the McGuinty government promised to reinvest in school bus transportation. They didn't promise to take from some and give to others; they promised to reinvest. But what is actually happening here, as I say, is that more than 30 boards will lose funding. The McGuinty government is actually playing lottery with school bus transportation funds. In this case they'll be playing lottery with school bus safety for over 30 boards of education, and they say, "Oh, well, on the overall, there's going to be a slight increase in funding for school board busing." In the overall, more than 30 boards are going to lose, and lose substantially. This is the same shell game that the Conservatives used to play. They'd make a big announcement and then, when you saw the details, you saw there was no new money; the money was actually coming from other boards of education or from other municipalities, whatever the case may be. That's exactly what's happening here.

**1740**

What's the result? Even before these proposed changes are being implemented, you actually have boards

of education cutting school busing. For example, the Durham District School Board is cutting school busing. They're saying to literally hundreds of kids: "Yes, you used to ride the school bus before. Now you're not going to ride the school bus. Your parents will have to make other arrangements to get you to school." If they're already cutting school busing, how is the Durham District School Board going to pay for what is obviously going to cost more in terms of the physical changes that will have to be made to buses?

This is a big reason why this bill should go to committee. This is a big reason why this bill should be looked at very carefully in committee, because it seems to me that once again the McGuinty government is promising something up here but is going to deliver something down there. And school boards will be put in the position of having to wrestle with the big difference between the promise made and the meagre delivery. So I think this should go to committee.

Having said what I want to say, what I need to say about this bill, I am actually going to cede my remaining time and ask the government, why don't you put this bill to a vote now?

**The Acting Speaker:** You don't have any remaining time, but there are questions and comments.

**Mr Lalonde:** Bill 73 has three parts: children's car seats and booster seats, graduated licences for young drivers and school bus safety. Let me tell you that, yes, we are for the safety of our kids. At the present time, what we are proposing is mandatory safety crossing arms on all new buses manufactured after January 1, 2005. At the present time, 50% of school buses already have this safety crossing arm, and this will add only 1% of the total cost to the manufacturer to build those buses.

But let me tell you also that a safety crossing arm prevents children from walking into the blind spot when they are crossing in front of the bus. We also have to protect our drivers. Most Canadian jurisdictions have already adopted those standards.

I also have some good comments and reaction here from stakeholders, and I'm going to read a few. Valerie Lee, Infant and Toddler Safety Association: "Motor vehicle crashes are the number one cause of death for young children. So we really need to be doing this." This is a clip from CFTO News of May 3 past.

I have another one from Jack Smith, Canada Safety Council: "We believe it'll make the roads safer for Canada's children, but particularly Ontario children, and we're hoping other provinces hopefully will follow suit." That is from CFTO News of May 3, 2004.

**Mr Barrett:** The member for Kenora-Rainy River raised a good question on one aspect of this legislation, which does include a number of disparate sections. The question is, how do we pay for this? Both the member for Kenora-Rainy River and the previous speaker, the member for Durham, raised the issue and the call for further discussion on the implementation of this legislation.

My issue with the mandatory booster seats for children under the age of eight—we know the weight limits and

the height limits. We know why this is being put forward—it's all about safety—and I don't think we question that at all. This is one reason that we put this forward two years ago to our Minister of Transportation at the time, Norm Sterling. There was an election held within the last two years. At that time, and that would be back in December 2002, the Hospital for Sick Children, through Dr Andrew Howard, indicated: "If the use of booster seats becomes as common as seat belts for adults and car seats for younger children, we will remove a major cause of injury, disability and death." We don't argue with that at all; my concern is, how do we get there from here? Do we rely solely on legislation? Do we rely solely on increased police inspections? Do we rely solely on negative sanctions, hitting drivers with demerit points and, of course, the attendant threat of losing one's license and losing one's insurance? Is that the way to go?

**Ms Churley:** I'm pleased to respond to the comments made by the leader of the Ontario New Democratic Party, Howard Hampton.

*Applause.*

**Ms Churley:** Thank you, thank you. I think he actually, although he went a little past his time, called for a vote here because we really do think this is an important bill and we're pleased that the government finally brought it forward for us to debate today. As he said, and as I and some of our other members pointed out earlier today, we want this to go to committee. I believe that the government is favourable to that position. We are anxious to get on with it. There are some very important aspects to this bill in terms of child safety that I think we all support.

*Interjection.*

**Ms Churley:** We called for the vote. Are you the whip today?

**Hon Mr Caplan:** No.

**Ms Churley:** Oh good, you're safe. There is the whip. We support this bill in principle, but as has been pointed out by the member for Rainy River, we have some concerns. I want to come back again to one of our major concerns—I don't think committee is going to resolve this one—and that is the funding for the school boards so when they have to add on these new features stemming from the passing of this bill they will have the resources to be able to do it. Then there's the transportation funds for communities across the province. Yes, they got their 2% increase this year—that's the only thing the government is talking about. But the fact remains—and the Leader of New Democratic Party in fact pulled the form and talked about some of the communities, where it says very distinctly that some of those communities are going to be cut and some are going to do very well. I do not think that the people of Ontario want to see that kind of divide-and-conquer politics again here in Ontario.

**Mr Dave Levac (Brant):** I just wanted to be on the record to make sure that everyone doesn't get lost in the political comments that are being made about the child safety issues, and to make sure that we have on record

the people outside of this House who are actually supporting the type of legislation we're proposing. Let's take a look at the long list of people who support the type of actions that this government is contemplating. They include just some of the Infant and Toddler Safety Association, the Insurance Bureau of Canada, the Canada Safety Council, the Ontario Medical Association, the OPP, St John's Ambulance, the Hospital for Sick Children, the Toronto Police Service, the Ontario Public Health Association, the Ontario Association of Chiefs of Police, Smart Risk, the Ontario Safety League, and there are more lining up to say that this is the right thing to do. I haven't heard anyone say that they are not in favour of this type of policy that we're presenting, and the type of legislation.

What I want to make sure, though, is that people are starting to talk about different views and visions of how we want to implement the safety of our children. There are a lot of people on the other side who started talking about the legalese, getting hung up on that legal stuff out there instead of saying the real simple thing. You know what? If you make me choose between what you think the civil libertarians are talking about and the life and death of a child, I choose keeping the child alive. I want to tell you right now, we better not get caught up in the game of saying "too many laws." If one law like this can get passed to save one child's life, I'll take it.

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I want to ask, and challenge, everybody on the other side who is talking in those types of tones to tell us that you are in favour of having a law that saves our children, and remove the "but," because what is going to happen is that you're going to get hung up—and yes, this will get to committee. It will get to committee, and we'll have those debates.

**The Acting Speaker:** The member for Kenora-Rainy River has two minutes to reply.

**Mr Hampton:** I appreciate the comments that were made. I just say to the government whip that I invite you to use the remaining time we have this afternoon to put this bill to a vote. We've said we want it to go to committee. We think it should go to committee.

We think that committee will allow us to do a further examination. It will especially allow us to examine why some of these school boards are losing so much of their school busing money, which I think is a relevant and germane issue if you're asking them to make improvements in terms of either new buses or physical additions to the buses.

I cede my remaining time and say to the government, stop filibustering your own bill. Put it to a vote.

**The Acting Speaker:** Further debate on Bill 73?

**Mr Leal:** It is a delight for me to have an opportunity to say a few words about Bill 73. It is appropriately titled An Act to enhance the safety of children and youth on Ontario's roads.

Talking about a young person, I just want to share with members of the assembly today that it is my daughter's birthday. My daughter is five years old today,

and I know Shunae will appreciate that everybody in the House knows that it's her birthday. She's in SK at St Anne's school in Peterborough and she's in French immersion, a great opportunity that she has there.

And having a son, Braden, who is six, I can certainly appreciate what we want to do in this bill: to make booster seats mandatory for preschool and primary-grade-age children weighing between 18 and 36 kilograms, with a standing height of less than 145 centimetres or a maximum age of eight years. This offers much better protection for children too big for child car seats and too small for safety belts.

I would have thought that with this bill, Bill 73, indeed there would be unanimity in this Legislature to support a bill that will enhance children's safety in Ontario. When you look at the statistics provided by Transport Canada, it says, "Correctly used child car seats reduce risk of injury and death by 75%." Now, who among us in this Legislature wouldn't support a bill that's targeted to reduce child injury and possibly death?

**Ms Churley:** Who's opposing it?

**Mr Leal:** I hear my friends opposite here, whom I have great respect for, but I would have thought they would come together on this particular piece of legislation.

**Ms Churley:** We did. Haven't you been listening?

**Mr Leal:** I just want to review a few things here. It says, from Montreal, May 31, "A new national report unveiled today by Safe Kids Canada"—a very reputable organization—"shows that only 28% of Canadian families use booster seats for their four- to nine-year-old children, the recommended age for this safety device. The report also shows the reasons for this: More than three quarters (84%) of parents mistakenly believe their children are too big or too old for booster seats, or that the safety device is unnecessary. In fact, more than half (53%) of parents believe that children can safely be restrained in seat belts by age six."

We do have a great task out there to educate many in the province of Ontario, and in providing this piece of legislation, we're providing a framework for children's safety to drive the point home that these young children are our future, our leaders of tomorrow. I think we have to look out for them, to make sure that when they are in cars, in these vehicles, they have the proper restraints to keep them safe at all times.

I'm quoting again from Safe Kids Canada, which found that "serious injuries from motor vehicle crashes have been steadily declining since the 1980s, but primarily among children younger than five and older than nine. In stark contrast, the number of hospitalizations for children age five to nine has not dropped even half as much and the number of deaths has not dropped at all. The details:

"Between 1997 and 2001, the death rate from car crashes dropped by 52% among children under age five and by 25% among children 10 to 14, but did not drop for children age five to nine."

That's exactly what this bill is all about, attacking problems for those children between the ages of five and

nine, to provide the safety device that they need when they are in vehicles. As I said, I think we should all be in favour of that and move this forward because it's such an important piece of safety legislation.

I also might add that Safe Kids Canada says, "Between 1994 and 2000, hospital admissions from car crashes dropped by 45% among children under age five and by 40% among children age 10 to 14, but only 18% among children five to nine."

Clearly, a reputable organization like Safe Kids Canada is telling us lawmakers here in the province of Ontario that there is a group of children between five and nine whose safety would be enhanced tremendously if we all support Bill 73.

I want to spend some time talking about school bus safety. In my riding of Peterborough, I would just like to note that Ron Gerow, who's the reeve of Havelock, Belmont, Bethune, a former warden of Peterborough county and a very good friend of mine, has a small, five-bus operation. I had some time to chat with Ron when we first introduced this legislation back in May about adding some new safety provisions for school buses in Ontario.

Ron said to me, "Jeff, it's exactly what the school bus industry in Ontario needs. I want to compliment your colleague the member from Chatham-Kent, who, since 1996, I understand introduced a private member's bill on six occasions to improve the safety of school bus operations in the province of Ontario."

I can't understand any government of the day in which you would have to introduce six private members' bills and not get a message that there was a problem with school bus safety in the province of Ontario. You just have to look at it, something as fundamental as kids in a school bus, and we had to wait from 1996 to 2004 to get a comprehensive bill to come forward for protection of children on school buses. For the life of me, I don't understand why it took that long.

Again, I salute the leadership of the member from Chatham-Kent, a visionary in this area. Like a dog with a bone in its mouth, he just kept trying to move forward and move forward to bring this issue forward. Finally, the

Minister of Transportation, Mr Takhar, saw the light of day and brought forward a fairly comprehensive bill that's covering child safety seats, school buses and graduated licences. He needs to be commended and supported for bringing a key bill forward to address these fundamental concerns that we have in this particular area.

I know there is a cost involved. Parents and grandparents will have to acquire new safety seats for their children or grandchildren, but it's a price that we have to pay for protection of some of the most vulnerable citizens in society. I think it's an investment that we should be making in order to enhance safety for our children.

Going back to the issue of the school bus operations, as I said, I spoke to Mr Gerow and others who are certainly prepared to make the investment with the safety arm for school buses and other changes that need to be made for school buses in the province of Ontario to enhance safety.

The other changes, of course, to the graduated licensing—I applaud the former government that started this process of bringing in graduated licences in Ontario. As a part of this bill, we've seen that evolve. Certainly, I think it provides the opportunity that, as our teenagers grow up, they take on increasing degrees of responsibility. The graduated licence program in Ontario has recognized, as the maturity takes place, that if you move through the licensing system, we all take on additional responsibilities.

So this is a bill to enhance public safety. It's a three-pronged attack: child safety, safety on school buses, and safety through changes to the graduated licensing. It's an ongoing part of a commitment that this government made in the campaign a year ago to enhance safety for all our citizens in the province of Ontario.

Mr Speaker, you're ready to rise. My time must be up.

**The Acting Speaker:** I thank the member for Peterborough for his comments.

It being 6 o'clock, this House stands adjourned until tomorrow at 1:30.

*The House adjourned at 1801.*

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

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