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des débats  
(Hansard)**

**Thursday 4 November 2004**

**Jeudi 4 novembre 2004**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Thursday 4 November 2004

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Jeudi 4 novembre 2004

*The House met at 1000.  
Prayers.*

PRIVATE MEMBERS'  
PUBLIC BUSINESS

HIGHWAY TRAFFIC  
AMENDMENT ACT, 2004

LOI DE 2004

MODIFIANT LE CODE DE LA ROUTE

Mr Milloy moved second reading of the following bill:  
Bill 129, An Act to amend the Highway Traffic Act /  
Projet de loi 129, Loi modifiant le Code de la route.

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

**Mr John Milloy (Kitchener Centre):** It's a pleasure to be here today to speak in favour of my private member's bill, Bill 129, which deals with mandatory helmet-wearing on our public roadways by cyclists, in-line skaters and others. Although this has come to be known as "the helmet bill," I would argue that this bill is just as much about human nature: that inexplicable belief that we all have that somehow we're immortal, that accidents happen to the other guy, that we're all a little too smart, too lucky or too special to have accidents happen to us. I think intellectually we may know that this is not the case, but that, unfortunately, does not prevent us from acting in ways that are inappropriate and ways that put our safety and health at risk. I believe that in certain instances it's the responsibility of the government to fight this human tendency and ask people to take safety precautions.

If passed, Bill 129 would require all Ontario cyclists to wear helmets on public roads. It would also extend this to in-line skaters, skateboarders and other individuals using muscle-propelled vehicles, such as scooters.

Members may be aware that in 1995 a law that had been passed by this Legislature came into effect, making it mandatory for all cyclists in Ontario to wear helmets. The government of the day decided, however, to pass regulations exempting those individuals 18 years of age and over. Bill 129, if passed, removes the government's power to make these exemptions, meaning that the original intention of the bill would come into effect. In short, this bill will fight that unfortunate human weakness that makes us act irresponsibly.

I imagine that every member of this Legislature recognizes the risks associated with these activities. In Ontario,

for example, there are about 1,500 bicycle accidents a year, and about 20% of them result in head injuries. But statistics only tell part of the story. Since becoming interested in this cause, I've heard countless stories, even from members of this Legislature who have been touched by the horror and tragedy of an accident, of the tragic loss of life, of hopes shattered, of countless hours of rehabilitation. In fact, studies show that the cost of treating someone with a head injury over the course of their lifetime can be between \$4 million and \$9 million. I can guarantee you that not a single one of those victims thought that they were going to have an accident when they set out on their bicycle ride or their skateboard or their in-line skates. The real tragedy, of course, is that many of these injuries could have been prevented. Studies show that 85% of head injuries can be prevented by wearing a helmet.

The simple recognition that we can prevent tragedy has led to incredible support for the bill by many groups across this province, many of whom are here today in the gallery. Mr Speaker, with the permission of the House, I'd like to introduce them and perhaps invite them to stand. From the Ontario Brain Injury Association, joining us today to show support for the bill, are Scott Southwell, Patti Lehman and John Dumas. We're also joined by Dr Charles Tator of the ThinkFirst Foundation of Canada, John Prno of the Emergency Medical Services of Waterloo region, as well as two individuals who survived accidents because they were wearing helmets: April Ferguson and John Webster.

I'm also pleased to report support from the Ontario chiefs of police and the Neurologic Rehabilitation Institute of Ontario, to name just a few. I also want to take a moment to pay a tribute to one of my colleagues, who could not be here this morning, the member from Brant, Mr Dave Levac, who shares a similar passion for this cause and was instrumental in the preparation of this bill.

At its core, this bill is about creating a culture of safety, and I think you can draw the analogy to the seat belt legislation, which came into effect in early 1976. Despite my youthful appearance, I actually remember when seat belts became mandatory in this province. I remember the debate, and I remember the discussion and the resistance. I can fondly remember my father, when seeing a police car approaching, putting the shoulder strap of the seat belt over his shoulder so that he wouldn't be pulled over. He wouldn't put on the seat belt, but he'd put the shoulder strap over.

Stories like that seem ridiculous nowadays. At a shopping mall when you move 500 feet from one store to

another, what's the first thing you do when get into your car? You put on the seat belt. We have created a culture which makes seat belts second nature. To a lesser extent, we've had success when it comes to drinking and driving. Once merely the topic of jokes, it is today something which is frowned upon and is socially unacceptable.

When you look, too, at the whole bicycle legislation, as it has affected people under the age of 18, I would argue that we've started to create a culture of safety. One of the most interesting statistics I found in doing research on this bill was a study that was put forward by the Canadian Institute for Health Information. It showed that in Ontario, since the helmet safety legislation had come into effect, head injuries among children, those whom it pertains to, have dropped by 26%.

There are those who say that this bill will interfere with basic human rights and freedoms, and I guess there are a number of arguments to address that. The most obvious one is that we have a public health care system, and the cost of treating someone in that system who's had a preventable accident is something that we should not bear; it's something we should ask people to prevent.

#### 1010

But I think there's a more subtle argument. I don't believe that anyone who has suffered a head injury as a result of a bicycle, rollerblading or skateboarding accident fully realized the risks they were taking. As I meet individuals who have themselves been in accidents, lost family or loved ones or are caring for someone who suffered a profound injury, I know, like all of us, when that victim got on their bike or their rollerblades or their skateboard that morning, they had no idea of the risk they were taking.

In my own hometown of Kitchener-Waterloo, we held an event yesterday at the brain injury association. Patti Lehman, whom I introduced a few moments ago, spoke about her task of trying to find an individual who had survived an accident not wearing a helmet and who could speak out in favour of this bill. She looked and looked and unfortunately could not find one, because the fact is that they usually died.

At the same time, we have heartening stories like that of April Ferguson, who spoke this morning just before this debate started. Five days before her wedding, she was going off on her bicycle to see her wedding photographer, and I think a few minutes into it, she got hit by a car—a tragedy a few days before her marriage, a few days before she was to graduate from her graduate studies, yet the fact that she was wearing a helmet meant that her life was saved.

I can also point to Stuart Connell, a gentleman whom I met yesterday at the event with the brain injury association. Stuart is an avid biker who has been in five accidents. In one of the most serious, he was thrown off his bike right on to his head. He broke his back, suffered severe damage, but the fact that he was wearing a helmet means that he is alive and well and participating fully in our province.

We need to create a culture of safety in our province. This bill is not a panacea, but it's a first step. It's a first

step to creating a situation where no one, regardless of age—let's face it, head injuries and brain injuries don't discriminate on the basis of age—would think of going for a bike ride, going out in-line skating or going out skateboarding without wearing a helmet. If we move forward with this bill, if we make it mandatory to wear helmets on our public roadways, it sends a signal to this province, it sends a signal to young people of this province who have to wear a helmet while their parents don't. It sends a signal that this government, this Legislature is concerned with safety, that it wants to have a society where the tragedies that have befallen us are avoided. We want to make sure that we have this culture of safety. I believe this Legislature has a responsibility to act, and I believe the time is now. I hope I can call on my colleagues here today to support Bill 129.

**The Deputy Speaker:** Further debate?

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):**

I'm pleased to join in the debate with respect to the bill brought forth by the member from Kitchener Centre. Certainly we as a party support any measure that helps protect the safety and well-being of people who use Ontario's roadways for recreational purposes. This is a natural extension of the existing provision under the Highway Traffic Act that requires all bicycle riders to wear helmets: to include rollerbladers, skateboarders and scooters. If people are going to utilize public roadways to ride their skateboards, scooters, rollerblades or bikes, it only makes sense that they are adequately protected.

In Ontario, we have a long-standing position to ensure that basic safety standards are met by people who use our roadways. That is why we require seat belts in cars and why it has been the law for bike riders to wear helmets for more than 10 years.

Many may view the content of this bill as common sense, and I think that's the challenge in terms of dealing with this: How far does the government—especially this government, which likes to intervene in people's lives—go to deal with what people should be doing out of common sense? But if we look at history, often people need a legal reminder to maintain a minimum level of personal safety. Just 20 years ago, it was commonplace to ride a bike without a helmet or drive a car without a seat belt. Times have changed and, frankly, for the better.

But I would caution the member and the government about moving forward with a bill that provides for exemptions from this legislation under any circumstance. I think we're doing the right thing by eliminating the ability to regulate exemptions under the act, but the broad, sweeping exemption provided in this legislation should be revisited. At the end of the day, personal safety crosses all religious and cultural boundaries, and everyone should take strides to ensure they are protecting themselves appropriately when skateboarding, rollerblading or biking on our public roads.

I think the member should take that seriously. I think he has done a lot of good work on this bill in terms of talking to different organizations. I did notice, though, that he had not mentioned the support of the Association

of Municipalities of Ontario. Certainly they have a relationship with the police boards they are involved with and also their own bylaw enforcement agencies, which some municipalities use to maintain the roads.

But I think we have to look at the intent of the bill the member is bringing forth. Who could go against the intent of the bill and what he's trying to accomplish? What's important here is enforcement. Whatever bill you have, if you can't enforce it or you don't have the resources in place to enforce it, it's not going to be good law, because it's not going to protect the people. I think that's something the member is going to have to look at. Sure, there are mechanisms there to enforce it, but you need people out there to do it, and you have to have the resources to do it. So if you're going to tell the municipalities this is another thing they're going to have to do, hopefully they're going to have the money in place and the people in place to be able to do it.

So enforcement is obviously the key to any piece of legislation, especially when you want to regulate how people conduct themselves in public and especially on our roadways. But I think it goes back to the argument in terms of the common sense of individuals. If this is going to be something that is dealt with for public safety per se, common sense would dictate that you're trying to protect everybody in this society and that your exemptions have to be carefully thought through. I think they have to be thought through in terms of balancing what you're trying to accomplish. If the accomplishment, the goal, is to protect the public for their own safety, that has to be balanced, obviously, against their individual rights. I don't know whether you're taking a safe road out or whether this would stand up against the charter in terms of people saying, "Well, you're infringing on my rights."

As a lawyer, I would say it would be a very easy argument to make that the public safety, the public protection, obviously would override any individual rights with respect to what you're trying to accomplish here. I think you probably would share that. But the exemptions you have out here, which are very broad, have to be, I think, revisited. I don't know what you're trying to accomplish in terms of public safety if you provide for exemptions to something that you seem to be suggesting is common sense, that people would wear helmets to try to protect themselves from head injuries in circumstances where they go on the roads, where there is some risk. So I think you have to be responsible in terms of what you're trying to address across the board.

I'm certainly prepared to support this bill at this particular stage of the proceedings. Obviously, if it gets to public hearings, there will be more input from the public in terms of how this should be enforced, and we'll go from there.

**The Deputy Speaker:** The minister and member from—

**Hon Jim Watson (Minister of Consumer and Business Services):** Ottawa West-Nepean.

**The Deputy Speaker:** Ottawa West-Nepean. I don't have to use that very often.

**Hon Mr Watson:** I rise today in support of the honourable member for Kitchener Centre's private member's bill, a bill which, if passed, will save lives in Ontario.

On May 27, 1996, for the first time in my life, I lost a very good friend, Carl Gillis. He was killed while in-line skating. In fact, sadly, Carl was the first in-line skater in Canada to be killed. A few days earlier, Carl, just 26 years old, had gone out for a skate on a beautiful May day in the Dow's Lake area of Ottawa. Regrettably, he was not wearing a helmet and his skates got caught up in some gravel. In a matter of seconds, he hit his head on the pavement, and he was immediately knocked unconscious. I had the sad task of identifying Carl, and it was a moment that I will never forget.

I met Carl when, in his first year, he was a parliamentary page at the House of Commons and attending Carleton University. He was an individual who you knew was going to leave a big impression on everything he was involved with. He was the president of his student council in East Bay, Nova Scotia, vice-president of the Carleton University Students' Association, and eventually became chair of the Canadian Federation of Students. He was a born leader, and his hundreds of friends who knew him knew that if he were alive today, there is no doubt he would probably be well on his way to becoming Premier of his beloved province of Nova Scotia or sitting in the federal cabinet. Yet because of one mistake, we can now only imagine what the future would have held for Carl.

#### 1020

Some 83% of in-line skating accidents treated at hospitals, according to Health Canada, involve individuals who were not wearing appropriate safety equipment. You increase the risk of brain injury by 88% by not wearing a helmet. Since Carl's death, I've kept a file of articles I've come across about cycling and in-line skating accidents. The Globe and Mail, on March 20, 2003, quotes Alison MacPherson, an injury researcher at the Hospital for Sick Kids, as saying, "Our research on children tells us that helmets and helmet laws really work." World champion figure skater Paul Duchesnay nearly died in-line skating in Gatineau Park in June 1996, and he said it was a miracle he wasn't killed, because he wasn't wearing a helmet. In November 1997, in Calgary, a five-year-old in-line skater was saved as a result of wearing a helmet. In August 2003, a cyclist's life was saved when struck by a car on Bronson Avenue in Ottawa. An Ottawa police sergeant, Denis Charbonneau, said, "Helmets do save lives." The examples go on and on.

The previous government made it mandatory for individuals under the age of 18 to wear helmets, and I commend the previous government for this initiative. But let us continue with that logic and that good public policy, because obviously, when one turns 19, the brain and the skull still need protection. It does, as the member for Kitchener Centre pointed out, send a rather mixed message when you see young children out with their

helmets, but cycling with their parents who are not wearing helmets.

Now, what about in-line skating? It's perhaps even more dangerous than cycling, yet the law doesn't apply to these individuals. The most difficult speech that I have ever delivered in my life was the eulogy at Carl Gillis's memorial service. Passing this bill and sending it to committee will allow us to prevent future senseless deaths like Carl's.

I assume that some of the opponents of this proposed bill probably would, in another era, be arguing against seatbelt laws. Yet today no one would argue against the need for seatbelts. One of government's most important responsibilities is to protect its citizens. This is not about becoming a so-called "nanny state," but it is about keeping people safe, secure, and healthy. Helmet laws exist in jurisdictions around the world and in several provinces in Canada, and the simple truth is that they save lives and prevent serious injuries. Medical officers of health like Ottawa's Dr Rob Cushman know the positive impact of a comprehensive helmet law, that it would save lives, prevent serious injuries, and reduce costs on our health care system.

I congratulate the honourable member for Kitchener Centre, who knew Carl Gillis as well, and I would urge members to do the right thing and support this bill.

**Mr Garfield Dunlop (Simcoe North):** I'm pleased to be here this morning to take part in the debate on Bill 129 by the member from Kitchener Centre. I'll tell you right up front, I will be supporting this piece of legislation. I believe that it takes it, as he said, another step.

I think in his comments he mentioned some of the things that we've done in our province over the last few decades, and it was reiterated by some of the other speakers as well. The fact of the matter is that we looked at seatbelts originally, when they first started putting them in cars, as something that was an optional type of thing. Of course, now I think most people have adjusted to the use of seatbelts. Cars now come with airbags. I think they're mandatory in vehicles today; I'm quite sure of that. I had a private member's bill that introduced ignition interlock device for impaired drivers. I've had a lot of people from the stakeholders who are against drinking and driving who have, in fact, asked for that type of rule, ignition interlocks, to be completely mandatory in all vehicles.

When you look at things like bicycles or scooters, I can't see a problem with that. I don't think it's going to be a hard sell to the general public in our province. There will always be people who will find some faults with some areas, but we're already seeing it in skiing. I take the two oldest of my three little granddaughters skiing, and they wear ski helmets today. All parents don't wear them, but you know what? I'm seeing more and more parents on the hills with ski helmets, because they don't want to risk any kind of an injury. I see bicyclists etc, out now.

A few weeks ago, I was actually babysitting my three little granddaughters. I had them on the laneway, and

they all had their helmets on. I was going to take them for a ride down the little concession road because it's paved, and I couldn't remember whether or not it was mandatory for the adults to have them on at that time. From that perspective, I think there is already some confusion in that area. So I don't see any problem with this actually becoming law and slowly being implemented.

Enforcement could be a problem, because it will take additional time from police officers etc to enforce this. But all of us are in favour of adding additional police officers to the rolls in our province, and I think that's something I'll look forward to seeing.

One of the things I'd like to bring up this morning—and we're going to go into a House leader's meeting in an hour or so—is the fact that we've had some really good ideas in this Legislature, always on private members' business. If there's any area in democratic renewal that I think we can move forward on, I think we have to do more with our private members' time. A lot of people, like Mr Milloy and Ms Broten, who will be up next, have put a lot of time and effort into their private members' bills. I think in the last session, only Mr Wilkinson's, Mr Parson's and Mr O'Toole's bills passed—but three quick ones, you know?

There's been a lot of work done here. I think if there's any direction the government can go on democratic renewal, it is for this House to accept more of the hard work private members have put into these pieces of legislation. Many of us can go to committee with these bills, or they can be sent to committee, and if there are adjustments and if the stakeholders are more interested, they can add amendments to it. We can work sort of in unison, as opposed to being always opposition versus government, because I think there's been some really good ideas come out of here that could be implemented fairly easily in this House. So I want to put that on the record this morning, because I think both these bills this morning are fairly good bills, and I have no problem implementing them.

I was curious when the minister stood up, though, and made some comments, because I immediately thought of Bring-your-own-wine Watson, and I wondered, if people are going to be riding around on bikes now after they've got their bottle of wine in their hand, they're definitely going to need a helmet, right? Was that the main reason you really brought that up this morning? He's not responding to that, but maybe he can in the end.

By the way, I have to use up the rest of my time, unless Mr Miller gives me a nod that he'd like to say something. Would Mr Miller like to say something later on?

**Mr Norm Miller (Parry Sound-Muskoka):** Sure. Give me a couple of minutes.

**Mr Dunlop:** Mr Miller would like to say something a little bit later on. Mr Wilson, who is our critic in this area, was supposed to be here but he couldn't make it, and that's why that note was just sent in.

I just want to say in conclusion that, overall, I think any time you can save injuries, you save our health care

system. I know we've got a very active brain injury service in Simcoe county. I visit there once or twice a year, and they always take me and introduce me to people who have had different types of brain injuries.

**1030**

If this bill saves one life or if it saves injuries, then it's well worth the implementation. I think our health care system is approaching \$30 billion this year. The public will probably demand \$32 billion or \$33 billion next year, and it'll continue on in that pattern. It's just growing at an alarming rate. Anything we can do in this House that will save injuries, save lives, save the health care system, is an area that we absolutely have to take a serious look at.

Again, I'll be supporting the bill. I want to make it clear that I think your biggest challenge, to the member from Kitchener Centre, will be the implementation process, working with the police services to see just who will be the enforcement body that will look after that in our communities.

With that, I thank you so much, and Mr Miller will be speaking a little later on and sharing my time.

**Mr Kim Craitor (Niagara Falls):** Let me just first say I'm extremely proud to have the opportunity to speak on the proposed bill by the member from Kitchener Centre. In fact, I think it was a couple of weeks ago that, during a conversation with the member when he mentioned that he was looking forward to bringing this bill, I specifically asked if I could have the opportunity to speak.

I want to share with the House and, I guess, more importantly, with the people across Ontario who are listening to this discussion, that I really like the phrase "a culture of safety," because that's what this bill is all about. You've already heard, and I just want to reiterate, that at the present time there is no legislation that makes it a requirement for inline skaters or skateboarders etc to wear helmets. It's pretty common now that, when you're out and about at a shopping mall or walking around the street, it has almost become normal to see kids on a regular basis floating around the city on their skateboards. I know, myself, as someone who rides a motorcycle, it's normal for me to wear a helmet. There are many days when I'd prefer not to. You kind of say it would be neat to ride around without a helmet on a motorcycle, but you also realize the consequences if you ever considered them.

I think it was in June that I had the opportunity to make a statement in the House, recognizing the fact that June is Brain Injury Awareness Month. I specifically mentioned Brain Injury Awareness Month for a couple reasons. One is because a very close personal friend of mine—and I made reference to her in my statement—Jacqui Graham, suffers from brain injury and has become a spokesperson back in my riding of Niagara Falls.

One of the phrases associated with brain injury is, "Brain injury can hurt forever." It's been said, and I want to reiterate, that brain injury can happen to anyone, whether young or old. The legislation that's being pro-

posed, I think, is appropriate. It recognizes the fact that, specifically, younger kids are much more active. They're using types of equipment to get around—as I said, skateboards, inline skating, things that we hadn't seen when I was growing up. The statistics are starting to show that injuries are occurring from the use of that type of equipment.

Is there a cost to this legislation? Yes, there is a cost, and the cost is a helmet. I looked up some figures. The average cost of a bike helmet is \$32 and the average cost for a skateboarding, rollerblading or inline helmet is about \$60. Is that a lot of money? No, that is not a lot of money, because you're talking about a child's future, their life. One of the speakers mentioned an individual who was killed. That's the investment you're making. You're ensuring that as they're moving around through the community, they're properly and safely equipped with a helmet.

I also heard a bit of concern—and I sat on city council for 13 years—about who's going to enforce this. Is it going to be passed down to the municipalities? Well, it will be. That's the reality. You have to use the local resources. But I think the most important message this bill is sending to the parents—and I'm a parent—is that when you're letting your child go out on to the street and they're skateboarding or in-line skating, they're properly and safely equipped so that if something unfortunate happens, they trip, there's a crack in the sidewalk, or something just happens and they fall, the most important part of their body, their head, is safely protected.

I certainly am going to be supporting this. It's not something that doesn't exist in other jurisdictions. British Columbia and Nova Scotia have initiated this, and it's long overdue here. I want to congratulate the member and some of the previous speakers as well. This is a great opportunity.

Let me just close quickly by saying I did like the comments of the previous member about the private members' time. I've had the pleasure of being here on many occasions, and there have been some wonderful and very non-partisan bills brought forward. I'd like to see more time dedicated, not only to private members' bills, but some emphasis on ensuring that those non-partisan bills have the opportunity to get through the House on a much more regular basis than we've seen in the past.

**Mr Miller:** It's my pleasure to join in the debate on Bill 129, An Act to amend the Highway Traffic Act. This bill amends the Highway Traffic Act to make it an offence for any person to use a skateboard, a scooter, inline skates or roller skates on a highway without wearing a helmet. Of course, anything that can be done to enhance the safety of the people of this province is a good thing, and I will be supporting this bill, although I do have some questions. For example, what about skateboard parks? I opened a new skateboard park in my riding in Gravenhurst, and, frankly, I'm amazed that there aren't more injuries in terms of the number of kids who aren't wearing protective gear at a skateboard park.

I would like to comment that you can't make the people use common sense, you can't regulate common sense. I'm from Parry Sound-Muskoka and in just the last couple of years have been in the big city of Toronto. I'm amazed at the way people bicycle around this city, especially at nighttime. You see them going the wrong way up streets, you see them not wearing helmets, no reflective gear and no lights, and crossing over intersections. I'm sure there are rules about how you're supposed to ride a bike, but people basically ignore them. So you can't regulate common sense.

I was just with the member from Beaches-East York on a committee up north, travelling around in many remote communities, where there are more ATVs than there are cars. I know there are laws that you have to wear a helmet on an ATV. Well, I can tell you, on the whole northern trip—the hundreds and hundreds of ATVs I saw—I didn't see one single helmet. So you can make rules, but it's very difficult to regulate common sense. But, hopefully, this will encourage more people to do the right thing and wear protective gear and helmets, and it will save lives. I will be supporting the member from Kitchener Centre on this private member's bill.

**Mr Michael Prue (Beaches-East York):** I will be supporting this bill. If you will bear with me, this will be one of the most difficult speeches I will ever have to give.

In 1995, we watched as the government introduced legislation to require people to wear helmets when riding a bicycle. We also saw that same year that an exemption was made through the Lieutenant Governor in Council to exempt those who are over 18 years of age. There were many complaints we read about in the paper. There were many people who stood up and talked about their personal freedoms. There were many people who said we shouldn't do this. And in the end, the government, in the wisdom of the day, caved in. The government said they felt that those over 18 should be free to make their own decisions.

Gone were the arguments about the seat belts. We heard that: You have to wear a seat belt; they never made an exemption for those over 18. Gone were the arguments about those who rode motorbikes. You have to wear a helmet, and you've had to do that since the 1960s. The exemption was made for bicycle riders.

#### 1040

Thereafter, in the couple of years that went by, I would often see families with children, a husband, a wife on their bicycles, no helmets, and the kids, of course, all in helmets because that was the law. Canadians are very law-abiding people. You would think that was a strange thing, but the law was the law, and adults thought they were somehow exempt from injury. I thought that was very strange, but it was a fact of life that the law exempted adults.

This all came home to me and to my family in 1998. My brother Derek, on a bicycle, one day fell off, hit his head and died three days later. He was not wearing a helmet. He was a wonderful man, a hard worker. He had

two great kids. There isn't a day goes by that I don't think about him. There isn't a day goes by that I don't see someone on the streets of Toronto, an adult, with no helmet on their head, and I want to get out of my car or off the sidewalk and I want to grab them and I want to shake them. You can't do that. But I want to tell them that this was an absolutely wrong thing, a bad thing to happen. I know my mother cries every day, thinking about him. I wonder about his children, although they've been very successful in university and getting on with their lives, and his widow, whom I call very often, just to see how she's doing.

But it was a sadness that did not have to happen. It did not need to happen. He was one of those statistics of those who are killed. I read the statistics in 2001, and 88% of those people who died did not have a helmet on and succumbed to their injuries. Only 12% were actually wearing a helmet and had a brain injury that resulted in death.

This bill is absolutely right. I, quite frankly, am not going to bear any arguments. I'm not going to hear them, I don't want to hear them, about whether we have enough police to enforce it. We need it to be enforced. We need to do it for rollerbladers, in-line skaters, anybody, any contraption. It needs to happen.

The same year my brother was killed, I was invited, as a councillor of the new megacity of Toronto, to do something I had done many times as a mayor. That is, I was invited by Big Brothers to go out to High Park and to get in the go-cart and do the downhill election race. That's what they called it. That year, we were all there—the councillors, the mayor. I don't think Mel Lastman actually got in the go-cart, but the councillors were there to do what we had done for so many years, which was to support the Big Brothers. We were there to help them earn some money, to get some publicity and have the downhill go-cart race.

When I saw that go-cart that year, I told them that I did not believe that we should be racing any longer without helmets. Nobody had ever worn a helmet before. Not me, not anyone else had ever worn a helmet before. I refused to get in the go-cart until they found me a helmet, and in fact some of my colleagues did exactly the same thing. We had to scrounge around and we had to find kids who had helmets because they had come on their bicycles. We had to borrow helmets and try to find one that was big enough to fit my head—because most of the kids were quite young—before we finally got in the go-cart.

Big Brothers learned very fast, because the next year when I went to the downhill race in High Park, there was a helmet for every single person who raced. They realized that was a dangerous thing to happen. You hit speeds of 39 kilometres an hour by the bottom of the hill, and if you were thrown from the go-cart, if you fell over, if you hit a tree, because there are lots of trees in High Park, then you could suffer injury. They recognized, because of my insistence that one year, that in fact what they were doing was dangerous, and they were putting

people's lives at risk. I don't know if they still have that. I haven't seen it for a couple of years now. But if they do, I will guarantee you that they are wearing helmets today.

I travel around this city a lot. I've lived here all my life, with the exception of one year that I lived in Ottawa. This city is telling people that we need to get out of our cars, that we need people to get on bicycles to travel downtown, and they're right. In East York, every day I travel, I usually come along Cosburn Avenue. Three weeks ago, the city of Toronto designated Cosburn Avenue as a bicycle lane route, and there are now bicycle lanes on both sides of the street.

If we are going to do this, and I believe we should, then we need to make sure that those people who travel along the routes in this city, and in fact in any city and in any town, are wearing helmets. There are simply too many cars. There are simply too many diversions. There are simply too many drivers trying to go too fast. And I see them, to my horror, not wearing helmets.

When I stopped at the corner of Bay and Wellesley for the light this morning, I saw two cyclists, one coming each way. Both were women. One was wearing a helmet, one was not. There it was: 50% exactly—at that corner, anyway—were not wearing a helmet. Think about the amount of traffic at the corner of Wellesley and Bay. You will know that there are thousands of cars that go through that intersection. There are hundreds or thousands of pedestrians who are crossing. There are literally hundreds of cyclists who cross that intersection every single hour. Of the two of them, one was not wearing a helmet. That is not acceptable to me. It is far too easy to fall off a bicycle.

We need to enforce the laws. We need to ensure that police officers are there and that they don't take this as a minor crime. This is not a minor crime. It is not a matter of individual choice. It affects all of us, and I for one think this bill should pass. I know it has to go to committee, but I hope it comes back very quickly.

I remember my brother. My family remembers my brother. If this bill passes, none of your families will have the sadness that I experience even to this day. Thank you very much.

**Mrs Carol Mitchell (Huron-Bruce):** I rise in this House to support Bill 129 to amend the Highway Traffic Act. One of the things that I want to talk about is Rolling with Risk, research that was done in London, Ontario. This research was done in skateboard parks, but I feel that it's quite relevant to this bill. Within the city of London, 534 boys were observed in the city's five skateboard parks, and 88% of the boys wore no equipment. There were 38 girls among the boys at the skateboard parks, and 76% of the girls wore no equipment.

The members who have spoken previously have certainly very eloquently pressed forward the concerns and how the behaviour can be changed through legislation as well. But I felt what needed to be brought forward was to understand the balance between, as the previous member stated, a nanny state and common sense. This bill speaks specifically to amendment on our public roadways, and that is the balance.

But I want to take the opportunity to speak about a part of the bill that has not had a lot of discussion. That portion of the bill is the amendment to the Highway Traffic Act that will extend the prohibition against towing a person while wearing roller skates, in-line skates or skis, and this will be a prohibition on all public roadways. I can tell you that around our neighbourhood we have many children, and constantly you see them hooking on to a car with either a rope or their hand. The speed that they can start to increase to is just incredible. I cannot think of a more dangerous way. I know part of the thinking that goes into a lot of these sports is the risk factor, which is important, but for the public safety and the safety of our children, to me, one of the most important facets of the bill is to impose a prohibition on it. This is common sense, and the other portions of the act are as well.

#### 1050

As I have said previously, I could not add any more words than the members have added to the stories you have heard today. I can only say that the courage it took to stand up and speak about such close family members and friends is very moving.

This bill needs all of our support and the support of the municipalities to move it forward. It strikes a balance between common sense and the nanny state. It's my pleasure to support this bill.

**Mr Gilles Bisson (Timmins-James Bay):** Every now and then, we have an opportunity in this House to do something that is both necessary and personal. I think Mr Prue, in his testimony and in the debate, demonstrated to all the members assembled here this morning the need to pass such a bill. I guess that's one of the great ironies of this place, that every now and then we have an opportunity to come back and do something to try to create a remedy for what has been a pretty tragic happening in our lives.

I just want to say to Mr Prue, our hearts go out to you. I've known about this issue. We've talked about this a number of times together and I know Michael dearly misses his brother. This is an opportunity for us here in this Legislature, for his brother and everybody else's brothers, sisters, sons, daughters etc, hopefully to be able to make them safe in the future. So I just wanted, for the record, to commend Mr Prue for his words, because I know that is not an easy thing to do when you bring that on a personal level.

I also want to put these comments on the record. I think, at this point, the way the debate is going, this bill will pass, and that's a good thing. I just want to remind members and anybody who is watching the debate this morning that we've been down this road before on a whole bunch of occasions. I was a motorcyclist when I was a lot younger, and still am today, and I remember the debate in this province back in the early 1970s, I guess, when we introduced legislation to wear helmets when riding motorcycles. I was one of those young, macho guys who thought, "Boy, that's a really sissy thing to do, run around on my hog with my motorcycle helmet." I

thought to myself, "My God, what's the world coming to?"

It's funny how things go, because eventually we start realizing that that indeed was the right thing for the government of the day to do. How many people are still with us today or how many people have prevented serious injury as a result of the government of the day and the legislators of that day passing that legislation? Now we're at the point—I can speak personally. When I jump on my bike, I feel absolutely wrong and bare-naked not having a helmet on. I just would not do it. I wouldn't even think of it. I won't get on my bike and ride out of my driveway at the lake without a motorcycle helmet. It just doesn't make any sense; the same with snow machines and ATVs. So to those people in the public who say, "Well, it's going to be a real pain, a real downer, to have to wear a bicycle helmet to ride your bike once you're past 18," I just say, let's reflect back on what we saw in the debates we had around motorcycles.

I'll bring you to another debate that a lot of us maybe have forgotten about, the seatbelt debate—again, the same thing. We are all old enough to remember when this province passed legislation that we all buckle up. Again, there was a big cry of opposition in the province: "Who is the government to tell me to put on my seat belt?" I remember the debate in our community, and I'm sure it was the same in every other riding. People said, "No, I'm not going to do that. That's not a good thing, and I'm opposed for all the following reasons." Again, how many people are still with us today and how many people have been saved serious injury as a result of buckling up?

I'm one of those. I remember one particular day when I was making the transition, because I drove for about a year or two not buckling up. I was one of those headstrong people of the day. I remember one day I went to pick up my sister-in-law Gail Beauchamps. She was in real estate at the time and I was bringing her out to a showing. Her husband had taken her car and she had called for a ride. So I gave her a call and said, "OK. I'll pick you up." I got to her place and told her, "Buckle up." She went, "What do you mean, 'buckle up'?" I said, "Gail, for God's sake, buckle up." She said, "You never put your seat belt on." I said, "You're not leaving unless you buckle up." I don't know why I got into this argument with her. It was just something to do. I'm one of these guys who likes a good argument. That's why I ran for Parliament; eventually, I can find all the arguments I want here and all the people to argue with. But we got into this argument—funny thing—and finally we both put our belts on.

We go down the highway and I'm doing 55 miles an hour down the Airport Road. Another car comes whipping around the corner—black ice—and that one's doing 55, 60 miles an hour. The oncoming car loses control and smacks into me head-on. Now, I don't know, maybe I would have survived, maybe Gail would have survived. Who knows? Maybe the other person would have survived if they didn't wear belts, but I very much doubt it. There was nothing left of the Toyota. The whole car, the

one that hit me, was gone, except for where the driver sat. I was driving a great big station wagon and I hit this small Toyota or Datsun or whatever it was, and the driver was able to walk away from it, and so were both of us in our car.

I say you can try and debate on the other side of this stuff as much as you want, but at the end of the day it only makes sense. I commend the member for bringing this bill forward. Why, as Michael Prue said earlier, we didn't deal with this when we initially brought the legislation in—originally it was Elizabeth Witmer's private member's bill that was brought into this House, back before 1995, which all members in this House supported and passed into law, and eventually the Conservatives brought in a bill. But we never dealt with the after-18 issue. I want to commend the member for bringing that forward, because, God only knows, sometimes we have to protect ourselves from ourselves, and this is maybe one of the ways we can do that.

Again, my condolences to Michael and his family for the loss of his brother. That's a tragic thing to go through. I hope I never have to experience something like that. I just don't know how people deal with those type of tragedies. To Michael, my heart goes out to you.

**Mr John Wilkinson (Perth-Middlesex):** I too rise in support of my friend and colleague the member for Kitchener Centre and this bill.

This place is about the public good and the law. This is where the public good and the law come together. The law says if you're an adult, you don't have to wear a helmet, but just because you're an adult, you are not exempt from the laws of physics. A bicycle accident or an inline skating accident is the equivalent of jumping out of a one-storey building head first. The laws of physics say that you will be injured. Our society says that we will care for you. Our society says that we will pick up that cost. It is not in the public good for the individual or for our society to have needless injury when it can be prevented.

Over the years, we, as a society, through this place, have come to the point where it is important for us to stand up for the public good. This is the only place. In the debate we've had this morning, the member from Beaches-East York, the member from Ottawa West-Nepean and the member from Niagara Falls have shared personally the tragedy that has befallen them. I know a similar situation has happened in my riding, and I don't have enough time to share it with you, but this is compelling.

The member from Simcoe North is absolutely right. This is the time for us to rise above partisanship, join together and, for the public good, change the law.

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

**Mr Milloy:** I want to begin by thanking all my colleagues who spoke in support of this bill today: the members for Ottawa West-Nepean, Barrie-Simcoe-Bradford, Simcoe North, Niagara Falls, Huron-Bruce, Perth-Middlesex, Beaches-East York, Timmins-James Bay and Parry Sound-Muskoka.

I was heartened by the bipartisan support that's been shown in this Legislature. I think what's perhaps most interesting about the history of this cause is that it does have a bipartisan nature.

*Interjection.*

**Mr Milloy:** Tripartisan. I say bipartisan, meaning all parties.

My understanding is that it was Dianne Cunningham of the Conservative Party who was extremely passionate about this bill and put forward the original private member's bill, which I believe was passed by the New Democratic Party when they were in government and then enacted under the Progressive Conservatives. So I just want to say how heartened I am that individuals have come forward from all three parties to support it.

I also want to thank all the groups and organizations who have expressed their support, the ones who are here today and the ones who have sent letters of support: the Neurologic Rehabilitation Institute of Ontario, the West Park Healthcare Centre of Toronto, and the list goes on.

But most of all, this bill, as I started my speech, is about that weakness we have as human beings that we believe this cannot happen to us. And I want to pay a special tribute to the member from Ottawa West-Nepean and the member from Beaches-East York for having the courage to share the personal tragedy that happened in their life. I think more than any arguments or debates or statistics, comparing what happened to Mr Watson's friend and the horrible tragedy that befell Mr Prue's brother, all you have to do is contrast that with April Ferguson, who's with us today, who, because she was wearing a helmet, has gone on to lead a productive life, is married and has a child.

If we can prevent the tragedies that have happened and make sure that all the stories are like those of April Ferguson, then I think this Legislature has done a great service to the people of Ontario.

1100

KIDS FIRST LICENCES ACT, 2004

LOI DE 2004

SUR LES PLAQUES D'IMMATRICULATION  
EN FAVEUR DES ENFANTS

Ms Broten moved second reading of the following bill:

Bill 130, An Act to support children's charities in Ontario / Projet de loi 130, Loi visant à aider les oeuvres de bienfaisance pour enfants en Ontario.

**The Deputy Speaker (Mr Bruce Crozier):** Pursuant to standing order 96, the member has up to 10 minutes.

**Ms Laurel C. Broten (Etobicoke-Lakeshore):** Every day, hundreds of organizations throughout Ontario dedicate their energies and expertise to improving the lives of children in our province. From Moosonee to Ottawa, from Kenora to Etobicoke, each in their own special way, phenomenal staff and volunteers work hard to ensure that our province's children have a better future and can grow

up to realize their full potential. Their dedication is both admirable and unwavering.

From the front lines to the offices, Ontario's children's charities aim to provide important programs and services to our children. They innovate, they respond, they guide and they dream of a day when perhaps their services will no longer be needed. But until that day comes, they open their doors and provide emotional support for children who have been abused, they provide nutritious food to help start the day, they provide recreational opportunities and essential rehabilitation services, and they provide opportunities for youth to develop their academic studies to their full potential—and so much more.

They are organizations like the Boys and Girls Clubs of Ontario; Variety—The Children's Charity; and Horizons for Youth. They're organizations like the Gatehouse and Equally Healthy Kids, two organizations that are very close to my heart and who I am honoured to have represented in the members' gallery today to represent the great work done by so many in our province.

The Gatehouse Child Abuse Advocacy Centre is represented by Jan Handy, the executive director, and LAMP's Equally Healthy Kids breakfast program is represented by Jasmin Dooh and Trish Plant. I want to take a moment to tell you about those programs.

Equally Healthy Kids breakfast clubs has programs in John English, Second, Seventh and Twentieth Street schools in my riding. Each program feeds 35 to 120 children every day, with a total of 250 to 300 children served breakfast each day. For that, they raise \$45,000 every year.

The Gatehouse, an organization that I know members in this House have heard a lot about, is one that is very close to my heart. It provides a centre for people whose lives have been affected by child abuse to come forward and tell their story in a comfortable setting, but at the same time a state-of-the-art videotape facility is tucked away in a back corner of a house.

Organizations like those mentioned, and so many more, work quietly day in and day out on behalf of all of us to make sure Ontario is a better place to live. For this, they deserve our recognition and thanks. But as we all know, they need more than recognition and thanks to keep the lights on and the telephone ringing. That's why I'm very proud to be speaking to the assembly today about Bill 130, An Act to support children's charities in Ontario.

Bill 130 proposes an optional program allowing Ontarians to make donations to support the work of registered children's charities in Ontario when paying for licences, permits and number plates issued under the Highway Traffic Act. The funds would be collected by the Ministry of Transportation. The funds would then be forwarded to the Minister of Children and Youth Services, who would in turn establish a trust fund and develop and maintain the criteria for the distribution of the collected funds to worthy children's charities across our province.

It is my vision that a volunteer board of directors would be established by the trust, and a trust indenture

and bylaws put in place. The board would establish clear, transparent guidelines for an application process, evaluate proposals and put in place reporting and audit requirements so that we could all be assured that we are getting the most from the dollars delivered.

I know that Ontarians are very generous. In fact, Canadians gave \$5.8 billion to charities in 2003, up from \$4.9 billion in the year 2000. Bill 130 can serve as a catalyst to enable Ontarians to work together to enhance the quality of life for the children in our communities, and to allow children's charities like the Gatehouse and Equally Healthy Kids to enhance and expand services and programs, to develop new partnerships, to increase the number of children reached, to address community needs and to build on their success.

Some might ask, why do we need Bill 130? Certainly Ontarians can seek out a favourite charitable organization and donate. Certainly they can and certainly they do. But according to a recent survey by the Canadian Centre for Philanthropy, there is a clear divide between the resources available to large not-for-profit organizations and smaller organizations which are operated with a high dependence on volunteers as well as gifts and donations. These non-profit and volunteer organizations are the cornerstones of each of our communities across Ontario, enabling our communities to come together and address important needs by finding diverse and innovative solutions.

That is why these worthy organizations deserve the financial support and recognition from a newly created Kids First Trust. That is why it would mean so much.

If enacted, Bill 130 would greatly improve access to donations for registered Ontario children's charities. I want to take a moment to talk about my experience as a fundraiser, as the chair of the board at the Gatehouse. Seeking out those initial funds from a recognized, named foundation provides opportunities for charities to get the needed funds to keep their lights on, expand their programs and continue to do that work. But it also comes with some recognition, recognition from somebody who has looked at the work you are doing, acknowledged it and given you a stamp of approval. I can tell you that in the last number of years, with the unfortunate abuse and fraud in the children's sector in terms of raising money for children's charities, we have seen a need for that stamp of approval and recognition for some of our most worthy children's charities across this province.

I want to talk for a minute about where this idea comes from. In 1994, the state of Indiana's General Assembly established the Indiana Children's Trust Fund, and since that time over \$10 million has been raised and distributed to community programs that promote the health of children and address the prevention of child abuse and neglect. In 2003 alone, over \$2.3 million was raised.

This idea has been championed in Ontario by the Child Abuse Prevention Council Windsor-Essex County. I want to thank Tina Gatt, the coordinator, and Travis Hughes, a volunteer with the organization, for their

commitment to children across Ontario and their tireless efforts to date. I know they said they'd be watching at home in Windsor. I also want to acknowledge my colleague the Honourable Dwight Duncan, the Minister of Energy and the member for Windsor-St Clair, who first brought this innovative idea to the Legislature in Bill 79 in 2003.

I also want to take a moment to acknowledge some other guests that I have in the audience today, students from all the high schools across Etobicoke who are participating in the Lakeshore Scholars Program that we have implemented in Etobicoke-Lakeshore. They are Michele Butcher, Dylan Cohen, Elaina Mastrilli and Margaret O'Keefe. I hope that coming to the Ontario Legislature today for the first time, they will see at first hand the good work that can be done by a member in this province and the debate that can happen when all parties talk about issues that are important to all of us in each of our own communities.

Bill 130 will allow each of us to provide that additional support for worthy organizations in our communities that are doing the good work that we thank them for. Now we will be able to do just a little bit more than thank them.

Non-profit and voluntary organizations which seek to improve the lives of children across Ontario are an expression of our values as a community, as a city and as a province. Supporting and increasing the capacity of these very important community organizations and supporting Bill 130 will, I know, make our province a better, safer, healthier and richer place in years to come. In order to accomplish that end, I very much hope that I will receive support for Bill 130 from across the Legislature. I look forward, as I know all of you do, to a day when the Kids First Trust will be able to help those fledgling and innovative organizations in each of our communities as they do the good work that we would like to be on the front lines doing: the good work of feeding our children for a breakfast morning, the good work of helping those children who have been abused and the good work of so many other organizations across this province that make sure that the next generation's life is just a little bit better, a little bit safer, healthier and richer.

1110

**The Deputy Speaker:** Further debate?

**Mr Norm Miller (Parry Sound-Muskoka):** It's my pleasure to join in the debate this morning on private members' business to talk about Bill 130, An Act to support children's charities in Ontario, a bill that has been put forward by the member from Etobicoke-Lakeshore. The bill proposes an optional program allowing persons to make donations to support the work of registered children's charities in Ontario when paying fees for licences and permits and number plates issued under the Highway Traffic Act. Donors may request specially designed number plates in recognition of their donations.

I was at a reception last night when the member from Etobicoke-Lakeshore asked me about this bill and gave me a good sales pitch on it. It was obvious in that sales

pitch that this is very much from her heart and means a lot to her. She's had many years' involvement with children's charities and is using her private member's bill to try to assist them. I fully recognize that and I will be supporting this bill.

I do, of course, have some questions, which is fairly normal. I would question the cost of the administration of the program. I gather that, as you buy your licence fee, you would choose to make an optional donation, so it is a means for children's charities to fundraise. I see in the bill that the money goes, I gather, into general funds and then it's forwarded to the Ministry of Children and Youth Services in a trust fund. I would certainly question that the administration costs don't eat up the cost of the donation. I also note that the Minister of Children and Youth Services may distribute funds from the trust fund to children's charities, so I would also worry a little bit about this becoming political when it's a minister who is deciding who gets the money from the trust fund.

I know that children's charities are very near and dear to the member from Etobicoke-Lakeshore, but I wonder, why not all charities? Why not have all charities able to participate in this fund and have it open to all the many good charities out there, not just children's charities?

I note that in my constituency of Parry Sound-Muskoka, many issues have been coming up to do with youth, especially speech and language pathology; the closing of early years' centres, which was an issue this summer; the funding for programs like the YWCA and the Muskoka/Parry Sound Sexual Assault Services program, Girlz Unplugged—which unfortunately the government decided not to fund, but they were luckily able to go to the district of Muskoka to replace that provincial funding—and the prevention of violence against women's programs as well. Unfortunately, I saw on the news this morning that a tragic murder in Huntsville recently occurred, so obviously we need to see funding. That's a role where the government should be playing a direct role, in assisting funding of those worthwhile organizations.

I do have some questions, but I support the principle of this bill, and I know that the member is doing what she can to assist children's charities, and I will be supporting this worthwhile bill.

**Mr Gilles Bisson (Timmins-James Bay):** Thank you for an opportunity to speak to this. I just want to say up front—OK, do we agree that we need to do all we can in order to support children's charities? The answer is yes. Should we allow this bill to go to second reading? Obviously. Let it go to committee and decide what we're going to do with it. But I think there are serious questions that need to be raised around this bill and committee needs to be able to deal with them. I just want to go through some of them.

I think one of the bigger, broader principle issues that we need to think about is, is this yet just a continuation of what we've seen by way of governments across this country, and I would say across North America, to more and more put the onus of supporting organizations in our

community that do good community work on to the backs of people and taking it from the perspective of doing it by way of taxes themselves?

Let me explain. I probably didn't explain that well. I was a bit thrown off as I started that. What we've seen over the last—

*Interjection.*

**Mr Bisson:** I will, because I think it's important for Mr Tascona, because he wants to speak to this.

We have seen across this country, over the last 10 or 15 years, a move on the part of government to take services that used to be provided to people by way of government, either in health services, children's services, mental health, developmentally handicapped etc, and move those services from being supported by way of government, through the taxes that we pay, to relying more on charitable donations on the part of private individuals.

That is a trend that, quite frankly, disturbs me, because what we're seeing more and more today is very valuable services in our communities basically move off of being a service that is there for the common good, that is basically borne by the taxpayer, to being divested off to a stand-alone agency that deals with having to fundraise to be able to provide services.

Let me give you a good example: the deaf and hearing-impaired people in the community of the city of Timmins. We have, for a number of years, been in a situation where originally they had been funded by the province to run an office in Timmins in order to support the very much-needed work they do in and around the community. For whatever reason—it's a bit too long to explain—over a period of time, we saw the government funding for services for the hearing impaired in the community dry up and, as a result, they had to rely entirely on charitable activities within their organization to provide services.

Luckily, we managed to intervene. I've got to say that George Smitherman, the Minister of Health, came through when we asked him to re-fund this service. I want to put on the record that George did an excellent job in hearing the cries of the city and this local member to get that organization funded, and we're now working toward reintroducing it as a core service paid by the Ministry of Health in the city of Timmins.

But I raise this because that's just but one example of what we've seen, where organizations in our community that do very valuable work are having to struggle to stay alive and, in many cases, having to close their doors because they can't survive on charitable donations. There are just too many people, too many organizations in our communities, in some cases small communities, which makes it even more difficult for them to fund themselves.

For example, in Timmins, the AIDS committee has basically closed up shop. They originally got some Trillium funding in order to set up a place they could operate out of in the city of Timmins. They did a lot of good work in our city. Our city, like other cities across the province, has people with AIDS, and we need to allow

those people to come together to deal with what is a very tragic disease and do the kind of advocacy work that needs to be done in our communities, to make sure other people don't become infected with AIDS, and also to let people know that people with AIDS are people like anybody else but they just happen to have a disease. We need to reinforce that message out there.

Unfortunately, at the end of their Trillium funding, they just could not survive on charitable donations and, as a result, had to basically close down their storefront. I think that's tragic, because I think there is a role for government to play in these types of services. We need to do advocacy and prevention in order to make sure people are able to live longer and more healthy lives. What we're finding more and more is that those responsibilities are falling on the backs of individuals who deal with charities.

So when it comes to this particular initiative, I think the member is trying to do something right, which is, how do we find money for children's charities? And I agree with you; we need to do something because, quite frankly, there is not enough being done on the part of federal and provincial governments to be able to support the services that are much needed for children.

I guess I'd ask the question: Doesn't government have a responsibility to a certain extent to make sure that some of those things are done? That's why we pay taxes. The whole principle behind the tax system is, rather than having a user-pay system where people individually have to pay whenever they want a service or have to rely on the good graces of donations of individuals, we basically distribute the cost of the service over a broader number of people and we collect that in taxes in order to provide those services. Then I would just say I would want to see this House and members of this assembly put as much pressure as we can on the Minister of Children and Youth Services to make sure that we give proper supports in our communities, because, God only knows, we need it.

**1120**

I represent the riding of Timmins-James Bay, and our riding is not immune to child poverty, by any stretch of the imagination. In some cases, in some of our coastal communities up along James Bay, it is pretty desperate. So I'm not sure what this is going to do to assist those children, but again, I'm going to vote for it because I think it needs to go to committee and we have to have that debate.

Then we get to the practical side of this, away from the need to support children's services. The thing that came to mind for me is, all right, we do this for children's charities. We say that when you go to renew your sticker for your licence, you can get a special licence that says, "I support children's charities," and the money from that is then put into a trust fund to be distributed by the minister by way of application by people who want the money. Well, at some point, every member in this House is going to get called by some charity. I'm going to get a call from the Legion, because the Legion in downtown Timmins is closing down. They've had to sell

their building and they probably need more money. They're going to come to me and say, "Give us an opportunity to put a checkmark on the driver's licence renewal too, so we can show that we support legionnaires." And all of a sudden I'm going to get one from le Centre culturel LaRonde and I'm going to get one from the Dante Club, and I'm going to get one from les Filles d'Isabelle. The list goes on and on and on.

What we could end up with, technically, if we expanded this to its ultimate end, is everybody driving around with a plate where they've got a number and they belong to some charity. If we want to advertise charities on our drivers' licences, I guess that's a fair debate, but I think we need to go to committee to talk about where this is going to go. I think, again, there is a role for government, and secondly, is that a good way to deal with our licensing system? I'd certainly like to hear from the public at committee in regard to that particular issue, and from the people who issue the licences.

The other thing is, when we get into the actual bill itself—and again, I don't disagree with what the member is trying to do. Who's not going to support having more money for children's charities? But here's one of the things: We're going to establish by way of this legislation a trust fund, and the money that is then collected will go into the trust fund and those people who want money are going to make application. Then I guess at the end the minister will decide, or by way of regulation will create a board that's going to decide, who gets the money. So I'm a children's charity in a large urban centre somewhere in Ontario—Ottawa, Toronto, Hamilton, wherever it might be. I make application. You probably have better chances than some charity up in Moosonee or Moose Factory or wherever. Everybody is applying for a very small pot of money, and how equitable is the distribution going to be? Again I want to say to the member, I don't disagree with your idea. I just want to make sure that, if we do this, at the end of the day there is some equitable formula for how the money is going to be distributed, if we ever do pass this into law.

That brings me to the other point, which is, I presume we're going to vote to send this to second reading. I know I'm voting for it. But I'm just saying that once it gets into committee—first of all, is it ever going to be dealt with at committee? I don't know. There are going to be a lot of bills at committee to deal with, and I don't know to what committee this particular bill is going to go. I don't know how far up the order it's going to be. But if it ever gets dealt with and brought back into this House—I kind of doubt this thing will ever get back into the House.

So I just say to the member, as a friendly suggestion, that when you do get it into committee, we need to think about how we establish a mechanism where people can do an automatic check-off to be able to give to the charity of their choice. That's a fair debate. But maybe we need to broaden that so people can decide if they want to donate, when they go to the licence bureau, to the Legion or to les Chevaliers de Colomb or to the children's char-

ity, that people be given that option, and that gets really complicated. So I'm just raising it as debate. It's a fairly difficult thing to deal with, and I'm not quite sure that's the best way of being able to get money for charities. I would support that we in this House attribute by way of the budget an adequate amount of money to the Ministry of Children and Youth Services to make sure that children's services in this province are properly funded. At least when we do that by way of ministry, there is a mechanism to make sure that we give services that are somewhat standard for all children across the province. I'm not so sure that at the end of the day this particular initiative is going to meet that test.

I want to make just one other point, and I think my good friend Mr Prue would probably like to speak.

*Interjection.*

**Mr Bisson:** Good. I'm glad he does. I'm not going to make another point, because I'm going to leave him the full four and a half minutes.

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** I'm pleased to rise in the House today to express my support for the Kids First Licences Act, 2004, which was introduced by the member from Etobicoke-Lakeshore, Ms Laurel Broten, on October 20, 2004. Laurel, as many members know, has spent many years as an advocate, fundraiser and volunteer for various children's charities. I applaud her efforts there, and I support her initiative here today.

The bill also has a special significance for me as I had the privilege to first introduce the Kids First Licences Act on June 4, 2003. The idea was actually not mine; the idea was brought to me by two constituents who were very involved in local children's charities. They came forward with this idea based on research they had done in the United States and had identified this program. I want to take a moment to thank Travis Hughes and Tina Gatt—Tina is the coordinator of the Child Abuse Prevention Council Windsor-Essex County—for bringing this idea to the Legislature for consideration, and of course to Laurel for again bringing the matter up today.

The optional program will allow Ontarians to make a donation when paying fees for licences, permits and number plates issued under the Highway Traffic Act. Donors may request specifically designated number plates in recognition of their donations. Perhaps, Mr Speaker, with the consent of the House, I can hold up the sample licence plate and what it might look like should this bill be passed into law. That was done by the Child Abuse Prevention Council Windsor-Essex County.

If the bill passes, the Minister of Children and Youth Services will be responsible for establishing this trust fund into which donations will be made, and developing and maintaining criteria for the distribution of funds to the registered children's charity.

When the program began in Indiana in January 1995, \$25 from specialty plate sales went to the Indiana Children's Trust Fund, the title of which has recently been changed to the Kids First Trust Fund. In that first year in Indiana, the program raised over \$1.9 million.

Children's charities are competing for funds in a very tight market. These organizations are an integral part of our socio-economic network, and we must find innovative ways to support them so they can do their job the best they can. Ontario's children's charities provide an invaluable service. They seek to improve the lives of those most vulnerable in our society.

According to Indiana figures for 2003, the Kids First Trust Fund assisted 86 agencies throughout the state with over \$2.3 million. From 1994 to 2001, over \$14.3 million was raised.

I am pleased to rise in the House today to support the bill as we look at new and innovative ways to support the important work of children's charities in Ontario so they can continue to do the work that is so important to all of us. I think it needs to be said that there has always been a presence of children's charities in this province. This doesn't shift the burden from government to charity; it simply provides another mechanism to various children's charities, particularly, as Ms Broten indicated in her discussion, those charities that are smaller and don't have the ability to raise the bigger sums of money. Indeed, when this idea first surfaced in Indiana and again last year, that was the whole purpose. In my view, it functions not unlike the Trillium Foundation in some sense, but it will be targeted to children's charities.

The member earlier said, "Why just children's charities?" Well, let's start it up and see what happens. These children's charities are in need of help. I think we can all agree that these are worthy causes. All of us, I'm sure, have an identification or affiliation with one or another children's charity in our home riding, whether Timmins, Windsor, Etobicoke or Ottawa—anywhere in the province.

I am pleased to join my colleagues in the House who will be supporting this bill. I look forward to it being moved to a committee, and I look forward to our colleagues in the NDP and Conservative Party allowing bills to get through committee in a timely fashion so we can get bills of this nature to the fore for discussion, so that, as many other private members' bills in the past have, they can see the light of day and become government policy.

My congratulations to Ms Broten. I look forward to the opportunity to vote in favour of this bill approximately 30 minutes hence. Thank you very much.

**1130**

**Mr Garfield Dunlop (Simcoe North):** I'm pleased to rise today to support the member from Etobicoke-Lakeshore on her Bill 130, the Kids First Licences Act, 2004. I want to say that I've discussed this somewhat with Ms Broten and believe that she's put a lot of thought into this. I think there's some fairly innovating thinking going on here as we proceed toward another private member's bill. I'm just going to reiterate, because the House leader for the government is here, and I mentioned this with the previous private member's bill earlier this morning, that I think we're not taking nearly enough advantage of private members' hours.

I too would like to see a lot more bills go through the House, go through to third reading, and I can think of eight or 10 bills that I've seen, starting, I guess, last spring, proceeding right through to today, that I think merit time in committee. I think they would save the government and the taxpayers a lot of time if we could move some of those bills forward.

If there's anything we can do with democratic renewal, it's private members' time and private members' hours. Maybe we should double the amount of time or something. Mr Wilkinson suggested to me earlier that maybe we could do something along the lines of co-sponsoring a lot more bills so we don't have the partisanship involved in it. I think this is a great way of proceeding, and I will be supporting this.

I can't say enough about the fact that the children are our future. The House leader mentioned previously that you have to start somewhere, and I believe that children's charities would be a good place to start what I consider to be a very innovative way of thinking on raising funds. We have had some negative comments from people who thought that this may be just be another opportunity for the government to do a photo op when they distribute the money. Yes, that would probably be the case, but I think we can live with that.

However, I want to compliment the member, and I don't very often sit here and compliment the Liberals on anything, because my job is to oppose, but I've sat somewhat on the report on the review of emergency management in the province, and Ms Broten, of course, has been the lead on that bill, along with Mike Colle, who's here in the House as well. I know that during the debate on that report, she put a lot of time and effort into that. I don't know if her caucus knows how much time she really put into the bill, but I think it's important that she be thanked for that.

As well, I want to compliment her because we have something in common. I've been a former parliamentary assistant to the Premier, and I always feel sorry for anybody who has that job. I think she's probably doing a great job, in spite of the fact that no matter where you go, if you're a parliamentary assistant to the Premier, you're supposed to answer every question the Premier can answer. If she goes to estimates committee or she's on a talk show, because she has that job, she's expected to know all the answers that the Premier has in his House book, and she probably doesn't have a House book. So it's not an easy task to do that job, and I think when they put her on the lead on the report on the review of emergency management, they picked someone who's very competent.

So I'll be supporting this bill. There's been a lot of debate already, and I think the fact that there's been a case, an example in Indiana, has set a path for Ontario to follow. One of the things that government has done in Ontario—we took the lead on it, and so did the federal government—is the Early Years centres. I hear some people still making negative comments, but I can tell you, in my riding, I have two Early Years centres—one

in Orillia and one in Midland—and I just can't compliment them enough on the work they do. I think they receive \$500,000 a year from the government. There are programs throughout the little rural communities, and I can tell you that that money is well received and well spent by those Early Years centres in our ridings.

I'm going to leave a bit of time for my colleague from Barrie-Simcoe-Bradford. He's of course got some early years centres in his riding. I don't know what his opinion is on this bill. But as we move forward, I want to re-emphasize the fact that I think this is a fairly innovative way of doing this transferring of money.

Second of all, I really hope we can talk a lot more and discuss a lot more in our own caucus meetings and even in this House and in some of our Qs and As and in the debates we have—let's move forward with some democratic renewal in private members' time. There are really some good thoughts coming here. We can't keep burying these great ideas in committee of the whole or in some committee and it will never be brought forward. It is our responsibility as backbenchers and as caucus members and as MPPs to go our caucuses and say that we want to spend more time debating private members' business and we want to spend more time getting this legislation through.

It is something that we owe the public. There is good legislation here, and there is no reason why the public shouldn't deserve some of this legislation to be passed on and not sit on a shelf year after year after year as we proceed through our political careers. Let's support this bill, and let's see if, along with a number of other bills, it can't be moved to actually be implemented here in our province.

With that, Mr Speaker, I'll thank you for this opportunity today. My colleague from Barrie-Simcoe-Bradford will wrap up in a few minutes.

**Mr Michael Prue (Beaches-East York):** I rise to support the bill, but I do have to tell you that there are some very grave concerns that are going to have to be dealt with in committee. Having said I support the bill, I want to deal with what I think the author of bill should be taking forward to committee and some of the pitfalls that I see.

First of all, it is trite to say that government should be funding these organizations. If we cannot fund children's services first and foremost in this province, then I would think that we're probably in worse shape than we all hope. We're hoping that the finance minister will stand up today and tell us the economic future is rosy, and if in fact it is rosy, then we should commit ourselves to making sure that our children are looked after in this province.

The second problem I have with this bill is that it is somewhat cumbersome. The example has been given about the state of Indiana. I did a little research on the computer about the state of Indiana and how their program works. I find that it is bureaucratic, top-heavy and expensive.

The example was given of the Indiana Kids First Trust Fund licence plate. Well, here are the details of what

Indiana does. The total fee is \$40, it is available at all licence branches, and \$25 of the fee is a donation to the Indiana Kids Trust Fund toward programs for the prevention of child abuse and neglect.

That's all well and good, but \$15 is an administrative fee for the state of Indiana. So what you are doing when someone donates \$40 is that 30% of the money given is skimmed off the top and goes to the state of Indiana for general revenues, for the state to issue the licence plates. No charity—I shouldn't say no charity—no reputable charity in this province skims 30% off the top for administrative fees. Certainly that's not the case with the United Way, which is out there collecting money now, and most of the children's charities that I know have about a 10% to 15% administrative fee for the hiring of their staff, the keeping of accountants and those things that are necessary. This is much, much higher than we would allow any charity to do.

The second problem if you look at what is happening in Indiana, which was given as the example, is that it's not just this licence plate. Do you know, because they started with this in 1995, how many licence plates they now issue? They issue 23 separate licence plates for colleges and universities, ranging in fee from \$12 to \$150 to get the licence plate to help your former alma mater. They issue military-related plates for those who are in the military. They issue plates to the American Legion, the Fraternal Order of Police, Freemasons, Indiana Black Expo, the Breast Cancer Awareness Trust, the Food Bank Trust, and the list goes on and on and on.

I am a little bit worried that this very good idea, doing what Indiana set out in the first place to do, will grow in the same way that the Indiana plates have. It is a boon not to the charities, not to the organizations, but in fact to the government, which, in each and every case, charges \$15 administrative fees in order to pass on money which people can pass to all these organizations by simply writing a cheque. If that's what the intent is here, I think we have to have a very close look at not doing what Indiana has done.

1140

The third and last is the minister's role in clarifying—and we need clarity here—who is eligible. As I read the bill, it says that the only eligible groups—"Its primary objective is the improvement of children's lives in the province of Ontario." Many of the institutions are Canada-based. Many of the funds that are collected for children's services are not unique to Ontario. They do give money to Quebec; they may give money in the Maritimes or in western Canada. It is Canada-based. I would not want to deny a Canadian citizen the opportunity to make sure that the money goes to charities which help children all across this country.

**Ms Deborah Matthews (London North Centre):** I am delighted to rise and enthusiastically support my colleague the honourable member for Etobicoke-Lakeshore in her effort to make it easier for people in Ontario to support the kids in Ontario. This is a very good bill and I'm proud to support it. It will mean very simply that

more money will be raised for children's charities. Bill 130, the Kids First Licences Act, will give people in Ontario the chance to celebrate their birthday not just by blowing out an increasing number of candles on their cake and not just by renewing their driver's licence and licence plates, but by giving a gift to the children of Ontario. If this bill becomes law, your birthday will be your chance to provide children with opportunities to learn, to play, to laugh and to be healthy, happy kids.

We need to take better care of our kids in Ontario and we need to better support those charities that make the lives of our kids better. Many kids, indeed all kids, need more than their families are able to give them, and they need more than government is able to give them. That is why we need our communities to provide the support, the encouragement and the opportunities to explore new adventures, to master new challenges and to learn the leadership skills that will serve them well into adulthood. It truly does take a village to raise a child. This bill will give the village more resources so they can serve more kids and provide more intense supports for kids who need them the most.

In my community of London North Centre, I have seen firsthand the magic that can happen when kids get a chance to be kids. I've seen little girls flourish under the mentorship of Big Sisters, thrive when they have someone in their lives who believes in them and who encourages them to be the very best they can be. I have seen the faces of kids light up when they pour off the buses as they arrive at the Boys and Girls Club, where they can play in a safe, positive environment. This bill, if passed, will let more kids have that opportunity.

Tomorrow, I celebrate my birthday.

**Hon Jim Watson (Minister of Consumer and Business Services):** Twenty-nine again.

**Ms Matthews:** Yes, 29 again. Tomorrow, because I am a procrastinator, I will renew my license plates, and tomorrow, thanks to the introduction of this bill and the reminder it has been, I will drop off a donation at my favourite children's charity. But I hope the next time I have to renew my licence, all I will have to do is just tick the box.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to join in the debate with respect to Bill 130. I've gone over the bill, and certainly the intent, what the member is trying to accomplish here, is in the public's interest in terms of making a donation to support the work of children's charities in Ontario.

What I find interesting, though—and perhaps the member can respond to this. Looking at this legislation the way it's drafted, if you look at subsection 1(2), it says, "The Minister of Transportation may...." There's the word "may," which gives the minister the discretion—"collect amounts donated under subsection (1) and, on collecting an amount, shall ensure that"—which goes to very direct and mandatory language, the word "shall,"—"a receipt for the amount is issued to the donor."

What I don't know is, is it strictly a receipt or is it a taxable receipt that is going to the donor for having given

for an organization? It is an indirect method, because it is going to come through another ministry and it is going to go to a charitable organization, with the primary objective of supporting children's lives. So the section there deals with the Minister of Transportation being given a prerogative to collect the amounts. I would think, if the amounts are donated and the minister is going through with this, that the minister has an obligation under law, once he or she has collected the amounts, to ensure that they go toward the purpose of this legislation.

Then it goes on under subsection 3, "The Minister of Children and Youth Services shall"—that's very strong language. It's mandatory, the minister has to do the following: "(a) establish a trust fund into which shall be paid the amounts donated in accordance with the section; and (b) develop and maintain criteria for the distribution of funds from the trust fund to children's charities." There is no minister's prerogative for the Minister of Children and Youth Services. The minister is required to do what is said in the legislation whereas the Minister of Transportation may collect amounts donated.

Now, we've got a situation where the amounts have already been donated, and they say they may collect. That may be the drafting. Maybe the member has an explanation for that and maybe we can deal with it, but I don't like the way it's drafted and I'm questioning whether the person who is making the donation is going to get a taxable receipt. If they did give directly to the organization, they would get a taxable receipt. So I don't know what's going on here. Is it a taxable receipt or is it not? Let's be fair. If it is going through to a charity, the normal provisions would apply.

I'd like to say, Minister, that children's services are an important issue. I have been dealing with the Minister of Children and Youth Services and also through the Minister of Finance, because he's affected in his riding with respect to a children's treatment centre in my particular riding. We're the only area, Simcoe county and York region, that doesn't have access to a children's treatment centre. Because we're debating improving the lives of children, I think it is important that the Minister of Children and Youth Services start to move on the petition. There are approximately 23,000 children and youth in Simcoe county and York region who have special needs. Approximately 6,000 of these children have multiple special needs that require a range of core rehabilitation services. We have right now, through the Simcoe county organization that deals with children with special needs, a location where this facility could be put. It wouldn't have to be constructed at the cost of the one that was constructed in the millions of dollars in North Bay. We have a facility right now. All you have to do is approve that funding and we can improve the lives of children in my areas right now.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I have been thinking a lot about this initiative. Someone raised the question or made the comment that it takes a village to raise a child, and that makes me think, whose responsibility is it to raise the village? I

think the government's got some responsibility there around initiatives. I've been thinking a lot about turtles too. That may sound like a strange thing to say, but Pat Conroy's novel *Beach Music* chronicles the story of baby turtles and their struggle for survival. He doesn't say this, but I concluded from re-reading the book recently that often in life we only move ahead like the turtle, slowly and by sticking our necks out. That's, in part, what the honourable member is doing here.

**1150**

Some may say, "This isn't going to eradicate world hunger. This isn't going to stop the nuclear arms race." But it's going to make a significant contribution in a very important area.

We who ponder our activity here from time to time often think about the work we do. I know others think about it. They frequently talk about career politicians and what have you. I was thinking last night that a career perhaps seeks to be successful by making money—we have certain measures about what success is—whereas a calling seeks to be valuable by making a difference. I think the member from Etobicoke-Lakeshore has a calling to this place, and I'm really proud of her in this initiative. She clearly has a passion for the possible. She is taking a few moments on a Thursday morning to declare that passion for the possible and to say that we in this place can do something hopeful. So thank you, madam, for that.

One of the attributes of power is that it gives those who have it, especially on Thursday mornings in this place, the opportunity to articulate values and define certain realities, and with that, I suppose, the power to help others believe in some new definitions. I think that's happening in a very real sense here today as well.

Before coming to this place, I worked as a professional fundraiser, not a very well paid one, by the way, but you don't go into it for the money. It really is a calling. There are a couple of truisms about fundraising, particularly in the charity sector. I note, and I want to footnote this, that the member's bill talks about registered, legitimate charities, not the kinds of charities Minister Watson is talking about in his fraud calendar, where you get ripped off, but about legitimate charities for which an income tax receipt can be given.

But I am wandering. I'm making the mistake of actually talking to the bill. Forgive me for that. I didn't mean to do that.

Back to the task of fundraising, there are two core truths around successful fundraising. First, it's a TSA strategy. First, you have to effectively tell the story. After telling the story you have to do something else that most of us have difficulty with—certainly in the political arena I have a lot of difficulty with it—and that's making the ask, asking for the donation. A lot of people are reluctant to do that.

Some charities need help with their storytelling. Hopefully, by passing this bill there will be an incentive for them to get on with that work. A lot of them have trouble making the ask. I think it's here where we as a govern-

ment have an important role to play, because people want to give. Ms Matthews raised the fact that it's her birthday and she'll be renewing her licence. She could make another important contribution when she does that. It's called organ donation. It's optional, just as this would be optional, and it's very important that we do that. When you renew your vehicle plate or your vehicle licence, you have a vehicle to make an organ donation. We will have a vehicle here to make a donation in a very focused way to a series of charities that can certainly use our help.

I mention that because people do want to give, but they need that vehicle to facilitate that giving. I reference that because some said, "Why not everybody?" Well, sure. I mean, why not have a donation on the licence to eliminate world hunger? Sorry, but I don't want to see excellence become the enemy of the good.

What the honourable member is doing is good, it's right, it's timely and it is a great contribution. The bill is proposing that funds will be collected and put in a trust and that the minister will get advice from a separate board as to where that can best be invested.

We have some evidence that it works. In the state of Indiana it works very, very well. Kids First has helped innumerable young people. There's been a lot of rhetoric lately about, "Leave no child behind." I think this would be a good start.

The interfaith council is here today. Lois Wilson, the former moderator, quoted the prophet Amos about letting justice flow down like a mighty stream. I agree with that, but we'd better have politicians around to make sure we're building the irrigation system.

**The Deputy Speaker:** The member for Etobicoke-Lakeshore has have up to two minutes to reply.

**Ms Broten:** I want to thank the members for Parry Sound-Muskoka, Timmins-James Bay, Windsor-St Clair, Simcoe North, London North Centre, Ancaster-Dundas-Flamborough-Aldershot, Barrie-Simcoe-Bradford and Beaches-East York for speaking to this important bill.

In my vision of the future in Ontario, this bill would build upon the good work our government is doing with respect to children's charities. We have seen direct increases for funding of community health centres—the folks who are here today—increased funding for the Gatehouse from the victims' justice fund and recent increased funding to Variety Village and children's mental health.

But we need to build partnerships in our community, we need to work, both private sector and public sector together, to make sure children's charities, which do have a special place distinct from many other worthy charities across the province—it is not unusual for foundations to direct their funds to children's charities because, as has been said by many members across the Legislature, children are our future.

The good work we can do is to ensure that not-for-profit organizations can spend a little bit less of their time, money and resources trying to raise money, and that generous Ontarians can have a mechanism to donate money and know that someone else is double-checking

the i's and crossing the t's and that their money is being well spent.

I certainly look forward to the debate at committee about what the contents of the bylaws and the contents of a trust indenture would be. I left my law practice about a year ago, and so, in combination, I did not draft a trust indenture, but certainly we would need to do that. I look forward to seeing this go to committee so we can talk about how we, as a Legislature, as people in this province, can work together to make sure we provide more support to the children's charities that are doing incredible work on behalf of each of us every single day in communities across this province.

**The Deputy Speaker:** The time provided for private members' public business has expired.

#### HIGHWAY TRAFFIC AMENDMENT ACT, 2004

#### LOI DE 2004 MODIFIANT LE CODE DE LA ROUTE

**The Deputy Speaker (Mr Bruce Crozier):** We will deal first with ballot item 37, standing in the name of Mr Milloy. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 96, this bill is referred to the standing committee—

**Mr John Milloy (Kitchener Centre):** Mr Speaker, could I suggest that it be referred to the social policy committee?

**The Deputy Speaker:** The member has asked that it be referred to the social policy committee. Agreed? Agreed.

#### KIDS FIRST LICENCES ACT, 2004

#### LOI DE 2004 SUR LES PLAQUES D'IMMATRICULATION EN FAVEUR DES ENFANTS

**The Deputy Speaker (Mr Bruce Crozier):** We will now deal with ballot item 38, standing in the name of Ms Broten. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 96, it is referred to the committee of the—

**Ms Laurel C. Broten (Etobicoke-Lakeshore):** Could this bill be referred to the standing committee on finance and economic affairs?

**The Deputy Speaker:** The member has asked that it be referred to the standing committee on finance and economic affairs. Agreed? Agreed.

Just before I leave the Chair, I want to say that I listened very carefully to the debate and I think the debate was of very high quality this morning. You're to be complimented on it.

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

*The House recessed from 1200 to 1330.*

## MEMBERS' STATEMENTS

WALTER FRANK  
AND HERMAN KASSINGER

**Mr John O'Toole (Durham):** I rise in the House today to pay tribute to the late Walter Frank, a true builder of community, a respected business leader as well as a friend. Walter passed away on Saturday, September 4, at the age of 78. The preceding day he had put in his customary day at work at the office. This was typical of the dedication and commitment Walter brought to his clients and to his community.

Walter Frank came to Canada from Holland with his parents at the outbreak of the Second World War. Originally a dairy farmer, he was suddenly stricken with polio in 1953 and had to give up farming. Rising above adversity, Walter went on to work with the Don McQuay Realty in Whitby and would later establish his own firm, Walter Frank Realty. He was subsequently named Oshawa's top realtor and his company had branches from Toronto to Algonquin Park.

He was the beloved husband of Pearl, his wife of 49 years, the cherished father of Allan, Cynthia, Steven and Susan-Jane, and a devoted grandfather to Madelaine. Walter Frank loved life and was proud of his family, his community, his company and the many friends he made throughout his life. Walter will be missed by the entire community.

Unfortunately, just recently also, Mr Herman Kassing was deceased at the age of 82. He was also a well-respected visionary and community builder, as well as a home builder. He is survived by his wife, Alexandra; his children, Stephen, Gabrielle and Michael; and six grandchildren.

They'll be greatly missed in building our communities in Ontario.

## FINANCEMENT DES HÔPITAUX

**M. Gilles Bisson (Timmins-Baie James):** Je voudrais rapporter à l'Assemblée, parce que je pense que c'est le cas pour tous les députés ici, la même situation : nos hôpitaux ont des problèmes, et ce gouvernement a besoin de répondre aux problèmes qu'ils ont créés dans ces hôpitaux.

Pour mettre ça en perspective, ce qui se passe est que chaque année les hôpitaux dans cette province ont besoin de donner au ministère de la Santé un plan qui leur demande, « Combien d'argent avez-vous dépensé cette année, et si vous en avez dépensé plus, qu'est-ce que vous allez faire pour récupérer ce nouvel argent que vous avez dépensé? »

D'habitude, le gouvernement dit que, par exemple, si on fait un déficit de deux millions de dollars, qu'est-ce que vous allez faire pour être capable de balancer votre budget? L'hôpital dit, « Bon, on peut faire telle et telle affaire pour 250 000 \$ ». Le restant vient du gouvernement pour s'assurer qu'on peut mettre en place les

services nécessaires pour les hôpitaux dans les communautés à travers la province.

Cette année, 80 % des hôpitaux au nord de l'Ontario se trouvent dans une situation où le gouvernement dit, « Vous allez balancer votre budget et vous allez le faire à l'intérieur de votre budget, et on ne va pas vous donner d'autre argent, pas plus que vous avez eu l'année passée. » Ça pose un gros problème. On regarde Hearst, Kapuskasing, Smooth Rock Falls, Timmins, Kirkland Lake, Sudbury et toutes les communautés et c'est la même chose : réductions de services dans des communautés qui n'ont pas la capacité de réduire les services parce qu'elles ne se trouvent pas dans des gros centres métropolitains.

Je peux dire au gouvernement que c'est une promesse brisée que vous allez vous rappeler dans la prochaine élection si vous ne réparez pas le problème tout de suite.

## ALZHEIMER'S DISEASE

**Mrs Donna H. Cansfield (Etobicoke Centre):** Today I rise on behalf of Alzheimer's. Alzheimer's disease is an illness that slowly destroys people's minds, robbing them of their dignity, their independence and their identity. It's a disease that wreaks havoc on the lives of caregivers, spouses who may themselves be old or frail, or baby-boomer children sandwiched between the demands of their own families and the need to care for an elderly patient who may not recognize them any more.

Caring for someone with Alzheimer's disease is one of the most distressing of all caregiving roles, and some have called it a living grief that can last up to 20 years. It's a staggeringly expensive disease, currently estimated at \$5.5 billion per year, which will expand over the years to become the highest economic burden for social and health care costs of all diseases in this country—140,000 people today.

This government is currently engaged in a transition project. However, recently the national advisory committee on aging, in partnership with the Alzheimer Society of Canada, called for a national strategy. I know that Ontarians would want this government to support this recommendation and to play an active role in implementing this national strategy to meet the dementia challenge.

We see today the pain and the hardship that dementia causes for so many individuals and families in Ontario. But we also can see the future, and we know that the pain and the hardship will increase unless today's reality changes. We can effect that change. We can, we must and we will do it. It is the right thing to do.

YORK REGION CELEBRATION  
OF THE ARTS

**Mrs Julia Munro (York North):** In October, I was very proud to attend the fourth annual York Region Celebration of the Arts gala. It's an important local cultural event. The gala honours the recipients of educational bursaries given to promising young artists. It is

sponsored by the York Region Newspaper Group, led by publisher Ian Proudfoot, with support from the region, municipalities and business partners. Thanks go to these supporters, to the members of the arts committee and to the bursary adjudicators.

Bursaries were presented in the dance category to Valentin and Kate, Siobhan Louwman, Joey Arrigo and Sarah Krol; in the musical theatre category to Megan Kingsbury, John-Michael Scapin and Oge Abara; for vocals in pop to Alex Ciccone and Brian Lee; for classical vocals to Sara Papini and Katie Murphy; for instrumental to Rob Christian, Ariel Kwan and Christopher Siu; for instrumental and vocal pop to Cameron Rawlings; and for theatre arts to Leanna Tallmeister.

I want to congratulate all of the recipients, and thanks to all of the supporters of the gala. I might add that these winners ranged in age from nine years and up.

#### FITNESS

**Ms Deborah Matthews (London North Centre):** I often hear our Minister of Health, George Smitherman, say, "It's time to take our health back." He's challenging all of us, and I've decided to take him on. I'm proud to say that I've begun a personal workout plan, and I'm challenging other members to do the same.

I sure didn't have far to look for inspiration to get in shape. In London, we have some of the country's best athletes playing for our local teams. The University of Western Ontario's football team and its men's and women's soccer and rugby teams have all earned berths in provincial and national playoff games this weekend. Way to go, 'Stangs. Congratulations to all of these exceptional athletes and their coaches for serving as excellent role models to younger athletes and for providing older would-be athletes like me with inspiration.

Last week, the government launched Active 2010, a program that promotes fitness and motivates people to get active. This government is tough on smoking. We've taken junk food out of the schools, and we are striving to show the benefits of regular exercise. This is only the beginning.

This is a time for leadership. I'm going to play my part, and I'm challenging my colleagues to play their part. Next thing you know, I will be crossing the finish line ahead of the member from Mississauga East.

Speaking of great athletes, did I mention that the London Knights haven't lost a game this year?

#### GOVERNMENT CONTRACTS

**Mr John Yakabuski (Renfrew-Nipissing-Pembroke):** I rise today to report to the House about a grave concern I have regarding the behaviour of this government.

We already heard this week about the agriculture minister having a fundraiser sponsored by an anti-farming lobbyist. But that's not the worst sin committed this week.

We have learned how the Grits were sneaking photo radar back into the province. But that's not the worst of the sins committed this week.

The same Liberals who regularly preach from atop their high horses about transparency, openness and a fair tendering process have been looking after their friends again. We've learned that Gordon Ashworth, a man with long ties to the Liberal Party, who was given a \$31,000 untendered contract to work on border security back in January, has now received another contract dealing with the 407. Mr Ashworth has come a long way from paint jobs and refrigerators.

But this tradition within the Liberal Party runs even deeper and truer than their ability to break promises. This is not the first untendered contract this government has given to its friends. We remember well the contract given by Mr Duncan to his friend Peter Donolo.

Since their election, the Liberals have shown that rather than subscribe to new principles, they simply have no principles at all. How many more instances like this can we expect? Like salmon returning to spawn, the Liberals are returning to their old ways.

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#### VAUGHAN MILLS

**Mr Mario G. Racco (Thornhill):** Today I had the privilege to attend the opening of the Vaughan Mills centre in my riding of Thornhill. It is an unprecedented mix of retail and entertainment, offering visitors the chance to shop at their favourite stores as well as see a movie and take advantage of the recreational activities it has to offer the community and tourists.

Almost eight million people live within 30 kilometres of Vaughan Mills. That is 60% of the Ontario population and one quarter of Canada's population. Vaughan Mills will be one of Ontario's top tourist destinations, with many activities for both young and old.

I think Vaughan Mills truly shows the confidence that people have in our economy and in our government. I applaud the residents, business leaders and governments who supported this exciting endeavour.

This development is the largest shopping mall in Ontario. It has 1.2 million square feet and will pay \$12.5 million in local taxes every single year. It has over 200 stores and will employ 3,500 people.

Vaughan's growth has been fuelled by various economic factors, including the role of the tourism and service sectors. The city of Vaughan, the town of Markham and the region of York have a lot to offer, and I look forward to seeing Vaughan Mills centre grow and prosper with our community, like this party will prosper within Ontario.

#### HOSPITAL SERVICES

**Mr David Zimmer (Willowdale):** I want to recognize two hospitals in my riding of Willowdale, North York General Hospital and St John's Rehabilitation Hospital,

for their commitment to serving the people of Willowdale and North York.

The Ministry of Health and Long-Term Care has implemented a plan to put health care back on a stable footing in Ontario. I'm delighted to report that North York General Hospital and St John's Rehabilitation Hospital have risen to this challenge. They are among the first hospitals in the province to balance their budgets and sign accountability agreements, all the time remaining dedicated to a spirit of excellence and quality health care.

North York General Hospital has one of the shortest waiting lists in the province for cancer surgery and cancer care. In addition to its recognized expertise in pediatric and maternity services, St John's Rehabilitation Hospital also is at the leading edge of quality patient care, forging a soon-to-be-launched transplant rehabilitation program in partnership with the University Health Network, as well as an alliance with Baycrest and Sunnybrook and Women's College hospital to improve neurological care.

These two fine institutions are an inspiration to us all and serve as a shining example of what can be done through professionalism and unwavering commitment to public health.

#### LABOUR RELATIONS

**Ms Jennifer F. Mossop (Stoney Creek):** This past summer, the Minister of Labour came to my riding and met with about 20 leaders of unions in the area. They were able to directly express their concerns to the minister and to myself, and now our government is responding directly to those concerns.

Since 1990, Ontario's labour laws have swung unfairly in favour of one side or the other. Yesterday, the Minister of Labour introduced the Labour Relations Statute Law Amendment Act, 2004, which, if passed, will promote the workplace harmony and stability vital to a prosperous, productive economy. This government understands that Ontario's prosperity rests on a balanced approach to labour relations. Our reforms will return us to the labour relations environment that existed in Ontario for 40 years and that made Ontario an attractive place to invest and do business because of its stability. It also made Ontario a desirable place to work, because its laws were fair to workers. The reforms are the result of nearly a year of discussions with business and labour groups.

I would like to cite two examples of how those measures restore balance. They will remove one-sided, provocative laws such as the requirement to post decertification posters in workplaces, a law that put the supposedly neutral government squarely in the anti-union camp; and this government's proposal will give certainty and stability to the home-building sector by making permanent a bargaining framework that prevents disruption during the peak building season.

This is a bill that everybody can heartily support.

#### VISITORS

**The Speaker (Hon Alvin Curling):** We have with us in the Speaker's gallery a delegation from the province of Gansu in the People's Republic of China. Leading the delegation is Mr Xu, executive vice-governor for the Gansu province. Please join me in welcoming them to this province.

Also, we have in the members' west gallery is Gary Guzzo, former member for Ottawa West-Nepean in the 36th and 37th Parliaments. Welcome.

In the members' east gallery is John Cleary, former member for Stormont-Dundas-Charlottenburgh, 34th to 37th Parliaments. Welcome.

**Mr Vic Dhillon (Brampton West-Mississauga):** On a point of order, Mr Speaker: I'd like to introduce two special guests in our visitors' gallery. They are two cabinet ministers from the state of Punjab in India, Mr Harmel Tohra and Manjit Calcutta. They're here with my two good friends Mardam Mangat and Gurcharan Dandiwal.

#### STATEMENTS BY THE MINISTRY AND RESPONSES

##### ECONOMIC OUTLOOK AND FISCAL REVIEW

##### PERSPECTIVES ÉCONOMIQUES ET REVUE FINANCIÈRE

**Hon Greg Sorbara (Minister of Finance):** I rise today to present the 2004 Ontario Economic Outlook and Fiscal Review, along with the second-quarter financial results.

We've been in office just over a year, and the financial problems we inherited are well known. In May, we delivered our first budget. It laid out a comprehensive plan to encourage economic growth, to restore the province to financial health, to invest in education and to improve health care. Six months later, we remain on track.

Nous sommes toujours sur la bonne voie.

Today, Ontario's economy is creating jobs and it's expanding, but this province can do better and it must do better. For us, that means we're doubling our resolve to get our financial house in order. It means making wise investments. It means facing challenges and choices that are difficult. It means confronting head-on a wide variety of risks, and it means remaining focused and disciplined. That, above all, is what Ontarians expect of their government.

The Ontario economy is performing as we anticipated in the May budget. For that reason, we have not changed our May forecast of 2.3% real GDP growth in 2004. It's a prudent forecast, slightly lower than the consensus among private sector forecasters.

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Looking forward, we see average annual GDP growth in Ontario at 3.2% between 2005 and 2007. Meanwhile, the current consensus for Canadian GDP growth in 2004 has risen to 3%, and that is up from 2.6% at the time of the May budget. If you take out Ontario's number, GDP for the rest of Canada is expected to grow at 3.3% in 2004. In other words, while the Ontario economy is growing, the economies of some other provinces are growing faster.

Now, there are a number of factors at play here, including higher oil prices and a strong Canadian dollar. Our dollar has reached a 12-year high in October, and indeed closed today at over 83 cents US. That's good for consumers who are buying imported goods or who travel south for a winter holiday, but it's tough on exporters. Fortunately, our exporters are adapting. They are reducing the negative effect of a high dollar by boosting productivity, and they are using the stronger dollar to buy imported business machinery and equipment at lower prices. That makes them more competitive globally. As a result, we see Ontario's real exports increasing this year by more than 5%, and that is good news.

There is also, by the way, good news on the inflation front in Ontario. It's expected to remain below 2% this year. And since our budget, short-term interest rates are up by 50 basis points, but we are confident that the Bank of Canada will take into account the potential impact of the Canadian dollar's strength as it decides what to do next with interest rates.

Mr Speaker, the hallmark of a strong economy is job growth, so it's encouraging to us that some 127,000 new full-time jobs have been created in this province so far this year. The province's unemployment rate declined again in September, to 6.5%, and those same wise private-sector forecasters are calling for strong job growth to continue right through the length of our four-year plan. Indeed, they predict an average annual unemployment rate for Ontario of 6.2% by 2007.

With more jobs, home-buying in both the new and existing housing markets has been quite strong, with more than 275,000 homes expected to be sold this year.

The TD Financial Group recently released a report called Ontario: The Land of Opportunity. I say, how apt. Ontario is now doing well. We have turned the corner. But the report said that Ontario could be doing better, a lot better, and we agree with that.

We're already making significant progress in that regard. Indeed, the Premier's recent progress report highlighted the sorts of investments that will help us do better. These investments—each one of them—are balanced and measured. They recognize that a well-educated, highly skilled workforce is essential to a strong economy.

Voilà pourquoi nous attendons avec impatience le rapport de l'ancien premier ministre Bob Rae sur l'éducation postsecondaire pour nous aider à jeter les bases solides d'un système d'éducation supérieure, viable, accessible et de qualité.

Meanwhile, we are expanding and strengthening our apprenticeship program. We are doing it with a proposed new tax credit for employers to hire and train young people to be skilled workers.

Attracting foreign investment is central to our plan. Witness, for example, the Ontario automotive strategy, which the Premier used last week to help spur a \$1-billion investment by Ford of Canada in Oakville. That will ensure more high-skilled, high-paying jobs in Ontario.

Our goal, as you know, Mr Speaker, is to build the most productive workforce in North America, and we're doing it in a number of ways. The Ontario and federal governments will soon announce agreements on labour market services and immigration. These agreements are going to help streamline our training and employment system. They will pave the way for skilled immigrant workers to get the jobs they're trained to do.

Likewise, our plan recognizes the importance of infrastructure renewal. We are overhauling Ontario's electricity sector. Our economy must have a stable and reliable supply of electricity. We are renewing infrastructure in cities and towns across the province with direct spending and with more than \$2 billion in low-cost loans to 170 municipalities through the Ontario Strategic Infrastructure Financing Authority. We're investing two cents per litre of gas tax for municipal transit systems.

With the federal government, we're launching the new Canada-Ontario municipal rural infrastructure fund. It will support a wide variety of projects such as rural roads, bridges, water and waste water treatment systems.

We are investing in Ontario's agricultural sector, including financial help to Ontario's cattle farmers suffering from the BSE fallout. Our northern Ontario prosperity plan includes initiatives such as the northern Ontario grow bonds pilot project and the Go North investor program.

We are investing in roads and working with the federal government to improve border crossings to make the flow of trade easier.

Je voudrais maintenant parler brièvement des affaires intergouvernementales et de la contribution de l'Ontario au maintien du dynamisme du pays; that is, Ontario's contribution to keeping Canada strong.

Each year, Ontario residents and businesses contribute \$23 billion more to the federal government than we receive in federal programs and transfer payments. But seven consecutive federal surpluses tell us that Ottawa is in a position to do more in areas that support economic growth.

The recent national health care agreement, in which the Premier played such a pivotal leadership role, represents an important first step. But more is required and, therefore, we are calling on the federal government to form a critical partnership with us to ensure Ontario remains the economic engine of growth in Canada.

We are determined to stay on track with our four-year plan to eliminate the deficit. That includes eliminating the structural deficit that we inherited from the Con-

servatives. Between 2000-01 and 2003-4, they allowed spending to rise 21% while revenues actually declined by 0.7%. That kind of chronic mismatch of revenues and expenditures is simply not sustainable. The numbers now show we're headed in the right direction, but we're not there yet.

#### 1400

The first ministers' health agreement will add revenue not forecast in the budget. This money will be used to improve health care across Ontario. The second quarter results reflect these new revenues. So as at September 30, total revenues this year are now projected to be \$79 billion. That's a net increase of \$700 million. Total expenses are now projected at \$80.2 billion, and that's a net increase of \$610 million from the budget. The increase in expenditures is largely due to increased health care spending, some \$824 million. That's equal to Ontario's entitlement under the federal-provincial health agreement. That increase is partially offset by savings of \$215 million on debt interest.

My fiscal update would not be complete without a word about debt. Servicing our provincial debt costs us 13 cents of every dollar we receive. That's more than \$10 billion a year. Think about that number for a moment. That's more than we're providing for social services. That's more than we're spending on justice. And it's almost as much as we're spending on education. Debt charges crowd out funding for services and compromise our priorities.

I want to tell you that our budgetary plan to eliminate the deficit must be achieved within an environment of strong internal and external pressures. Factors such as rising oil prices and the potential slowdown of the US economy are risks that are driven by market forces, and they're beyond our control.

We do, however, have more control over other risks. Pressures in the health care system, for example, have been pushing up costs at a rate of 7% annually. Drug costs have been rising 15% per year. There is pressure for higher wages in the broader public sector. Each 1% increase in compensation for the broader public sector costs more than \$350 million per year. That's why we need to stick to our plan. And my job, as finance minister, is to ensure prudent management by anticipating and managing all of these risks.

In this environment, the need for restraint is clear. That means keeping program spending under control. Recently the Premier asked me to lead an in-depth government modernization project. We are doing a line-by-line review of every program and service. It is that serious, and it's that thorough. Modernizing government is a critical component in improving Ontario's finances. And improving Ontario's finances is a critical component in building a stronger economy.

Je répète: il est essentiel d'améliorer notre situation financière si nous voulons favoriser la vigueur de notre économie.

My first task was to assess my own ministry services and those of other business support areas. We've done that.

Earlier this year, the Ontario and federal governments committed to working together to provide more innovative and collaborative public services to Ontarians. We have now extended that collaboration to corporate tax administration. Ontario and the federal government will begin to work together immediately to design a single federal tax collection system for both Ontario and the federal corporate taxes.

L'Ontario et le gouvernement fédéral travailleront dès maintenant de concert afin de concevoir un régime fédéral unique de perception de l'impôt provincial et fédéral sur les sociétés.

Working together, we aim to reduce red tape and improve services for our businesses, while at the same time protecting Ontario's fiscal and economic interests and meeting our commitments to our employees.

And we will continue to identify other opportunities for federal-provincial streamlining. We've identified potential savings in our IT costs and our internal business transactions, and we're working with hospitals and other broader sector partners to identify and expand best practices in supply chain management. In the coming weeks, I intend to bring to this House an update on our progress as we proceed.

This government has achieved a great deal in its first year. Already, Ontario's economy is stronger. Already, the province's finances are healthier. But our success thus far only serves to reinforce our resolve to stick to our plan for better education, for improved health care, for a stronger economy and for a more modern, more efficient government.

Our goal is a lofty one: to be the North American leaders in the management and delivery of public services. And we embrace that goal, not on our own behalf but on behalf of the 12.5 million of us for whom this grand stretch of land is home.

**Mr Jim Flaherty (Whitby-Ajax):** On a point of order, Mr Speaker: Before I respond, I note that not all members on this side of the House have received copies of the Economic Outlook and Fiscal Review—both the speech and the background documents. I'm sure there's some explanation for that. I see the press has copies but members of this House do not have copies. Can that be corrected by the government?

*Interjections.*

**The Speaker (Hon Alvin Curling):** Order. As with any ministerial statement, two copies are required to be delivered to the leaders of the recognized opposition parties. I trust those requirements were met. If not, I would ask the minister to do so.

It's time for responses.

**Mr Flaherty:** I say simply, with respect to the production of the report, it would be a matter of courtesy to provide it to all members of the Legislature, despite the obligation.

The Liberal government has failed to protect the economic interests of our province over the past year, and today they have shown that trend will continue: massive tax increases and uncontrolled spending for over a year now in Ontario.

One has only to look at the series of broken promises made by the Premier and the Minister of Finance over the past year to appreciate where the economy is headed. They have broken their promises to not raise taxes, to balance the budget, to freeze hydro rates, to create jobs, to grow the economy and not to add to the public debt—all Liberal promises, all broken.

The incompetence shown by Dalton McGuinty and the Minister of Finance has eroded public confidence in the future of our economy and has led us down a road of uncertainty and instability. The minister lauds the fact that the GDP has grown, but he fails to explain where the resulting revenue has gone. The Liberals have raised taxes by \$7 billion since they took office one year ago. That represents the largest single tax hike in one year in the history of our province. Where did the money go? Most of that money is being collected through the Liberals' regressive health tax. In exchange for paying \$2.6 billion of their own hard-earned money, the people of Ontario have seen eye exams, physiotherapy and chiropractic services delisted from OHIP and privatized. Hospitals are underfunded, nurses are being laid off, beds are closing, and some hospitals are shutting down entire critical care departments to make ends meet. Thanks to Liberal mismanagement and incompetence, people are paying more and getting less health care service in Ontario.

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At a time when Ontarians are crying out for economic stability, the Liberals are committed to running deficits over the next four years and will add more than \$10 billion to the provincial debt. They are driving new construction out of the province. The Royal Bank estimates that housing starts will decline by 2.7% this year and another 12% in 2005. Young families have already had the Ontario home ownership savings plan cancelled and fear that interest rates will skyrocket to a point where they can no longer afford their homes. A recent Ipsos-Reid survey shows that despite historically low interest rates, 62% of Ontarians are opting for higher fixed-rate mortgages because they fear exponentially increasing interest rates as a result of this government's fiscal policies.

Despite the Liberal grandstanding, many Ontarians have lost their jobs on their watch. The number of single, employable people on welfare has increased dramatically since the Liberals took office. In fact, in March of this year, the number of single, employable people was over 100,000—a level that has not been seen since September 1999. But the crucial question is, why are fewer private sector jobs being created in Ontario? It is because in one short year the Liberal government's inability to manage the finances of this province has destroyed the competitive advantage that we all worked so hard to build. The

recent economic outlook provided by the Royal Bank recognizes this and says that a new health care levy, along with other measures of fiscal restraint such as the elimination of an electricity subsidy, is currently having some impact on consumer spending in Ontario. And you know that if consumers are not buying, businesses are not making money. The result: job losses, unemployment and increases in welfare.

With Dalton McGuinty and the Liberals in charge, the people of Ontario can expect to continue to pay more and receive less. The Liberals have an uncontrollable desire to tax and spend. On January 1, 2004, the Liberals broke the Balanced Budget Act and the taxpayer protection pledge and sent their first clear message to the people of Ontario: If you want to live in Ontario it is going to cost you more and you are going to get less.

Today's economic statement is just the beginning of another chapter of Liberal mismanagement. The cuts to services will not stop, and the increases in our taxes are just beginning. We in the official opposition will be an effective, clear and constructive voice for the principles we believe in. We will continue to fight for parents, students, seniors, homeowners and for taxpayers, and we will continue to fight for those things that the people of Ontario want: balanced budgets, fiscal responsibility and low taxes.

**The Speaker:** Before I hear the response from the third party, I would still insist on more co-operation. I listened attentively to the Minister of Finance, and I think the opposition did so too. There was quite a bit of heckling coming from the government side.

I ask the leader of the third party to make his response.

**Mr Howard Hampton (Kenora-Rainy River):** It's always interesting to listen to this kind of statement by the Minister of Finance. What's interesting is what he leaves out, because it ignores a number of issues that pose very serious challenges to Ontario's economy.

First of all, the minister doesn't want to acknowledge that in fact one part of Ontario's economy, northern Ontario's economy, is actually shrinking. It has lost 6,000 jobs. The eastern Ontario economy is basically stalled. The only place we're really seeing significant growth is in the GTA and southwestern Ontario.

What he also ignores is the reality that most workers face. They'll hear the Minister of Finance's rosy statements, and they'll hear people from Bay Street say the economy is growing, but their own experience is that they are working longer, harder, for less. That is the experience of the average worker in Ontario.

It's interesting that even a friend of yours, the Institute for Competitiveness and Prosperity at the University of Toronto, says that's what is happening. They say that Ontario's workers' wages are 23% lower than their counterparts' wages in comparable American states. It amounts to a gap in wages of \$4,118 a year. That's the experience of the average worker out there across Ontario. They're working longer, harder, and they're working for less.

It's interesting that you didn't refer to the report of the major power consumers of Ontario—the steel industry,

the pulp and paper industry, the mining industry and the auto parts industry—because they're very clear in their analysis. They say the McGuinty government's strategy of privatizing our electricity through the back door—Conservatives were going to do it through the front door; you want to do it through the back door—is going to drive up industrial electricity prices by a further 30% at least, possibly by another 50%. They say it will cost us 140,000 good-paying industrial jobs; for example, Bowater Pulp and Paper. They say this is already happening. It's not economic theory; it's already happening. Companies are shutting down paper machines, shutting down projects and taking projects that could go in the future and eliminating them from the page.

I found it interesting to hear the rosy statements, but these are the real people. These are the people who actually produce, and they're saying your policies are going to result in the loss of 140,000 good-paying industrial jobs. They're going to result in the curtailment of a lot of production and projects that communities across this province have depended on. I wonder why that wasn't in the economic statement.

**Mr Michael Prue (Beaches-East York):** In the time remaining, I want to deal with just two aspects here. The first is the minister's statement concerning the broader public sector compensation. I would think that this statement, these couple of sentences, has probably sent multiple chills through the people who work in this province, because I think it is a very clear signal to all of them that your next statement is absolutely true, that the need for constraint is clear, and that means keeping program spending under control.

We're all in favour of keeping that under control, but look at the problems that exist in the civil service today. Look at how long we wait in the public sector for things like birth certificates. Look how long we wait for the Family Responsibility Office to actually do the work. People are out there waiting inordinate amounts of time.

I also want to talk about what the minister did not say in his statement here today, because I followed very carefully the prepared text and where he deviated from it. The most important deviation was at the bottom of page 5. He said, "In the coming weeks, I will provide an update to this House on our progress." But there was a sentence after that, which he has omitted on purpose before this House, and it reads, "Inevitably we will have to stop doing some things in order to invest in the priorities that matter most."

My question is, what are the things he is going to stop? I think this House needs to know what they are. Is he going to stop the programs to alleviate poverty? Is he going to stop the programs that will pay people on ODSP a sufficient amount of money to live? Is he going to stop the promises for building housing? We have tens of thousands of people who need affordable housing in this province. Is he going to stop the monies that are spent on the environment, with all that is happening with our water and our infrastructure?

Those are the hidden elements we do not see here. Those are what we need him to talk about. That is what he has omitted in this speech today in the House.

## LEGISLATIVE PAGES

**The Speaker (Hon Alvin Curling):** Today being the last day on duty for the wonderful group of pages who have served us so well, I want you all to thank them for the excellent job they have done. They have done very well.

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## WIFE ASSAULT PREVENTION MONTH

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** On a point of order, Mr Speaker: I believe we have unanimous consent for each party to speak for up to five minutes on Wife Assault Prevention Month.

**The Speaker (Hon Alvin Curling):** Do we have unanimous consent for each party to speak for five minutes? Agreed.

**Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** Today I rise to remind all of us in the Legislature and everyone in Ontario that November is Wife Assault Prevention Month.

It's unbelievable to think that in the year 2004 we still have to remind people that there is this kind of behaviour going on. We have to redouble our efforts every day to understand what we can do in our various roles and responsibilities to eradicate this in Ontario.

A man beating his wife is a sickening thought, but imagine the horrible effects it has on children. Fully 37% of the time, this abuse and these beatings are witnessed by children right across the province. We know what happens when children are witnessing abuse. They are more likely to go on to become abused themselves or they will go on to be abusers themselves. That's why we in this Legislature have a responsibility to break that cycle.

I'm proud of the fact that for this government one of the first orders of business was a Premier of Ontario who stood up and said, "We will make a difference as a government. We will take steps to break that cycle." I'm very pleased to see that, while there is consternation on many issues politically in this House, this is not one of them. When we talk about the steps the government will make to break this cycle, it is not contentious among parties. All of us agree we have our respective roles to play.

I'm proud to say that at the end of November we will table our full domestic violence action plan. I know all of us are going to participate to the extent we can to implement the plan and make a difference. What I know is that it's going to push the envelope to tell the people of Ontario, "You are responsible," that every one of us has a role we can play in our own homes, as neighbours, as co-

workers, as colleagues. We can make a difference personally, and what we're going to say as an Ontario government is that it is our responsibility.

This past Monday in Ottawa I was proud to announce an additional \$3.5 million for transitional housing support. No matter where the women end up, whether it's in a shelter, whether it's in a second-stage home, whether it's at a friend's house, we are creating the capacity in these programs to reach out to these women and their children to re-establish them in the community, to ensure they have safety plans that work, to get them back on their feet where their work is concerned, to be sure we get their kids back into their regular school, and really to get these broken women back on their feet so they can be strong.

We're proud to say that in this last budget we could come forward with an increase, finally, after a long time, to a sector that needs the support, to the women's shelters out there, to the counselling services, and now after Monday's announcement, to bringing our second-stage housing providers back into the fold. These are first steps of a government this year. We're not through. A McGuinty government will have made a difference for women who are suffering from the effects of domestic violence. We will make a difference in the psyche of Ontario, and in prevention and education campaigns the likes of which we haven't seen.

I'm proud to stand in the House today, with my colleagues to help me, to help the public remember that this is a very serious issue. I thank all my colleagues for being so supportive. Probably one of the best things we are doing now as a government is coming together as an inter-ministerial task force involving 13 ministries across the government. "All hands on deck," is what Premier McGuinty said, and the way we're coming to this issue, it truly is all hands on deck. I know we're going to make a difference.

**Mrs Elizabeth Witmer (Kitchener-Waterloo):** I'm certainly pleased to have the opportunity to speak on behalf of our caucus in recognition of Wife Assault Prevention Month. I do want to congratulate the minister. I think she certainly is very sincere and passionate in her desire to continue to move the yardstick forward in supporting the women and children who obviously do need assistance and support.

As has been mentioned, wife assault continues to be widespread, despite the efforts of all three parties in this House over many, many years. We know that it does cross all demographic boundaries. It affects young, old, rich, poor. The truth is, it's everywhere. Over the past years, we have made progress. However, there still remains a very disturbing and unacceptable number of cases of violence against women and children.

I believe that it is important that every woman and child in this province and across Canada has the right to feel safe and secure in his or her own home and community. In order for this to happen, I believe that legislators on all sides of the House have a responsibility, and we have a very important role to play.

We need to continue to support the initiatives that will ensure that no woman is forced to live in an abusive relationship and that no child is made to witness the assault of his or her mother. I guess what I find personally most distressing when I've taken a look at the research, and probably based on my own experience as a teacher, is having learned first-hand the fact that when children witness the abuse of their mother, it regrettably has a very long-term emotional, physical and psychological impact. That's a very serious, serious issue.

As I said at the outset, wife assault does continue to be widespread. According to the Assaulted Women's Helpline, in the province of Ontario alone, on average, 40 women and children are murdered each year, and in this province a woman is harmed, maimed or injured every minute of every day. Now, that's a very shocking statistic.

So we need to ensure that these women have access to the support services they need: the emergency shelters, the emotional support, the counselling, the legal assistance, housing. We need to continue to develop a justice system that meets the needs of these women and children. Important, as well, is the need to make sure that we provide an economic climate that will facilitate employment opportunities for these women in order that they can have economic independence.

If we take a look at the cost of violence, according to the Women's Health Bureau, again, the measurable health-related costs of violence against women in Canada presently exceed \$1.5 billion a year: "These costs include short-term medical and dental treatment for injuries, long-term physical and psychological care, lost time at work, and use of transition homes and crisis centres." I think we would all agree the costs to women, their children and society are huge.

A lot of work has been done. I applaud the minister for her ongoing efforts. I would just say in conclusion that I do believe that each one of us does have a responsibility and a duty as we go about our daily lives to continue to always challenge the attitudes and the behaviours that we personally witness that perpetuate wife assault.

**Ms Marilyn Churley (Toronto-Danforth):** We all know, of course, that November is traditionally marked by the province as Wife Assault Prevention Month, and November 25 is designated as the International Day for the Elimination of Violence against Women by the United Nations. That is in recognition of the global priority for women, to end violence and work for women's equality—and then, of course, December 6. This is a time of the year when it's important for us to all remember and regroup and talk and think about the things we need to be doing as government to reach out to women and make a difference in their lives.

**1430**

I'm not going to mince words here today because the minister went to Ottawa and made an announcement about second-stage housing. I haven't had an opportunity, because there was no announcement made in this House, to respond to that announcement, and the minister mentioned it again today. I've got to tell you, and I've

said it in this House before, I'm very I'm angry about what has happened with the funding for second-stage housing. I'm going to tell you about that now because I have the opportunity to do so.

I have a quote from Marie Bountrogianni, who said in this Legislature in 2003, "I'm proud to say that under a Dalton McGuinty government we would reinstate funding to second-stage housing." I have emergency measures documents here signed by Dalton McGuinty in 2002, where he clearly commits to reinstating the funding cuts to second-stage housing. The Liberals' "Choose change" document shows Dalton McGuinty's signature on this document, which I have here. And on and on.

After the Liberals came into power, they started changing the wording about what reinstating funding to second-stage housing is really all about and suddenly "reinstating" disappeared. What the government announced—and I'm not objecting to it. It's a good thing to expand these transitional worker programs across the province. But what has happened here is this \$3.5 million that was promised to second-stage housing, after they were cut by the previous government and struggled for survival for eight years, were out there fundraising like crazy and going into deficit positions every year—and forgive me and forgive them if we believed those promises and thought they were getting their core funding back for the programs of second-stage housing. That's not what was announced.

They're not getting that funding back, and they're desperate because some of them had a little bit of funding thrown at them for new programs, which is welcome. There's no question about it, it's welcome. But they're not getting that core funding, as they were promised. Furthermore, most of their donors out there think they're getting that core funding, so they can't even fundraise those dollars any more. The perception out there is that they're getting this core funding that they thought they were promised. That is a major problem.

I am hoping, and looking forward to the announcements later on about the programs that are coming, that we will see that promise kept. These women are counting on it. The women and children who use their services are counting on it.

I want to see, and they want to see, the \$3.5 million going directly to second-stage housing, as promised. We want to see the expansion of these transitional worker programs. We want to see more housing built because, as has been explained to me by some of the people struggling to work in second-stage housing, one of the problems now is you create these new workers, which is a good thing, they go into housing to work with women and children who are suffering from domestic violence, but there's nowhere for them to go. So in some ways, it's a good thing but in another way it's going to add to the crisis in the sense that we don't have the programs back in second-stage housing funded. We don't have new housing being built and there's nowhere for these people to go.

Another problem with the new program the minister announced is that it looks like one-size-fits-all by population. For instance, if you go up north, where there's not a very huge population, you've got one worker for a vast expanse of territory, and they can't do the job.

So there are a number of issues about the announcement, which I applaud, but it should not take the place of second-stage housing programs which the government promised.

## REMEMBRANCE DAY

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** On a point of order, Mr Speaker: I believe we have unanimous consent for each party to speak for up to five minutes on Remembrance Day, followed by a moment of silence.

**The Speaker (Hon Alvin Curling):** Do we have unanimous consent, as the government House leader has asked, for five minutes for each party and a moment of silence? Agreed.

**Hon Gerry Phillips (Chair of the Management Board of Cabinet):** I'm honoured to have the opportunity to make a statement today on behalf of the government.

Remembrance Day lives with all generations. School-children continue to learn about the significance of Remembrance Day and, importantly, the stories of the brave Canadian soldiers are imprinted on their hearts forever. It's important for us to ensure that these memories and reflections are passed on.

I'd like to quote a young Canadian student who was the winner of an essay contest sponsored by the Royal Canadian Legion. This student said, "Canada is a free and beautiful country because of many brave people. I would like to thank those brave soldiers for the freedom that I am able to experience today; that freedom, I know, came with a high price." It's a sentiment that all of us share.

The pain and hardship endured by those who served in times of war is something that many of us today can never fully appreciate or imagine. They left their friends and families, not knowing when, or indeed if, they would return. They experienced the horrors of war first-hand. They experienced injuries, they tended to the wounded, and some paid the ultimate price.

We may not be able to imagine the experiences they endured, but we can, and should, remember and honour their bravery and their commitment to Canada.

At the 11th hour of the 11th day of the 11th month, as has been the custom since the end of World War I, Ontarians from across the province will bow their heads in silent remembrance of those who made the ultimate sacrifice on our behalf. Next week, members of the House will be in their hometowns. I know all members will attend a Remembrance Day ceremony, indeed many Remembrance Day ceremonies and commemorative events in their communities.

While for some November 11 is a holiday, we hope that everyone, wherever we are, will pause to remember the sacrifice of others. I'm pleased, Mr Speaker, to inform you that the Ontario government has asked our employees to support the Royal Canadian Legion's two-minute wave of silence, which will sweep across Canada beginning at 11 am local time. We hope that all will stop, wherever they are and whatever they are doing, at 11 am, whether at home, at work, with family or friends, to pay this tribute.

Remembrance Day, November 11, and Veterans' Week, which is commemorated each year from November 5 to 11, provide an opportunity for us to remember those Canadians who so valiantly served their country.

Mr Speaker, the Ontario government, with your support and with the support of all the political parties in the House, is working toward erecting, as you know, a veterans' memorial on the grounds of Queen's Park. This memorial will be a fitting and lasting tribute to the heroism, dedication and loyalty of all who served in our armed forces. Although it shows our appreciation and our respect for all who sacrificed for the freedom we now have, we can never fully pay homage to the men and women who so valiantly served our country in times of war. We must all strive to keep forever in our memories those who sacrificed so much for the freedom of our country. Let us remember those who served and those who continue who serve in our armed forces.

Lest we forget.

**Mr John O'Toole (Durham):** It is an honour and a privilege in this House to speak on Remembrance Day on behalf of the Progressive Conservative caucus and our leader, John Tory.

Some 90 years ago, from 1914 to 1918, the Dominion of Canada sent 425,000 soldiers to fight in the First World War. Those Canadians—students, brothers, husbands and sons—went overseas to struggle in a just cause for democracy and freedom. One such young man from Durham was Fred West, recently deceased at 100 years of age. These young men fought in a series of costly and bloody battles, and by the end of the Great War, more than 69,000 Canadian troops had died, with 172,000 wounded. They fell at Vimy Ridge and elsewhere. In their final battle, Canadian soldiers were exposed to gas attacks, yet they continued to fight, showing amazing tenacity and undaunted courage in the face of overwhelming and perilous odds.

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On Armistice Day, which is today called Remembrance Day, we pause at the 11th hour of the 11th day of the 11th month, the time when the sounds of battle of the Great War went silent.

I recall the work done by former MPP Morley Kells in his legislation the Remembrance Day Observance Act, which marked the two minutes of silence officially.

The number 11 also has deep scriptural roots and meaning, as it represents the final hour before the time of divine judgment.

On Remembrance Day, we also remember the more than 100,000 Canadian men and women from the Dominion of Canada and Newfoundland who fought in the Second World War, of whom over 47,000 died in battle and did not return home.

I must recall, in my own community of Bowmanville, the Colville family, who lost three sons: The three brothers were Alex, William and John.

Canadians lost their lives during the Second World War fighting in Normandy on D-Day, the North Atlantic, defending Hong Kong, engaging in some of the fiercest fighting in the war in the liberation of Italy and Holland and many other important campaigns. They died fighting against oppression and to end the Holocaust, in which the Nazis and their sympathizers murdered over six million Jews.

I would like to take this opportunity to remember in this House a couple of individuals who are veterans of D-Day.

First, Victoria Cross recipient Reverend John W. Foote, the MPP for Durham, my predecessor, served in the Frost government from 1948 to 1951 and 1955.

Sergeant Gerald Bousfield attended the 50th anniversary of D-Day celebrations here at Queen's Park. Sergeant Bousfield had fought in the Second World War since 1939. As fate would have it, just three weeks before Germany surrendered, his platoon was ambushed by a German patrol and he was cut down by grenade. Shrapnel lodged in his legs made it difficult for Gerald to walk for the rest of his life. When he came to Queen's Park on June 6, 1994, 17 pieces of shrapnel, including a large curved piece, had emerged from his leg after many years of being buried in his flesh.

Gerald's wife gave him a Bible, which he always carried with him on duty in his left shirt pocket. One day during the battle, a stray bullet struck Sergeant Bousfield and lodged in the Bible, which saved him from harm. On another occasion, he was surprised by an SS officer, who pointed his luger pistol at the Sergeant Bousfield's head and pulled the trigger. But the pistol jammed and Sergeant Bousfield took the officer as a prisoner. At the funeral, both the Bible and the pistol were proudly displayed by Gerald's family.

I mention all of this to show how any person's heroism can serve to inspire younger generations of Canadians. We need our veterans to tell us their accounts and battles and stories of heroism. We need to tell our children and we need to remind ourselves.

In this context, I would remind myself. My son Erin Michael O'Toole was a captain, now retired. He was a Sea King helicopter pilot. My son-in-law David Lohse is a captain and test pilot in the armed forces. It constantly reminds me of the duty to country.

Let us remember the veterans who have fallen in many wars, the veterans of the Korean War, the merchant navy men. The list goes on of those who have given to their country. As you might recall, yesterday we recognized the peacekeepers who serve this country.

As we pass by the cenotaph this week, each name represents a silent library of sacrificed lives on behalf of us and our freedom. So this weekend, as each member has the duty as we visit the cenotaph, we are there to thank those who have given to our country, given of their lives for our freedom and democracy.

**Mr Howard Hampton (Kenora-Rainy River):** On behalf of New Democrats, I too want to encourage people across Ontario to get involved in Remembrance Day ceremonies, to take the time to acquaint themselves with what has gone before us.

Many people don't know that over a million and a half Canadians sacrificed themselves in the First World War, the Second World War and the Korean War, and that 117,000 of those did not return. We need to remember.

This past summer, the member for Nickel Belt and I had the experience of a lifetime when we were able to go to Normandy and Dieppe and Vimy Ridge. This summer, being the 60th anniversary of D-Day, I can tell you that there were probably more Canadian flags flying in Normandy than in all of Canada. It was nice to see that so many people who live in northern France remember and recognize.

But there are some really disturbing things to see. I had never been to a war cemetery before. To go to the Canadian war cemetery at Beny-sur-Mer and see Canadian soldiers and sailors and people who served in the air force, not hundreds but thousands of gravestones, and to walk down some of those lines of graves and look at the ages of people when they were killed, to go down a whole row of 20 crosses and see age 18, age 18, age 18—it struck me after I had passed three like that, that here were three young men who, if you look at their combined years, it's just a little bit longer than the 52 years I've had the privilege to live.

They were young men who weren't drafted into the military. They weren't told, "You have to go." They went as volunteers. When you read some of the history, they're very plain about why they went. It was not the search for glory—the glorification you sometimes see on television. They were people who simply felt it was a job they had to do. I wish that every Canadian could see the cemetery at Beny-sur-Mer or the cemetery at Falaise.

We also had a chance to go to Vimy Ridge. Vimy Ridge is a very haunting place. It's haunting because as you approach the memorial, there are signs everywhere saying, "Do not walk in the field," because there are still tons of unexploded ammunition. In fact, we learned that French farmers who still plow their fields near Vimy Ridge have their tractors armour-plated because when they go over something with their plow they never know when it might explode. They still have mustard gas and chlorine gas cylinders go off and result in injury to people.

I wish every Canadian could visit Vimy Ridge, though, to see the incredible sacrifice that was made; to see that in 1916, the French attempted to take back Vimy Ridge and over 50,000 French soldiers were killed. In 1916, the British attempted it—similar numbers.

You go to a graveyard and see 3,000 or 4,000 Canadians. You go half a mile down the road and see 50,000 gravestones of German soldiers; a little further, 25,000, of French soldiers. In a world where sometimes Hollywood wants to glorify war, I think people need to have a sense of what these people faced and dealt with.

This year, there will be a special commemoration of the war in Italy. The Canadians who were dismissed as the D-Day dodgers because they spent their time fighting up the Italian peninsula and missed D-Day, which all the movies like *The Longest Day* and *Saving Private Ryan* are all about—you don't see a movie about the Italian campaign.

We think of Farley Mowat as having written *Lost in the Barrens*, *Never Cry Wolf*, *The Boat Who Wouldn't Float*. But Farley Mowat was there. His book is called *And No Birds Sang*, and it's appropriate, because in the final pages he talks about having watched his two best friends die and he says, "The blanket that screened the shattered cellar door was thrust aside and a party of stretcher-bearers pushed in amongst us. Al Park lay on one of the stretchers. He was alive, though barely so ... with a bullet in his head.

"As I looked down at his faded, empty face under its crown of crimson bandages, I began to weep....

"I wonder now ... were my tears for" my friends "Alex and Al and all the others who had gone and who were yet to go?

"Or was I weeping for myself ... and those who would remain?"

We need to remember that war is not an answer for anything. Farley Mowat came back from the war a confirmed pacifist.

I urge all Ontarians to take the time on November 11 to remember the sacrifice that has been made. It is a sacrifice that we all owe so much to.

**The Speaker:** Would all members, staff and guests please rise to observe a moment of silence for Remembrance Day.

*The House observed a moment's silence.*

**The Speaker:** Thank you.

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## ORAL QUESTIONS

### TAXATION

**Mr Jim Flaherty (Whitby-Ajax):** My question is for the Premier. Premier, you made certain fundamental economic promises to the people of Ontario when you sought to be elected. Number 70 was that you'd live by the balanced budget law; you've broken that promise. In fact, you've introduced a bill to repeal it. Number 71 and number 227: "The debt will go in one direction only," you told the people of Ontario—"down," and you would not raise the debt. You broke that; we will have a debt increase of \$10 billion over the course of the next four

years. Then you made the big pledge to hold the line on taxes, followed, once you were elected, by the largest tax grab in the history of Ontario: \$7 billion.

The justification for all this promise-breaking by yourself was the need for more revenue. We listened to the Minister of Finance today, and in the economic statement he says that revenue is as planned and the GDP is on course. Will you assure the people of Ontario now that there will be no more tax grabs during the remaining three years of your administration?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The Minister of Finance.

**Hon Greg Sorbara (Minister of Finance):** I think if the member would review my statement today and the documents, he will see clearly that we have a comprehensive economic plan to get this province back to strong financial health, to create jobs, to make Ontario a leader in North America.

I just want to tell my friends that what happened back on October 2, 2003, was that the people of this province rejected categorically the economic policies of our predecessors, which were based on faulty economics: the notion that you can lower taxes, improve services and balance the budget. That was rejected, and my advice to him would be that he cease to preach that stuff, because it just doesn't work.

**Mr Flaherty:** So there's no commitment not to raise taxes over the course of the next three years. The people of Ontario can expect more tax increases, more broken promises.

I read about your plan. It's on every page of this economic statement. It's all through your speech of October 1 to the Economic Club of Toronto—lots of talk about your plan.

Let's talk about your plan. Are there tax increases in your plan? You say you have a four-year plan. You say you know what you're doing. If you think you know what you're doing, if you actually do have a plan rather than some fuzzy idea—you keep talking about this plan. You just said that it's a structured plan; you just said that it's a comprehensive plan. Well, people in Ontario have to plan. Families have to plan. Businesses have to plan. What's the plan on the revenue side? Are you going to increase taxes more in Ontario over the course of the next three years? What's the plan?

**Hon Mr Sorbara:** I don't know how we could be clearer. We set out a four-year plan. I presume that my friend opposite has actually read the plan. I presume that if he read the plan he would notice that there are no tax increases contemplated, right through the balance of the four-year plan. And, having referred to the debt, I would presume that he would want to put on the record that during his term in office, including while he was finance minister, that party and that government increased the debt of this province by \$52 billion.

**Mr Flaherty:** I noticed on the revenue side today—it was only three years ago that the revenues across Ontario were \$65 billion—

*Interjections.*

**The Speaker (Hon Alvin Curling):** Order. I'm having difficulty hearing the member for Whitby-Ajax.

**Mr Flaherty:** On the revenue side, there's an incredible grab that has been taken by this government from the people and businesses of Ontario, made all the worse by your commitment, Premier—I suppose the other members on your side of the House supported it—when you sought office that you would not do what you did. You went ahead and made a massive tax grab in this province. Now, if there is a comprehensive plan, let the Minister of Finance, whom you've chosen to have answer this question, be absolutely clear in Hansard and in this House, and assure us and small business, the job creators, and the working families in Ontario that you used to care about, that you are not going to increase their tax burden for the next three years so that they can do some planning—not one penny more.

**Hon Mr Sorbara:** Among the things I'm going to assure my friend and the people of this province about is that we will not use their public tax dollars to fund private schools in this province. That's the policy of that member; it's not the policy of this government.

One more thing should be very clear to my friend. This budget we presented back on May 18 represents a comprehensive plan. I simply invite my friend to review it again so he can confirm to himself that there are no tax increases contemplated through the balance of our plan. We will put this province back in a good financial state of health with the revenues we have as we improve services and repair the damage he and others did during eight and a half years as the government of this province.

#### GOVERNMENT SPENDING

**Mr Jim Flaherty (Whitby-Ajax):** Again to the Premier: It's interesting to listen to the weasel words we're hearing from the other side, that there are no tax increases contemplated. Can't you just say you won't do it? You say you have a four-year plan. Can't you just be frank and open with the people of Ontario and say, "I do not intend to increase taxes, I've already grabbed enough from the people of Ontario"?

Let's talk about the spending side. Out of control spending: You've been in office for more than a year. You increased spending by more than \$4 billion. You made a promise to balance the budget, to keep taxes down, to manage prudently—promise number 65. You call that management? You have increased spending in Ontario by 7.5% in one year, with GDP growing at 3% or so, as you say in your statement. Is that prudent fiscal management, increasing spending by 7.5%? Now tell the people of Ontario what steps you have in your plan to get at spending that's out of control, because it's gone wild with you at the helm.

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The Minister of Finance.

**Hon Greg Sorbara (Minister of Finance):** I think that the only thing my friend from Whitby refuses to do is to actually read the document. No, there's one other

thing he refuses to do. While he's calling for restraint on spending—we agree with that, and the discipline in our plan is unprecedented in that area—virtually every member of that caucus over the past few days has been calling in this House for increased spending for one thing or another, and that includes the member for Oak Ridges, the House leader and the whole lot of them. I will tell my friend that we will be prudent, disciplined and we will repair the damage. We're going to make Ontario a leader in economic growth and a leader in financial management.

**Mr Flaherty:** This is the way the government repairs the damage, as he says: They increase spending by 7.5%, if you can imagine, with an economy growing at less than half that, and this minister has the nerve to pretend that somehow that is responsible fiscal management. The people of Ontario are not fooled by that. They know they can't increase their spending by 7.5%. They expect the government to live within its means, which you're not doing.

1500

You say you have a plan. I've read your budget; I didn't see a plan to control your spending. How are you going to control your spending in your plan? What specific steps are you going to take to control spending in the province of Ontario? Just as working families have to do, just as small business has to do, be responsible and disclose the steps that you are going to take—if you know—to control spending in Ontario.

**Hon Mr Sorbara:** I think I might be missing something. I thought that the member from Whitby-Ajax was in the Legislature when I just delivered my fall economic update. I thought he might have heard that we are undergoing, in this government and in this province, a thorough modernization of government services so that we're going to be in a position to manage our expenditures. I thought he might have heard that, immediately, we are taking steps to create one corporate income tax collector in this province. I thought he might have heard, during the statement, of the steps we're taking in supply chain management. I thought he might have heard of the reference we made to bringing our information technology costs under control. But I'm afraid that, while he was here, he was not listening to any of it.

**Mr Flaherty:** I listened to it, and I saw the word "plan" on every page. I didn't see any numbers; all I saw was some talk about what you might do. You didn't do anything in the first year except grab taxes from the people of Ontario and increase spending irresponsibly by 7.5%.

People know that their insurance rates have gone up on their house and their cars. They know that their energy costs are going out of control. They know that the mortgage interest is going up and the interest on their car loans is going to go up. That's what you've done. They understand what you've done during your first year, and there are consequences.

There's a chill in the Ontario economy. Dominion Bond Rating Service has already downgraded Ontario

because of you. They've said that "postponing the hard decisions has changed the trend in Ontario from stable to negative."

Congratulations, Minister: You've put us in a negative position in one year in office. What are you going to do to give the people of Ontario confidence? What are the particulars of the plan? Stop grabbing tax money and get your spending under control.

**Hon Mr Sorbara:** My friend referred to "representations." I want to ask him whether he agrees that the representation made three weeks before the election last October, in which his government put out a second-quarter report on the financial circumstances of the province in which they certified that there was no deficit in the province—a month later, an independent Provincial Auditor says to the entire province that the people had been hoodwinked, that there was a \$5.6-billion deficit created by that government.

I want to tell you, that's history. We're beyond that. Already, Ontario's economy is healthier. Already, Ontario finances are healthier, and it's going to get better and better and better, I tell my friend from Whitby-Ajax.

#### HOSPITAL FUNDING

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. For the last four weeks we have been telling you about the serious problems our hospitals face as a result of your government's underfunding. Your response has been to try to blame others: to blame hospital boards, to blame hospital administrators. The Minister of Health even tried to blame the lowest-paid workers in our hospitals—the people who do the cleaning of our hospitals. But all this while, the government has been sitting on \$2.8 billion of unallocated funding: \$800 million from the federal government and \$2 billion in contingency reserves that your finance minister acknowledges is in the budget.

Premier, you promised Ontario hospitals stable, adequate funding. You promised, "No more cuts to health services." What happened to your promise? Why are you sitting on \$2.8 billion while forcing Ontario hospitals through all this pain?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** First of all, I have no idea about this magic pile of \$2.8 billion. Let's be clear: The leader of the NDP is a staunch defender of the status quo when it comes to health care, and we feel the responsibility to bring about transformation within our health care system.

I entirely reject the notion that somehow I'm blaming anybody in hospitals with respect to the circumstances in which they find themselves, because that is completely inaccurate. We are working with hospitals. We've said they have two years within which they can balance the budget. We've said we have a seven-step process to work with them. We've invested over \$1 billion in hospitals since taking office. We provided \$470 million in new operating costs for hospitals this year. That's \$700 million more than the Tories provided for in their infamous

Magna budget. We are working with hospitals on an individual basis to work through their particular challenges, and we're determined to get there.

**Mr Hampton:** Premier, hospitals beg to differ. That's why they're writing letters to us, pointing out that they are being forced to cut core services. That's why they hold editorial boards with the London newspapers to point out how serious the situation is. That's why, despite the fact that they fear your health minister, many of them come forward and say, "Look, this is not going to work. We are cutting services, which is going to hurt our community." Earlier this week it was London; it was northern hospitals. Today it is Brantford and Paris, where full-time and part-time nursing positions are being eliminated, again because of your government's short funding.

Premier, it's your promise. You were the one who said during the election campaign and before the election campaign that there would be no more cuts to health services, that hospitals would receive multi-year, adequate funding so they could achieve stability. What happened to your promise, Premier? Why are you doing the same thing the Conservatives did to our hospitals?

**Hon Mr McGuinty:** Again, we're proud of the fact that we're able to make an additional \$1-billion investment in Ontario hospitals this year, including \$470 million in new operating costs.

Notwithstanding the scenario which is colourfully presented by my colleague, we're actually working with hospitals. This is not easy work. We're working with them on an individual basis, hospital by hospital, to make sure that we get this right. We simply cannot continue to fund hospitals at an annual increase level of 10%. I mean, if we had the money, we would do it, but we don't. So we've said it will be 4.3%.

We're relieving pressures on hospitals by investing significantly in services to be found outside the hospitals: significant investments in our nursing homes, significant investments in home care, significant investments in community mental health, significant investments as well in public health—all of that with a view to relieving pressures on hospitals. At the same time, we've launched a process that is without precedent to work together, ministry officials with hospitals, to make sure that we can better control costs without compromising quality of care.

**Mr Hampton:** Northern hospitals, 32 out of 40, write to us and point out that because of your short funding, they have to cut \$51 million, and in the case of northern hospitals, those are core services. They are core services that are taken for granted across southern Ontario, taken for granted in many centres in North America. They are having to cut those very core services.

You talk about seven steps. The first step is tough enough. They don't want to see the next six steps, because they know what it means. It means more cuts. It means more loss of important health care services for their community.

I remind you again, Premier—they are not my words; they're not the words of someone else—that it was Dalton McGuinty who said, "There will be no more cuts to health services." It was Dalton McGuinty who said that you will provide multi-year, adequate funding so that hospitals will not be forced through these kinds of painful manoeuvres again. What happened to Dalton McGuinty's promise to our hospitals?

**Hon Mr McGuinty:** I am pleased to report once again that over 50 hospitals have already presented balanced budget plans. We're going to work with all the rest now to ensure that we can arrive at the same end state.

We've got this process, and I think people will be interested in knowing a little bit more about it. Hospitals had to submit balanced budget plans by October 29. Now the ministry is reviewing those plans and working with hospitals through a seven-point process to find efficiencies. If a hospital still cannot balance their budget, a joint steering committee made up of hospital representatives, outside experts and ministry staff will go into the hospital to find further efficiencies.

All of the cuts that my friend has talked about are projected. None of these cuts exist in fact. These are projections and speculations. What we want to do now is sit down with our hospitals and find out exactly how we can better work together to manage their cost issues in a way that does not compromise quality of care.

1510

#### ONTARIO FILM INDUSTRY

**Mr Rosario Marchese (Trinity-Spadina):** I have a question to the Premier. There is a jobs crisis in the film and television industry in this province. Over 50,000 jobs depend upon this industry, and most of them are in Toronto and area. In your election platform you promised to boost the Ontario film and television tax credit from 20% to 33%. You also said you would increase this credit for feature films from 20% to 40%. We have yet to see the benefits of this promise. The film industry is suffering. When can we expect you to fulfill this promise?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** Minister of Finance.

**Hon Greg Sorbara (Minister of Finance):** I'm delighted to get that question from my friend from Trinity-Spadina. It's good to see him on his feet and talking about one of the areas where we've already made an important impact.

He will remember that in the budget we did enhance the film tax credit for motion pictures. He will know that the government, through the minister, who unfortunately is not here today, is deeply committed to making this province—not just greater Toronto but this province—an important production area, not just in the Canadian context but in the more North American context. I invite my friend from Trinity-Spadina to keep on pursuing this because he knows, I know and we know that this sort of production is part of the next Ontario economy.

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

**Ms Marilyn Churley (Toronto-Danforth):** Minister, your enhancement didn't work. That's what this question is all about. There are a number of major film studios in my riding and thousands of local jobs are at stake.

According to a report from your own government, foreign-project filming in Ontario declined a stunning 36%, or \$200 million, in 2003. Film Ontario states that the Ontario film and television industry is extremely concerned about the lack of competitiveness of Ontario's domestic and service tax credits, and it's only going to get worse. The US will soon have new, lucrative tax credits. Manitoba has tax credits of 35% or more. In contrast, Ontario's incentive is only about 11%. Minister, a direct question: How much are you going to increase the film credits, and when are you going to do it?

**Hon Mr Sorbara:** My friend from Toronto-Danforth is another great and articulate supporter of this industry, and I appreciate her input.

I want to make it clear to her, though, that Ontario will not participate in the unhealthy bidding war with upping and upping tax credits, and we do see a little bit of that. Instead, we have a better way of competing. We are going to help generate the most skilled labour pool and talent pool on the continent in film and production. We're going to make sure we have a well-developed infrastructure so that everyone knows that the best films can be made in Ontario.

Finally, and this is part of our heritage, we do have, among all locations, the most diverse and best on-location sites on the entire continent. I want to thank my friend for the question.

**The Speaker:** Final supplementary.

**Mr Michael Prue (Beaches-East York):** Mr Minister, with the greatest of respect, you should be a director. You're directing *The Perfect Storm* here, the storm against our television and film industry.

The Canadian dollar has gone up. That was in your budget statement today. We all know that's hurting the film industry. We know that SARS hurt it. We know the blackout hurt it. We know that foreign and Canadian jurisdictions are spending a lot more money than we are, and we know that television and film production is way down in Ontario. This is an industry that makes us money, not costs us money. You have to spend a little bit to make it. I'm asking you point-blank—you have to do it; it's a crucial industry. It is every bit as crucial as Ford Motor Co in Oakville. It is crucial. When are you going to give this crucial industry crucial money so they can get on with their work and keep Canadians employed?

**Hon Mr Sorbara:** This is great. We've got a wonderful contrast here. On the one hand, we've got the New Democratic Party that says, "Whatever it takes, whatever the bidding war, just spend more." Some of them actually attended the successful Toronto International Film Festival and they saw how well we're doing, but that's the New Democratic Party. On the other hand, over here we have the Conservative Party, led by Jim Flaherty, who says, "If it's in the Yellow Pages," and I'm sure pro-

duction companies are in the Yellow Pages, "they don't deserve a dime of public support."

On this side, you have a responsible government that is making the critical investments to make Ontario one of the leading jurisdictions on the continent in film production, and we're very proud of that.

**Ms Churley:** On a point of order, Mr Speaker: I want to request a late show on this question so I can provide more information to the minister.

**The Speaker:** Do the necessary paperwork and submit it to the Clerk.

#### HOSPITAL FUNDING

**Mrs Elizabeth Witmer (Kitchener-Waterloo):** My question is to the Premier. You promised prior to the last election that people in this province would see more nurses and more beds and there would be adequate hospital funding—in fact, you would provide multi-year stable funding. And obviously, you indicated there would be no new tax hikes. Now, regrettably, as a result of the underfunding of our hospitals, in particular London, we find out that they're going to have to close 348 beds, cut 1,000 jobs and cancel about 4,000 surgeries.

I guess what was even more upsetting to the people in the London community was the fact that they didn't see their local MPPs come to their defence until yesterday, when they seemed to come out only to support the fact that people were paying more but getting less. They were particularly disappointed yesterday when your caucus voted against our motion to guarantee that not one hospital bed would close and not one nurse would lose their job over the course of your mandate. I ask you today, can you guarantee that not one nurse will lose their job and not one hospital bed will close during your mandate?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** This is a bit surprising coming from the former Minister of Health, but here is an assurance that I will make to the people of Ontario: We will not do what the Conservative government did to them. They cut \$557 million over two years from hospitals. They closed 28 hospitals. They closed 5,000 beds in their first two years alone. They spent \$400 million to fire thousands of nurses and then spent hundreds of millions in a desperate, vain and failed attempt to lure them back. When it came to home care, they cut home care and then fired local boards.

The member opposite brings up the community of London. I know the people of London are able to distinguish between headlines, speculation, fearmongering and the facts. They are very concerned about what happened to their children's pediatric cardiac surgery program, and with good reason. But I'm pleased to say we've invested so far \$43 million more in the community of London to improve the quality of their health care.

**Mrs Witmer:** I hope the people in London and Ontario can see the difference between fearmongering, because I think the Premier recognizes full well that what he just said about nurses and hospital beds is not accur-

ate. You know yourself that we hired 12,000 new nurses and we added 20,000 new beds to the long-term-care system. I think it's important to get that on the record. We also did a reordering of the hospital system.

I say to the Premier, not only have people in this province not seen much support—in fact, no support—from the members of the Liberal caucus, but we now find out that people in Perth-Middlesex and Brant are also disappointed. We find out now that in the Stratford area—St Marys, Seaforth, Clinton—they're going to cut 18 full-time registered nurses, 23 registered practical nurses and 31 staff. The Brant county hospital is going to eliminate nine nursing positions.

I ask you one more time, Premier, can you guarantee that not one nursing job will be cut in this province and not one hospital bed closed? It's very simple. Can you give some security to people in this province?

**Hon Mr McGuinty:** Frankly, I think it's very irresponsible to engage in the kind of speculation the member opposite is doing. This is nothing more than pure, idle, and in some ways malicious speculation. It does a disservice to the facts.

We are working with hospitals, and I want to assure the people of London that their MPPs, who have the privilege of serving them in government, are working as hard as they can to improve the quality of health care services in that community. They're doing a heck of a lot better job than those who served in government in the past, who presided over the demise of the pediatric cardiac surgery program, who presided over the demise, gradual but inevitable, with respect to their health care services generally.

We are proud to make additional and ongoing investments to health care services in the community of London, and we look forward to working with them in a co-operative, collaborative way to improve the quality of their services as we get our costs under control.

1520

#### PUBLIC INQUIRY

**Mr Peter Kormos (Niagara Centre):** A question to the Premier: A cloud continues to hang over the city of Cornwall because you haven't kept your promise to hold a full public inquiry into the Project Truth investigation. It's a troubling story because, as you know, a citizens' committee itself uncovered evidence of sexual assaults on close to 50 victims, some of them as young as 12 years old. The OPP subsequently laid 115 charges against 15 people, yet only one person was ever convicted, and most of the cases were stayed by the crown because of prosecutorial delay.

When you were in opposition, you promised justice for the folks of Cornwall and these victims of abuse. You promised a full public inquiry. You've got people from Cornwall here in this chamber today. Tell them when that public inquiry is going to commence.

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** I'm pleased to have the oppor-

tunity to speak to this issue. I know the member opposite understands it is an issue that is of tremendous importance to the community of Cornwall, and I think he phrased it accurately when he described it as a cloud that hangs over that community.

I want to begin by commending the efforts made by former MPPs John Cleary and Gary Guzzo, who served in this Legislature and were relentless in raising this issue before this Legislature. I want to commend the work done by Jim Brownell, the MPP who represents that community at the present time. I want to say to the community of Cornwall that we will, in fact and indeed, hold such an inquiry. We will not officially launch that inquiry until the appeal period lapses. I understand it will lapse in some 12 days. We also look forward to working with the community of Cornwall to ensure that the appropriate terms of reference are drafted and guide that inquiry.

**Mr Kormos:** People in Cornwall and victims of abuse have been waiting a year now for you to say that, and I am sure they're pleased it's been said. But let me take this to its next logical step, Premier, and that is that we need an assurance as well that it will be a full public inquiry under the Public Inquiries Act, with all the powers of the act given to the commissioner conducting that inquiry, including powers to summons and compel attendance, powers to subpoena and, quite frankly, including intervener funding so that the victims of these assaults, their spouses, families and advocates can be assured effective standing at that inquiry: full public inquiry, Public Inquiries Act; all of the powers under the act; intervener funding for victims, their families and advocates for those people.

**Hon Mr McGuinty:** There will be a full public inquiry under the Public Inquiries Act.

#### CORPORATE TAX

**Mr Kevin Daniel Flynn (Oakville):** Small business is the backbone of Ontario's economy, and as a former small business person, my question today is for the Minister of Finance. Yesterday the Premier announced the government had finally reached an agreement with Ottawa to set up a single corporate income tax collection system. This new and improved system is something that Ontario businesses have been asking for for quite some time now. Under the previous Tory government, this worthwhile request for streamlining simply fell on deaf ears; it never materialized. This move will affect more than 760,000 Ontario businesses, businesses vital in ensuring our prosperity.

Minister, would you explain to this House why this new and improved system is so necessary and how it will help business in Ontario?

**Hon Greg Sorbara (Minister of Finance):** I'd be very pleased to do that. I just want to make sure my friend from Oakville understands that the agreement we've reached is to begin to sit down to negotiate the

details of a single tax collection system for corporations in the province of Ontario.

We're very enthusiastic about it for two reasons. First of all, it's an important part of the modernization of government. It allows us, through the collaboration of two levels of government, to simplify ourselves and our expenditures internally. Secondly, and I think much more importantly, it provides streamlined reporting for individual businesses. Now, I know if you're a very large business, the fact that you have to deal with multiple jurisdictions in filing a tax return may not mean very much, but for a small business, where every single dollar has to be watched very carefully, this is very good news. We're very pleased to be able to include the announcement in the fall economic update.

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

**Mr Kuldip Kular (Bramalea-Gore-Malton-Springdale):** My question is to the Minister of Finance. Minister, from what you have just explained to the House, this move will ensure that businesses will be able to run their operations in a more efficient manner. How has the business community responded to this new initiative?

**Hon Mr Sorbara:** Well, sir, I should tell you and my friend from Bramalea-Gore-Malton-Springdale that the reaction has been very favourable indeed. This is not surprising, because this was one of the issues that was very high up on the list of priorities for change within the Ontario Chamber of Commerce. Indeed, Len Crispino, the president of the chamber of commerce, has said that the business community has been calling for this for many years, so obviously they are delighted. I want to reassure you and my friend from Bramalea-Gore-Malton-Springdale and this House that we will keep the province up to date as we proceed with our negotiations. I hope they are speedy and effective and that we'll have a completion of these negotiations in the near future.

#### CONTROL OF SMOKING

**Mr Garfield Dunlop (Simcoe North):** My question today is for the Premier. Mr Premier, yesterday and today we honoured veterans in this House for the sacrifices they and their colleagues have made through both war and peacetime. I know that many of the members in this House will be attending Remembrance Day services throughout the next week, and I know that in my own riding I've got nine Legions and there are over 17 events I have to attend.

I understand that your Minister of Health will be introducing anti-smoking legislation that may include eliminating smoking in legion halls and veterans' establishments. Premier, will your government—and I just need a simple answer—be introducing legislation that will eliminate smoking in legion halls and veterans' establishments?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** I'll leave the details with respect to that bill in the hands of the minister, but I can say that we are most determined to address the issue of smoking

in public places and in workplaces in the province. We will be introducing comprehensive legislation. Smoking is the number one killer in the province of Ontario. It costs us over \$1 billion on an annual basis in health care costs, and we are determined to address it in a comprehensive way.

**Mr Dunlop:** I don't think I need to remind the House that we wouldn't be here today without the contributions our soldiers have made so that we can live in a land of peace and freedom with the right to vote and have a democracy. Mr Premier, our veterans do not ask much from this province or from this assembly. As veterans, they do their socializing in their legion halls and veterans' establishments. Any decision that would take away the right of a veteran to have a cigarette in a legion hall, I feel, would be a cruel and shameful decision.

Mr Premier, will you promise today that you will not include Legions and veterans' establishments in your anti-smoking legislation?

1530

**Hon Mr McGuinty:** Just to remind members opposite, I know a little something about veterans, having had the very good fortune and privilege of working as an orderly at the National Defence Medical Centre in Ottawa for about a year's time after high school, where I provided basic, hands-on care for veterans. I bathed and shaved these men, turned them from side to side, fed them, brushed their hair, brushed their teeth, read to them and listened to them, so I know a little something about veterans. And my respect for them is, I would argue, without compare.

Having said that, 16,000 Ontarians die every year as a result of smoking-related illness. It costs us \$1.7 billion in health costs. We will be introducing a bill that addresses that. It will be comprehensive, and it will be with a view to ensuring that we get better control over this scourge in Ontario: smoking-related illness.

#### LONG-TERM CARE

**Ms Shelley Martel (Nickel Belt):** I have a question to the Premier. On October 7, the Ministry of Health released a list of long-term-care facilities which received additional funding as per your May 11 long-term-care announcement. It appears that every facility got additional funding. The amount of annual funding that each facility received is also listed. What is curious is that while the list says the government is investing \$191 million in long-term-care facilities, the total amount that has been allocated to long-term-care facilities is only \$116 million. Can you tell me where the balance of the money, some \$75 million, has actually gone?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** Let me tell you about the \$191 million and our investment. We're investing in 2,000 new staff, including 600 new nurses. We're increasing the quality, the level of standards that we're providing to the 70,000 of our parents and grandparents who are living out the remainder of their lives in nursing homes.

We are providing two baths per week. We're going to ensure that there's a registered nurse on duty on a 24/7 basis. We're also providing for some additional costs that are connected with spousal unification. We want to ensure that spouses can continue to live together even if they find themselves in a nursing home. We've also increased, by way of additional standards, dietary review of menu plans and diets. Those are the kinds of services that we are providing as a result of this new investment.

**Ms Martel:** The question is, where is the balance of the money that you've promised? You see, the press release from October 7 is very clear. The amount of annual funding given to each facility is listed. It appears that each facility in Ontario received money. But the total amount of money that has been allocated is \$116 million, not \$191 million. Now, yesterday, in a statement in this House, the Minister of Health said, "We invested additional funding of \$191 million this year." That is just not true. Premier, \$75 million is missing. That is money that you said would go to support residents in long-term-care facilities. I ask you again, where has the \$75 million gone?

**Hon Mr McGuinty:** Here's some of the information that was provided at the time of that announcement. The remaining funding, to which, I presume, the member is making reference, \$74.8 million in fact, is for additional services to assist patients to move out of hospitals and into long-term-care facilities, for a Web site, a public reporting system and to enhance care standards, including staff training for such things as wound care and nutrition. We'll be announcing details of these and other important initiatives over the next few months.

#### APPRENTICESHIP TRAINING

**Mr John Wilkinson (Perth-Middlesex):** My question is for the Minister of Training, Colleges and Universities.

As you know, your ministry has provided \$21 million to fund programs that will provide innovative investments in apprenticeship training in 2004-05. In my riding of Perth-Middlesex lies the Stratford Normal School building in Stratford, Ontario. Built in 1908, this building is a unique example of Italian Renaissance architecture. Designed by Francis Heakes, a well-respected heritage architect, it was one of four identical training colleges the province built in 1908 to promote a set of norms for teaching in rural Ontario.

Just across from the Stratford Festival Theatre, the building today serves as a discovery centre, an educational and cultural resource for the citizens of Stratford and Perth county and countless visitors who annually attend theatre performances. Despite its wonderful history and its remarkable interior restoration, the exterior of the building needs refurbishing. Would the minister be willing to consider heritage restoration as part of its funding for the apprenticeship training program?

**Hon Mary Anne V. Chambers (Minister of Training, Colleges and Universities):** I'd like to thank the member

from Perth-Middlesex for his question. My ministry is well aware of the importance of the skills required for heritage restoration. In fact, our industry committee is currently looking at how to address the requirements and delivery of such skills.

We're also considering a proposal for funding through the apprenticeship innovation fund. We will continue to work closely with our industry partners to hear about their needs and to determine how we can work with them toward achieving the resolution of their needs.

**Mr Wilkinson:** I note that heritage restoration is the largest-growing sector of Ontario's masonry industry. It's critical that ministry-funded apprenticeship programs recognize the growth in this sector. To ensure the protection of our province's historic buildings today, tomorrow and years down the line, we must commit to the development of masons so that they might have the skills necessary to preserve our heritage. With this in mind, will the minister take into account heritage restoration as part of her ministry's apprenticeship training programs curriculum?

**Hon Mrs Chambers:** My ministry would be very pleased to work with the provincial advisory committee to address the need for apprenticeships to ensure that the skills are available for heritage restoration. As part of our support for apprenticeships, we do get involved in the review of the curricula associated with the programs. We recognize that heritage restoration is a growing sector in Ontario, and we are very happy to work with the heritage restoration sector on this file.

#### GREENBELT

**Mr Tim Hudak (Erie-Lincoln):** I have a question to the Premier. The Ontario Grape King receives his title because of his or her exemplary stewardship of the land and commitment to farming excellence.

Last night at a grape growers' reception, the 2004 Grape King said the following: "The greenbelt legislation is the serf's yoke which will obliterate the farming community." Premier, the Grape King went on to tear a veritable verbal strip off the back of the Dalton McGuinty government that you probably felt all the way at your fundraiser in Ottawa. Doesn't this strong, visceral reaction by Ontario grape growers show that your greenbelt plan is fatally flawed and that you have no plan whatsoever to help greenbelt farmers?

**Hon Steve Peters (Minister of Agriculture and Food):** I think it's important that the honourable member, and everyone in this House, understand that there's a finite amount of prime agricultural land in this province. This greenbelt is a legacy that this government is going to leave behind for future generations. I hope that every member in this House would stand behind that.

I was really pleased to receive the Healthy Farms, Healthy Towns report yesterday from the region of Niagara. I think it's a very interesting read, and I would encourage the member to read it as well. I quote from the report: "Over the longer term, the greenbelt will likely

enhance land values, as happened in the case of Niagara Escarpment lands.”

A company that they identified said there’s “little, if any, speculative value in Niagara’s grape and tender fruit lands related to potential rezoning for industrial or commercial use or for residential lots. Agri Choice could offer no evidence that Niagara farmland prices will decline as a result of the greenbelt.”

Bankers talked about the importance of the greenbelt. “They did not expect to seek reappraisals following greenbelt implementation and did not expect the greenbelt to affect farm sales, provided that the issue of surplus dwelling severances is resolved.” The issue of dwelling surpluses is included in—

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

**Mr Hudak:** What a disappointing answer from the Minister of Agriculture, and a diversion. He knows. He was there last night, when the Grape King tore a strip off this Premier, off this minister, off the Minister of Municipal Affairs. You heard directly from the grape growers, because I saw you getting your ear ripped off out in the hallway, and you give me that weak answer here today.

1540

You have a duty to fight on behalf of farmers. You have a duty to bring forward a plan to support agriculture in this House. We’ve heard a lot about your plans to make plans, We’ve heard a lot about your plans to make all kinds of coloured maps, but not one word of hope for our greenbelt farmers in Niagara or the greenbelt area.

Minister, are you going to do your job? Will you table a support plan for our farmers before you dare to call your legislation for a vote in this assembly?

**Hon Mr Peters:** I can’t believe the bluster from that member on the other side. He should be standing up, as I’m standing up, defending farmers in this province. We want farmers farming the land. We want farmers raising the crops on this land. We do not want farmers in this province farming pavement and raising subdivisions.

That’s why we have made a very strong commitment. We have 15 recommendations from the agricultural task force, from Lyle Vanclief and Bob Bedggood, who talked about the importance of what we can do to help improve the viability of farmers in this province. Those recommendations are going to be part of the implementation, as we move forward with this greenbelt, because this is a legacy that we need to leave behind. This is for future generations. This member would rather pave over farmland. We are not going to allow farmland to be paved over.

*Interjections.*

**The Speaker:** Order. Stop the clock. Too much grape, maybe. New question.

## POVERTY

**Ms Andrea Horwath (Hamilton East):** My question is to the Premier. Your government is completely out of touch with the poorest citizens of our province. In Hamilton, where I come from, 100,000 people are living

below the poverty line. That’s one in every five people. One in every four children is living in poverty. Some 5,000 families are on waiting lists for affordable housing. These people are living lives of grinding poverty.

You talk about tough choices. What about having to make a choice of whether to put food on your table or a roof over your head? What about the choice of whether you can put clothes on the backs of your children? How can you pat your collective backs as a government and say you’re doing a good job with the economy of this province while all the evidence is showing that you’re failing our most vulnerable citizens in Ontario?

**Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The Minister of Community and Social Services.

**Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women’s issues):** I appreciate the question from this member, who I believe is genuinely concerned about vulnerable people in Ontario.

I had an opportunity this afternoon to speak with ISARC, one of many, but a very strong advocacy group that also works with people who are vulnerable. I had a chance to chat with them today about what we’ve done in the year that we’ve been the government.

Let me say that in our first budget we were prepared, for the first time in 11 years, to increase social assistance by 3%. We recognized the problems with our system of delivery, so we came forward this fall with special-benefit payments. We knew we could get help to people right away through that method.

We also provided in this budget a 3% increase to domiciliary hostels, to special care homes, to personal needs allowance, to social service agencies across the board who help people. My colleagues provided \$25 million for children’s mental health agencies, growing to \$36 million next year. The minimum wage is moving for the first time in a decade in this province.

That is the beginning of what we have been doing.

**Ms Horwath:** Again to the Premier: The bottom line is that anti-poverty organizations, faith groups, the labour movement, community coalitions and seniors’ organizations have been giving this government a failing grade when it comes to addressing poverty. The Ontario Coalition for Social Justice, in fact, has released a poverty report card and give you a D+. They say, “One year after the Liberals were elected, poverty is a bigger crisis than ever in Ontario.” They go on to say, “People elected the Liberals because they wanted to see a fundamentally different Ontario, one that ... started to fix the gaping holes in the social safety net. Unfortunately, the Liberals have not given us real change, just spare change.”

In Hamilton and across Ontario, you’ve let down the poor. Your half measures and token gestures just aren’t helping. How can you say you’re doing a good job managing the economy when all of the evidence shows that you’re failing our most vulnerable citizens so badly?

**Hon Ms Papatello:** I find it a little bit surprising that the member for Hamilton wouldn't understand that this government, not just my ministry, specifically looked at Hamilton and dealt with its mayor, Larry Di Ianni, and came forward with \$19 million, much of which is additional social service costs, because we recognize the economic conditions in Hamilton and the challenges that they are facing.

We, unlike previous governments, are prepared to stand behind our cities and municipalities that need a partner at Queen's Park, not like the previous government, which was prepared to download on these communities.

Hamilton, of all communities, knows that the Ontario government is right there. We will be there. We look forward to working with this member to come forward with great initiatives throughout the term of the McGuinty government.

#### DOMESTIC VIOLENCE

**Ms Judy Marsales (Hamilton West):** My question is for Minister Papatello. As you mentioned in your statement, November is Wife Assault Prevention Month. I'm so proud of this government's commitment to the prevention of domestic violence in Ontario and the steps we've taken so far.

I was deeply touched last year when Claire Freeman, executive director of Interval House, a women's shelter in my riding of Hamilton West, visited with me. She arrived with the largest bouquet of daisies I had ever seen and told me that each one of those daisies represented a woman who had died at the hands of an abuser in the Hamilton area. The emotional experience deepened even further for me when I was told that the Liberal Party had been the only party to raise the domestic violence issue in the campaign.

My question to Minister Papatello is: Can you please tell me and this House what kind of a difference this new program and this commitment of \$3.5 million is going to make in the lives of the women and children fleeing domestic violence?

**Hon Sandra Papatello (Minister of Community and Social Services, minister responsible for women's issues):** Thanks so much to this member who works diligently every day to assist agencies in her Hamilton community.

Let me say that on Monday, I was very pleased to be in Ottawa to release information about the provincial investment of \$3.5 million to create and enhance the transitional and housing support program, which goes a long way to helping women get back on their feet.

As the member knows, Hamilton agencies have benefited from \$100,000 that will go directly to on-line support for women and their children, many of whom have been broken and need help getting back on their feet, to determine housing requirements, to assist in getting their kids back to their own schools, to helping women return to work and to developing safety plans that

actually work. This is the kind of stuff that the investment is going to make perfect use of for the health and safety of our women.

**Ms Marsales:** This is certainly a great step. I look forward to hearing more about the domestic violence action plan later this month.

In Hamilton, several agencies received good news, including a second-stage provider. Phoenix Place, Martha House and the Centre de santé were given a total of over \$100,000 new, annualized dollars for the transitional and housing supports program in my community.

But we acknowledge that there is still a lot more to be done. Some agencies, like second-stage providers, are concerned that they did not receive more. Can you tell me how you decided to allocate the \$3.5 million? Were there any priorities that you felt needed to be addressed with this funding, Minister?

**Hon Ms Papatello:** Let me say right off the top that we understand that \$3.5 million does not completely cover the requirements that we have for supporting women and their children who have suffered at the hands of domestic abuse.

#### 1550

This is a beginning. This is our first year. We are completely changing the attitude about the role the Ontario government will play with our partner agencies, in particular in the women's sector. In this regard, what we did with \$3.5 million is focus on areas that are extremely high-need; for example, the aboriginal community, women in the north, our new Canadians, francophone women. We have a real dearth of services available in the francophone community, and we've got to be focused on that.

Yes, we did use the weighting system in this kind of delivery and allocation of funding. I'm very pleased to say that at the end of this month, we'll be able to lay out an entire domestic violence action plan, and we know people will be happy with that as well.

#### RIDEAU REGIONAL CENTRE

**Mr Norman W. Sterling (Lanark-Carleton):** I'd like to ask a question to the Minister of Community and Social Services about Rideau Regional Centre in the town of Smiths Falls. It is home to 435 severely challenged adults. You recently received a letter from a brother of a resident at the centre after you announced the premature closing of this facility. He was writing about his brother, who I shall call Jean. Jean is 57 years old. He has lived there for over 50 years. Jean's brother writes: "To suggest that many of the residents of these facilities such as my brother can be moved to community-based residential settings is an indication of complete ignorance of the condition of these people."

This gentleman goes on to describe how family members received a question-and-answer bulletin implying that families could "have their family member move in with them." He writes, "When I read that, I didn't know whether to laugh or cry.... I know of no other facility in eastern Ontario that can provide my brother and his

fellow residents at the RRC the level of care” they are receiving at this time.

Minister, Jean’s friends, the people he trusts and loves, are all at Rideau Regional Centre. Why would you separate these most vulnerable people in our society from the only security they have or will ever have?

**Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women’s issues):** I’m very happy to deal with this issue. While I can’t speak to this particular case, I will tell the honourable member opposite that I do read all the letters I get, in particular letters over this matter. This is a very emotional and difficult matter for many families across the province, representing and related to the 1,000 people who are in three facilities still in Ontario.

As this member understands, since 1987 every single government—the Liberals, the Conservatives, the New Democrats—have all successfully moved forward to close facilities in the province. We have come to a point, since 1987, where we are now at the remaining 1,000 residents who are in the facilities.

What I recognize is the fear and the challenge it will be for us to be certain that no one individual will be moved into the community until they have the appropriate levels of support. That family plan will be developed with the individual, where that’s appropriate; with their family members, if they still have family; with the staff who are at these centres, and the member opposite knows the staff are tremendous.

I look forward to working with this member, because these will be challenging times for these families, and we’re prepared to work to make this happen well.

**The Speaker (Hon Alvin Curling):** That’s the end of question period.

**Mr Sterling:** On a point of order, Mr Speaker: I would like to ask for unanimous consent to put my supplementary question.

**The Speaker:** Is it the pleasure of the House—I heard a no.

**Mr Sterling:** On a point of order, Mr Speaker: Why would a Liberal minister oppose a question about a very vulnerable individual?

**The Speaker:** That is not a point of order, but I wouldn’t know.

## PETITIONS

### CHILDREN’S HEALTH SERVICES

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

“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 support the petition and sign it.

### OMERS

**Ms Marilyn Churley (Toronto-Danforth):** I have a petition with hundreds of signatures. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas OMERS is the pension plan for 98,000 current CUPE members who work in municipalities, electrical utilities, school boards and children’s aid societies;

“Whereas the recent OMERS investment in Borealis has been quite costly to OMERS;

“Whereas CUPE and the Coalition for Pension Fairness have argued for many years that OMERS should be jointly controlled by the groups representing the employees and employers, as opposed to control by the provincial government;

“We, the undersigned, members of CUPE Local 2316, petition the Legislative Assembly of Ontario as follows:

“That a table be provided where the employer and union stakeholders of the OMERS pension plan can negotiate genuine joint trusteeship;

“That CUPE’s suggestion that the board retain an independent auditor to prepare an independent report, to be made available to all stakeholders, concerning the establishment, operation and winding up of Borealis,

including its shareholdings, governance and relationship to OMERS, be placed before the OMERS board of directors.”

#### ANAPHYLACTIC SHOCK

**Mr Kim Craitor (Niagara Falls):** My petition is addressed to the Legislative Assembly of Ontario.

“Whereas there is no established province-wide standard to deal with anaphylactic shock in Ontario schools; and

“Whereas there is no specific comment regarding anaphylactic shock in the Education Act; and

“Whereas anaphylactic shock is a serious concern that can result in life-or-death situations; and

“Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

“Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario; and

“Therefore be it resolved that we, the undersigned,” request “that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan.”

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

#### HEALTH CARE

**Mr Jerry J. Ouellette (Oshawa):** 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 affix my name in support.

#### CHIROPRACTIC SERVICES

**Mr Shafiq Qadri (Etobicoke North):** I have a petition here 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, health care system, government and the province.”

I send this to you, Speaker, by page Norah.

#### PER DIEM FUNDED AGENCIES

**Mr Frank Klees (Oak Ridges):** I have numerous signatures on this important petition.

“To the Legislative Assembly of Ontario:

“Whereas over 4,000 vulnerable children, youth and adults are provided with high-quality services in residential care and treatment homes in the province of Ontario, including those individuals who are medically fragile, developmentally handicapped, autistic, physically abused, neglected, conduct-disordered, young offenders, emotionally disturbed; and

“Whereas over 4,000 child and youth workers are dedicated in their profession to work with vulnerable children, youth and adults in the provision of an accepting, safe, supportive, therapeutic environment; and

“Whereas the McGuinty government's 2004 budget promised \$38 million to children's mental health services or otherwise a 3% operational increase to those agencies who have not received an increase in several years;...

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

“That the Parliament of Ontario do the right thing, help and assist the lives of the many, many vulnerable people in Ontario and include per diem agencies” in the funding through the budget. “Keep your promise and commit to the 3% increase in staff and client funding. The Parliament of Ontario should recognize that the clients and staff are all citizens of Ontario and should not be penalized by virtue of where they reside or where they may be placed.”

I will personally sign this petition as well.

**The Speaker (Hon Alvin Curling):** It being 4 o'clock, pursuant to standing order 30(b), I then have to call orders of the day.

1600

#### ORDERS OF THE DAY

PUBLIC SAFETY RELATED TO DOGS  
STATUTE LAW AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT DES LOIS  
EN CE QUI CONCERNE LA SÉCURITÉ  
PUBLIQUE RELATIVE AUX CHIENS

Mr Bryant moved second reading of the following bill:

Bill 132, An Act to amend the Dog Owners' Liability Act to increase public safety in relation to dogs, including pit bulls, and to make related amendments to the Animals for Research Act / Projet de loi 132, Loi modifiant la Loi sur la responsabilité des propriétaires de chiens pour accroître la sécurité publique relativement aux chiens, y compris les pit-bulls, et apportant des modifications connexes à la Loi sur les animaux destinés à la recherche.

**Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal):** I'm pleased to rise today to lead off this debate in this Legislature. It is the first Legislature in Canada to consider a province-wide debate. No state has yet done that.

*Interjection.*

**Hon Mr Bryant:** Mr Klees, on the other side, can't figure out why we're doing it, and I'm here to make the case for it. I guess the short answer is that these are dangerous dogs. They hurt people. They hurt kids. They hurt families. They hurt other pets. They're dangerous. They cause damage.

Let's start locally. Let me take you through just the last couple of months in Ontario. This is a sampling of just media reports of pit bull attacks, so these aren't the many unreported pit bull attacks that have taken place. These are the pit bull attacks that have shown up in the media.

August 15: a man attacked by a pit bull in Thorold, Ontario. August 21: a woman's dog attacked in Toronto. This lady's dog was attacked and killed on that date. She came to a round table I held in the Legislature on this. August 28: a Toronto man attacked by two pit bulls. The police had to use over a dozen bullets to put the pit bulls down.

August 30: I asked the people of Ontario what they thought about a pit bull ban. Over 5,000 e-mails later the answer was pretty clear. There clearly are many, many unreported pit bull attacks that have not ended up in the media or before a humane society or otherwise. There are people who don't go to certain parks, don't go down different streets, don't go into certain neighbourhoods because there's a pit bull in the area. There are people who have been victims of pit bull attacks. Either they, their dog or someone in their family have been victims. There was a clear answer from those thousands of people, and it's a little remarkable and, I think, very positive that so many Ontarians engaged in the debate. There was no unanimity, but the vast majority of people who e-mailed me, in any event, certainly supported the ban.

September 10, a girl was mauled by a pit bull in Chatham. September 13, a man was attacked in Chatham by a pit bull. September 16, the Toronto Sun commissioned a survey finding that six out of 10 Ontarians wanted a pit bull ban. September 18, a 10-year-old boy was chased from his own backyard by a pit bull in Atikokan. Three days later, September 21, two pit bulls killed a Jack Russell terrier in Toronto. Two days later in Mississauga, a woman was attacked by a pit bull. One

day later, a dog was killed by a pit bull near Windsor in Tecumseh. September 24, the same day, two children were attacked by a pit bull in St Catharines. Three days later, September 27, the city of Windsor bans pit bulls. September 28, a Toronto man is attacked by two pit bulls.

October 3, a woman is attacked by a pit bull in London. October 13, a man is attacked by a pit bull in Ottawa. October 14, a man is attacked by a pit bull in Morrisburg. October 15, we announce the plan to introduce legislation to ban pit bulls. Three days later, a man and a dog were attacked by a pit bull in Thorold. October 22, a chihuahua was attacked and killed by a pit bull in Toronto. October 26, this legislation was introduced.

That's two months of pit bulls in Ontario, and that is just the media reports; it doesn't include the unreported incidents.

So is it the case that these dogs are inherently dangerous, and is it the case that these dogs are a breed apart? The answer to me is in the affirmative. There's been a lot of talk about the studies that are out there. Let me say right off the bat that the Canada Safety Council is quite right: We don't have a whole bunch of forensic studies done on pit bulls in Canada. We certainly have a whole lot of attacks going on in the province of Ontario and across Canada when it comes to pit bulls. We know that.

But we do have some evidence in the United States. There was a US study in 2002 that found that 48% of serial dog attacks were done by pit bulls; 58% of rampage attacks by pit bulls; 45% of life-threatening and fatal attacks by pit bulls. That's a Washington-based research group's serial and rampage dog attack data, January 2002.

Another study—now, this one is actually cited often by people who oppose the ban on pit bulls. It is interesting that they see it as a definitive study. And yet, what does it find? One third of fatalities caused by dog bites between 1979 and 1998 were caused by pit bulls—a third of the fatalities. This is a special report, Breeds of Dogs Involved in Fatal Human Attacks in the United States Between 1979 and 1998. A number of PhDs and MDs authored it in September 2000.

There's some more. There was a study put out by the International Journal of Legal Medicine in 2002. The authors concluded in the study entitled Forensic Approach of Fatal Dog Attacks as follows:

"Pit bulls are responsible for and have the highest percentage of bites in all academic studies surveyed by a reputable forensic study of fatal dog attacks."

Bringing it back to Canada:

In Kitchener-Waterloo, prior to their pit bull ban, there were 18 pit bull incidents per year. After the ban, there has been about one a year. Since the ban was enacted, no other breed has filled in the gap in terms of providing dangerous dog bites, says the city of Kitchener.

City of Winnipeg: prior to the ban, there were 30 pit bull attacks a year, and 30 to 40 reported serious attacks of all dogs every year. Now, today, over a decade later, there are zero pit bull attacks in Winnipeg, and in the past

four years, only four to five serious attacks of all dogs. So overall dog bites dropped and pit bull bites went away. Again, refuting the argument—and there's a logic to it, but it's not borne out by the evidence—that if you ban pit bulls, that doesn't mean you're going to make communities safer. The experience in Kitchener-Waterloo and in Winnipeg was the exact opposite.

**1610**

A Toronto Star op-ed was authored by Howard Gerson and Dr Alan Klag. Dr Klag is a doctor of veterinary medicine. This was authored not that long ago—October 14. This article says as follows: “One study by a California State University professor showed that pit bulls were far and away a greater danger to the public than other dogs.”

I understand that the opponents of the pit bull ban—and they feel very passionately about it, and emotionally about it. I understand and I have felt that strong feeling and opposition and emotion on this. These are people who feel extremely strongly about the subject of banning dog breeds. They often will seize on a portion of one or another study and try to find an “Aha!” in it. But at the end of the day, there is a small percentage of dogs in the province that are pit bulls. This is not the predominant dog in Ontario. This is also the case in the United States. Yet they make up a highly disproportionate number of serious dog attacks and fatalities. So “low number/high attacks” spells “danger.”

So we turned to other voices, I guess, across the province, to see how they feel about the pit bull ban, because they are representative of their community, as municipalities consider pit bull bans in each part of the province. As I say, we have one in Kitchener-Waterloo. We have a ban in Winnipeg. We have a ban in Windsor. Bans are being considered in other areas across the province. Our concern was that we'd have this patchwork pit bull ban: You'd have a ban in Windsor but no ban in Chatham, so all the pit bulls from Windsor would get adopted over to Chatham and you'd have this large pit bull population there. We don't want pit bull havens. If these dogs are dangerous, if municipality after municipality, if mayor after mayor, if chief after chief, if expert after expert, if parent after parent, if victim after victim say that these dogs are inherently dangerous, then surely it is incumbent upon the province of Ontario not to simply say, “Well, we'll just let this be a local decision and let this public safety issue be put in place in some parts of the province but not in others.” Surely it's incumbent upon us to say that we need this public safety measure across the entire province, and that's what we're here to debate today.

Here are a few endorsements of the pit bull ban. I have no doubt we'll hear from the other side too.

A Globe and Mail editorial, October 18, 2004: “Yes, implementing the ban will be difficult. Public safety is worth the effort. It's a move long overdue.”

The London Free Press: The government's “strong stand in announcing legislation to ban pit bulls in Ontario shows courage and resolve—and removes the burden

from Ontario's municipalities to deal with a pervasive issue on a piecemeal basis.” That's October 16, 2004.

A columnist in the Toronto Sun on October 16 said this: “It's taken much too long to happen, but [the] Attorney General ... is doing the right thing to ban pit bull dogs throughout Ontario.... So he and his Liberal government should be congratulated for doing what should have been done years ago.”

Toronto Star, October 16, Jim Coyle: “Whatever the decisive factor or factors, the days of pit bulls in this province and in this city's streets and neighbourhoods are numbered. Hallelujah!... Amen. And good riddance.”

The Peterborough Examiner: The “announcement yesterday that legislation banning pit bulls will be introduced this fall shows that at least one level of government is serious about protecting the public from vicious dog attacks.”

I've got some more. Hamilton Spectator, mid-October: “Clearly, it is in the public interest to eliminate pit bull attacks.... [The] provincial Attorney General ... has rightly approached this issue from the province-wide perspective with a view to avoiding a patchwork of bans.... Given that pit bull attacks have continued to occur despite public outrage, it seems the province must step in to ensure public safety because many pet owners either can't or won't. The broader public interest is well served by the proposed ban.”

Brampton Guardian: “[W]e fully support” the provincial government's “pledge to ban pit bulls in the province. This legislation should be seen as a proactive step to keep Ontario residents, mainly children, safe from horrifying attacks from dogs that are predisposed to them.” That's the Brampton Guardian, October 17.

It's not just the editorial writers and opinion makers; it is elected representatives across the province, from Windsor to Wawa, mayors and councillors whom I've spoken to, who feel that this measure is necessary province-wide.

Chief Julian Fantino said that this legislation that we are proposing, introduced by the government, “makes our playgrounds, sidewalks and neighbourhoods safer. It is clearly in the best interest of public safety and it will help to protect our officers, who face these vicious animals when carrying out their duties.” That's Chief Fantino.

We heard from Chief Fantino. We heard from officers in Toronto, in Kitchener-Waterloo, in Ottawa and other communities. Again and again, we heard that these dogs pose an enormous danger to police officers. There was a consensus that one or two bullets just wasn't going to do it for these dogs. When you hear that, you think, “What? One or two bullets isn't enough to put these dogs down? What are these dogs doing walking the streets of Ontario?” Well, other people agreed.

Mayor David Miller of Toronto said, “I support the province's swift action. This problem is not exclusive to any single municipality; it is a province-wide issue and, therefore, the best solution is a province-wide strategy to keep Ontarians safe from dangerous dogs.”

Mayor Carl Zehr of Kitchener said, "Since our ban, Kitchener has seen a dramatic decline in the number of pit bull attacks from 18 to about one per year. Every Ontarian, in every city across Ontario, deserves the same level of safety that we have in Kitchener. That's what this legislation would do."

Chief Vince Bevan of the Ottawa Police Service said this: "In Ottawa, there have been 15 incidents involving pit bulls since the beginning of 2003 where police have had to intervene, and this does not count incidents dealt with by bylaw enforcement officers." These bylaw enforcement officers just can't take on these pit bulls. They need multiple bullets to be put down. "I welcome the government's legislation which, if passed, will provide us with the additional tools we need to deal with often terrifying dog-related incidents and to hold owners accountable."

Lastly, from the first city in Canada to embark on this ban, the city of Winnipeg, which has had the longest experience—I think it's 14 years with a ban. Tim Dack, the chief operating officer of the animal services agency of the city of Winnipeg, said this—and I should point out that he actually came to Toronto and attended at a round table and participated in this. He feels so strongly about this public safety issue. Here's what Tim Dack said: "Our experience in Winnipeg has been one of success. We have seen the number of pit bull incidents decline dramatically since introducing a pit bull ban 14 years ago. I applaud the government of Ontario for their decision to ban pit bulls and deal with this urgent public safety issue."

Last one. I mentioned Wawa. Rod Morrison, the mayor of Wawa—there he is; MPP Mike Brown is applauding—here's what Rod Morrison had to say: "I commend the McGuinty government for moving forward quickly on this very important initiative. Protecting the public from the menace of pit bulls and toughening up on owners of dangerous dogs that attack is in the best interest of all people, in every town, city and community across Ontario." That's Rod Morrison.

Again, I'm not suggesting for a moment that there is unanimity, but certainly police chiefs and mayors—you know what? There is one more I wanted to mention, because this is important. This is an issue that I want to get into a little bit more and I will get into a little bit more, but I just want to speak for a moment to the issue of municipalities and how we're going to implement this, and so on.

This government decided that we needed a new deal with cities, that we needed to work with cities like never before, that the 1867 version of municipalities was not the 2003-04 version of municipalities. So we struck a new deal with cities. We said to the city of Toronto, "We understand that the GTA is larger than any province in the country, next to the rest of Ontario and the province of Quebec. This is a very large city in one of the most developed countries in the world. We've got to make sure that this city is given the respect and powers that it deserves."

## 1620

We said to the Association of Municipalities of Ontario, "If we're going to deal with issues, if we're going to deal with municipalities, we've got to have an understanding whereby we, in fact, sit down and work with you."

Here's what the president of the Association of Municipalities of Ontario, Roger Anderson, said—Mr Anderson and I have had many, many conversations. I've had a number of conversations with members of the board of AMO. We've had many meetings with the officials of the Association of Municipalities of Ontario because we want to work with them and treat cities as we should because we're going to have to do this one together.

Here's what Roger Anderson said: "AMO appreciated an opportunity to advise the minister on how to implement the province's pit bull ban in a manner that is practical, effective and affordable for Ontario municipalities, and we know that the minister will continue to work with us as the legislation proceeds." Surely, we will. The cities are working with us. The municipalities are working with us. The councils are working with us. The officials are working with us. Similarly, we also want to work with the humane societies, the SPCA, dog trainers and veterinarians. Why? Because we need to do this together.

Did we hear from those people? It's interesting: One of the complaints about the government's action was that we moved too quickly. Let me start by saying that once the government recognized that this was a serious public safety issue, and once the government made the decision and was of the belief that these were inherently dangerous dogs, it was incumbent upon us to act quickly. Did we hear from people and experts along the way? Of course we did, and I'll speak to that. That said, rarely do you get people complaining that a government moves swiftly on a public safety issue. The crisis was very much before the people of Ontario for many, many years.

Ten years ago, a young girl in a stroller had her face mauled by a pit bull. She passed out. They somehow got the pit bull off of her. That young girl was sitting in that gallery over there with her mom some 10 years later saying, "Thank goodness this ban's in place so that no other child will have to go through this again." This has been around, and it just seems to be getting worse, not better, so we need to act quickly. Once you accept that this is a serious public safety issue, we'd better act quickly.

That said, it is before the House. I am recommending to this House that the bill be accepted. There will be debate; there will, of course, be committee hearings on this; and this Legislature will decide.

Along the way, before that happened, here are some of the consultations that I did. I held a round table—I think it was in September—with a number of different voices—one of them, the National Companion Animal Coalition. This membership, the coalition, includes the Canadian Federation of Humane Societies—all of them; the Canadian Veterinary Association; Canadian Kennel Club; Pet

Industry Joint Advisory Council; and Agriculture and Agri-Food Canada. This was a coalition of all of these organizations. We got a really thoughtful, compelling presentation and submission from the coalition and certainly heard all of the arguments. We also heard from animal control officials from the city of Kitchener and Winnipeg at this same round table. We all sat around the same table, so we got to hear both sides of it. We had a representative from the Kitchener-Waterloo Humane Society. There was someone who is—I think everyone would agree—an expert in this: Cathie Cino, the director of Cat and Jack Canine Safety. She's a dog trainer, author, and behaviour consultant with aggressive dogs. She talked about her experience with those dogs. We also heard from the Toronto Police Canine Unit. They did testify to the extraordinary prey instinct of pit bulls and what they had to go through to put down these two dogs in late August in Toronto. We heard from Kitchener-Waterloo police and also from victims. We heard from a dog trainer who said, "I don't train pit bulls." "I don't treat pit bulls," say some vets, because they fear for their own safety.

I met with the OSPCA, along with Minister Kwinter, in September. We had officials; we had staff; I was there; Minister Kwinter was there. We had a long talk. We talked about the implications. We talked about the need for dangerous dog legislation, not just for pit bulls, but even more broadly, for all dangerous dogs. I want to make sure that I get to that, too.

Who else did we hear from? We received quite a thorough submission from the Staffordshire Bull Terrier Club of Canada; as well, from the Golden Horseshoe American Pit Bull Terrier Club. I spoke with the president at the time of my announcement, and my officials have been in discussion with this club's president. We met with the Royal Society for the Prevention of Cruelty to Animals in the United Kingdom, the British equivalent to the OSPCA—met with their chief officer and inspector. We met with the Denver city solicitor who has carriage of this matter, at least during the fall. We met with them constantly over the telephone, with officials in Denver, who also have this ban in place. The state is trying to fight the city ban, and I'll let that be determined before the courts of that state. We also spoke with and met with experts, breeders, trainers, animal control officials, municipal officials and the other humane societies in the city of Toronto, from Sherbrooke, again from Winnipeg, and we also received a policy submission from Manitoba veterinarians.

The consultation got to a point where it was clear to me that the position taken by those opposed to the ban started and ended with this argument: that breed bans are wrong; that you should punish the deed, not the breed. So let me speak to that. I would submit, and I think everyone would agree, that generally speaking it is true that breed bans are not the way to control dog behaviour. The question is whether or not there is an exception to that general principle. When I would put that question again and again to those who opposed the ban, the various voices

on the other side, I again and again heard, "No, there is no exception." I would ask, "Well, would you permit wolves to be put on a leash and walked around in public?" They would say, "No, no, no, we wouldn't do that, because that would be dangerous." So, the question is just this: Is the pit bull a bull or a dog? Is the pit bull a pet like every other? Is it in the same league as other dogs, or is it something that is inherently dangerous and is the exception to the rule that we don't ban breeds?

Now, to those who say that banning breeds is a short-term solution, I beg to differ on this front. Firstly, Winnipeg and Kitchener proved that it is not. It is a long-term solution to pit bull problems. If you want no more pit bull bites in a jurisdiction, then you ban the breed. That's what you do. You'll get, pretty much, no more pit bull bites. The question really becomes whether or not it's necessary. Is it necessary? Is there another means to protect the public?

I think we have to start with that presumption that we don't ban breeds. Well, the answer is this: The dog seems too powerful and too dangerous to control, to begin with. One of the complaints, by the way—one Ontarian e-mailed me and said, "Don't ask me to put a muzzle on my pit bull. Do you have any idea what that pit bull will do to me if I try to put a muzzle on him?" This proves the point. Those who held a rally outside of Queen's Park—and I very much respect democratic demonstrations voicing people's opinions and voicing people's opposition to this, but the owners said, "Please don't bring your dogs." Well, again, that says it all.

The question is: Are we going to risk those owners of pit bulls who may not comply with the muzzle requirement, who may not comply with the leash requirement, who may not comply with the recommendations of, for example, the SPCA, that it's the un-neutered and unspayed pit bulls that are the big problem—are we going to risk having these ticking time bombs out there in the province of Ontario? My argument is: No, the risk is too high. The public safety result is just too positive. You get less pit bull bites and attacks, and you won't have the fatalities and tragedies that we see all over Ontario, Canada, the world, when it comes to pit bull attacks. That will be gone. Then the question is: Well, are you going to have Rottweilers filling in that gap? Again, the experience in Winnipeg and Kitchener-Waterloo was no.

Furthermore, there isn't the same level, certainly amongst the experts that we heard from at the round table and otherwise, that the prey instinct, the power of the Rottweiler versus the pit bull—the evidence that was presented to me, in any event, was that they are just not the same.

#### 1630

I grew up with big dogs—German shepherds. We had three in our house at one time. They scared some people, there's no doubt, when they barked and someone showed up at the door. They were trained. They never attacked. They never hurt anyone.

There are people who will say to me, "Well, you had German shepherds. Why can't I have a pit bull?" Firstly,

to owners of pit bulls today—and I think this is very important—they need to understand that the ban is not retroactive; the ban in fact has a grandparenting clause. In other words, those who own their pit bulls keep their pit bulls. Why? I just think it is humane and fair that those who bought, bred, imported or otherwise got a dog, assuming that it was legal, should be able to keep that dog. But—and there is a but—we need to impose restrictions on that dog as it travels around Ontario: muzzle, leash, spay and neuter the dogs, and municipalities may have additional requirements for these dogs under the Dog Owners' Liability Act.

But we went further because we understood, and heard from people who said this bill needs to be more than just about pit bulls. So we made changes to the Dog Owners' Liability Act that dealt with all dangerous dogs, not just pit bulls. Here are some of the new powers and provisions that are in there.

Firstly, the SPCA recommended that we've got to deal with this issue of the menacing dog. We shouldn't have to wait until the dog bites somebody before we put restrictions on that dog. We have to wait for the dog to bite somebody before we muzzle and leash that dog or require that. It didn't make any sense to me. There are some dogs that are just a serious incident waiting to happen.

Somebody from Etobicoke e-mailed me saying there was this pit bull that was always jumping up at the fence whenever her family was in the backyard, almost jumping over the fence, jumping at their dog and their kid. This is a menacing dog. This dog was an accident waiting to happen and, sure enough, unfortunately, the dog finally knocked the fence over one day and charged two children and another animal. Let's try and prevent that from happening, not just for pit bulls but for all dogs, by having a provision there that lets us intervene early, number one.

Number two, there was the unusual situation where you had some dangerous dogs, in one case two Doberman pinschers, that had caused a number of serious incidents. There had been bites, there had been attacks, and the animal control officers needed to get to those dogs. They needed to get to them and make a decision as to what to do with them; certainly muzzle, leash and maybe address other issues with the dogs. They couldn't get to them. Why? They were in a house. Every time the animal control officers came around, they'd hurry them into the house. What we heard from the experts is that we need a power to enter those homes, with a warrant, of course. So you have to go before a court and establish evidence to get a warrant that will permit you to enter the house to apprehend the animal. I think this is going to be a positive step to try and prevent more dangerous dog incidents.

We also increased the fines and, of course, the fine revenue goes to the municipalities. We increased the fines to increase the deterrence and give the powers to the court to deal with the really serious incidents. Now the fines are the highest in Canada—\$10,000—and we

included up to six months' imprisonment as the penalty. Between criminal negligence, a Criminal Code offence, where incarceration is a possible correction, through to the Dog Owners' Liability Act, there seemed to be a gap. There seemed to be some behaviour and some incidents that were so serious that they didn't qualify under the Criminal Code but they should qualify for serious punishment under the Dog Owners' Liability Act. So we did that as well.

In this bill, we also addressed the issue of identification. Again, those who oppose the ban argue, "Well, you won't be able to identify them." My shortest response would be to say that they were able to do it in Winnipeg and they were able to do it in Kitchener-Waterloo.

We used the Winnipeg definition because it seemed to be the best one. Kitchener-Waterloo officials indicated to my office, at least on a preliminary basis, that they were actually interested in adopting the provincial identification definition instead of their old definition. I'll leave that for them to decide. If Kitchener-Waterloo wishes to keep the old definition they were using, they are free to do so. Under this law, we basically permitted those municipalities that had existing bylaws on this to keep it as it was.

So we identify by listing a number of breeds and by providing a description—as best one can as legislative counsel—that captures what is a pit bull.

Those who disagree with the ban will say that there will be identification problems. I don't doubt there will be some issues on the margins, but, by and large, I think most people know what a pit bull is. The Toronto Star did a caricature the other week. They had a pit bull on it. I won't say what was underneath the caricature, but everyone who saw that picture knew, everyone who read that caricature knew what that was. That was a pit bull. It didn't say "pit bull," but you knew when you looked at it that it was a pit bull. That's what it was. I've said before and I will say again, if it walks like a pit bull, if it barks and bites like a pit bull, wags its tail like a pit bull, it's a pit bull. That is going to apply, I'm sure, to the vast majority of identification cases. That's number one.

Number two, everybody knows what kind of dog they own. Who doesn't know what kind of dog they own? If you own a pit bull, you know you own a pit bull. If you know you don't own a pit bull, then surely will you have the papers to say, "This isn't a pit bull," it's a whatever, it's something else. Everybody knows what their dog is. So if they think they've got a pit bull, then they probably have a pit bull. If they know they have a pit bull, they definitely have a pit bull. If they have papers saying it's not a pit bull but an English bull terrier, then they don't have a pit bull.

The argument opposed on identification has some logic to it, but again, it's just not borne out in the experience in Winnipeg and Kitchener-Waterloo. If you drill down, it ends up being one of those arguments used to sort of deal with the process without dealing with the substance. We are certainly going to talk about process now, in third reading as well, and no doubt during com-

mittee work. We are here to debate the bill in principle. So I hope we do get to talk about substance and not just process.

Let's put it another way: I think that if you asked the people of Winnipeg today, "Would you undo the pit bull ban? Would you say, 'Let's bring pit bulls back into the city of Winnipeg'?" the answer would be no. This Legislature is going to decide whether or not Ontario needs a pit bull ban. If this Legislature so chooses, I doubt that 10 years from now the people of Ontario are going to suggest that we want to bring back pit bulls into the province.

I say to those people who are responsible owners and look after their dogs, whether they be pit bulls or not, you will, I know, enjoy your dogs. You will, I know, in many cases, muzzle and leash them. You will, in many cases, have spayed and neutered them because you are responsible owners. I say to those pet owners who oppose this ban that I hope you can accept that your pet, whether it be a pit bull or not, is going to be in a safer community in Ontario once this pit bull ban comes into effect, because the existing pit bulls will be subjected to certain restrictions and there will be no future pit bulls.

I think this is an important public safety issue. I know some people on the other side like to joke that this isn't an issue that should be addressed by the government. But I just read through the litany of attacks, bites and serious incidents involving pit bulls, and I say that if there was an issue where there was a pesticide or a chemical that was wreaking havoc on a community like pit bulls have wrought upon Ontario, everybody would say, "We've got to do something about that pesticide." Interestingly, we find ways through legislation to define these pesticides, chemicals, narcotics and other dangerous substances.

1640

The question is, is this dangerous? I say there is little doubt that in fact the studies, the statistics, the experience, the voices of Ontario and our own living experiences and observations demonstrate that this is a serious and dangerous dog, and I think that compels legislators to act upon it. We may not all agree on it. I look forward to hearing from the official opposition on this. I confess I don't know what their position is on this bill, so I'm going to listen very carefully and closely to see if the official opposition supports this. I always look forward to hearing from Mr Kormos, the Attorney General critic and an MPP, I might add, who has had people in his constituency who have faced pit bull attacks that I mentioned over the last couple of months.

I look forward to a debate on this. It is the first of its kind in North America in terms of the breadth of the ban. But I think we're showing some leadership here. I think we are going to make Ontario a safer place. I think we are working with municipalities in such a way that we don't dump the responsibility of the ban upon them in a way that creates a patchwork across Ontario. I think—I hope—we have our eyes wide open in terms of any possible improvements to the bill. I certainly always appreciate any suggestions along those lines. I look forward

to the debate, and I really believe, and I say to all members of this House, that if we pass this bill, we are going to see a safer Ontario.

I'm sharing my time with the member from Willowdale, Speaker, so I'll sit down now.

**Mr David Zimmer (Willowdale):** We have heard from the Attorney General on the tremendous public support for this piece of legislation. We've heard about the tremendous sense of need out there in the community for this legislation, we've heard about the detailed consultation process that the attorney's office has gone through in arriving at this legislation, and we've heard the attorney make the point very eloquently about the qualitative difference between pit bulls and other breeds of dogs.

I want to speak to what I will describe as the very reasonableness of this legislation when you think carefully about it. I speak to the matter as a dog owner myself. I've had dogs at home since my infancy. I've had dogs right through and continue to have dogs, all manner of dogs—large dogs, small dogs, farm dogs, German shepherds, Labrador retrievers. This is a reasonable piece of legislation. I say that because we are asking pit bull owners to protect and save children walking in parks, citizens walking down the street, senior citizens sitting on the park bench, to protect the public from vicious, unprovoked, unexpected pit bull attacks by doing the following. And I think you have to keep this in mind, because if you bear it in mind, I'm sure you will agree with me about the reasonableness of the legislation. All the legislation does is say to a pit bull owner the following:

First of all, it lays out the groundwork. It says, if the legislation is passed, you can't import pit bulls any more and you can't breed pit bulls any more. The breed will naturally phase away.

Now, in the meantime, what are we doing to respect the rights of responsible pit bull owners, pit bull owners who have their dogs, have a relationship with the dog, who love the dog? All we're asking the pit bull owner to do is three or four simple things.

We're asking that pit bull owner, if you want to keep the pit bull, will you put a muzzle on it? Is that a big deal? Is that a big expense? The next thing that we're asking pit bull owners is, if you want to keep your pit bull, will you keep it on a leash out in public? Is that a big deal? Is that a big expense? And the third thing we're doing is we're asking pit bull owners, if you want to keep the pit bull, please have it spayed or neutered." I can tell you that my office has canvassed veterinarians here, and the average cost of having a dog spayed or neutered is probably in the order of \$150 to \$200.

Those three things that we're saying to existing pit bull owners—"If you want to keep your pit bull, keep it on a leash, muzzle it, and will you please get it spayed"—are not unreasonable intrusions on a pit bull owner. They're not unreasonable when you balance, on the other hand, the great harm that pit bulls are capable of and have done, a harm which can be prevented by simply investing a few dollars in a muzzle and a leash and \$150

or \$200 to have your pit bull spayed. Then you can keep the pit bull, and the pit bull can live out its natural life with you, and the breed will naturally die out because you can't import it or breed it.

A government has a responsibility to protect all of its citizens. In the act of protecting all of its citizens, it has to enter into a decision-making process where it has to weigh the pros and cons. It has to ask some citizens to do certain things and ask other citizens to refrain from doing things. But we ask the citizens to do that because we want something that's best for the greater good.

When you reflect honestly and sincerely on the minimum requirements that in fact we're asking pit bull owners to do, they're not onerous and they're not unreasonable. They go a long way to protecting people from being viciously attacked by pit bulls. Hopefully, if they'll do those three or four simple things—a few dollars for a leash, a few dollars for a muzzle, \$150, \$200 to have your dog spayed—pit bull owners can enjoy pit bulls, and the citizens of Ontario can walk the streets without that shudder of fear up their backs as they enter a park or are on a sidewalk and see a pit bull approaching them.

In all the circumstances, the legislation is reasonable, it's responsible and it's the right thing to do.

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

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm doing the lead for the official opposition shortly, but I want to say in response to the Attorney General and his parliamentary assistant that our party shares the Attorney General's and the public's desire to stop attacks by dangerous dogs. Having been a victim of a dog attack myself, I express my sympathy to all victims of dog attacks.

We have concerns about how the Attorney General went about developing this bill and the lack of details on enforcement. It has not been totally thought through, because there are fundamental questions that the Attorney General cannot answer which undermine the legitimacy of this bill.

We agree that a new approach is needed to protect the public from dangerous dogs. But the fundamental question is, is this bill the right approach? It is our job, as the opposition party, to make sure the law is clear, effective and credible. This bill leaves more questions than it answers. We intend to pursue these questions to see that the law is ultimately solving problems and not creating them.

I'm very pleased to hear the minister say today that he has committed to public hearings with respect to this bill. I think that's what is necessary and that's what is important whenever you're dealing with law: to make sure that it is legitimate, that it has the support of the public, and, where there are other ideas and thoughts out there, that everybody gets a chance to be heard. I think the Attorney General recognizes this and recognizes that public hearings are very important.

I have a number of questions, and I'm looking for answers. I hope the Attorney General can answer those questions because it's very important to make sure that this bill is legitimate and credible.

1650

**Mr Peter Kormos (Niagara Centre):** Unfortunately, I won't be able to speak to this bill with the NDP leadoff this afternoon. I look forward to the opportunity to do that.

I encourage the Attorney General to use his influence over his House leader to ensure that this bill is called again soon so that second reading debate can continue. My best information at this point is that it is not scheduled for further second reading debate—not next week, of course, during constituency week, but the week after that.

The Attorney General knows full well—I have spoken with him about this. I have spoken with him about what the NDP's position will be about our call for public hearings. That's number one.

There are, indeed, questions to be posed. I hear the Attorney General. I listened very carefully to his comments. I would like to understand why it is that in the context of the Attorney General's comments, the Ontario Veterinary Medical Association opposes breed-specific bans. I would like to know why. I would like an opportunity to ask them as experts why breed-specific bans don't work.

I would like a chance to ask the Canada Safety Council, an authority, why they would say breed bans "should not be used as a quick fix. The solution lies in a combination of effective animal control measures, reputable breeders, responsible owners, public education" etc.

I would like to ask the OSPCA, the Ontario Society for the Prevention of Cruelty to Animals—and ensure that other members have a chance to hear from them as well—why the OSPCA, on September 3, would say, "The Ontario SPCA strongly believes that any breed-specific ban would not be an effective solution."

It is imperative that this not be a knee-jerk and thoroughly and solely emotional response to what is a very emotional issue, certainly for victims of dog bites and certainly for dog owners. New Democrats insist that the debate be full and that the consideration be of the data and evidence before any final decisions are made.

**Mr Tim Peterson (Mississauga South):** It's a pleasure to rise on this issue. This is a difficult issue for those of us who have grown up with animals, love animals, have interacted with animals and had our children interact with animals.

In my youth, I spent a long time on a farm, and we had a beloved farm dog that was actually capable of living off the land. Unfortunately, one day that dog was put near a young child, snapped at the child and severed its tear duct. It broke our hearts. We had to keep that dog restrained, although we thought it was the most gentle, tame dog.

I've had other experiences where I've seen dogs turn without call. The pit bull itself is probably not the most dangerous dog, except for the phenomenal jaw pressure it

has. Its jaws have one of the highest pressure points of any dog around. I, who have witnessed many dogs turn and be violent, am concerned not just about the pit bull but about all dogs.

While I personally am a dog lover—I have dogs and I raised my children with dogs—the overwhelming evidence from all places is that this dog is a very dangerous dog. One child attacked, one person killed, are too many for a breed of dogs.

So it's with some regret and some hesitation that I support this, but this is excellent, safe legislation. This is what a government is empowered to do: to protect ourselves. It's wonderful to be able to stand and rise and support Mr Bryant and this legislation.

**Mr Jerry J. Ouellette (Oshawa):** I very much appreciate the opportunity to speak today. First of all, let me point out, would I own a pit bull? Would I own that breed? I'm from Oshawa and I don't drive a Ford. No, I would not own that breed.

But quite frankly, when the minister spoke, he went over a large number of concerns and problems here. He talked about media report after media report, yet where is the verification of those? I'm sure if you looked at those media reports and actually got down to it, a lot of those would be one of the bull terriers that were mentioned earlier on. It's the same with the police reports: How many of those were verified as an actual pit bull?

The difficulty here is that breed-specific—what about the Japanese fighting dog, the largest dog in the world, or the German hunting terrier, the Jagdterrier, which is listed in the books as not recommended as a family dog? What about all these other breeds that are out there?

Certainly the minister has done a great deal of research and had meetings. He's met with jurisdictions, people and organizations, clubs and groups, and the list goes on and on, yet we still have sex offenders walking around in Cornwall. There's a lot of other priority legislation that needs to be dealt with, as opposed to pit bulls. Yes, I've received a number of inquiries regarding this and my position on it.

I've got two sons. Garrett's scar on his back is from a black Lab bite. Josh's scar on his lip is from a basset hound bite. There are certainly a large number of other actions—and it's not so much the breed, but the way the breed is held and the individuals. If you talk to police officers who are on the forces about what takes place, “Yes, a lot of them come forward and say pit bulls are bad, but also”—and Fantino would be one to point this out—“those individuals who will lose their pit bulls in this situation will replace them with another breed, whether that's a Doberman or a Rottweiler, one of the other shepherds or all the other ones.” If you talk to the Durham Regional Police—as a matter of fact I spoke with the retired deputy—the number one dog bites in the region of Durham are Lab bites, and the list goes on.

There are certainly a lot of questions that need to be answered.

**The Acting Speaker:** The government side has two minutes to reply—one of you does.

**Hon Mr Bryant:** I thank the members for Oshawa, Mississauga South, Barrie-Simcoe-Bradford and Niagara Centre for their comments. Did I get everybody?

A couple of things in two minutes. As to the allegation of a quick fix, this isn't a quick fix; this is a permanent fix. This isn't quick. This is done—banned, banned. There won't be any pit bull incidents. There won't be any significant pit bull incidents. There won't be a number of pit bull incidents if you ban them because there won't be any of them. So it's not a quick fix; it's a permanent fix.

The member for Niagara Centre asked if it's effective. It's effective. As I said, in Winnipeg: 30 pit bull incidents a year; today zero, pretty much. There's no doubt that it's effective and there's no doubt it's a fix.

The debate before us is a serious debate. I say to my friend Mr Peterson that he's right; it's not an easy decision. It's the exception to the rule but it's an important one. It is effective. It will make our communities safer. There's no doubt that our communities will be safer.

The question was whether or not the exception is here. I've tried to present the evidence that it is here. So far I'm hearing process arguments, that we didn't consult enough, from the official opposition. I went through the consultations. But anyway, this Legislature is now being consulted and we will have this debate. I look forward to hearing a definitive position from the official opposition—do you support the bill or not?—but along the way they will ask some very important questions.

**The Acting Speaker:** Further debate?

**Mr Tascona:** I'm very pleased to lead off for the official opposition with respect to this bill brought forth by the Attorney General. I want to express again that our party shares with the Attorney General the public's desire to stop attacks by dangerous dogs. We have concerns about how the Attorney General has gone about this. He's got a plan, but the question is, will it work? On developing the bill and the lack of details on enforcement that I've previously mentioned in questioning the Attorney General, we still do not have those answers. I still believe it's legislation that's not thought through. There are fundamental questions that the Attorney General cannot answer which undermine the legitimacy of the bill.

I want to quote, “I can only say that my own personal political philosophy leads me to believe that in the very fast-moving times in which we live, the government policies and actions need to be to be continuously reviewed, revised and rethought. I have never believed that any one man or one group had a monopoly on ideas, and I firmly believe it is necessary to provide opportunity for new approaches to be made available.” That quote is taken from John Robarts, the former Premier of Ontario, when he was leaving office as Premier.

I agree, and we agree as an official opposition, that a new approach is needed to protect the public from dangerous dogs, but the fundamental question is, is this bill the right approach?

As I said, it's our job as the official opposition to make sure that the law is clear, effective and credible, but this bill leaves more questions than it answers. We intend

to pursue these questions to see that the law is ultimately solving problems and not creating them.

**1700**

I want to take a look at the legislation, because I want to focus on a number of clauses that have been put into this bill. The definition clause is the first one. How are we ever going to know what a pit bull is and what it isn't, based on that definition?

What is fundamental here is that under subsection 1(2) it says a "pit bull" includes,

"(a) a pit bull terrier,

"(b) a Staffordshire bull terrier,

"(c) an American Staffordshire terrier,

"(d) an American pit bull terrier,

"(e) a member of a class of dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to in any of clauses (a) to (d)."

That is going to pose a very fundamental problem.

What's more fundamental is how the Attorney General, in putting it together, is going to try to enforce this bill about pit bulls. He intends to do it through section 19, through the onus-of-proof provision in court, which reads, "Identification of pit bull." Now, I have just read the definition of what a pit bull is under this legislation. This provision states, "If it is alleged in any court proceeding under this act that a dog is a pit bull, the onus of proving that the dog is not a pit bull lies on the owner of the dog." So if you have a bylaw enforcement officer out there who has no real experience of what a pit bull is, the breed or whatever, who says, "I'm charging you because your dog is menacing"—that's one area that I'm going to get into, because that's very vague and it is going to cause a lot of problems, as to what a menacing dog is. If the bylaw enforcement officer says, "That dog is a pit bull," then, after he charges the individual, it is up to the individual to prove that it is not a pit bull.

In my view, it is a reverse-onus provision to say, "We're charging you that that is a pit bull, and it is up to you to prove it is not a pit bull." I would say to you, Mr Speaker, because of the punitive aspects of a bill such as this in terms of remedial, where you can have a fine or you can go to jail, that I believe this reverse-onus provision will be challenged under the charter. I believe that in this type of situation the law may not stand up to a charter review, because, quite frankly, a reverse-onus provision puts it on to the person who is being accused to prove that they're not guilty. Well, it's up to the crown to prove that you are guilty. You are presumed innocent until you are proven guilty. That is the fundamental axiom we live by in this type of society. That is the fundamental axiom this Attorney General is supposed to uphold, the rule of law. By having a reverse-onus provision in this statute, I believe he is not only short-circuiting the process but he is also denying due process to the individuals who deserve it. I think he's going to have a problem there. I think he is going to have to come up with a solution to deal with a reverse-onus provision with respect to a definition that arguably is very difficult to understand, very difficult to interpret.

The other part of the statute that is troublesome in terms of this is subsections 1(5) and (12). It deals with proceeding against an owner of a dog. Under (b) it says, "the dog has behaved in a manner that poses a menace to the safety of persons or domestic animals." It goes on about, you know, menacing. I don't know what "menacing" means. I think it is obviously going to be determined by a court based on the facts, whether there was a menacing situation or not. Would the test be that your life is at risk, or is it a test that you are going to face injury and it's imminent? Imminent danger, is that the test? I don't know what they're going to consider.

What is fundamental here is the penalty for the dog. Under subsection (8) it says, "When, in a proceeding under this section, the court finds that the dog is a pit bull..." Remember, you're going to court and you're trying to defend yourself. A bylaw enforcement officer says, "That's a pit bull." You're saying, "No, it's not a pit bull." You can't prove it's not a pit bull, so it's a pit bull. In this section it says, "...and has bitten or attacked a person or domestic animal, or has behaved in a manner that poses a menace to the safety of persons or domestic animals, the court shall make an order under clause 3(a)."

An order under clause 3(a) is very simple: The dog is destroyed. So we've got a provision in here that really is going to have to be interpreted. It's going to be very confusing to dog owners and it's going to be difficult to enforce, I would put to you, in terms of what is a menacing situation. Is it imminent danger or is it some other standard?

The real problem, with respect to this legislation, is not only trying to understand what the minister is trying to accomplish with respect to how he defines pit bull and how he puts the onus back on to the dog owner, it is how are we ever going to know, as I said, what a pit bull is and what it isn't, based on this definition?

We also have to cope with this: As to all the pit bulls that are going to be turned in, how are we going to deal with that? Where are they going to be looked after and who pays? The minister has not answered those questions. He has no solution to that because he doesn't know. He hasn't consulted enough and he hasn't practically thought through this legislation in terms of what is going to happen to these animals, based on the way he's going about this legislation.

Looking at the legislation as it currently stands, there are a lot of unanswered questions. From a constitutional point of view, the reverse-onus provisions are going to be challenged. I would say that, from the charter's point of view, I think the minister is in trouble with respect to enforcing that provision. He's going to have to give those accused much greater rights than what he is bringing about.

In effect, what he is doing is indirectly—he wouldn't come out and say, "If your dog bites, you are guilty", making it a strict liability offence. He wouldn't do that because he understands that there always is a defence of due diligence. What he's saying is, "We charge you and we say your dog is a pit bull. Your dog is a pit bull unless

you prove otherwise.” So if you can’t prove your dog is not a pit bull, then, quite frankly, it’s going to be very difficult to deal with. What is going to happen is you’re guilty if you can’t prove your dog is not a pit bull. I thought it was up to the crown to prove the crime: number one, that you’ve got a pit bull; number two, that your dog has done something that is an offence under the act. That’s not the way the Attorney General is going about it.

I want to deal with some other matters with respect to the legislation in terms of enforcement. I’ve said this before: The issue is how to protect the public from dangerous dogs in general. Is the Attorney General proposing a good long-term solution? He says he is. But banning the pit bull breed will not protect the public from other aggressive breeds such as Rottweilers, Dobermans and Akitas. What will be the criteria in the future for banning other breeds? Italy has banned in excess of 90 breeds and has not solved the problem of dangerous dogs.

The Attorney General says this comprehensive approach of a provincial ban will avoid a patchwork of bans by municipalities. Municipalities, I would argue, are capable of determining their community’s safety. There are only two communities I’m aware of in Ontario that have a pit bull ban: the city of Windsor and the city of Kitchener. I can say to the minister, we’ve got a lot of municipalities in this province, in excess of 300. I don’t know where he’s talking about a patchwork of bans. There are only two communities that have even acted on this.

**1710**

What municipalities need are the tools to do the job, and the criminal law has to be addressed. Muzzled and leashed pit bulls or other dangerous dogs in public is warranted, but will not protect victims from dogs that bolt from their owner’s house or property and attack a human being or other creature.

Police will not charge criminally unless it be proven that the dog owner was negligent. As I said before, there were no charges laid by the OPP in a recent pit bull attack in my area, where the dog bolted from the house, killing a small dog, because they could not prove the owner’s negligence.

The Dog Owners’ Liability Act does not impose strict liability offences on a dog owner whose dog bites, attacks or poses a threat to public safety. There is always the defence of due diligence. So heavier fines and jailing of dog owners are meaningless tools to protect the public if a dog owner cannot be held accountable under the law for their dog’s actions. To handle a dog that attacks is not a crime under current laws, nor should it be.

The Attorney General’s solution to ban one dangerous breed, the pit bull, in his opinion, across the province would then not impose strict liability offences on dog owners whose dogs bite, attack or threaten the public, will not keep the community safe from dangerous dogs in general. Unless the goal is to eventually outlaw the ownership of dogs, then the focus should also be on outlawing irresponsible breeding and breeding training

for aggression. This is where the strengthening of search and seizure powers is needed to enable the officials to enter property without a warrant under situations deemed to be emergency or in the public interest. That’s what the minister wants to do: unlimited search and seizure powers.

My question is, what’s the legality of that unlimited power? I can imagine certain crown attorneys out there would wonder how they’re going to be able to prove that what they did was legitimate. How are they going to use it? Where is it going to be used? What warrant would they use to go after a dog owner with respect to the unlimited search and seizure powers? The minister hasn’t answered that in terms of where those would be used and why they would be used.

The Attorney General has really given the municipalities no tools to deal with irresponsible dog breeders or trainers or owners, and the status quo, in essence, will continue with respect to dealing with dangerous dogs.

Looking at this, I also had some questions on the enforcement that the minister did not answer. In Hansard a week or two ago, I said, “Minister, your legislation paints responsible dog owners with the same brush as those who are irresponsible. Furthermore, you haven’t thought through how to implement and enforce this legislation. Most small towns, rural areas and even some cities have no formal animal control capabilities. In these municipalities, who are people supposed to call for help, who takes charge of the animal and, most importantly, who pays?”

The Attorney General provided no answer to that, but I suspect, in the drafting of the legislation, he has set it up so that, because of the reverse-onus provision, if someone says it’s a pit bull—and it’s up to the owner to prove otherwise—the case is settled, because the individual, if he can’t prove his dog is not a pit bull, is guilty. That’s how he gets around having a situation set up and a system set up in other municipalities that have no dog law enforcement agencies at all.

There are other questions that have to be answered by the minister with respect to what he’s trying to accomplish here. I posed these questions to him and have not gotten the answers.

Will the Attorney General provide municipalities with the tools needed for effective animal control should breed-specific legislation be enacted across the province?

How will the Attorney General respond to aggressive dogs that are found among any breed or crossbreed?

How will the Attorney General respond should breed-specific legislation and breed bans prove not to be effective solutions to the problems of dog attacks?

How and when will the Attorney General implement a comprehensive program of education, training and legislation encouraging responsible ownership of all breeds? That is not in this legislation.

Will the Attorney General implement a comprehensive bite-prevention strategy that encourages responsible ownership of all breeds? That is not addressed in this legislation at all.

The Attorney General, at the press conference he gave on October 26, said he's not going to ban any other dogs because he believes the Dog Owners' Liability Act is strong enough. I've said that negligence of dog owners is required in order to get a conviction, and it's not always that clear-cut with respect to that situation. So he's offered nothing new with respect to how to deal with this situation.

There are many court cases on this particular issue that have been litigated, and I want to cite two of them. One is *R versus Meyerhoffer*, which is a British Columbia case that involved criminal law offences against person and reputation, causing bodily harm and endangering a person, dealing with criminal negligence. In that case, we're dealing with two dogs that attacked. The owners were charged in an indictment with respect to criminal negligence for permitting their dogs to run at large, and also attacking a young boy of eight years without provocation by these two dogs. On the same day, the dogs attacked another young boy who came from the steps of his own home. These two dogs were Rottweilers. We have situations here where the crown could prove there was negligence by the owner and these owners were charged and convicted.

There's another case called *R versus Baird*, a Northwest Territories case where the owner was charged on indictment for criminal negligence. The dog that was involved here was a Canadian Eskimo husky. In this case, counsel agreed that the Canadian Eskimo husky is a breed known for its high energy and it's instinct for pulling but is not well suited as an attack dog. They also agreed that it tends to be aggressive toward other dogs but not necessarily toward humans, and this aggressive tendency is most notable on their territory. In this case, these dogs got involved with an individual in their backyard and what happened was an attack by these dogs on the individual. The owners had kept these dogs chained. I take it from this that an attack occurred and the owner who had responsibility for these dogs was found to be criminally negligent with respect to the attack on the individual who came into the backyard.

Neither one of these dogs were pit bulls. The law was used under the Criminal Code to deal with these dog attacks. Now, every dog attack is different and every dog attack is unfortunate, but for the Attorney General to say that he's not going to ban other dogs because the Dog Owners' Liability Act is strong enough for these other dogs really leads one to question what his focus is in terms of public safety.

When I look at this, the bill is not thought through and it could lead to the situation that currently exists in Italy. I'll point to some research that I've done with respect to the Italian experience with respect to this. I will read it. It says, "Following a recent series of pit bull attacks, Italy introduced, by urgent decree, a new law in September 2004. The law requires the owners of dangerous dogs to take out insurance against possible attacks and to keep the dogs muzzled and leashed in public. Penalties include a fine of up to €206 or a possible three months in prison.

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"In addition, minors, delinquents and criminals who have caused harm to people or animals are banned from owning a dog on the dangerous dog list. If anyone in this category is caught with a dangerous dog, the dog will be seized.

"Currently, there are 92 dogs on Italy's dangerous dogs list. In addition to pit bulls, the list now includes Dobermans, Bull Mastiffs, German Shepherds, Newfoundlanders, corgis, collies and St Bernards.

"Critics say the law was introduced in haste. Animal rights groups fear it will encourage thousands of dog owners to abandon their dogs or seek other ways out of the problem of ownership. Others say the law unfairly targets the breed rather than the owners who mistreat the animals."

Is that the path we are going on? That's the question with respect to what the Attorney General is trying to do here. Punishing the deed is what the focus should be on, and giving municipalities the tool to protect the public from dangerous dogs. Increasing the fines is all that he is proposing. That's an ineffective way if you can't get a conviction because of the difficulties in proving negligence in certain situations. As I said, not all situations are clear-cut.

The focus should be on making sure the dog owners are responsible in terms of how they deal with their dogs: that they are properly trained, that they are muzzled where necessary, that they are leashed, and making sure that we are in a situation where proper dog ownership is the focus. That's not in the bill; it's not in the bill at all. What the minister is proposing here is the status quo, except for increasing the fines. That's really where he is going.

I also want to deal with some information that I have received. One of them is from a Mike Macbeth in Stouffville, who provided me with this information, which I would like to read. She says, "We cannot ban that which we cannot define. It is impossible to accurately define a pit bull, which is a type or shape, not a breed. Will the legislation define an animal that is half poodle/half pit bull, a pit bull? Geneticists will confirm that one offspring from this cross could have fluffy hair and be vicious, and another, smooth-coated and sweet-natured, because it is raising, environment and training of a dog that determines its temperament, as well as genetics.

"The two Canadian Kennel Club registered breeds mentioned in the legislation, the Staffordshire bull terriers and American Staffordshire terriers, are not pit bulls. They should be exempted from the legislation, as they have been in Windsor and Kitchener. Both have gentle temperaments with all people, particularly children. The Staffordshire bull is renowned internationally as a nanny dog, the babysitter.

"The Canadian Kennel Club is an authority regulated by the federal Ministry of Agriculture under the Animal Pedigree Act. There are fines and other consequences for members; there is accountability. Pit bull types of dogs

are mongrels bred by unregulated breeders. There are no consequences, legislation or authorities to control them.”

She asks, “Who will define the dog as a pit bull? Will it be left up to municipalities or animal control officers to define the dog as a pit bull? Are these people canine experts?” The point she is making there, which is the point I have been making, is that there is a definition under the legislation of what a pit bull is. But if you are charged with an offence that your dog is a pit bull and has done something that is wrong, it is up to you to prove that your dog is not a pit bull. Now, come on. That, as I said before, is a reverse-onus provision, and I think it’s unconstitutional.

“Since it is not a registered breed with accompanying registration papers, a dog cannot accurately be defined as a pit bull. It is the accompanying owner who defines what we call a pit bull. It is the irresponsible owner, he or she who encourages aggression in his or her dogs, who should be penalized.”

The Animal Pedigree Act, which the minister has not referred to—all Canadian Kennel Club-registered breeds of dogs are regulated under the Animal Pedigree Act, which is a federal statute. Does the act supersede provincial legislation, is the question.

If the Attorney General can ban specific breeds of dogs, can he then ban all Holstein or Angus cattle, which are regulated by the same act?

I think the minister has a fundamental question to answer with respect to which jurisdiction deals with defining what a pit bull is, what type of dog. He hasn’t thought that through, because there is no mention of it. He has never mentioned the Animal Pedigree Act. This may be the first day he has even heard of it.

I also want to refer to another e-mail that I received on this legislation. This is from Julie King, of the Staffordshire Bull Terrier Club of Canada. I will read part of this e-mail:

“You can’t ban a pit bull, because you cannot ban that which you cannot define. It is impossible to accurately define a pit bull, which is a type or shape, not a breed. Because you cannot identify a pit bull, the costs of trying to enforce Bill 132 will be astronomical.

“In the United Kingdom, the courts are flooded with roughly 400 cases a year, at costs to the taxpayer that range from £10,000 to £40,000 per case. If you take a low estimate of £12,000 per case, you can have a Canadian cost of C\$26,800. Multiply that by 400 cases a year, and you are looking at costs of in excess of \$10 million for the legal components alone.

“In addition, in the city of London, it costs the police £250 a year”—this is London, England—“for the kennelling of seized dogs. Then there is the cost of staffing and enforcement in animal services departments.”

Certainly, I have not heard from the Attorney General how he’s proposing to deal with that situation.

I also have an e-mail with a pretty good idea here from Dr Theresa Croker of Toronto. She states, “How many owners actually feel that if their dog growls, it is acceptable behaviour? Understanding dog behaviour is

critical to good dog ownership and the prevention of incidents. How many dog owners actually take their dogs to training classes? How many people realize that often it isn’t the dog that is being trained, but rather the owner in how to deal with the dog?”

What I say to the minister is, are you considering, or would you be considering, mandatory obedience training and registration for dog owners, like we have for drivers’ licences? Are you considering that? And if you are not, why not? We’re trying to deal with the deed and punish that in terms of dealing with the dog owner who is not responsible.

There are other comments I have here with respect to enforcement, which I don’t think the minister has thought through at all in terms of whether the law will work or how much it is going to cost.

I have an e-mail from Steve Barker. He is the Ontario director for the Dog Legislation Council of Canada, a Canada-wide, non-profit organization dedicated to promoting responsible dog ownership, to assist communities in developing effective laws and enforcing those laws in order to ensure responsible ownership, and to educating the public about dog bite awareness. He states:

“For your information, we have contacted the Attorney General’s office numerous times and have hand-delivered packages of information, all with no response.” He goes on to say, “The Attorney General has consistently and deliberately ignored the expert advice of every major dog-related organization in North America, and in some cases has refused to meet with them, including the following: the Canadian Kennel Club, the Canadian Association of Professional Pet Dog Trainers, the Dog Legislation Council of Canada, the Canadian Federation of Humane Societies, the National Companion Animal Coalition, the Ontario SPCA, the Pet Industry Advisory Council, the American Kennel Club.

“He has consistently and deliberately ignored the advice of every humane society and SPCA organization in Ontario and Canada, including that of Kitchener-Waterloo. He has consistently and deliberately ignored the advice of the Ontario Veterinary Medical Association and the American Veterinary Medical Association. He is more than willing, however, to quote statistics from the latter while ignoring their 18-page report on how to implement a community approach to dog bite prevention, which was created by their task force on canine aggression.”

**1730**

No wonder we’re going to need public hearings, because this minister has not consulted with the stakeholders.

The Attorney General has also gone on to state a number of things.

He says, “The Attorney General publicly stated that the United Kingdom didn’t have much difficulty identifying the pit bull-type dog, but that the other fighting breeds cause the identifications problems. And yet the United Kingdom’s own parliamentary documents state otherwise, that the pit bull dog did indeed present

significant identification problems, and that the total number of dogs from other breeds was less than half a dozen. Documented evidence of identification difficulties abounds throughout the United Kingdom, Germany and the United States. The Attorney General has based a large part of his legislation on the UK model, a model which has been studied in universities in England as an example of extremely poorly thought-out legislation.”

Now, the Attorney General and his drafters have been clever. I’ve said that before. They don’t know how to define a pit bull, and they don’t even know how to enforce that, but they’ve got a clever provision on the reverse onus. If you’re charged with respect to an offence involving your dog and the bylaw enforcement officer says, “That dog is a pit bull,” then it’s a pit bull, and you’re going to be convicted unless you can prove it’s not a pit bull. I’ve never heard of anything more unfair. I can tell you that that provision is going to be struck down by the charter, and if that provision is struck down by the charter, this legislation is going to be of no use whatsoever in terms of dealing with what the minister wants to deal with.

He’s going to have to think about that because he is the Attorney General and he is expected to have some knowledge of the law in terms of how it is enforced and how it’s supposed to work.

There’s another area that is mentioned by Steve Barker, who is the Ontario director for the Dog Legislation Council of Canada. It goes to an area I’ve already talked about. It has to do with the definition of menacing behaviour. It’s in there: “There is no clear definition of menacing behaviour. This is open to wide interpretation by bylaw enforcement officers, and makes dog owners in general, not just pit bull owners, extremely susceptible to officers who don’t like dogs, especially larger or more muscular dogs, and to angry or fearful neighbours who are looking for a way to get rid of the dog next door. Again, in the case of the pit bull, a conviction requires the mandatory destruction of the dog.”

That’s where the minister is going with respect to this particular type of legislation.

“The legislation places biting or menacing a domestic animal on the same legal level as biting or menacing a human being, with the possibility of same jail time behaviour from one dog to another etc.”

As I’ve gone on to say before, I have real difficulty with the reverse-onus provision. Mr Barker has pointed this out also with respect to this. He states, “If an officer decides without any training in breed identification”—because they’re going to have to have some knowledge of breed identification, wouldn’t they? Wouldn’t you think you’d have to know what a breed is if you’re going to be going out there to enforce the law?

So we have an officer who “decides without any training in breed identification that a dog is a pit bull, the onus is on the owner to prove that his or her dog is not a pit bull. The only likely acceptable proof will be documents from a breeder, a registry or a veterinarian. Therefore, all owners of shorthaired, muscular, medium- to large-sized

or backyard-breeder dogs are at risk if they have rescued that dog or got it from a hobby breeder, a friend or a backyard breeder.”

What he’s saying here is, if you don’t have papers for your dog, you may face an uphill battle, and since they have no paperwork, they have no proof. If the dog is convicted of being a pit bull—and remember, the owner has to prove otherwise—the legislation requires the destruction of the dog.

Part of the legislation includes “a member of a class of dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to in any of clauses (a) to (d); (‘pit bull’).” Breeds that have easily been mistaken for pit bulls in the United Kingdom, Germany and the United States include Labrador retrievers, boxers, Jack Russell terriers, Great Dane and Great Dane cross, mastiffs, Rottweiler cross, bull terrier, American bulldog, Shar-pei, Rhodesian Ridgeback cross.”

That reverse-onus provision is something that the Attorney General better think about, because he’s really crossing the slippery slope here. If we’re going to be living in a society where you’re going to be charged and then you’re going to have to prove that you’re not guilty, well, that’s not the way it works. It’s not a reverse onus.

They had these test cases back in the 1980s, I believe, regarding reverse ownership provisions with respect to operating a motor vehicle under the influence. They were struck down.

What we’ve got here is a situation where the bylaw enforcement officer, whether he or she is trained or not—who knows?—says, “That’s a pit bull.” Then you’re charged. You’ve got to go to court and prove that your dog is not a pit bull; otherwise, you’re convicted.

That reverse-onus provision is the guts of this legislation. It has nowhere to go unless that clause stands. If that clause goes, this legislation is done. Why? Because he’s not offering anything to municipalities in terms of allowing them to have the tools to protect the public from dangerous dogs. He hasn’t offered anything at all. He hasn’t put in the legislation anything to do with respect to being a better dog owner in terms of training, in terms of education and in terms of looking after your dog in a more humane manner.

What I would like to deal with now is the minister’s statements on the bill—and there have been many—as to why he believes the bill is necessary. I want to go through this. I certainly appreciate the help I’ve received on this in terms of trying to understand the minister’s statements, because some of them are not always that difficult to understand. I just want to go through this briefly.

He states, “Pit bulls are 1% of the dog population and half of all the incidents. These are not pets. Canadian statistics demonstrate that pit bulls are responsible for less than 5% of serious dog bites.” My question is, where did this minister get this information? When is he going to table the information he’s relying on with respect to these statements?

He also states, "We also know that when you institute a pit bull ban it does not take long to have no more pit bull problems in your jurisdiction. That was the experience in Winnipeg." That's what the minister says. Yes, there were no pit bull problems, but the number of overall dog bites in Winnipeg increased between 25% to 50% after the ban. The ban of pit bulls in Winnipeg did not resolve the dog bite problem.

The Attorney General goes on to say, "I am convinced that pit bulls are ticking time bombs. I am convinced that they are inherently dangerous dogs."

In the United States, the Supreme Court in Alabama has ruled that there was no genetic evidence that one breed of dog was more dangerous than another simply because of its breed.

**Hon Mr Bryant:** Alabama?

**Mr Tascona:** The Attorney General is saying, "Alabama." They have good lawyers in Alabama. They respect the rule of law. I'm saying to the Attorney General, are you respecting the rule of law when you put in a reverse-onus provision when you know that reverse-onus provisions under the Criminal Code have been struck down?

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All of the experts support this view, experts that Michael Bryant refused to include in his round table discussions. I have told you the number of groups he would not meet with, and has not met with. The minister goes on to say, "only to have a neighbouring pit bull knock her fence over and a 150-pound beast charge her kids." A typical bull terrier weighs between 40 and 80 pounds. This obviously was a case of mistaken identity. The wrong breed is blamed due to public ignorance.

He goes on to state, "Most of the people that I have heard from through thousands of e-mails have indicated that they already put a muzzle on their pit bull." Thousands? Really? Where are they? Who has seen them? Are these e-mails only from cities with mandatory muzzle legislation? Is the minister willing to provide those e-mails as evidence? Because he has an evidentiary problem. If I were acting as the judge, I'd say to Minister Bryant, "Show me the evidence. Prove to me you've got a case." He hasn't proven anything.

He goes on to state, "Even more interesting, attacks in Winnipeg by all breeds of dogs, once numbering 30 to 40 per year, have decreased overall. A decade after their pit bull ban was instituted, dog attacks number about one per year, refuting the claim that pit bull owners will turn to other dangerous dogs." Winnipeg statistics show—this is my response—that the dog bites have been running in excess of 200 per year since the ban. The annual number of dog bites rose after the Winnipeg ban was implemented. This statement by the Attorney General certainly is not correct.

He goes on to state that both France and Germany, and Great Britain, are dog-loving countries and that they have banned pit bulls. Now, Staffordshire bull terriers are not banned in England. The most popular terrier and the seventh most popular breed in the country is a Stafford-

shire bull terrier. They're not banned. He's banning them here.

Lower Saxony in Germany banned bull terriers. That law was overturned by a federal court in Germany, in Berlin, on July 3, 2002. France banned pit bulls. That's what Mr Bryant said. The response by the Minister of the Interior in France to a question concerning France's dangerous animals act was that Staffordshire bull terriers are perfectly distinct from American Staffordshire terriers and much smaller and do not present any particular danger.

There are different interpretations of the law with respect to what a bull terrier does. It goes back to my initial point: We've got a problem with the definition here. It is going to be struck down, and it is not going to be interpreted in the way the Attorney General thinks it is going to be interpreted. But he has solved that problem, because if you get charged and they say it's a pit bull, you had better prove it's not a pit bull, otherwise you're going to be convicted.

There are some other comments I want to point out. "Attempts to impose breed-specific bans have been overturned by courts in the United States and in Germany on the grounds that there is no scientific evidence to support such a ban." We're waiting for that evidence from the Attorney General. "There is no evidence to support a ban on Staffordshire bull terriers. Indeed, Canadian statistics show that they are a very safe breed compared to other dogs. Bans on bull-terrier-related breeds have not made the public any safer. Statistics from the city of Winnipeg demonstrate that the actual number of dog bites increased after the ban. A multitude of experts and stakeholders have been denied the opportunity to contribute to this process."

I would ask, why? Why were they not allowed to be a part of this process? Why the haste to get this legislation in place? The public expects legislation that is credible. They expect it to be effective, and they expect that the Attorney General has thought through something that is going to solve the problem. The problem is dangerous dog attacks.

The Attorney General claims that the public will be protected from vicious dog attacks if all pit bull terriers are banned in Ontario. I'm waiting for the facts to support this claim. He's made that assertion. What's the evidence to support that claim? Because when you look at the experience in the United Kingdom—and I want to refer to that experience they've had.

In the United Kingdom, the Dangerous Dogs Act was passed in 1991. It makes it an offence to breed, sell, exchange, give or abandon any dog of the type known as the pit bull terrier; any dog of the type known as the Japanese tosa; and any dog of any type designated by order appearing to be of a type bred for fighting. Dogas and filas have been designated by order. It is also an offence to allow a dog to be dangerously out of control in a public place or to allow a dog to enter a place where it is not permitted to be. This becomes an aggravated offence if the dog injures any person. On conviction, the

owner may be fined, imprisoned or disqualified from owning a dog. The dog may also be destroyed.

According to the 2001 BBC report, the number of people hospitalized because of dog attacks in the United Kingdom has increased 25% over the previous five years. The Attorney General is quoted in a press conference as saying, "Over the next five years, you're going to see dog attacks go down." That's his quote. The experience in the United Kingdom is the opposite: Dog attacks are going up.

There are other situations here that I also want to deal with. In Winnipeg, the dog attacks increased, despite the pit bull ban. In the United Kingdom, despite the pit bull ban, dog attacks have increased. As I said, the Attorney General said that in five years the number of dog attacks, in his opinion, will decrease. The experience in Winnipeg and the United Kingdom will contradict that.

I just want the public to fully know the facts. They have a right to know the truth. They have a right to know the facts of what's out there, and the facts are that dangerous dog attacks, which we're trying to protect the public from, have not gone down because of a pit bull ban.

I want to put it to the minister that he has not mentioned an area that got rid of the breed. He cited a number of cities that have implemented breed bans, but he has neglected to state that the city of Edmonton rescinded its breed ban on pit bulls. Cincinnati, Ohio, has also rescinded its pit bull ban after 13 years, stating that it was expensive and didn't work.

"The statistics that Attorney General Bryant cited about Winnipeg on October 26, 2004, also did not tell the Legislature the real story. Winnipeg's statistics actually show that the number of bites from other breeds is on the increase. Any statistics on dog bite incidents in this country are skewed as there is no national canine database which tracks the number of dogs in this country. Without that, the number of reported bites is meaningless."

What I've said is, has the minister explored mandatory regulation of dog breeding in this province and the development of a national canine database where trends could be monitored over time, ie, if one million dogs are registered on the database, what percentage of those actually bit a person or dog, what kind of bite it was, what injury was sustained and what kind of dog was involved? You've got a situation here that is problematic because of the lack of record-keeping that is out there.

I just want to also refer to some statistics on this particular matter. "Current statistical information on dog bites and dog attacks in Canada is lacking. No Canadian figures accompanied the Ontario announcement on October 15, 2004." That was the announcement made by the Attorney General. He didn't give any Canadian figures with respect to what was going on to support his announcement that he was going to be bringing in legislation to ban pit bulls—none whatsoever. "There is no national data on canine population, dog-related deaths and injuries, or which breeds cause the most harm. While

dog bites are a common reason for emergency room visits, there is no mandatory reporting of these bites, let alone the dog's ownership, breed, spay/neuter status or history of aggression."

**1750**

That is a problem that the Attorney General has to address because he is not providing the public with any information. The reason why is because there isn't any. He has no evidence to support what he is saying, and we're talking about hard evidence with respect to what he is trying to accomplish here.

No one here would deny the fact that there is sympathy for any person that is attacked by a dog at all. What we're trying to do here is make sure that the Attorney General puts forth credible, effective legislation that has been thought through, consulted with the public, and not putting in reverse-onus provisions that are going to convict people because they can't prove that the dog isn't a pit bull, when, in fact, nobody knows what a pit bull is. They provided a very convoluted definition of what a pit bull is—very convoluted, because they have different interpretations in different jurisdictions. The United Kingdom does not recognize a Staffordshire terrier as a pit bull, yet in Ontario, we are. So, it's not that simple.

There are other situations in England, and this is from court hearings that are in the United Kingdom, and the problems with actual identification of breeds or types of dogs. This is in the United Kingdom. This is their experience. It says, "Furthermore, the court hearings are designed to consider the dog's physical conformation to see to what extent the dog conforms to the ideal pit bull terrier." If the owner cannot prove that the dog does not have a substantial number of such physical characteristics, then the owner is convicted. The issue of the dog's behaviour, which would have been thought to be the most vital part of the test, was held to be relevant but not conclusive. Many dogs, therefore, have been needlessly destroyed." That's the experience in the United Kingdom.

I don't like that reverse-onus provision and I have mentioned that before, but it seems that the Attorney General is quite comfortable with it.

I also want to deal with some other information that has been put forth by the Attorney General on this matter because I think his credibility, quite frankly, is in question, and so is this bill as an instrument of protecting the public.

The Attorney General stated on October 26 in direct questioning, and Mr Kormos was there with me, "The pit bull is a breed apart." I say to the minister, what is this based on? You made a very significant statement there, and then when you were questioned by the reporters, who said, "What about other dogs? Are you going to ban them?", his statement was, "They don't need to be banned. The Dog Owners' Liability Act will do the job. But the pit bull is a breed apart." I'm saying to the minister; show me the evidence that they're a breed apart. People have got a right to know.

I want to refer to that Alabama Supreme Court decision and, specifically, to read from it. I want to just read this, because the Alabama Supreme Court dealt with this issue with respect to the definition and the interpretation of what pit bulls are in terms of their danger.

“The Alabama Supreme Court affirms a decision by a lower court, which ruled that four pit bull puppies are not vicious and can be adopted from the Huntsville Animal Shelter. This Madison county circuit court ruling came after the prosecution argued the dogs were vicious with no useful purpose and presented ‘expert’ testimony by a veterinarian that stated pit bulls are genetically vicious.” That’s what the Attorney General is saying. He says they’re ticking time bombs and they’re a breed apart. “The court, in its ruling, decided that the four pit bull puppies were not vicious and could be adopted.

“The veterinarian, in an affidavit, testified, ‘In my professional opinion, the four pit bull dogs, by virtue of their genetic predisposition of viciousness and lack of socialization, lack any useful purpose due to viciousness.’ The interveners seeking to adopt the dogs represented themselves pro se but were assisted by the American Canine Foundation (then known as the Washington Animal Foundation) and provided counterevidence from experts that convinced the judge the pit bull pups were not vicious and were not genetically predisposed to being vicious, nor did they lack any useful purpose.”

This ruling was later affirmed by, as I say, the Alabama Supreme Court, and it deals with the situation that we have at hand: that pit bulls are a breed apart.

What we’re trying to accomplish here is to make sure that the minister has done his job. He’s the Attorney General. His job is to respect the rule of law. That’s why he’s in the position. That’s what makes us a free and democratic society. It’s not his job to put in place laws that are not credible, that are not enforceable and that mislead the public with respect to what the legislation is actually going to accomplish.

As the official opposition, we’ve got the right to ask questions, we’ve got the right to ask hard questions, and we’ve got the right to demand answers to what this minister is trying to do. I can tell you that he has not answered those questions with respect to how he’s going

to enforce this legislation because he has not put in place a mechanism that is going to be enforceable.

He also has not addressed the situation of how he is going to deal with municipalities that do not have dog enforcement mechanisms. He has not dealt with the situation of how we’re going to deal with dogs that are going to be put in kennels, be it awaiting sentencing or destruction. He hasn’t dealt with the situation of what he’s going to do with the dogs that are will be taken off the street by pet owners who are not going to be able to care for those dogs in situations that, regrettably, are going to be caused by this legislation.

I know that the Attorney General is trying to accomplish something here. We’re just trying to play our role to make sure that what he’s trying to accomplish is to protect the public from dangerous dogs. We all share that. As I said earlier when I started, a new approach has to be taken, obviously, to protect the public from dogs, but what the minister is trying to accomplish here has a lot of questions. I’ve questioned what he has put in the legislation. I’m looking for answers. He’s going to have to look hard at this legislation, and I think he will, because he’s going to be facing public hearings.

#### ROYAL ASSENT

#### SANCTION ROYALE

**The Acting Speaker (Mr Ted Arnott):** I beg to inform the House that in the name of Her Majesty the Queen, His Honour the Lieutenant Governor has been pleased to assent to a certain bill in his office.

**The Deputy Clerk (Ms Deborah Deller):** The following is the title of the bill to which His Honour did assent:

Bill 105, An Act to revise terminology used in the French version of certain statutes / Projet de loi 105, Loi révisant la terminologie utilisée dans la version française de certaines lois.

**The Acting Speaker:** It being very close to 6 of the clock, this House stands adjourned until Monday, November 15, at 1:30 pm.

*The House adjourned at 1800.*

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