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of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 6 April 2005

Mercredi 6 avril 2005

Speaker
Honourable Alvin Curling

Clerk
Claude L. DesRosiers

Président
L'honorable Alvin Curling

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 6 April 2005

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 6 avril 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

TARTAN DAY

Mr. Norm Miller (Parry Sound–Muskoka): Today is Tartan Day. I didn't wear my father's tartan today because I knew that Bill Murdoch was going to be wearing his kilt. Unfortunately, Bill is ill today, so try to imagine for a second that I am Bill Murdoch. This is Bill's statement. Remember, I'm Bill Murdoch.

"I rise today in my own MacPherson tartan to celebrate the 685th anniversary of Scotland's independence and the 14th anniversary of my resolution to name April 6 as Tartan Day in the province of Ontario.

"As you know, Scottish heritage runs deep in our province and has influenced everything from the breeds of livestock to food and drink. In fact, tartans were an ancient form of dress used by Scottish Highlanders and today denote their clan. Kilts—a play on the word "Celt"—were the early battle garb worn by Roman soldiers.

"It could be argued that the independent spirit and stubborn views of our ancestors are alive and well in the House today." You can say that again.

"Canada's first two Prime Ministers, Sir John A. Macdonald and Alexander Mackenzie, were both born in Scotland, as was NDP founder Tommy Douglas. It's easy to see how Scotland has had a direct impact on the history of Canada and Ontario.

"Adding to the fiery reputation of Scots, the former Proton township resident Agnes Macphail, the first woman elected to the House of Commons, was of Scottish descent.

"It is good to see some members displaying the tartan in order to celebrate the Scottish contribution to the multicultural nature of Ontario, and I hope you will continue the tradition of wearing the plaid to commemorate and promote April 6 as Tartan Day."

HUGUETTE BURROUGHS

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): I rise today to pay tribute—je me lève aujourd'hui pour exprimer mes respects—to an exemplary woman from my riding of Stormont–Dundas–Char-

lottenburgh, the late Huguette Burroughs. Huguette passed away this past week, leaving an incredible legacy behind. She was a celebrated journalist, a recipient of the Queen's Golden Jubilee Medal, a member of the Order of Ontario, and a Cornwall city councillor.

For 23 years, Huguette Burroughs championed the francophone community as the editor of the city's only francophone newspaper, *Le Journal de Cornwall*. Over the years, Huguette faced a variety of health challenges that left her blind, cost her a limb, and left her in need of dialysis three times a week.

We could understand if someone in such a position were to retire from active life. Huguette did retire from her editorial position, only to run for city council. She would let nothing stand in the way of her desire to serve her community, which she held so dear.

Huguette Burroughs provided not only people with disabilities but all of us with an incredible role model. She was a woman of principle and strength, and the city of Cornwall has been enriched by her community activism and public representation.

I close with a quote from Ms. Burroughs herself, words I hope all of us, as representatives of the people, will take to heart: "Vision isn't just about eyesight. It comes from experience. It comes from the heart, and my heart is filled with respect and love for this community and its kind and good people who deserve the best."

Huguette, as a proud Ontarian and a proud Cornwallite, you have inspired us, and we will remember you.

MUNICIPAL RESTRUCTURING

Mr. Tim Hudak (Erie–Lincoln): Unfortunately, it has become an old story with the Dalton McGuinty government: You promise one thing and then you do another. In fact, the *Brampton Guardian* now calls it "pulling a McGuinty" when that happens, and boy, he's pulling one again when it comes to government in Peel region.

After months of saying they wouldn't intervene in municipal governance affairs, the Dalton McGuinty government appointed a facilitator, Justice Adams, to deal with the crisis they've created in Peel region. They've had this report since December. They've had this report for months and have failed to make any kind of decision on where they are going to go on the issue. So not only did Dalton break a promise, but he waded in without any plan whatsoever.

As a result of the Premier's dithering on the issue, municipal councillors and mayors are devoting a good deal of energy to this governance issue and how many councillors sit, time that could have been spent on improving services in Peel region, like police services, roads, and public health.

Most importantly, I want to know where local MPPs stand. Where do the members for Bramalea–Gore–Malton–Springdale and Brampton West–Mississauga stand on the issue? Surely they have an opinion, but they're ducking it. I think the Don Guys and the Gerald Butts have put out the gag order and told those members not to say anything. But I'll say to my colleagues, ask Don Guy what seat he represents. Walk right on by him. Tell Dalton McGuinty where you stand, and tell him to make a decision, once and for all.

AFFORDABLE HOUSING

Mr. Michael Prue (Beaches–East York): I rise today to recognize the enormous efforts of the Interfaith Social Assistance Reform Coalition in bringing Ontario's affordable housing disaster right to our doorstep. As the members opposite will know, they will be here tomorrow and they will be hosting delegations from across Ontario and any others who wish to come and hear about the housing crisis that we are having here in Ontario.

Ontario's lack of affordable housing long ago reached that crisis point. In 1995, the then-Conservative government cancelled all non-profit housing programs that had been initiated. They moved the province out of the housing business and left thousands of low-income Ontarians in the cold.

In 2003, the Premier promised change. So far, we have seen absolutely nothing. All we see is announcement upon reannouncement. As any Ontarian living on social assistance and working for minimum wage will tell you, even the announcements they make for affordable condos are of no avail to them at \$115,600.

Recently, the federal housing minister has moved to help the province access hundreds of millions of dollars of unspent federal monies. Tomorrow, ISARC's forum will give this government a chance to outline their plan to utilize these dollars. We don't want to hear promises. We don't want to hear reannouncements. We want to know when the shovels go in the ground and that real people can have the affordable housing they need.

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HEMODIALYSIS

Ms. Kathleen O. Wynne (Don Valley West): I rise today to commend an innovative program in my riding of Don Valley West that's making life easier for patients with kidney disease. Traditionally, a patient in need of hemodialysis would travel to a hospital three times a week, each time for a four-hour treatment. Thanks to the Home Plus program, a pilot project at Sunnybrook and Women's College Health Sciences Centre, these patients,

many of whom are elderly, are now cared for in their homes. This has benefited both the individuals in the program who receive dialysis overnight as well as the hospital by decreasing wait times, saving money and freeing needed hospital beds.

This is an instructive success story. Here a crisis became an opportunity because of the efforts of dedicated health professionals at Sunnybrook and Women's, including Dr. Matthew Oliver, director of dialysis; Murray Rowe, project manager—Murray is with us today in the gallery; and Leo Steven, president and CEO of Sunnybrook and Women's.

In 2001, all the outpatient spots for hemodialysis were full at the hospital's regional dialysis program, meaning that new patients starting hemodialysis required admission. This took its toll on the hospital's resources. The average stay for these patients was 22 days, using dialysis resources normally reserved only for those with acute renal failure. The problem peaked when the hospital had to transfer an accident patient out of the city to receive care.

The Home Plus program provides an excellent example of what communities can accomplish when they work co-operatively. The program brings together the North York Community Care Access Centres, St. Elizabeth Nursing, the Kidney Foundation of Canada, Fresenius Medical Care of Canada and epost/Canada Post, which provides patients with unlimited access to their medical information in a patient-friendly format.

This is the kind of innovation and planned change that we should celebrate and encourage.

AUTISM TREATMENT

Mr. Frank Klees (Oak Ridges): Dalton McGuinty made this unqualified promise to autistic children and their parents: "The Ontario Liberals support extending autism treatment beyond the age of six." That same Dalton McGuinty said, "I ... believe that the lack of government-funded IBI treatment for autistic children over six is unfair and discriminatory."

Those promises were made while Dalton McGuinty was scratching for votes in every corner of the province and behind every issue. So desperately did he want to be Premier that no promise was withheld and no issue was beyond his political ambition.

He is now Premier, and while he and his ministers have the titles, the offices and the trappings of power, they have lost the respect, the trust and the confidence of the very people who entrusted them with leadership responsibilities.

Integrity is about keeping your word, doing what is right and having the courage to face difficult issues head-on. This Legislature and the people of Ontario have witnessed their Premier fail autistic children and their parents on all three counts. He did not keep his word, he did not do what is right, and he did not even have the courage to face those with whom he broke faith, choosing rather to turn his back on those to whom he made

commitments, refusing to take responsibility, and deflecting any and all questions on this important issue to his ministers, who equally, in turn, were evasive.

The people of Ontario deserve better.

ST. JOHN'S REHABILITATION HOSPITAL

Mr. David Zimmer (Willowdale): It's not very often that someone sits down, takes out a pen, and writes out a cheque to a hospital for \$1 million or more, but recently St. John's Rehabilitation Hospital in my Willowdale riding was the beneficiary of not one but two such donations.

St. John's serves as a national and provincial leader in specialized rehabilitation medicine. It is preparing to begin a major enhancement and expansion of its patient care facilities located in Willowdale.

This fall, the hospital will launch a public fundraising campaign to raise \$15 million to fund its share of the facility redevelopment. This is the first time the hospital will be seeking community support for a building program since its founding in 1937.

The Anglican Sisters of St. John the Divine founded this hospital and have managed it since. They continue to play a major role in its growth and development. The sisters have pledged \$5 million toward the \$15-million goal as evidence of their outstanding commitment to improving access to specialized rehabilitation care for Ontario residents.

Recently, the sisters were joined in this major campaign initiative by Sally Horsfall Eaton and John Craig Eaton, who have also personally pledged \$1 million to the campaign.

The staff and physicians, the Sisters of St. John and the Eaton family are helping to build a critical road to recovery for residents of this province. I want to congratulate them on this selfless contribution.

ADDICTION SERVICES

Mr. Kim Craiton (Niagara Falls): The people of my riding of Niagara Falls—in fact, the entire Niagara region—thank the Minister of Health and the McGuinty government for improving detox services in our region. Our government moved quickly to cover this program's shortfall. As a result, this vital service remained open in Niagara.

Our government invested \$173,000 in withdrawal management and substance abuse services in Niagara region to assist residents dealing with addiction on the road to recovery. This was a two-part announcement. First, various regional detox centres received necessary funds to stay open for the balance of the year, but more importantly, the second announcement put into place additional funding on a long-term basis to keep these vital services working in our communities.

Substance addiction is a very serious disease that requires very specialized treatment. Overall, the an-

nouncement was part of a province-wide \$4-million investment that builds on the government's \$106-million annual investment to provide withdrawal management and substance abuse treatment to cover over 125,000 Ontarians.

Drug and alcohol abuse tears apart lives and families. I am extremely proud that my government was determined to provide those in need with the right care in their communities, where it does the most good. Thank you, on behalf of a grateful community.

MUNICIPAL FINANCES

Mr. Bruce Crozier (Essex): I rise today to speak about the McGuinty government's commitment to small, northern and rural municipalities across Ontario. Last week, we reaffirmed our commitment to these municipalities by investing \$656 million through the new Ontario municipal partnership fund, an increase of \$38 million, or 6.1%, over 2004. We are providing one-time transition funding of \$233 million, meeting the province's reconciliation obligations from 2003 and 2004 under the old community reinvestment fund.

Under the new Ontario municipal partnership fund, communities in Essex county will be receiving a total of \$4.5 million for 2005, an increase of \$3.3 million from what was received under the old community reinvestment fund. The town of Essex, for example, will receive \$1.1 million this year, an increase of \$782,000. Essex treasurer Donna Hunter said that the Ontario municipal partnership fund transfer payment represents 10% of what Essex collects, which is a substantial amount of money for a community of its size.

Just one out of the 87% of the municipalities across Ontario, the town of Essex is benefiting from the McGuinty government's promise to build stronger, more self-sufficient municipalities. I'm proud to be their MPP. I'm pleased to talk about this new fund. It just makes me feel good.

VISITORS

Mr. Jim Wilson (Simcoe-Grey): On a point of order, Mr. Speaker: I would ask members to join me in welcoming the family of legislative page Scott Dickson. We have Mr. and Mrs. Hartley, Scott's grandparents, in the gallery, along with Steve, Sheila, Andrew and Laura Dickson from my riding.

The Speaker (Hon. Alvin Curling): That's not a point of order, but welcome.

Mr. Gilles Bisson (Timmins-James Bay): On a point of order, Mr. Speaker: I'd like to welcome to the assembly a number of assembled grand chiefs and chiefs from across northern Ontario. We have, from Treaty 9, Grand Chief Stan Beardy; from Treaty 3, Arnold Gardner. We have Chris McCormick here from the allied Iroquois nations, along with Stan Louttit, my good friend from Mushkegowuk Tribal Council.

I'm sure I'm missing somebody, but if I did, please forgive me.

The Speaker: That's not a point of order.

We have with us in the Speaker's gallery a parliamentary delegation from the Republic of Lithuania, led by His Excellency Artūras Paulauskas, chairman of the Parliament of Lithuania, and also members of the Parliament, and Her Excellency the ambassador. Welcome.

Mr. Tony Ruprecht (Davenport): On a point of order, Mr. Speaker: Along with this delegation is a very distinguished Canadian, the former president of the Canadian Lithuanian congress, Mr. Al Pacevicius. He's also here.

The Speaker: That's not a point of order.

Mr. Bob Delaney (Mississauga West): On a point of order, Mr. Speaker: I'd like to welcome a former colleague of mine, Mr. Brian Sullivan, to the Legislature, making his first visit. But I guess it's not a point of order either.

The Speaker: We all agree it's not a point of order, and I hope it's not a practice that will be continued.

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STATEMENTS BY THE MINISTRY AND RESPONSES

APPRENTICESHIP TRAINING

Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities): Investing in our apprenticeship system is part of the government's plan to strengthen our greatest competitive advantage: the skills and expertise of our people.

Today I had the pleasure of meeting some students at George Brown College who are training to become electricians, sheet metal workers, plumbers, and air conditioning and refrigeration mechanics. I was joined by my colleague Minister Cordiano at this event, and we both marvelled at the students' dedication to learning and excelling in their chosen careers. I'm confident they are on the path to great success.

To further support apprentices like those I met today, I announced our government's investment of \$37 million in Ontario's next generation of skilled workers. As part of today's announcement, we will provide Ontario's colleges with \$20 million to help them expand their ability to train the increased number of apprentices our economy needs.

Through the apprenticeship enhancement fund, we are increasing opportunities for training to ensure that apprentices have access to state-of-the-art technology and facilities. We are also demonstrating our commitment to expand opportunities for students, experienced workers and internationally trained skilled workers to pursue rewarding careers in the skilled trades.

Since coming to office, the McGuinty government has taken several steps to expand existing pathways to

apprenticeship and create new career opportunities in the skilled trades. We have introduced a new apprenticeship training tax credit that helps employers hire and train new apprentices. We have established 1,500 new \$1,000 scholarships for students who have left school early and then returned to upgrade their academic credentials in order to pursue an apprenticeship. Employers who hire these young people as apprentices will also receive a \$2,000 signing bonus. We have implemented the new co-op diploma apprenticeship program that provides young people with the opportunity to concurrently work toward a post-secondary credential and an apprenticeship qualification.

Ontario has Canada's largest apprenticeship training system. We provide access to careers in more than 136 skilled trades in construction, manufacturing, motive power and the service sectors. These activities are the result of partnerships with secondary schools, colleges, industry and labour. We are working together to promote apprenticeship training as an important and rewarding career path. An apprenticeship in the skilled trades is a very attractive post-secondary education option for our young people.

An example of partnership is the annual minister's apprenticeship employers recognition and awards event, which I will host this evening for the second year. I look forward to congratulating employers who are exceptional leaders in training apprentices and promoting careers in the skilled trades. The commitment of these employers is an essential component of our province's continued economic success. The training they provide is indeed an investment in our economy's future and in the prosperity of our people. The Ontario government appreciates the commitment of these and other employers.

We are committed to increasing the number of new apprenticeship registrations by 7,000, to a total of 26,000 annually, by the end of 2007-08. We will continue to invest in programs to help our people enhance their skills. Our commitment is clear: We will build an economy based on strong skills and high standards; we will build a quality of life in Ontario that is second to none.

The Speaker (Hon. Alvin Curling): Responses?

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I'm very pleased to respond to the announcement today, indicating that the government is going to take some additional steps to support apprentices and provide them with increased access to training.

I think everyone in this House, and in fact most people throughout the province of Ontario, recognize it's absolutely essential that we do more to ensure that we have the apprentices and tradespeople we will need to meet the needs of the economy, because we know that at the present time there are shortages in many of the trades. We also need to make sure that the initiatives we undertake start to encourage young people, probably from the age of about 12, to start looking at and seriously considering whether they want to pursue jobs in the apprenticeship area and to become skilled tradespeople. So this announcement certainly is a step forward.

This announcement builds on what my colleague the Honourable Dianne Cunningham had undertaken when our government was in office. We recognized that there was a shortage of high-tech and skilled workers in Ontario and undertook many initiatives that enabled us to work co-operatively with and encourage employers to invest in training, because it is absolutely essential to the competitiveness and economic prosperity of our province. There is a responsibility on the part of government, the private sector and obviously the institutional educational sector to do what they can to support it.

I just want to review some of the initiatives we did take. We actually had a plan to double the apprenticeship program, and we did increase the investment in training. If we go back to the 2002 budget, we made substantive new investments in apprenticeship and training. The number increased from \$5 million in 2002-03 to \$25 million in 2005-06. In fact, we increased funding for apprenticeship training by \$33 million in 2004-05 to help double the number of new entrants into apprenticeship programs. We also indicated that we were going to be investing \$50 million over five years, the capital funding for our colleges to upgrade equipment and facilities for apprenticeship training.

So I think you can see that part of the announcement today is very similar to the announcement we made in 2002, where we recognized the need to make sure our colleges could update their facilities and equipment. So that's an announcement we had already made.

We also expanded the Ontario youth apprenticeship program and doubled its funding from \$2 million in 1998-99 to \$6 million in 2002-03 to allow more students to start apprenticeships while completing high school. We also invested in pre-apprenticeship programs to encourage potential new entrants into the system, and a journeyman updating program to help experienced skilled workers keep their skills current.

1400

So if you take a look at the announcement here, I think it is, in some respects, a reannouncement of some of the initiatives we indicated we would be following through with from 2002. I'm pleased that this announcement has taken place today, because I think it is incumbent on all of us in this House to ensure we have the needed individuals working in the province, and we need to continue to invest in training in order that this province remains competitive and in order that we can enjoy the economic prosperity we're going to need if we are to continue to provide high-quality educational services, health services and community safety. Certainly this is a step in the right direction, but as I say, in some respects it is simply a reannouncement of some of the plans we indicated we were going to move forward with.

Mr. Rosario Marchese (Trinity-Spadina): I want to say that New Democrats support any initiative that builds on any apprenticeship program this government has in mind that will help our trades and the technology programs we are offering in the high school system or the college system. But here is the problem—and I want to

read from a letter sent to me by an educator in Ottawa. This is what this teacher says. I know that the minister, who at the moment is not as attentive as she might want to be, would want to listen to this letter. Minister, here is what this educator said:

“As an educator, I am concerned that our students are receiving the best possible education to prepare them for the future. I am very concerned that the \$20 million of the technological education renewal initiative (TERI) your government has promised for the school year 2004-05 has yet to be distributed, which is seriously jeopardizing the education of our future skilled workforce, and subsequently the future economy of Ontario.

“In our technological world, it is important that today's student acquire the technological skills and knowledge necessary for success in tomorrow's careers. Technological education, with an applied, hands-on, project-based approach, is critical to providing today's students with the essential and transferable skills for all manner of careers, particularly in the skilled trades and technical occupations. However, there has been a lack of adequate funding and comprehensive planning in technological education in secondary schools, resulting in shop closures, inadequate facilities and limited educational opportunities for today's students.

“In 2003, the government of Ontario announced the \$90-million technological education renewal initiative (TERI) to provide for the renewal and enhancement of technological education programs in our high schools. The present government,” meaning you, “subsequently announced, in the spring of 2004, that the TERI allocation would be increased to \$20 million for the 2004-05 school year. This has yet to occur.

“The success of post-secondary programs, school-to-work and school-college initiatives, vocational training and apprenticeship programs in the skilled occupations and trades all rely on a steady influx of well-prepared, technologically literate students. The economy of Ontario relies on a well-trained, skilled workforce, and this workforce relies on a strong, accountable and sustainable technological education.

“We urge the Ontario government to expedite the 2004-05 allocation of the TERI fund...”

Minister, I think you're getting my drift. If you cannot deliver on a promise you made last year, how are you going to deliver on a promise you are making this year for yet another program? I know that the minister is busy at the moment, but I know that every other Liberal is listening and I know that the people watching this program are listening. I'm saying to you, before you break another promise, deliver on the promise you made last year. That's the concern I've got with the promise you're making today.

People for Education have indicated that there is a rising high school dropout rate. It has reached 29%, and this is affecting the most vulnerable students in our high school system.

I say to you, Minister, you should reach out to the curriculum casualty minister and work with him to deal

with all the problems we've got in our high school system. Why not increase the availability of such programs as aircraft technology, construction technology, architectural design and other programs so that we would ensure a full range of technical programs at local schools? Why not put specialist teachers in our schools to impart specialized skills to students so that we would have applied courses that teach English and math. as they as they relate to training and trades, math, for carpentry and science for auto repair? Why not equip existing apprenticeship offices to find placements for student applicants so that high school students would be able to apply for apprenticeship positions through the guidance office in the same way that they apply to college and university?

Why don't you do something practical? Work with the curriculum casualty minister so that together we can help students in our high school system who desperately need the help. Do something serious like that. That would be helpful.

DEFERRED VOTES

PLACES TO GROW ACT, 2005

LOI DE 2005 SUR LES ZONES DE CROISSANCE

Deferred vote on the motion for second reading of Bill 136, An Act respecting the establishment of growth plan areas and growth plans / Projet de loi 136, Loi sur l'établissement de zones de croissance planifiée et de plans de croissance.

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

The division bells rang from 1406 to 1411.

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

Ayes

Arthurs, Wayne	Dombrowsky, Leona	Oraziotti, David
Bartolucci, Rick	Duguid, Brad	Peters, Steve
Bentley, Christopher	Duncan, Dwight	Peterson, Tim
Berardinetti, Lorenzo	Flynn, Kevin Daniel	Phillips, Gerry
Bountrogianni, Marie	Fonseca, Peter	Pupatello, Sandra
Bradley, James J.	Gerretsen, John	Racco, Mario G.
Broten, Laurel C.	Jeffrey, Linda	Ramal, Khalil
Brownell, Jim	Kular, Kuldip	Ruprecht, Tony
Bryant, Michael	Kwinter, Monte	Smith, Monique
Cansfield, Donna H.	Levac, Dave	Sorbara, Gregory S.
Caplan, David	Marsales, Judy	Takhar, Harinder S.
Chambers, Mary Anne V.	Matthews, Deborah	Van Bommel, Maria
Colle, Mike	Mauro, Bill	Watson, Jim
Cordiano, Joseph	McMeekin, Ted	Wilkinson, John
Craitor, Kim	McNeely, Phil	Wong, Tony C.
Crozier, Bruce	Meilleur, Madeleine	Wynne, Kathleen O.
Delaney, Bob	Milloy, John	Zimmer, David
Di Cocco, Caroline	Mitchell, Carol	

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

Nays

Arnett, Ted	Hudak, Tim	Munro, Julia
Baird, John R.	Jackson, Cameron	Ouellette, Jerry J.

Barrett, Toby	Klees, Frank	Prue, Michael
Bisson, Gilles	Kormos, Peter	Runciman, Robert W.
Chudleigh, Ted	Marchese, Rosario	Tory, John
Flaherty, Jim	Martel, Shelley	Wilson, Jim
Hardeman, Ernie	Martiniuk, Gerry	Witmer, Elizabeth
Horwath, Andrea	Miller, Norm	Yakubuski, John

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 53; the nays are 24.

The Speaker: I declare the motion carried.

Shall the bill be ordered for third reading?

Hon. David Caplan (Minister of Public Infrastructure Renewal): Speaker, I would ask that the bill be referred to the standing committee on general government.

The Speaker: So ordered.

FILM CLASSIFICATION ACT, 2005

LOI DE 2005

SUR LE CLASSEMENT DES FILMS

Deferred vote on the motion for second reading of Bill 158, An Act to replace the Theatres Act and to amend other Acts in respect of film / Projet de loi 158, Loi remplaçant la Loi sur les cinémas et modifiant d'autres lois en ce qui concerne les films.

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

The division bells rang from 1415 to 1420.

The Speaker: Mr Watson has moved second reading of Bill 158.

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

Ayes

Arnett, Ted	Duncan, Dwight	Munro, Julia
Arthurs, Wayne	Flynn, Kevin Daniel	Oraziotti, David
Baird, John R.	Fonseca, Peter	Peters, Steve
Barrett, Toby	Gerretsen, John	Peterson, Tim
Bartolucci, Rick	Hardeman, Ernie	Phillips, Gerry
Bentley, Christopher	Hudak, Tim	Pupatello, Sandra
Berardinetti, Lorenzo	Jackson, Cameron	Racco, Mario G.
Bountrogianni, Marie	Jeffrey, Linda	Ramal, Khalil
Bradley, James J.	Kennedy, Gerard	Ruprecht, Tony
Brownell, Jim	Kular, Kuldip	Smith, Monique
Bryant, Michael	Kwinter, Monte	Sorbara, Gregory S.
Cansfield, Donna H.	Levac, Dave	Takhar, Harinder S.
Caplan, David	Marsales, Judy	Tory, John
Chambers, Mary Anne V.	Matthews, Deborah	Van Bommel, Maria
Colle, Mike	Mauro, Bill	Watson, Jim
Cordiano, Joseph	McGuinty, Dalton	Wilkinson, John
Craitor, Kim	McMeekin, Ted	Witmer, Elizabeth
Crozier, Bruce	McNeely, Phil	Wong, Tony C.
Delaney, Bob	Meilleur, Madeleine	Wynne, Kathleen O.
Di Cocco, Caroline	Miller, Norm	Zimmer, David
Dombrowsky, Leona	Milloy, John	
Duguid, Brad	Mitchell, Carol	

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

Nays

Bisson, Gilles	Kormos, Peter	Prue, Michael
Chudleigh, Ted	Marchese, Rosario	Runciman, Robert W.
Flaherty, Jim	Martel, Shelley	Wilson, Jim
Horwath, Andrea	Martiniuk, Gerry	Yakubuski, John
Klees, Frank	Ouellette, Jerry J.	

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 64; the nays are 14.

The Speaker: I declare the motion carried.

Shall the bill be ordered for third reading?

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

The Speaker: So ordered.

ORAL QUESTIONS

FREEDOM OF INFORMATION

Mr. John Tory (Leader of the Opposition): My question is for the Premier. On September 22, 2003, the Premier said, "I think that [in] governing in the beginning of the 21st century, an important aspect of that is transparency."

On February 9 of this year, the Ministry of Health said, in response to a freedom of information request we filed, that it would cost \$10,190 for a copy of the expenses filed by your Minister of Health and his staff. If your government has the paperwork good enough to write the cheque to the minister and his staff for those expenses, then why can't you make that paperwork public? Is this delay of the \$10,000 cost your idea of transparency?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I'm pleased to receive the question, and I want to remind the leader of the official opposition that these are the very rules his government put in place. He's now standing in this Legislature railing against rules and regulations put in place by his government. I will stack our government's record against that government's record any day when it comes to openness and transparency. No government has done more to create more openness and more transparency, and I look forward to detailing that in the supplementary questions.

Interjections.

The Speaker (Hon. Alvin Curling): Just a moment. There's an anxiety on the government side by three or four people who want to answer the question. The question will be answered by the person who has been designated to do so.

Mr. Tory: Unfortunately, this only gets worse. On October 22, 2004, we requested a copy of the House book of your Minister of Education, which he carries with him into the House each and every day. I know that it's probably sitting on his desk right now. Six months later, we still have no response at all from the ministry. If you'd like, I could photocopy the book right now in our office and give it back to you in 20 minutes at a cost of about \$40. Is this the kind of stonewalling you mean by running this transparent government you boast so much about?

Hon. Mr. McGuinty: Can we be serious about this, Speaker? If you provide us with copies of your questions before question period, then we'll provide you with copies of our ministers' briefing books before question period.

Mr. Tory: Let's try again—another question for the Premier. When we finally do receive something back in response to a freedom of information request, this is the kind of thing we get, and I'm happy to send this to the Premier. This is the kind of thing we get. This is an FOI seeking copies of e-mails sent by your own staff members, blacked out except for a name, a date and a title.

Mr. Premier, is this what you mean by the kind of transparent government you're operating? Is this what you mean?

Hon. Mr. McGuinty: I'm taking delivery of all kinds of goods here.

Interjections.

Hon. Mr. McGuinty: I'll share it with the Leader of the Opposition first.

By way of a government that is committed to openness and transparency, let me tell you about some of the things we have done. We're taking more bills to committee for public input than ever before. We passed the Fiscal Transparency and Accountability Act, something that party opposed. We opened up Hydro One and OPG to freedom of information requests, something they were against.

As well, we've expanded the power of the Provincial Auditor to look at the broader public sector, like universities, colleges and hospitals. They were also against that. Furthermore, we have passed a law that requires that ministers be present for at least two thirds of question period. I'll put my record, where I'm here for at least two thirds of question period—by the way, for the entire question period—against any representative of that government any day.

The Speaker: New question.

Mr. Tory: The Premier has spoken in the past and continues to speak at great length today about his plans for an open and accountable government. When you launched your so-called—

Interjection.

The Speaker: Minister of Community and Social Services, the leader of the official opposition has the floor. I don't like him to be shouted down.

Mr. Tory: Premier, when you launched your so-called Government That Works for You platform on April 30, you said, "We will encourage MPPs to represent their constituents instead of blindly toeing the party line." You haven't had a free vote yet, but that's for another day.

Your press secretary did issue a memo to MPPs and their staff ordering them not to talk to the media. Is that your idea of the kind of open and transparent government you're going to run?

Hon. Mr. McGuinty: That is pure, unadulterated nonsense. I think you'll find all kinds of newspapers, media newscasts and radio stories that are filled with

commentary from members of our government. We feel a responsibility to speak out on behalf of this government and speak up for our constituents, and we will continue to do so.

1430

Mr. Tory: I say to the member that, for openness and transparency, we're still waiting for the first free vote. Premier, you have so far failed to disclose the specific science that supposedly guided your greenbelt boundary decisions. We made a freedom of information request in respect of that information, trying to get the information on the science, and we were told that would cost \$1,400 and would take over three months to respond to the request. Again, is this what you meant by operating an open and transparent government?

Hon. Mr. McGuinty: You know, I've given that answer before, and I'm more than pleased to give it again. With respect to the science upon which we relied—and by the way, which was relied on to a great extent by the Tories when they were in power—I'll be pleased to list those documents again:

There is the Natural Heritage Reference Manual, released in 1999 by the Tories. It's a good document. It's solid. There's the LEAR report, the land evaluation and area review. We also relied on that. That was produced, again, in 2002 by the Tories. There is A Current Assessment of Gross Land Supply in the Greater Golden Horseshoe, released in the winter of 2005. By the way, these are all available online. As well, there is the Growth Outlook for the Greater Golden Horseshoe. That was made available in January 2005. There's The Application of Land Use Intensification Target for the Greater Golden Horseshoe. That was also made available in January 2005. All those documents and others we relied upon are available online.

Mr. Tory: Premier, you stood in this House on May 10, 2000, and said, "I believe in an open government." Let's run down the list: First, your press secretary orders Liberal MPPs not to talk to the media. Secondly, we have directives being issued by the Ministry of Health for civil servants not to talk to opposition MPPs. We have months of delay, sometimes to the point where there's no answer at all, in dealing with the most straightforward freedom of information requests. Finally, in the last couple of days, we have a memo from your children's minister instructing MPPs not to answer questions about autism. Premier, is this what you meant by saying you believed in an open government and that you would operate an open and transparent government? Is that what you meant?

Hon. Mr. McGuinty: I think, at some point, as we have these conversations in this place, it's important to introduce a few facts, and I'm quite pleased to do that once again. This is what our government stands for when it comes to openness and transparency: We are sending more bills to committee than any government ever before. We passed the Fiscal Transparency and Accountability Act. They voted against that. We opened up Hydro One and OPG to freedom of information requests.

They stand against that. We expanded the power of the Provincial Auditor to do something he's been looking to do for years. We said you can and must go into universities, colleges and hospitals. They opposed that. We said we were going to pass, and we have passed, in this House a new law requiring cabinet ministers to be present for at least two-thirds of question period. They opposed that; we are in favour of that. Again, we will put up our record on openness and transparency against their record any day.

NATIONAL CHILD BENEFIT SUPPLEMENT

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Premier. This has been a tough week for Ontario's children. First, you couldn't look autistic children and their parents in the eye when you broke your promise to fund IBI treatment for autistic children aged six and over. Then there was the letter from the Minister of Children's Services telling your MPPs to avoid meeting autistic children and their parents.

Today, you refuse to meet with parents and children who ask you to keep your promise to stop the clawback of the national child benefit supplement for low-income families. During the election, Premier, you said, "The clawback is wrong," and you said you would end it. These parents and children are here today to say hands off their baby bonus. Why are you taking money from the pockets of the lowest-income children and parents in this province?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The member opposite brought up at the outset our record in connection with supports for children who have been diagnosed with autism, and I want to speak to that for a moment.

First of all, I'm proud that we have doubled the budget from \$40 million to \$80 million. Secondly, I'm proud of the fact that we have reduced the waiting list for assessment by 72%. I am proud of the fact that we have increased the number who are receiving treatment by 25%. I'm proud of the fact that when it comes to students diagnosed with autism who are in our schools, we have hired 139 experts who are available to our teachers and educational assistants.

Beyond that, Dr. Rozanski said that what we needed as an injection for support for special education needs in our schools was \$250 million. We said no to that. Instead, we've increased it to \$365 million.

No government has ever done more to help students with special needs in the history of our province.

Mr. Hampton: Well, Premier, I'm sure Madam Justice Kiteley will be really impressed. You presented all of that before her, and she's found clearly that you were discriminating against autistic children.

The fact is that they had to go to court to try to get you to keep your promise, and now you're doing the same thing to these lowest-income children and parents. During the election, you promised to stop the clawback. Now

you are making 164,000 of the lowest-income kids and 91,000 of the lowest-income families in the province go to court to make you keep your promise.

Low-income vulnerable families should be able to spend their money on food and clothing and paying the rent; they shouldn't have to go to court against a Premier who won't keep his promises. So, Premier, why are you wasting taxpayers' money dragging these lowest-income children and parents through the court? Shouldn't they be allowed to use that money for food, clothing and to pay the rent?

Hon. Mr. McGuinty: I am proud to say that for the first time in 11 years, the most vulnerable have seen an increase in their assistance.

Interjection.

The Speaker (Hon. Alvin Curling): The member from Nickel Belt, come to order.

Hon. Mr. McGuinty: I'm also proud to say that, in addition, families with children on social assistance were able to keep the July 2004 national child benefit supplement. This means that this year there will be an extra \$7 million for parents and children who need it most, and next year that number will rise to \$20 million. We're proud of that record.

Mr. Hampton: Premier, during the election, you said that the clawback was wrong. You said, "We will end the clawback." Those are your words. Now, you're forcing these families to go to court to try to force you to keep the promise.

You wouldn't meet with them today. I did. I want to tell you about them.

Lisa is a single mom with children: Dylan and Zoey. She works hard. She volunteers for church suppers. She does a lot of work, but do you know what? She can't always afford to put food on the table because you claw the money back from her. She said that if you would end the clawback, she would have enough money for food. She might even be able to pay for her son to play soccer and maybe take her kids to the movies once in a while.

Premier, tell them why you're taking \$226 a month, every month, from her and her children.

Hon. Mr. McGuinty: I guess the leader of the NDP honestly and sincerely believes that he has a monopoly on compassion and social consciousness when it comes to those who have the privilege of working in this place. I say again—

Interjection.

The Speaker: Order. I don't think the member from Nickel Belt needs to give the response. I'm going to call her to order again.

Hon. Mr. McGuinty: The leader of the NDP might not be prepared to acknowledge this, but the fact is, we have eliminated the clawback on a go-forward basis. That means that there's \$7 million more for parents and children this year and it will grow to \$20 million next year.

Now, that may not be enough for them. They may feel that we should be doing more. But given our financial constraints, given the circumstances we find ourselves in compliments of the previous government, we are proud

that, notwithstanding those constraints, we found \$7 million this year, growing to \$20 million next year.

1440

Mr. Hampton: Premier, this is one shiny dollar, one loonie. One loonie a week: That's how much this family and these kids get to keep after you take 97% of the federal national child benefit supplement from them. You leave them one loonie a week.

Premier, we know who you listen to. Developers pay \$10,000 for a private soiree with you. Your private fixer, Warren Kinsella—lobbyists or interest groups can pay him money and get access. Baby Zoey would have to collect this loonie for 200 years in order to have access to you. Her mother would have to collect this loonie for six months in order to take her kids to the movies.

When are you going to stop your loonie idea, stop the clawback, and allow these children and their mother to keep the money the federal government rightfully gave to them?

Hon. Mr. McGuinty: Again, I think it really is important to introduce a few facts into this conversation. Clawback money in 2002 and 2003 was about \$202.5 million, and members are entitled to ask, "Where's that money going?" Some \$20 million goes to children's mental health services.

Interjections.

Hon. Mr. McGuinty: I know they may not want to listen to this, but \$22 million goes to children's treatment centres; \$120 million goes to the Ontario child care supplement for working families. It's not as if we are somehow taking that money and putting it into a wheelbarrow and wheeling it out the back door. It's going to benefit needy children across the province. So I'm proud that, in addition to being able to provide those supports to those children, we have also found \$7 million this year and \$20 million next year.

Mr. Hampton: I think what this means for the lowest-income families is that Dalton McGuinty is prepared to give them one loonie a week this year and two loonies a week next year.

Premier, this is your promise. This is what you promised. And don't try to say, "We're giving the money to municipalities," or giving it somewhere else, because the following municipalities have all passed resolutions saying that this money should go for the lowest-income parents and their children: London, Toronto, Timmins, Hamilton, Kingston, Windsor, Ottawa, Kenora, Sudbury and York region. They know that you cannot reduce poverty for some by increasing poverty for others. They want you to keep your promise to end the clawback. It's your promise, Premier.

Look these children and their parents in the eye. Tell them why you are breaking your promise to end the clawback, why you continue to take \$226 a month away from them.

Hon. Mr. McGuinty: Again, I'm proud of the fact that we have been able to eliminate the clawback on a go-forward basis. I'm proud of the fact that we found \$7 million this year and \$20 million next year.

And again, people are entitled to know what is happening to that clawback money. It's not going into tax cuts. It's not going into buying a rain forest in South America. We're spending \$120 million for the Ontario child care supplement for working families, \$20 million for children's mental health, \$22 million for our children's treatment centres, and \$40.5 million is going to municipalities, which are also reinvesting this in programs like Healthy Babies, Healthy Children and the Ontario Works child care and Learning, Earning and Parenting program. That money is going into good programs that help needy children across the province.

Mr. Hampton: Municipality after municipality has said they don't want your clawback money. They don't want you clawing back money from the lowest-income parents and children in the province. They want you to keep your promise.

Premier, I'm sending over some postcards. These are "Hands off the baby bonus; hands off the child supplement" postcards. Here's what some of the postcards say:

"These children are tomorrow's future. They cannot learn if they go to school hungry."

Here's one from a 13-year-old boy named Robert: "I am often left out on pizza and milk days at school. Please let us keep the money. It's supposed to be ours." The one loonie a week that you're flipping Robert won't even buy milk and pizza at school.

So I ask you again, Premier: Look at these families. Look at these children that you made the promise to. Tell them why you continue to take \$226 a month from the lowest-income children and families in this province.

Hon. Mr. McGuinty: The leader of the NDP may enjoy bringing families into this place on a regular basis and parading them through. That may be his style, but it's certainly not my style, and I want to make that perfectly clear.

Mr. Hampton: You hypocrite.

Hon. Mr. McGuinty: Again, let me say—

Interjections.

The Speaker: Order. Could we just get the temperature down a little bit?

The leader of the third party made an unparliamentary comment. Would you like to withdraw that?

Mr. Hampton: If I made an unparliamentary remark, I withdraw.

Interjections.

The Speaker: Order. New question.

FISCAL RESPONSIBILITY

Mr. Jim Flaherty (Whitby–Ajax): My question is for the Minister of Finance. In your economic statements—two of them so far—and in your one budget, which is almost a year old now, you talked with some pride of your comprehensive four-year plan for Ontario. It's clear that plan has been abandoned by the Premier and, I assume, by you, given the spending that has gone

on. That's what my question is about: your profligate spending.

You said in your budget a year ago that you would limit spending on average to 1.9%. The exact quote is that "program spending will increase at an average annual rate of 1.9% between 2004-05 and 2007-08." It is your duty, as you know, sir, as Minister of Finance, to keep track of the spending in Ontario. My question then is, what is the current rate of program spending increase in the province of Ontario?

Hon. Greg Sorbara (Minister of Finance): I'm delighted my friend from Whitby–Ajax is re-reading last year's budget, and I invite him to be in the House when we present the budget later on in the spring. He will see that we are building on the plan we established in our first budget. I'm surprised that he hasn't advocated, as his leader is doing and his party is doing, that we eliminate the health care premium and cut \$2.4 billion out of health care. I'm surprised that he's not advocating in his question that we redirect money out of public education and do as he would do and put it in private schools. We're very proud of the plan we've presented, and we continue to pursue that plan diligently and with determination.

Mr. Flaherty: Your plan was at 1.9%; your spending is way over 1.9%. You've abdicated your responsibility as a government to monitor and control spending in Ontario. That's why you can't even answer the question. I don't think you know the answer to the question, spending is so out of control.

Let me ask you about two other things that you said were about better management of provincial assets. This is in your budget, Minister. You might remember it, on page 8. You said you were going to do two reviews. One review "will ensure that in all cases the public interest is promoted," and it will review all assets of the province and report back. Has the review been done? Is it underway? When will it be produced? Will it be made public before the budget so the people of Ontario can have fulfillment of something that you said you would do 11 months ago?

1450

Hon. Mr. Sorbara: The short answer to his question is yes, those reviews are underway, and I will be pleased to report to this Parliament when they are complete.

He talked about abdicating responsibility. I'll tell you what I think about abdication of responsibility. The behaviour of that government, particularly when my friend was the Minister of Finance, cutting into the revenues of this province so that there were no more resources available and at the same time, over the last two and a half years of their mandate, increasing spending at a rate of 21%, which left this province with an almost \$6-billion deficit that we are now charged with the responsibility of cleaning up: That was abdication of responsibility.

Interjections.

The Speaker: Order, member from Whitby–Ajax.

Interjections.

The Speaker: Order. When I ask for order, I would ask members that we have some quiet and not continuous talking.

GASOLINE PRICES

Mr. Gilles Bisson (Timmins–James Bay): My question is to the Premier. Before the election, you and your caucus attacked the former government every time the price of gas went up in the province of Ontario. You called on the government to take action; you asked the government to roll back prices; you asked the government to freeze prices. Your members introduced legislation in this House on numerous occasions to take steps in that direction.

Premier, the price of gas has hit the roof. It's almost a buck a litre in Toronto, and if you live up in Attawapiskat or Peawanuck, you are paying \$2.50 a litre.

Premier, we're going to make it easy for you. We have a bill that I introduced in this House, called Bill 93. It mirrors the bills of Mr. Brown, Mr. Bradley and Mr. Bartolucci, along with Mr. Colle. Will you pass that bill and do what you promised prior to the last election?

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): The Minister of Energy would like to speak to this.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): The government is very concerned about high gasoline prices and the effect they're having on Ontario's consumers and on the overall economy. No one likes to pay higher prices for gasoline, including myself.

There are several contributing factors, including high oil prices, high world demand and tight supplies. Prices in Ontario are surveyed twice a week from April 1 to September 30 and weekly during the rest of the year, and my ministry posts this information.

I'll point out that rising gasoline prices are a phenomenon being felt not only throughout the country but throughout the Western world. We continue to monitor it and to be concerned about those prices.

Mr. Bisson: Listen, Minister, you were far more than concerned prior to the last election; your guys were apoplectic. They were jumping all over the place, calling on the Conservative government to freeze gas prices and roll them back. Now you say, "We're concerned, and I, as Minister of Energy, don't like to pay high gas prices." I've got news for you: You've got the limo; you don't have to pay the gas prices.

I'm saying, my friend the Minister of Energy, will you do the right thing and support the bills of your members in the previous Parliament that we have mirrored in our legislation, and move forward with the promises you made in the last election?

Hon. Mr. Duncan: I remind him what he did in a previous Parliament. Does anybody remember which was the last government to raise taxes on gasoline? It was the NDP. Mr. Bisson was there, and he voted for it. Mr. Hampton was there, and he voted for it. Ms. Martel was

there, and she voted for it. Mr. Marchese was there, and he voted for it. Peter Kormos ran out, so maybe he didn't vote for it.

The Speaker (Hon. Alvin Curling): You know that it's proper, if you are going to identify members in the chamber, that you go by their constituency.

IMMIGRANTS' SKILLS

Mr. Khalil Ramal (London–Fanshawe): My question is for the Minister of Training, Colleges and Universities. Today, our government took an important step toward addressing a looming skills shortage by providing a \$37-million investment in apprenticeship training.

I am pleased to see that my local college, Fanshawe, will receive over \$1.5 million to improve their apprenticeship facilities and equipment. However, I believe many of my constituents will be practically interested in investments our government is making in the apprenticeship innovation fund. I understand that this new investment is targeted at providing assistance to internationally trained skilled tradespeople. Minister, could you please tell the House more about this investment?

Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities): I'm grateful to the member from London–Fanshawe for that question.

Before I answer his question, I'd just like to comment on something that my friend the member from Trinity–Spadina said earlier on—and he thought I wasn't even listening to him. I know he agrees with everything that we are doing, so I think he's just not up to date when he suggests that some of the announcements that we made last year have not been funded. They are funded, they are on their way, and people love them. So I know that the member from Trinity–Spadina would like to know that, to know they are funded.

On the subject of internationally trained skilled professionals, the idea is to ensure that we are not duplicating what they already have learned. I will follow up in the supplementary.

Mr. Ramal: Thank you, Minister. While we hear a great deal about the need to help internationally trained professionals continue their careers as doctors, engineers, teachers or nurses, we also know that we face a looming shortage of skilled tradespeople.

Minister, today's investment is an important step we are taking to ensure that we have the skilled tradespeople we need down the road. However, I am sure that this is just one piece of the puzzle, of the support our government needs to provide to internationally trained tradespeople. What other services does our government provide to internationally trained tradespeople to help them continue their careers here in Ontario?

Hon. Mrs. Chambers: In addition to the \$5 million for internationally trained skilled tradespeople that I announced this morning, we also have a number of other programs on the way. We have bridge training programs for electricians, industrial electricians, construction and

maintenance electricians, and industrial mechanics and millwrights to help them prepare for their certification exams. We have career maps to help people understand what is required for certification in 10 skilled trades. We also have been engaged in our local colleges in pre-certification courses. We are providing translators or readers or extending writing times for exams of internationally trained skilled tradespeople, and we have programs out of 26 offices around the province for assessing their credentials.

HOSPITAL FUNDING

Mr. Norm Miller (Parry Sound–Muskoka): I have a question for the Premier. Premier, the people in the North Bay area are very concerned about the status of their hospital project. Can you update the Legislature on the status of the North Bay Regional Health Centre project?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): No, I can't. I don't have those specifics in the absence of the Minister of Health, but I undertake to supply my friend with that information.

Mr. Miller: I appreciate that, Premier, and I know the people of North Bay would very much appreciate having a firm date for the start of the project.

In fact, five mayors from the area—the mayor and four retired mayors—had a historic meeting recently. The North Bay Nugget says:

“In what was described as a historic meeting, a group of former mayors stepped out of their private lives Tuesday to fight for a public cause....

“Speaking on behalf of the five mayors, Lawlor”—one of the past mayors—“talked about the importance of the new hospital as he launched a petition calling on the province to immediately approve the project.”

Premier, if you're checking into that, could you please also check into the status of the Mattawa hospital project, which is also awaiting approval? I know the people of the Mattawa area would very much like to hear when they might be able to start their project.

Hon. Mr. McGuinty: I undertake to get that information, but let me say this while I have the opportunity: What many people in North Bay are asking themselves is, why is it, when they had a Premier as a representative, they didn't get a hospital built? I think that's a very legitimate question. I can say as well that, unlike the party opposite, the party of which the questioner is a member, a party that intends to take \$2.4 billion out of health care, which will compromise our ability to invest in hospital infrastructure, we won't be doing that. We have different priorities. We believe in investing in health care, not taking money out of health care.

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FIRST NATIONS MINING AND FORESTRY REVENUES

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Premier. First Nations across northern Ontario are becoming increasingly frustrated with the limited decision-making they are able to exercise when it comes to the development of natural resources near their First Nation. For example, today, road blockades are going up in the forest surrounding Saugeen and Mishkeegogamang First Nations in northwestern Ontario to protest the lack of involvement these communities have in forest management planning in their traditional areas. They are worried about the encroachment on their traplines and on their traditional way of life. They want to see some co-management of resource development. They want to have some control over when and where logging happens.

In the election campaign, you promised, “We will build a new partnership with Ontario's aboriginal communities. We will ensure increased participation by aboriginal peoples in the decisions that affect their lives.” Premier, when is that going to happen? Because it's certainly not happening today at Saugeen and Mishkeegogamang First Nations.

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I know the Minister of Northern Development and Mines has some details.

Hon. Rick Bartolucci (Minister of Northern Development and Mines): I want to welcome our First Nations partners here today.

Certainly, we are committed to a new dialogue with our First Nations people. We started that new dialogue the day we were elected. It will be a long-term process. When concerns come up that are of mutual interest—and let me stress that these are of mutual interest—it won't be the past where the door was closed on our First Nations people by other, former governments. We are interested in that dialogue. As we speak, the Ministry of Natural Resources people are working with our First Nations people and with the proponent, and we are trying to reach solutions. We will continue to use a dialogue whereby we develop a mutual partnership based on mutual respect and trust, and we will arrive at solutions to our problems.

Mr. Hampton: When I spoke earlier with the chief from Mishkeegogamang, what you just spoke of, Minister, is not happening. In fact, I want to read a letter from your colleague the Minister of Natural Resources to Louie Seymour, who works at the Bimose Tribal Council on behalf of the Kenora area First Nations, who are not opposed to logging; they just want to have some say. This is what the Minister of Natural Resources says:

“Although your participation in forest management planning can assist in protecting First Nation values and identifying opportunities for First Nation communities, these processes have clearly defined mandates. As such, they are unable to address broader issues, such as treaty

and aboriginal rights, co-management of resources and revenue sharing, which fall outside of these respective mandates.”

These are the issues that First Nations want to address, and your government isn't addressing them. That's why these roadblocks are happening. I ask the Premier again: This is the promise you made to First Nations. You said that they were going to have increased involvement in the decisions that affect their lives. When is that going to happen? Because it's not happening now.

Hon. Mr. Bartolucci: First of all, with the specific issue the member brought up, it's my understanding that the regional director in Thunder Bay is scheduled to meet with the chief and the forest licensee in order to try to find a resolution. We have to make sure everyone is aware that this government values the concerns of our First Nations people and wants to take proactive actions to ensure that we reach resolution.

Certainly, with regard to higher-level discussions, it's my understanding that we have scheduled a meeting with our First Nations tomorrow; there will be several ministers at that meeting. But as I say—and want to reinforce, because there are many, many First Nations community leaders in the gallery today—we have had ongoing dialogue. We will continue ongoing dialogue with our First Nations partners because we believe that together we can map out a future that is strong and bright for all concerned.

GROWTH PLANNING

Mr. Kevin Daniel Flynn (Oakville): My question today is to the Minister of Public Infrastructure Renewal. Bill 136, the Places to Grow Act, is currently before the House. I understand you are consulting on a draft growth plan for the greater Golden Horseshoe area. What will that plan mean for my own community of Oakville and my constituents if Bill 136 passes?

Hon. David Caplan (Minister of Public Infrastructure Renewal): If the proposed Places to Grow Act is passed, it will allow the provincial government to develop and implement growth plans right across the province of Ontario. We are currently consulting on having a draft plan developed for the greater Golden Horseshoe because this area is experiencing the greatest growth pressures in the province. The region is currently home to 7.8 million people and is expected to grow by 3.7 million people and approximately 1.8 million jobs by 2031. It is the fastest-growing region of the province and, in fact, one of the fastest-growing in North America.

The greater Golden Horseshoe is the economic engine of the province. It is a critical region that is economically competitive and offers a high quality of life. That's why we need the kind of plan that attracts jobs and investment, protects our valuable natural areas and improves our quality of life by determining where and how growth should be occurring. A growth plan for the greater Golden Horseshoe will help us reduce sprawl, make transit a

viable option and reduce gridlock. I'll add some more in the supplementary.

Mr. Flynn: I understand that, as part of the draft growth plan for the greater Golden Horseshoe, 25 communities in that region are being proposed as urban growth centres, including my own community of Oakville. What does that designation mean to my community and to the 24 others if the proposed Places to Grow Act is passed?

Hon. Mr. Caplan: Urban growth centres are key areas designated to accommodate future growth. Typically, urban growth centres are core metropolitan areas and/or significant economic hubs that serve as destinations of regional focus. They have high or medium densities for residential and employment mixes. Because of these kinds of characteristics, they are ideally positioned to accommodate significant growth in the future. In turn, this growth, supported by appropriate public investment, specifically in infrastructure, will strengthen these characteristics, making the centres more vibrant and transit supportive, and attract even greater investment.

In the case of the member's community of Oakville, we propose, as an urban growth centre, midtown Oakville, currently serving as a regional transit hub by offering GO and Via Rail services, as well as a local transit hub through Oakville's 20-plus bus routes. Additionally, the Queen Elizabeth Way in the south serves as a major transportation corridor. The midtown core offers other significant regional services, including regional municipal—

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

FABRY DISEASE

Mrs. Elizabeth Witmer (Kitchener–Waterloo): My question is for the Premier. As you know, enzyme replacement therapy for people who have Fabry's disease has been terminated. These people were receiving it under the compassionate use program. This is now creating extreme stress, anxiety and even, in the case of one young man I talked to yesterday, thoughts of suicide because of the termination of funding for this treatment.

In fact, I've received a letter from Donna Strauss, who says, "Please, Mr. McGuinty, try and show the patients in Ontario that you care by at least listening to our cries for help."

I ask you today, will you at least commit—as you know, Ralph Klein's government has agreed to do this—to bridge funding of ERT for Fabry's patients between today and when a long-term solution is in place?

1510

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I know the member opposite is aware that all the provinces and all the territories have come together and said that we will adhere to a common drug review, which is the responsibility of the federal government. As drug companies come forward and

propose that we add additional drugs to the list of those which we publicly support, we think it's important to find out whether they are as efficacious as they hold them out to be. All of us together have decided that the best way to do this is to go through this common drug review, and we await the outcome of that common drug review. I think that's the appropriate thing to do and the responsible thing to do.

Mrs. Witmer: I beg to differ with the Premier. The reality is, both British Columbia and Alberta have now acknowledged that the common drug review program is not the appropriate review program for this particular drug. In fact, as I just pointed out to you, the Alberta government of Ralph Klein has committed to bridge funding between now and the time that a long-term decision is going to be made.

I would hope that you would recognize and that you would support the development, over the long term, of a coordinated national policy on orphan disease and catastrophic drugs. This is something other developed countries in the world have. But until that time, Premier, I ask you again, please listen to the desperate pleas of these individuals and commit to bridge funding between now, when they don't have access to this treatment, and such time as a long-term solution is found. I ask you on behalf of these individuals.

Hon. Mr. McGuinty: I can't for the life of me believe that my colleague, as Minister of Health, would be adopting the position that she is advocating I adopt today. That's not the way she dealt with those issues at that time.

Again, we have a process. It's not an easy one, but I think it's the appropriate one and the responsible thing to do. We have a common drug review. What we need to do is to allow that process to unfold.

I think the appropriate thing would have been for the drug company in question, the pharmaceutical company in question, to continue to fund that drug in the interim. They decided to pull the rug out from under the feet of a very limited number of patients. But it's a very important issue to them; I don't want to minimize that. I think they should have continued to provide that funding in the interim.

What we will do is what we set out to do: We will adhere to this common drug review process so that we get the very best scientific advice.

FIRST NATIONS MINING AND FORESTRY REVENUES

Mr. Gilles Bisson (Timmins-James Bay): My question is to the Premier. We have with us today in the galleries a large number of aboriginal leaders from across Ontario. We have the regional grand chief. We have chiefs from Treaty 9, Treaty 3, Nishnawbe Aski and others.

They're here today because it's the eve of the 100th anniversary of the signing of Treaty 9 on the part of their forefathers, the province of Ontario and the crown. When

we signed that treaty 100 years ago, we said, "If you, the First Nations of Ontario, give us," meaning the government, "access to the resources that are found on your traditional territories, we will share the revenue from those particular activities with the First Nations." Well, we're here 100 years later and, Premier, we have shared nothing. Forestry companies have gotten rich, mining companies have gotten rich, the province of Ontario has excised taxes on those properties and on those particular activities for 100 years, and First Nations have got nothing.

My question to you, Premier, is simply this: Are you prepared now, on the 100th anniversary of the signing of Treaty 9, to live up to your treaty commitments of 100 years ago and go into revenue-sharing with the First Nations communities of Ontario?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Well, during that intervening 100 years, the NDP enjoyed the privilege of serving Ontarians as their government and, mark my words, they did absolutely nothing when it came to sharing prosperity with our First Nations.

There is a very important meeting that is taking place tomorrow. It is a meeting, I would argue, that is without precedent in the history of this province. There will be a number of ministers attending that meeting and for the very first time we are going to engage First Nations in a very serious way about sharing prosperity. That has not been done in a deliberate way such as we plan to do tomorrow, and in the supplementary, I know the Attorney General would like to elaborate on that.

Mr. Bisson: First of all, you're wrong there. There were revenue-sharing agreements between the NDP government and other First Nations. But the issue is this: A hundred years ago, as the province of Ontario, we signed a treaty with our aboriginal friends. We said to them very clearly, "We want access to your forests, we want access to your water rights, we want access to mines across northern Ontario, and if you give us access, we will share those revenues with you so that your communities can prosper."

Well, it's clear everybody else prospered. Everybody has made billions of dollars. The names of the legacies of those people and those companies are 100 miles long. But our First Nations are in desperate conditions, they have not had an opportunity to share, and all we get is that you're prepared to enter into dialogue.

I'll make it simple. I've got a bill in this House, Bill 97. We're prepared to make the amendments necessary to move that bill out of committee. Will you commit to supporting Bill 97 so we can get some real action on this issue?

Hon. Mr. McGuinty: The Attorney General.

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I also want to welcome and say hello again to the First Nations leadership that is sitting in the gallery. I very much look forward to our meeting tomorrow. Not just myself, but a number of members of

cabinet are attending that meeting: the Minister of the Environment, the Minister of Energy, the Minister of Children and Youth Services, the Minister of Natural Resources, Minister Phillips will be there, and a number of other ministries. That's because the issue of resource revenue-sharing is an extremely complicated issue. It's not simple, and I know the member understands that it's not simple. It requires a number of ministries to sit down and work together and work with First Nations.

We're very committed to making unprecedented progress on this. Tomorrow is an important day, one of many meetings we have had. I look forward to that meeting. I look forward to moving forward on this very complicated but very serious and important issue that comes down to sharing prosperity with First Nations.

ENVIRONMENTAL LEGISLATION

Mr. Dave Levac (Brant): My question is for the Minister of the Environment. On March 21, 2005, the NDP's environment critic, the member for Toronto–Danforth, in a news release, pointed out that the government “still hasn't called Bill 133 ... for second reading and committee, despite introducing it twice last October.”

Minister, could you please explain to the members of this assembly, the people of Ontario and in particular the members of the NDP what your ministry and our government are doing about Bill 133 since it was introduced last October?

Hon. Leona Dombrowsky (Minister of the Environment): I'm very happy to have this opportunity to share with the members of this assembly, the people of Ontario and particularly my colleagues in the third party the work that has been underway by this ministry with regard to Bill 133.

It was introduced in October 2004 and then it was posted on the Environmental Bill of Rights registry for 30 days. That posting ended November 28. Because of the overwhelming response the ministry received to that, we extended the posting, so it provided more opportunity for the public to provide us with their input, and that ended on January 7, 2005. In the meantime, throughout November and December, representatives from my ministry met with many stakeholders—industrial stakeholders, environmental stakeholders and community stakeholders—to gain further input on this very important piece of legislation.

Now I'm very happy to say that the House leader referred this important piece of legislation to a standing committee of this Legislative Assembly.

Mr. Levac: Thank you, Minister. It's obvious that your ministry and you, yourself, plus the government, have been doing some busy engaging with the necessary stakeholders in discussions about Bill 133 since its introduction last October.

Yesterday in this assembly, the leader of the third party and the party's environment critic criticized the government for referring Bill 133 to the standing committee. Yet, in a news release on March 21, 2005, the

critic—again, the member from Toronto–Danforth—said, “The government needs to move forward with this legislation. Let's get it to committee, and make sure it does what it is supposed to do.”

Minister, could you explain to the members of this assembly and the people of Ontario the significance of referring this bill to the standing committee and, importantly, would you provide the member from Toronto–Danforth with the hat she's going to eat once we get this bill to its fruition?

Hon. Mrs. Dombrowsky: I really can't quite explain why the member from Toronto–Danforth would ask that the bill go to committee and then yesterday, when it happened, criticize this government for doing just that. Having bills go to committee is a very legitimate part of the legislative process. It is a procedure that has been followed regularly by this government. It happened with Bill 8, the Commitment to the Future of Medicare Act; it happened with Bill 31, the Health Information Protection Act; Bill 100, the Electricity Restructuring Act; and Bill 110, the Mandatory Gunshot Reporting Act. I think it's important to note that those were all very important pieces of legislation brought forward by this government. It went to committee after first reading. We're following through in the same way with Bill 133. We're very anxious and eager to hear what the people of Ontario have to say about this very important bill. Our government is committed to ensuring it's the best possible legislation to protect the environment and the people of Ontario.

1520

TOURISM

Mr. Ted Arnott (Waterloo–Wellington): My question is for the Minister of Tourism and Recreation. As the minister is well aware, and the House is well aware, in 2003 the province's tourism industry was hammered by the impact of a number of factors, most particularly the SARS crisis we faced. As you recall, the Eves government at that time responded with a substantial tourism marketing program that we called the tourism recovery program. The effect of that program was to attempt to expand the tourism marketing budget to bring more tourists to Ontario once again. I'd like the minister, if you would, to comment on the effectiveness of that program and whether or not it will be continued in the coming years.

Hon. James J. Bradley (Minister of Tourism and Recreation): I'm glad the member asked that question. The Chair of Management Board is accusing me of planting the question. Of course, there couldn't be anything further from the truth, because the member is genuinely concerned about this. He and I and others were at the reception of the Tourist Operators of Ontario, where they said this program was a highly effective one. I want to tell the member that it has been effective in terms of tourism recovery. What is good about it is that it brings about partnerships between the private sector and

the public sector. At a time when the province was hit very hard by a number of factors, including the SARS scare, it was instrumental, I believe, in helping the tourism industry to recover.

There are still many challenges facing it out there. I appreciate very much the support of the member for this particular program. I know that the government will be doing its best to continue to provide the kind of support the tourism industry needs and deserves.

Mr. Arnott: I must say that I appreciate the efforts on the part of the tourism industry that the Minister of Tourism and Recreation has put forward. Unfortunately, he didn't indicate whether or not the program would be continued. I would ask him once again: Can he commit that the government will continue this program in future years?

Hon. Mr. Bradley: As the member would be aware, I find it a bit difficult, because my good friend Jim Flaherty, the member for Whitby–Ajax, was up a while ago talking about the fact the government is spending too much money. I was very concerned when I heard that because I know that the member and I feel there are some good and strategic investments that can be made to assist the tourism industry. I hope you're able to convince the member for Whitby–Ajax, who, even though John Tory got the most votes, appears to be the person who actually won, from the questions I'm hearing and the policies of the party. I know this wasn't a question that came from last night's \$1,000-a-person event that the Leader of the Opposition attended, where you could privately speak to him for \$1,000, but I want to tell the member that we will work very hard to ensure this program—

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

ALLEGED SEXUAL ABUSE OF MINORS

Mr. Peter Kormos (Niagara Centre): A question to the Attorney General: It was on February 22 that I asked you in this chamber about a full public inquiry into the sexual abuse uncovered by the OPP's Project Truth investigation in Cornwall. It is an inquiry that your government has repeatedly promised but not yet delivered. On that day, you said you would have an announcement in two weeks' time. That was over six weeks ago, Attorney General. Where's the inquiry you promised?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I thank the member for his question. I'm in constant contact with MPP Brownell on this particular issue. As the member knows, when I was in Cornwall, I met with a number of victims, and they made it very clear that they expected the commissioner would be somebody who had a background in criminal law, who would be bilingual, somebody who had no immediate connection geographically to the area, and also somebody who had a background in it but who of course didn't in any way touch the matters.

I've had significant discussions with all of the chief justices of Ontario. I had a discussion today with a justice and a potential commissioner.

It is a very serious matter and I know the people of Cornwall want to make sure we get this right. We will get this right, we will have this inquiry and we will see that justice is done in Cornwall.

VISITORS

Mr. Norm Miller (Parry Sound–Muskoka): On a point of order, Mr. Speaker: It's my pleasure to introduce the grade 10 civics class from Bracebridge and Muskoka Lakes Secondary School. They're in the gallery over here. Teachers Jennifer McCreary and Heather Medley-Fernandez have brought their class down.

The Speaker (Hon. Alvin Curling): Let me draw your attention, in the public gallery on the west side, to Mr. Brad Clark, former member for Stoney Creek in the 37th Parliament. Let's welcome him.

PETITIONS

OPTOMETRISTS

Mr. John R. Baird (Nepean–Carleton): I have a petition submitted by the Ontario Association of Optometrists which reads as follows:

"Whereas the last funding agreement between the Ministry of Health ... and the Ontario Association of Optometrists expired March 31, 2000; and

"Whereas the optometric fees for OHIP-insured services remain unchanged since 1989; and

"Whereas the lack of any fee increase for 15 years has created a crisis situation for optometrists; and

"Whereas fees for OHIP services do not provide for fair or reasonable compensation for the professional services of optometrists, in that they no longer cover the costs of providing eye examinations; and

"Whereas it is in the best interests of patients and the government to have a new funding agreement for insured services that will ensure that the most vulnerable members of society are able to receive the eye care they need;

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

"That the Ministry of Health and Long-Term Care resume negotiations immediately with the OAO and appoint a mediator to help with the negotiation process in order to ensure that optometrists can continue to provide quality eye care services to patients in Ontario."

Because I'm in full agreement, I am going to sign this petition myself.

CONTROL OF SMOKING

Ms. Andrea Horwath (Hamilton East): I promised I would bring this petition forward from the Royal

Canadian Legion, Branch 58, in Hamilton. The petition is to the Legislative Assembly of Ontario and it reads:

“Whereas 20% of the adult population, or 1.8 million adults in Ontario, continue to smoke; and

“Whereas hospitality concepts like bars, pubs, taverns, nightclubs, Legions, bingo halls, racetracks and casinos are businesses with a high percentage of patrons who smoke; and

“Whereas more than 700 businesses in Ontario have invested tens of thousands of dollars each to construct a designated smoking room to comply with municipal bylaws;

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

“Permit properly ventilated and separate designated smoking rooms in hospitality establishments that regulate and control employee and customer exposure to second-hand smoke.”

Mr. Kim Craitor (Niagara Falls): I’m pleased to introduce this petition on behalf of the people in my riding of Niagara Falls.

“To the Legislative Assembly of Ontario:

“Whereas 20% of the adult population, or 1.8 million adults in Ontario, continue to smoke; and

“Whereas hospitality concepts like bars, pubs, taverns, nightclubs, Legions, bingo halls, racetracks and casinos are businesses with a high percentage of patrons who smoke; and

“Whereas more than 700 businesses in Ontario have invested tens of thousands of dollars ... to construct a designated smoking room to comply with municipal bylaws;

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

“Permit properly ventilated and separate designated smoking rooms in hospitality establishments that regulate and control employee and customer exposure to second-hand smoke.”

I’m pleased to submit this petition.

Mr. Gerry Martiniuk (Cambridge): I have a petition to the Legislative Assembly of Ontario.

“Whereas the current government has proposed province-wide legislation that would ban smoking in public places; and

“Whereas the proposed legislation will also prohibit smoking in private non-profit clubs such as Legion Halls, Navy Clubs and related facilities as well;

“Whereas these organizations have elected representatives that determine the rules and regulations that affect the membership of the individual club and facility; and

“Whereas imposing smoke-free legislation on these clubs disregards the rights of these citizens and the original intentions of these clubs, especially with respect to our veterans;

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

“That the Parliament of Ontario exempt Legion halls, navy clubs and other non-profit, private or veterans’ clubs from government smoke-free legislation.”

I agree with this petition and will sign the same.

1530

OPTOMETRISTS

Mr. Bill Mauro (Thunder Bay–Atikokan): I have a petition addressed to the Legislative Assembly of Ontario:

“Whereas the last funding agreement between the Ministry of Health and Long-Term Care and the Ontario Association of Optometrists (OAO) expired March 31, 2000; and

“Whereas the optometric fees for OHIP-insured services remain unchanged since 1989; and

“Whereas the lack of any fee increase for 15 years has created a crisis situation for optometrists; and

“Whereas fees for OHIP services do not provide for fair or reasonable compensation for the professional services of optometrists, in that they no longer cover the costs of providing eye examinations; and

“Whereas it is in the best interests of patients and the government to have a new funding agreement for insured services that will ensure that the most vulnerable members of society are able to receive the eye care they need;

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

“That the Ministry of Health and Long-Term Care resume negotiations immediately with the OAO and appoint a mediator to help with the negotiation process in order to ensure that optometrists can continue to provide quality eye care services to patients in Ontario.”

CHIROPRACTIC SERVICES

Mr. Jim Flaherty (Whitby–Ajax): “To: Legislative Assembly of Ontario

“Re: Support for chiropractic services in Ontario health insurance plan:

“Whereas,

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

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

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

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

“We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP

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

I’ve signed my name.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I have a petition to the Ontario Legislative Assembly. It reads as follows:

“Whereas there are no established Ontario-wide standards to deal with anaphylaxis in Ontario schools; and

“Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

“Whereas anaphylaxis 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 Ontario schools, be it therefore resolved ...

“That the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic students, that requires that every school principal in Ontario establish a school anaphylactic plan.”

I thank a group of parents from Erin Mills for having signed this petition. I fully support it. I’ll have Alexandre carry it down for me.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Jim Wilson (Simcoe–Grey): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I have affixed my signature to this, and I’m going to give it to legislative page Scott Dickson to take to the table.

ANAPHYLACTIC SHOCK

Mr. Kim Craiton (Niagara Falls): I am pleased to introduce this petition to the Legislative Assembly. It was initially introduced by MPP David Levac.

“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;

“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 sign my signature in support of this bill.

GASOLINE PRICES

Mr. Gerry Martiniuk (Cambridge): I have a petition signed by good citizens of Cambridge.

“To the Parliament of Ontario:

“Whereas gasoline prices have increased at alarming rates during the past year; and

“Whereas the high and different gas prices in different areas of Ontario have caused confusion and unfair hardship on hard-working Cambridge families;

“We, the undersigned, hereby petition the Parliament of Ontario as follows:

“(1) That the Ontario McGuinty Liberal government immediately freeze gas prices for a temporary period until world oil prices moderate; and

“(2) That the Ontario McGuinty Liberal government and the federal Martin Liberal government immediately lower their taxes on gas for a temporary period until world oil prices moderate; and

“(3) That the Ontario McGuinty Liberal government immediately initiate a royal commission to investigate the predatory gas prices charged by oil companies operating in Ontario.”

As I agree with this petition, I sign same.

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe–Grey): “To the Legislative Assembly of Ontario:

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

“Whereas this great Canadian’s original homestead located in the town of New Tecumseth”—Alliston—“is

deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

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

“That the Minister of Culture endorse Simcoe–Grey MPP Jim Wilson’s private member’s bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come.”

I want to thank local merchants in Alliston for circulating this petition. Of course, I’ve signed it and agree with it.

ANAPHYLACTIC SHOCK

Mr. Kim Craitor (Niagara Falls): I am pleased to have found another petition here regarding Bill 3. I didn’t know I had it.

“To the Legislative Assembly of Ontario:

“Whereas there are no established province-wide standards 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 what safety standards exist in all schools in Ontario;

“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.”

CONTROL OF SMOKING

Mr. Toby Barrett (Haldimand–Norfolk–Brant): These petitions were passed around in the Mad Trappers restaurant in Tillsonburg. I’ll just quote in part to save some time:

“Denying smokers the ability to gather in clubs that cater exclusively to them and even to have the option of separately enclosed and ventilated designated smoking rooms is not a measure designed to protect non-smokers, but rather an attempt to remove my freedom to exercise my choice in a way that does not bother others.

“There are fair and reasonable compromises that can be achieved to respect everyone’s rights in this matter. As a taxpayer and a voter, I have the right to your respect and to your commitment to provide fair treatment to the minority, of which I am a part.

“As a taxpayer and a voter, I urge you to hold province-wide hearings, listen to the other side of the story and revise Bill 164 to respect smokers and provide fair and balanced legislation.”

I signed these petitions in the restaurant and I’ll sign them again.

ONTARIO DRUG BENEFIT PROGRAM

Mr. Tim Hudak (Erie–Lincoln): I’m pleased to present a petition from folks in Port Colborne, Ontario. It reads as follows:

“To the Legislative Assembly of Ontario:

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

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

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

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

I’m in support.

1540

ABORTION

Mr. Gerry Martiniuk (Cambridge): I have a petition signed by hundreds of good citizens of Cambridge, directed to the Legislative Assembly of Ontario.

“Whereas 68% of Ontarians do not support the funding of abortion on demand in our province; and

“Whereas 30 million health dollars are spent annually on abortion on demand; and

“Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

“Whereas pregnancy is not a disease, injury, or illness, and abortions are not therapeutic procedures; and

“Whereas the vast majority of abortions are done for reasons of convenience or finance; and

“Whereas the province has the exclusive jurisdiction to determine what services will be insured; and

“Whereas the Canada Health Act does not require funding for elective procedures; and

“Whereas there is mounting evidence that abortion is in fact hazardous to women’s health; and

“Whereas Ontario taxpayers funded over 39,544 abortions in 2000;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to stop provincial funding of abortion on demand in Ontario.”

ORDERS OF THE DAY

FAMILY RESPONSIBILITY AND SUPPORT ARREARS ENFORCEMENT AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LES OBLIGATIONS FAMILIALES ET L'EXÉCUTION DES ARRIÉRÉS D'ALIMENTS

Resuming the debate adjourned on April 4, 2005, on the motion for second reading of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997 / Projet de loi 155, Loi modifiant la Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments et apportant des modifications corrélatives à la Loi de 1997 sur la protection du poisson et de la faune.

The Speaker (Hon. Alvin Curling): The last time, I understand, Mr. Duguid was on.

Mr. Brad Duguid (Scarborough Centre): I'll only take a couple of minutes, because I did get an opportunity to speak the last time this bill was before the House, which, if I remember, was yesterday afternoon.

This is Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Amendment Act. There's \$1.6 billion in arrears out there, dollars that should be flowing to Ontario families, families generally with single parents. This is money they need to pay their rent to keep them out of family shelters. It's money they need for food to keep them out of our community food banks. It's money they need to pay for clothing for their children, to allow their children to go to school with new shoes and clothes and the kind of things that all our young people in our community deserve and require. This legislation will help collect some of those dollars, will help ensure that some of that \$1.6 billion—and we know not all of it is going to be accessed, because some of it may be completely uncollectible. But some of it that is collectible will start flowing back into the hands of single parents so they can then look after their children appropriately and have the opportunity to ensure that their children can enjoy the benefits of society that all our children deserve.

What this legislation will do is increase enforcement by extending jail term sentences. That will help. It's not going to be the be-all and end-all, but that'll certainly help.

It'll also improve fairness by allowing the Family Responsibility Office to enforce a lesser amount of support when the number of children entitled to support decreases. Fairness is very important, because if somebody who may be paying in a certain amount of money feels they're being treated unfairly—and quite frankly, they may well be being treated unfairly—there's a greater chance that they're just going to say, "Well,

forget about this. I'm not going to give anything any more." I think that increase in fairness will help with respect to this as well.

It'll also enhance efficiency by expanding the number of organizations from which the FRO can demand information to include places like unions and professional organizations. This will help in terms of their opportunities and abilities to collect and ensure enforcement and ensure payment.

This is something that will help Ontario families and will help single parents to ensure that they get the money that's owed to them. It's something that's a long time coming.

I'm pleased to stand today and support these changes. That's all I have to say for now.

The Speaker: Questions and comments?

Ms. Shelley Martel (Nickel Belt): I didn't hear all of the comments that the member made, but let me respond to his suggestion that, in fact, by letting professional bodies know that someone owes child support, that's somehow going to have somebody cough up some child support. I've got to tell the member, just letting the professional bodies know that one of the members of their association, be it a lawyer or otherwise, is in arrears is not going to produce any money. There is no obligation on the part of that professional organization to do something with respect to the licence of that individual that would force the issue.

So let's be clear. It would be most unfortunate and, frankly, pretty dishonest to try and suggest to recipients out there that the mere change in legislation with respect to this provision, because their ex happens to be a professional, is now somehow going to give them some more money. That's just not going to happen. Frankly, I think it's regrettable that the government would even reference that, because they leave the mistaken impression out there with recipients that as a result of the passage of this bill, if their ex is a professional, somehow they're now going to get some more money. That's just not true.

Other than the mere fact of the government reporting that to the professional organization, there is no onus, no responsibility and no obligation on the professional organization to do anything with respect to that payer to ensure that that payer provides some money to the FRO that can be flowed to his—because it's usually a "he" that's a payer—family and his spouse.

So I regret that the government is even essentially saying anything about this, because the fact of the matter is it's a toothless change. It will do nothing to ensure that people who are professionals will, in fact, have to cough up arrears just by the mere fact of their organization knowing that they have arrears.

Ms. Laurel C. Broten (Etobicoke-Lakeshore): I'm very pleased to join the debate and support Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act.

This new legislation, which was brought forward by the minister in December 2004, follows eight very long

years of no substantive legislative amendments. I think those of us who sit on the public accounts committee and have the privilege of doing so, had an opportunity to learn firsthand the consequence of eight years of inaction; eight years where resources weren't put toward the Family Responsibility Office, despite very dire comments being brought forward by the Provincial Auditor at the time, who said repeatedly, "We need to see additional resources in this."

I guess the comments could be no better written than quoting what is in the report: "It is the Provincial Auditor's view that unless the office takes aggressive enforcement action, supported by effective case management and significantly improved information technology and communication systems, it is in grave danger of failing to meet its mandated responsibilities."

So unlike the previous government, I'm proud to be part of a government that wants to ensure that the Family Responsibility Office meets its responsibilities. This legislation follows on our government's four-year commitment, a \$40-million budget commitment to implement a new case management system and new technology that will move FRO's enforcement and service capabilities into the 21st century.

As someone who, in my past professional experience, had the opportunity to practise family law, I know how important an effective Family Responsibility Office is in this province for both payers and payees. Our government is very pleased to make sure that we revitalize FRO so that it's able to do the job it was meant to do, and that's putting our money and our mouth and our legislation in support of FRO.

Mr. Jim Flaherty (Whitby–Ajax): I'm pleased to comment briefly on the debate. I listened just a moment ago to the member from Etobicoke–Lakeshore about the record of the previous government. She might want to have a look at the actual facts. I hate to confuse debate with facts in this place, but I will on this occasion, having been responsible for the Family Responsibility Office for some period of time in Ontario where we made a number of very substantial changes, one of the most important ones being the suspension of drivers' permits and giving that power to FRO. It made a huge difference, and I invite members to go back and look at the numbers between—

Interjection.

Mr. Flaherty: Even the minister of infrastructure can learn from this, if he cares to learn the facts.

Between September 1997 and March 2002, we suspended almost 16,000 drivers' licences, which led to the recovery of \$190.1 million in outstanding court-ordered support. That's what it's about. It's about getting money into the hands of the persons who need it. It's not about professional organizations, it's not about house-keeping legislation like this bill; it's about actually accomplishing something, which is recovering the money that's owed to spouses and children. And it's not just women. Often it's women, most of the time it's women,

but it's also men, which happens increasingly in our society.

The FRO, the Family Responsibility Office, collected a record \$555 million in court-ordered support payments during 2001-02. How big an increase was that? A 50% increase from 1994-95, the time of the predecessor NDP government. So this is a remarkable measure of success.

I'm all for these efforts to improve the legislation, although, I must say, this bill is little more than house-keeping.

1550

Mr. Peter Kormos (Niagara Centre): I've listened carefully, and I'll be speaking to the bill myself in approximately 25 or 30 minutes' time. I'm looking forward to it.

I say, "Housekeeping?" It's barely housekeeping. In fact, it's more likely to be but window dressing, because at the end of the day there is very little in this bill that would cause us to believe there is going to be a substantial increase in monies collected as a result of the bill. That's a labour-intensive exercise. We know that.

As the Ombudsman, Clare Lewis, stated over and over again, most recently in his final comments in January 2005, made upon the occasion of his retirement, unless and until there are significant new resources put into the Family Responsibility Office—and I'm going to talk about when Shelley Martel broke into the office back in 1996, the disclosure she made as a result of her break-and-enter into the Family Responsibility Office, what she discovered and, then, how little has changed in the succeeding nine years—unless and until there is significant investment in human resources at this location, we're not going to see substantial increases. I mean, good grief, reporting to a professional organization that one of its members hasn't been paying child support? That will do zip, nothing, zero, nada, zilch to put money into the pocket of mom, in this instance, and her kids, or, in turn, to put food on their table.

It's remarkable how little interest both the last government and this government have had in meaningful reform of the Family Responsibility Office. As well, there has to be something said about the Family Court—the provincial court, family division—and the incredible understaffing of those courts, the increasing understaffing, the utilization of contract employees and the fact that that has a direct relationship on the ability to collect money by the FRO, or any other purpose.

The Acting Speaker (Mr. Michael Prue): The member from Scarborough Centre has two minutes in which to respond.

Mr. Duguid: Thank you to the members from Nickel Belt, Etobicoke–Lakeshore, Whitby–Ajax and Niagara Centre for their comments.

Our plan is to make the Family Responsibility Office work better for Ontario families. Frankly, despite the comments of the member from Whitby–Ajax, when this government took office, there had been virtually no improvements made to the Family Responsibility Office for a number of different years, even though for years the

Ontario Ombudsman, the Information and Privacy Commissioner and the Provincial Auditor had been warning that changes were needed. So finally, we have a government that has come into office that is willing to make those changes.

These proposed amendments are needed to strengthen enforcement, improve fairness and enhance efficiencies at the FRO. The proposed amendments are the first substantive changes to the FRO's legislation since it was proclaimed in 1997.

I know there have been some negative comments from members opposite, but surely they support the provision to provide the Family Responsibility Office with stronger trace-and-locate measures by expanding the number of organizations from which they can demand information, such as trade unions. Surely they support extending the maximum jail term for defaulting parents who fail to pay support from 90 days to 180 days. Surely they support suspending defaulting payers' hunting and sporting licences, something that will affect not all, but some. Surely they support reporting defaulting payers to professional licensing bodies.

These are the kinds of provisions that are not the be-all and end-all but that help ensure we can get a good part of that \$1.6 billion that's outstanding right now, that's owed to Ontario families who need it, as I said, to put food on their table, clothes on the backs of their children and to ensure that they have an appropriate quality of life.

The Acting Speaker: Further debate?

Mr. Jerry J. Ouellette (Oshawa): I very much appreciate the opportunity to speak on Bill 155. As most members know, it does occupy a great deal of time in our offices, and we're glad to have anything take place to rectify that problem. But I have some strong concerns. I'm glad to see the PA here, because there are some comments I hope she will be able to respond to and take back as input on this bill.

First of all, the member from Scarborough Centre spoke about the 180 days of imprisonment and the impact of that. When I spoke with police officers—and many here know that my father was in the policing community for a number of years—I asked about the impact and how they believed that would help. The response that came back was that when you put somebody in jail for 180 days, they don't have the opportunity to make the income in order to pay it back. So what effectively takes place is that the income which that person potentially could have been generating to pay down those arrears is no longer there. How is that going to assist the situation? Effectively, it's going to put them even further in the hole.

As members mentioned during debate the other day, there are individuals who are willing to give up their jobs rather than come forward. I guess in situations like that, no matter what takes place, you won't be able to make any changes there. But putting somebody in jail for 180 days is not effectively going to be a method to assist in retrieving funds. Quite frankly, we're trying to help kids in this particular piece of legislation, and I don't know if that's going to assist kids.

There are about three other areas I wanted to touch on in this particular piece of legislation.

One was the impact of the suspension of moose hunting licences, or hunting licences in general. The member from Scarborough Centre mentioned that there's going to be an increase in enforcement staff. The concern with this is, how is a conservation officer, the primary individual responsible for enforcing the fish and game act, under which comes the fishing and hunting licences, going to be notified that that licence is under suspension? Effectively what takes place is that a conservation officer, or CO, is out in the field and would come upon a person and ask to check their licence. They take the licence out, the CO looks at it, sees the valid date on it and realizes that it's OK, so they proceed. What is going to be the process to see if that hunting or fishing licence is under suspension?

The difference between that and a driver's licence is that in the case of the driver's licence, they will call in, research the number through the central computer and be able to determine if that licence is under suspension. I don't believe they're going to be able to change or modify the computers within the Ministry of Natural Resources in order to accommodate that. When a CO is in the field or in the middle of Lake Nipigon or Lake Ontario or Lake Simcoe or Lake Scugog, how are they going to be able to call in that licence to find out if it's under suspension? I don't think that's going to be a practical plan, although they may be able to inform me about how that could be done effectively with the hunting and fishing licences.

There are some other areas, though, that are very concerning and that I don't think the ministry or the Minister of Natural Resources or the minister responsible for this piece of legislation have looked into in regard to this.

Moose hunting is predominantly a party hunting activity. The legislation says that the licence is under suspension. However, in moose hunting, you are allocated a tag, and the tag is for a bull moose, a cow moose or potentially a calf moose. The difficulty here is that individuals within a party—say there are 10, 12, 15 people hunting—will hunt as a group on that licence or that tag. What happens if an individual is under suspension? Is the tag under suspension or is the licence under suspension in this particular case? There is no clarification in the bill.

In regard to the fish and game act, it's very necessary to clarify that, because a lot of people in the tourism outfitting industry are very dependent on these individuals coming forward and bringing their groups up to party-hunt on a moose tag. So what is taking place here? Is the tag going to be under suspension? In the case of other tags, if an individual gets sick and cannot join the group, they can transfer the tag to another individual in the party. Is that going to be under suspension as well?

As we know, there is a lot of grey area that comes into this legislation, as it has in the past, while they're going through some of the views to find out if the legitimacy of

the claims and the transfer of funds and all those things take place.

1600

What happens during the draw process? What the draw process is: In order to obtain a moose tag, you apply, put your name into a draw and then they go through the entire process of drawing your name out. If you're successful, then you receive a tag and you drop down from pool one to pool two because you've been successful. Does this eliminate individuals from applying in the draw, or does it change where you sit in the pool aspect of the moose draw?

There's going to be quite an impact, and not just on the individual. It's the parties that hunt with that individual who may be affected, and it could be the outfitters who provide the service for these individuals. I know there are a large number of individuals, as I said earlier on, in numbers of 10, 12, 15, who will participate in a party hunt that is dependent on that one tag. Hopefully the PA will be able to come forward and give some specific details about that and about how the enforcement aspect of the licensing is going to take place.

When a conservation officer, a CO, is in the field and checking somebody's moose tag to find out if it's valid, is it the tag, is it the licence, is it the draw that's going to be applied here, and/or is it the entire group that is going to be punished in this specific regard? I don't think they have the answers, but hopefully through the committee process they'll be able to look into that.

There are a couple of other areas I want to speak about. One is called VAPS, the voluntary arrears payment schedule. Hopefully, the member will be able to give us some clear direction on what's going to take place in regard to that. Just so you understand, individuals who may have outstanding accounts—I can use an example of an individual who happens to have about \$2,000 in arrears from about 10 or 15 years ago. They've gone to court, and with the agreement of both parties they've come forward and said they would be agreeable to receiving \$50 a month. This is a VAP, or voluntary arrears payment, schedule. The courts have determined that both parties are in agreement with it.

The difficulty that comes in, and our offices are finding there are a lot of problems with this, is that when a person checks the arrears, those total amounts of arrears are showing on the schedule, but it doesn't show on the computer that a voluntary arrears payment schedule has taken place. Is that going to be taken into consideration to make sure the court's decisions are going to help out there?

If you're going to make some changes to the bill, we have to take other things into consideration as well. As I'm sure you're aware, Mr Speaker, and as a lot of the members here are aware, what happens is that the payments are based on income. However, in a place like Oshawa we have a large number of individuals who work at General Motors—imagine that. Short-notice layoffs take place. All of a sudden, General Motors is laying off

its employees for three weeks at a time. What do you do in a situation where all of a sudden, in one month, three weeks of payments, three weeks of income, are no longer there? How do you pay that? A lot may not know, and the individuals watching may not understand, that to get changes in payment, you have to go through a court process, and that's quite lengthy. So the difficulty is, what do you do in a situation where, in a layoff condition, somebody comes forward and is no longer able to make those payments?

In other cases, there used to be a lot of overtime at General Motors, and the income those individuals paid out in family support was based on the previous year's income. All of a sudden, there's no overtime at General Motors. How do you make changes and account for those short-term changes that may come into place? Hopefully, the PA will be able to give some direction on that.

One of the other key areas I wanted to touch on was non-compliance with court orders. If we're going to make some changes in this legislation, let's see if we can change it so that it's done correctly. What I'm talking about is a very difficult situation. Individuals who have been granted access to their children are sometimes being denied that. It's not all cases; it's some of the rare incidents.

What's happening is that those individuals have gone to pick up the kids for the weekend and the spouse who has control of them is not allowing it. The courts have come in and said, "That child is allowed." The option here now is that we can go to the police and have that person charged, and possibly convicted and sent to jail for non-compliance with a court order, but the end result is that the kids are the ones being punished. The kids are the ones who are not being allowed to go with the other spouse in that situation. The kids are the ones that the spouse who has control in making that determination—they're denying a court order for going ahead and that taking place.

I've read through the legislation, and I don't know if there is anything in there, or through regulations that may be drafted, that specifically lays out how non-compliance with court orders for granted access is included or can be included in this legislation. I didn't see anything in there. There are a great many spouses who want to have access to their kids who are being denied that.

Those were some of the key things I wanted to bring forward in the debate. To briefly go over them, the 180 days: When you speak to police officers, putting somebody in jail for 180 days effectively takes away the opportunity for income.

One of the others I wanted to mention is the driver's licence aspect. I know we had been working on that and hopefully some changes came forward. Individuals who are dependent on a driver's licence for income lose the opportunity, as soon as their driver's licence is suspended, to generate income for themselves so they can make those payments. What takes place is that that individual has the opportunity to go through the courts, and the courts, to our knowledge so far, have reinstated

that driver's licence to allow those payments to continue. The difficulty here is the time process when their licence is suspended and they go to court to get it reinstated to make sure they keep their job so they can keep making their payments. Is anything being addressed on that so the individuals who are dependent on a driver's licence can continue to have income so they can make those payments?

So, the 180 days: the fact that you're putting somebody in—I'm just questioning that.

The moose licence: Is it the licence or the tag? How is the enforcement going to take place?

The volunteer arrears payment schedule: How is that going to take place?

I'm going to share my time with the member for Whitby—Ajax. I appreciate the opportunity to speak today.

Mr. Flaherty: I'm happy to engage briefly in this debate on Bill 155, given that there's not much in the bill. The Family Responsibility Office is a very important area of public responsibility. Many of us have dealt with it at some length and in some detail over the years. At one time, as Attorney General, I was responsible for the Family Responsibility Office, and we had substantial reform in those years.

As I mentioned a little while ago in this place, probably the most important reform, and unpopular sometimes, was the power that was created legislatively to suspend drivers' permits. I can remember well the people at the FRO explaining to me how the threat of suspending a driver's licence was a very effective collection tool, and worked, not so much when you have to take the action of suspending a driver's permit, because it can interfere with a person's ability to earn an income, and this is about money and about getting money into the hands of spouses and children for their support.

In the same way, although this bill purports to increase the possibility of a jail term, and a more lengthy jail term, it is self-defeating when one has to resort to that extreme type of action, because that person then cannot produce income to support the spouse and the children. What did work was the power in the hands of the director of the Family Responsibility Office to suspend drivers' permits. I mentioned earlier the tremendous increase in collections that was effected in 1990, 2000 and 2001, primarily because of that legislative change, but also because of some process enhancements at the FRO.

One of the differences between the other provinces and Ontario, which we know, is case management. Ontario traditionally has not followed a case management system, meaning simply that the responsible person at the FRO would take a file from the beginning and keep continuity on the file. This was commented on years ago, and I do hope that some action has been proceeded with on that, because it has been a success in the province of British Columbia in particular, when they moved to a case management system rather than an ad hoc system.

1610

All of us here serving as MPPs know the situations we get into in our ridings. We hear from constituents who are unhappy. One of the common complaints in dealing with the Family Responsibility Office is, "The person didn't know my file. There was no continuity. There was no follow-up." This is not to cast aspersions or to criticize in any way the people who work at the Family Responsibility Office, because they face difficult challenges every day. I imagine that in the Ontario public service there are few areas of activity where the subject matter is by definition unhappy: matrimonial discord, family breakup, children deserving and needing support, people often in job difficulties and people sometimes on social assistance. These are unhappy circumstances, and we ask the people at the FRO to deal with them day after day in the interests of spouses and children who are entitled to support. I support those who are working hard at the FRO to accomplish this and I think we need to give them the best tools they can have in order to accomplish the goal.

As I say, a process advance would be to move increasingly toward case management and that kind of continuity, so that even when—and this happens—the amount of recovery in terms of dollars is little or none, at least the person who is seeking the recovery—the spouse—on behalf of the children can have the knowledge and satisfaction that someone is following up, knows their case and is moving their case forward.

I see in the bill that one of the things that's touted by the government as being a significant amendment is in section 47 of Bill 155:

"The director may disclose the information set out in section 47.2 to a prescribed entity that is,

"(a) a professional or occupational organization;

"(b) the governing body of a self-governing or regulated profession;" and so on.

I was looking for the next paragraph. Yes, if the director of the FRO tells the Law Society of Upper Canada, the Institute of Chartered Accountants, the engineers in Ontario, the professional organizations, the trade union organizations that are covered by the bill—or so the government says—what are they supposed to do? What happens then? There's nothing in the bill, which is remarkable. I don't know why there would be a statutory duty or a statutory permission to disclose information without anything following on that disclosure.

This leads one to look at this kind of bill as more housekeeping, more, "Well, let's have a bill about the Family Responsibility Office; let's put one before the House," as opposed to something substantive and getting at the goal. And the goal is to recover more monies more efficiently and more quickly for deserving spouses and children.

I say to the government, if they're going to proceed with section 47 of the bill, then they ought to give it some teeth. If they're not going to give it some teeth, then they shouldn't bring it forward, because as has been mentioned earlier this afternoon, it will leave some families,

some spouses, with the impression that there's a remedy there, where there is only permission to inform in the bill.

The bill does little to keep the promise that was made during the election campaign a couple of years ago, and it was quite a dramatic promise: "We will crack down on deadbeat parents and make them pay up." It's kind of an aggressive use of language there by the now Premier of Ontario and his party. If this is a crackdown on anybody, I can't find it in the bill.

I would also suggest to the government, the Premier and people who make statements like this that they, quite frankly, modify their language. Many of these situations—and members know this—are not because there are bad people doing bad things. Sure there are some parents who shirk their responsibilities to their spouses and children, and I think all of us feel that is inappropriate, to put it mildly. We owe obligations to our families. But many of these situations are unfortunate situations: There has been a matrimonial breakup, someone has lost their job, people are in difficulty and they need to get back on their feet and then fulfill their obligations. We certainly want people to fulfill their obligations going forward, particularly their obligations to their children.

This is a challenging area. I regret that the bill does very little to achieve the purpose. It's another one of the bills we have before this House that are of little meaning. There's a whole collection of them: pit bulls and other things like that. Then there are the dangerous bills that are in front of this House about retroactively taking away privacy rights with respect to adoption, and taking away property rights in the province of Ontario—those dangerous bills that are here. This is not one of them. This is just housekeeping.

Mr. Kormos: I'll be pleased to be speaking to this in but 10 minutes' time, give or take. Interesting comments by the member, and I think we should pay them some heed. After all, he was the minister who had responsibility for this operation during some of its most difficult days. Those difficult days haven't ended yet.

I take special note of the futility of reporting somebody to their professional organization—at the end of the day, big deal. I take special note of the enhanced jail sentences. It seems to me that if a jail sentence is going to be a motivator, then a one-week sentence is as much of a motivator as a six-month sentence, which is basically what's being contemplated, because if the debtor is so convinced and entrenched a scofflaw that one week ain't gonna do it, six months isn't either. So all we have is somebody as a guest of Her Majesty in our correctional system to the tune of 120 bucks a day.

I have concerns about that. I also find it interesting that the bill doesn't address the most fundamental issue, and this is a principle in debt collection and accounts receivable. The previous speaker made reference to this, if not directly then obliquely, and that is that the problem cases are the ones where arrears have accumulated and accumulated. There are problems with debtors losing their jobs and not seeking variations in the support order.

There are similarly problems where it's out of sight and out of mind, then all of a sudden they're confronted with a \$10,000 or \$15,000 or \$20,000 tab that there isn't a snowball's chance in Hades of their ever complying with. So there surely has to be some addressing of that issue. I will speak to that when my opportunity arises in a few short minutes.

Ms. Deborah Matthews (London North Centre): I appreciate the opportunity to respond to a couple of issues that were raised by the member from Oshawa. I want to say that I appreciate the constructive nature of your comments. Thank you for that.

I want to talk a little bit about this provision in the legislation to increase the sentence from 90 days to 180 days. I want people to understand that this would be a very last resort. This would be enforced only when every attempt has been made to get payment otherwise. Nobody would be committed to jail because they could not pay; they would be committed to jail because they would not pay.

Interjection: It's a difference.

Ms. Matthews: It's a very big difference. It's an important difference, and I think it's important that people across Ontario understand that this is a lever we would use only in the most extreme circumstances.

Interjection: It's a last resort.

Ms. Matthews: It's a very last resort. All other avenues have been exhausted; repeated attempts have been made to make some sort of arrangements whereby the payer would live up to the responsibilities they have been ordered to do.

We make it clear in this legislation as well that this committal term is not subject to early release. There is no time off for good behaviour; there is no parole. One hundred and eighty days is 180 days. So this is a very big stick, one that would be used very carefully. I think the member from Niagara Centre believes, "Who cares? One week in jail, six months in jail, what difference does it make?" The fact is that for some people, it will make a difference. It is surprising how many people actually do find a way to pay once that threat of jail is being faced squarely in the eye.

1620

Mr. Toby Barrett (Haldimand-Norfolk-Brant): In his presentation, the member from Whitby-Ajax questioned whether this legislation does crack down or have any teeth at all. The member for Oshawa addressed the issues of enforcement under proposed changes to the Fish and Wildlife Conservation Act. For many men and women who hunt and fish—or merely hold a licence; perhaps they don't use it—I question just how much impact this will have on so many people. Is it that big a deal to actually force someone to pay child support? I question whether this carries much weight for an awful lot of people. We've heard presentations on this legislation from members representing rural areas in the last debate. On Monday we heard from out Lanark county, Renfrew county way.

In my view, it falls short by taking this route. Taking away the right to drive we saw as being effective. Most of us drive; certainly most people in rural areas need to drive to get to work or to get into town.

I do raise a concern, and I would hope the government pulls together some statistics: to what extent, by focusing on hunting and fishing licences, does this bias the sanctions against rural residents, residents of northern Ontario, citizens of the province of Ontario who are involved in hunting and fishing? I'm concerned if there are any geographic inequities in this legislation, or inequities directed against those people that take part in hunting and fishing.

Mr. Dave Levac (Brant): The member from Oshawa brings us some challenges that I think need to be reviewed and understood. That's the glory about what you do in debate, to try to bring back-and-forth to improve the legislation. Except on some occasions, what we've heard on the other side is: "This side, Liberal bill: bad. What we've done: good." Rooster taking credit for the sun rising. This is about \$1.2 billion of uncollected support, 230,000 children not getting the money they need to move forward. Should we be looking at different variations of the theme to try to get that money back where it belongs? The answer is a definitive yes. We're providing legislation to do that. Do we need to have this reviewed? Do we need to have this looked at to make sure that we're doing the things that we can be doing? Yes.

The member from Haldimand–Norfolk–Brant brings up an interesting point. He's trying to equate the fact that we've included in this, beyond drivers' licences, another set of licences that are applied for, as being some kind of prejudice. It's about the people who are not paying what they're supposed to be paying. They don't deserve that licence, and that's exactly what the Conservatives did when they decided to institute taking drivers' licences away. If you're not going to be a responsible parent and support the kids, you don't deserve that function. So, what, I get to go out and throw my line out and laugh at the fact that my kids are not getting the money they get? No, you shouldn't. Quite frankly, it will make an impact on some people, because I know that there is passion about people who hunt and fish, and that they would take that as a little reminder that, "You know what? Maybe I'd better start giving the money that I owe."

The reality is that in my riding, we've got people who are doing extraordinary things in order to avoid making that payment. This is about \$1.2 billion to \$1.6 billion not being collected that's deserved by, mostly, women and children. Let's get that money back where it belongs.

The Acting Speaker: The member from Whitby–Ajax has two minutes in which to respond.

Mr. Flaherty: I enjoyed the excited comments of the member for Brant. He needs to be reminded that most people in Ontario actually honour their support obligations to their spouses and children. We all need to be cognizant of that and to give them credit for maintaining their obligations. Now, there are some who try to avoid

their obligations. I dare say this bill will do very little to change that, and I would welcome the minister and parliamentary assistant to come back to this place a year from now and show us how much more money is being collected next year than this year because of Bill 155. I dare say it won't make much of a difference, including the jail item. The member for London North mentioned that. I can recall in my lawyering days—the member for Niagara Centre may have had this experience too—visiting a person who had chosen to go to jail rather than pay. It was a he, and whether he was there for 30 days, 60 days, six years or whatever, he wasn't going to pay. In fact, as I recall, it wasn't his first incarceration as a result of the particular indebtedness.

What seems to be more effective, and it was a step that we took as government, is to impinge on a person's ability to get around and work and so on, and that is to drive a car, legally at least, in Ontario. That was a very effective step and I'm glad that's going to be continued. I hope the government will look more at the process and less at flimsy legislation like this.

What they really need at the Family Responsibility Office is a lot of support, a lot of process, the best equipment, to use case management and to get supported by the government in process. I hope the government will look at that, rather than this kind of housekeeping legislation.

The Acting Speaker: Further debate?

Mr. Kormos: As you know, my colleague the member for Beaches–East York did the leadoff on this and set the tone for the NDP response to this bill.

I know, Speaker, that you won't mind if I laud the member for Beaches–East York, one Michael Prue, for his significant contribution to this debate. Michael Prue, as you know, is a conscientious and incredibly hard-working member who has a strong, strong commitment to families in his community, and indeed to families across the province. I want to tell you how proud I am of Michael Prue in our caucus. I want to tell you how proud the constituents of Michael Prue should be about his representation of them here in this chamber. I want folks watching from Michael Prue's riding of Beaches–East York to know that Michael Prue has served them, and continues to serve them, in an outstanding way.

Michael Prue and I know each other well. Perhaps Michael Prue would be embarrassed by my overly grandiose praise of him, but I think it's warranted. Too often we overlook the opportunity to simply acknowledge the contribution that Michael Prue and perhaps a few others like him bring to this chamber. So, Speaker, I very much appreciate your indulging me in some modest tribute to Michael Prue.

One of the fundamental principles of debt collection is you don't let the arrears accumulate to the point where the debtor doesn't answer the phone, for instance. Talk to anybody. Talk to somebody who works in accounts receivable in a local car dealership, like David Chev Olds down on Niagara Street in Welland, a unionized Chev dealer where I purchase my vehicles and get my repairs

done. They know, they'll tell you, that if you've got a good customer and that customer falls into arrears on a payment, you start making the phone calls right away. You don't wait until the arrears have accumulated and interest starts applying, because then that debtor starts running from you, the debtor stops answering the telephone, the debtor doesn't open the dunning letters any more.

Mr. Flaherty is quite right: The vast majority of support payers in this province pay their support, and that's one of the peculiar things about the Family Responsibility Office, because the largest number of payments through the office are payments which probably don't need the office. Do you understand what I'm saying? They are payments which would be made because of the good faith and the willingness and the ability to pay by the payer, yet undoubtedly they occupy a whole lot of that office's, the FRO's, resources.

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We've all had the cases come into our constituency offices. Granted, from time to time men are the recipients of support monies, but for the vast majority of it, we're dealing with women and their kids. We've had cases come into our constituency offices where a woman is owed not \$50 or \$100 in arrears but \$5,000 or \$10,000 or \$15,000 or \$20,000 or \$25,000 in arrears. Quite frankly, at that point it becomes increasingly difficult to ever meaningfully collect those. The system—too little, too late—clicks over into enforcement mode and all heck breaks loose and drivers' licences get suspended. Then the payer, who's a truck driver, comes to your constituency office with the notice of suspension and says, "But how am I supposed to pay my support if my licence has been suspended and that's what I do for a living? I drive a truck"—either locally or long distance. "I can't work any more." The argument could be made, "Well, what were you doing in the last six months or nine months or one year?" The fact is that some of the problem, perhaps more than a little bit of it, has to be attributed to, again, the lack of resources in the Family Responsibility Office.

The word "case management" is the operative word. What we witness at the Family Responsibility Office is still far too few staff and the phenomenon, as we've witnessed in far too many government offices, of contract staff, especially in the Ministry of the Attorney General. You wouldn't believe how many staff working in AG and provincial court offices—and other court offices, for that matter, not just provincial court but Superior Court as well—across the province are still contract. People with 10 and 15 years' experience are contract, and perhaps even higher seniority than that. We're going to address that down the road, not during the course of this debate but during the course of other debates. You've got to have the staff at the FRO that are handling these files, keeping on top of them and intervening promptly and effectively when there's the first default on payment. That's the way you're going to ensure a higher level of performance in terms of payments.

The other problem that you know full well occurs out there, because of the cost of representation in the legal system, is that a payer who has lost his or her job or whose salary has dropped significantly, who becomes unable to make the payments that were assessed based on an earlier, higher income, neglects—again, I concede that, more often than not, or as often as not, it's a simple matter of out of sight, out of mind—to apply for a variation of that support order. Or quite frankly, because they've lost a significant amount of income, they simply can't afford to retain counsel to apply for that variation in support order, and they're ringing up arrears that they wouldn't have rung up had the variation in support been obtained.

Once again, far too far down the road, the alarm bells ring and the flags are raised and all heck breaks loose and somebody's brought before the court and confronted with their \$5,000, \$10,000, \$15,000 arrears. Again, the likelihood of that ever being paid by that particular payer is minimal—modest, on a good day.

I suppose at the end of the day that the jail terms being doubled from 90 days to 180 days—from three months to six months—is six of one and half a dozen of the other because, I repeat again, for the sort of people for whom jail works, one week is sufficient; heck, one day is sufficient.

We've got a great Family Court judge down in Welland, Judge Lloyd Budgell. He's incredibly hard-working; he handles a huge caseload. I'm going to talk about that in just a minute. He's a person for whom the whole community has a great deal of regard. Judge Budgell has often acknowledged that the mere threat of jail has turned an impecunious debtor in the Family Court into an eager payer on relatively short notice. The fact is, for the vast majority of people, the mere threat of going to jail, and one or two or three days in jail, is more than adequate. But for the committed scofflaw, for the payer who hasn't got any intention whatsoever—you can do whatever you want to him. You can send him to jail, as has been said, for a month, two months, six months, but he'll be darned if he—or she—is going to pay. No jail sentence is adequate.

At the end of the day, let's understand what's happening in our jails: huge levels of overcrowding and huge costs to provincial taxpayers. Criminals—people who rob banks and shoot at other people—are getting jail sentences reduced by courts because of the condition in jail. They're getting out early—do you understand what I'm saying?—and the government is saying, "We'll use sentences of up to 180 days to persuade non-payers to pay, and there won't be any statutory remission, any sense of early release."

Look, nobody is expressing any sympathy for the delinquent payer. Nobody is expressing any sympathy whatsoever.

I want to go back to that fundamental proposition that effective case management, an adequate number of staff with a reasonable caseload, is going to do a whole—because I'm convinced you can identify, in relatively

short order, the cases that require relatively little supervision. People at the FRO know this. They know which files. The vast majority of them require very little supervision at all, because you've got high levels of compliance on the part of the payer. You've got people with stable jobs, stable income, stable addresses. These aren't the problems. You can readily identify them and not ignore them but set them aside. But to have an adequate number of staff monitoring the obvious at-risk files is the way to ensure higher and higher rates of compliance. And if you ensure higher rates of compliance and address defaults promptly, quickly, before the amount of default becomes an overwhelming financial burden for the payer, you're not going to be in a position where you have to impose six-month jail sentences. You're not going to be in a position where you have to suspend drivers' licences, never mind hunting licences.

Let's talk for a minute about the referral to:

"(a) a professional or occupational organization;

"(b) the governing body of a self-governing or regulated profession; or

"(c) an entity that is responsible for licensing or registering individuals for occupational purposes."

As has been noted cynically already, this does absolutely nothing—I just don't understand it—to enhance the level of compliance of a non-compliant payer. It does nothing whatsoever. Go ahead, Speaker; call the law society right now and tell them that I owe you 50 bucks, that I haven't paid you in six months. They'll say, "Yeah, so what's your point?" The law society could care less that I owe you 50 bucks and have no intention of paying it—none whatsoever. The law society has no interest whatsoever.

Call the College of Physicians and Surgeons and tell them that your friend the doctor owes you 100 bucks, hasn't paid you and appears to have no intention whatsoever of paying you, and the College of Physicians and Surgeons will say, "Yeah, so what's your point?"

It's meaningless. It has no relevance whatsoever. It is of no value whatsoever to either effecting compliance or enforcing outstanding debt—none whatsoever. People who tell you it does don't know what's going on in these organizations and have no interest other than—look, here we've got a bill because the government says—because this has been the pattern. I've watched it ever since Shelley Martel broke into that FRO office back in 1996.

Hon. Jim Watson (Minister of Consumer and Business Services): You were there.

Mr. Kormos: Shelley Martel broke into that office in 1996. I saw the videotape. And she's lucky she never went to jail, I'll tell you that.

I remember, going all the way back to 1996, when Shelley Martel broke into that office up in North York. The problem then was the elimination of nine regional offices and the creation of a mega-office, and then month after month after month after month of not just delay but outright stalling in getting that office up and running. While the stalling was taking place, those cardboard

bankers boxes were accumulating in the hallways, piling up, overflowing. Shelley told me what she saw: boxes bursting and files spilled all over the ground, phones not connected, computers not connected, and no staff. And of course, every week that the FRO is non-functional, more cases are flowing into the system.

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The backlog that was generated was huge. The manner of distributing cases became wackier and wackier as the caseload became higher and higher and as the reliance increased on temps, part-time staff and contract staff, rather than people experienced with the system and with some longevity in the system.

The issue came down to keeping a control on the files coming in—again, identifying the at-risk files or the already delinquent files and then being able to proceed effectively and sufficiently soon enough on defaulting files so that you could address them before the arrears accumulated to huge, huge amounts.

You know one of the complaints you get in your constituency office: it's the creditor spouse who says, "I haven't received support in X number of months. I called the FRO telling them that, along with my former spouse's, the payer's, address and his or her driver's licence number, and they still haven't suspended the driver's licence." How many constituency office complaints have you had in that regard? You've got to get on the phone or get your staff on the phone to your liaison person in the Family Responsibility Office, and you say, "What's going on?"

Again, the mere threat of suspension of a driver's licence is enough to bring most people to the counter, and then the de facto suspension, with all the implications—your insurance is no longer any good; it's effectively cancelled—does the rest, but for the hard-core scofflaws. So the problem, again, is not the absence of enforcement tools; it's the absence of the staff and resources necessary to make these tools work. But this bill doesn't introduce the concept of suspending drivers' licences.

I heard the comments of the former Minister of Natural Resources. The FRO now, in its current state, is incapable of effectively and promptly suspending drivers' licences when they're defaults. How the heck are they then going to cope with hunting licences and fishing licences, which are even less directly connected, in my view, to the owners of those particular licences?

Reporting people to the professional body: What an incredible diversion of the scarce resources available, when it has no impact whatsoever, no effect whatsoever, on collecting arrears or enforcing compliance. So why are we having the staff do this? This is a make-nice.

As I say, from 1996 onward, Ombudsmen in this province have been calling upon the government to clean up the Family Responsibility Office and governments say, "Well, we'll bring a bill with more enforcement tools." That's what has happened. It has become the knee-jerk reaction: "Let's introduce a bill with more enforcement tools." The last government did it. Now we see this government doing it too.

The fact is that there are all sorts of enforcement tools that aren't being utilized now because there isn't a sufficient level of staffing there. You know it, because you've got people coming into your office saying, "The payer has been in arrears for six months. I called the FRO five months ago. They still haven't suspended his or her licence." Or, do you know the other one that's good? "I called the FRO and told them where he or she works and gave them the address, the phone number, and the name of the payroll clerk—still nothing."

It's not because the staff up there are lazy or indifferent. There aren't enough of them—end of story. Not only are there not enough of them, but there isn't a sufficiently effective streaming of compliant cases from the non-compliant cases. Adding silliness, like making somebody report them to the law society, is simply making those staff, already overworked and understaffed and underresourced, do tasks that have nothing to do with effecting compliance but maybe look good for the purpose of the public and governments' ongoing disability—since the Tories disbanded the regional offices back almost 10 years ago now—inability or unwillingness to respond to the issue.

New Democrats aren't enthusiastic about the bill. New Democrats insist, I tell you, that some far more fundamental issues should be addressed. A succession of new enforcement tools have proved irrelevant because we don't have the staff to make them work.

What's as bad as the woman or man who is the creditor coming into your office saying, "I haven't had support in six months and I called FRO and told them where the payer works, the payroll master's name, etc. etc.," is the payer who comes into your office with his or her former spouse—you've got them both coming into your office, they barely speak to each other but they're both acknowledging that the deduction has been made from his cheque. He's got the payroll stub to prove it, but the money hasn't flowed to the payee. Again, there seems to be that big black hole up at the FRO where a whole lot of these payments just disappear.

It's a fundamental problem with levels of staffing, with the inadequate level of organization and with resources. It has nothing to do with lack of enforcement tools. For the government to present this bill and try to create that impression is not the most straightforward addressing of the issue that one can conceive of.

The Acting Speaker: Questions and comments?

Mr. John Wilkinson (Perth–Middlesex): I rise in support of Bill 155 and the minister and her parliamentary assistant, who are doing a wonderful job of shepherding this bill through.

I just had a chance to listen to the member from Niagara Centre, and I find it quite interesting. I believe that we agree on what has happened historically with regard to family responsibility. I agree with him that as members we are inundated with single parents who are living a life of poverty because their former spouse refuses or is allowed to get away with the fact that they don't pay their court-ordered support payments. This

costs all of us, the taxpayers, hundreds of millions of dollars, but that really isn't the real price. It means for those children that they live in a world where they don't have the opportunities that should be afforded to them because there is someone, an adult, who refuses to live up to their responsibilities.

What this bill does—and I think the NDP will support us on this—is it addresses that fundamental question of sending a signal to those people that we cannot afford and refuse to afford to pay the costs as a society for those who don't live up to their responsibilities. Beyond that, we say to those children, who do not have a voice here, that we must act.

But the point I want to make is that the member from Niagara Centre feels that somehow this is some type of a fluff bill and that it doesn't have any teeth to it. I would remind him that if we're going to get the best efficiency out of our staff, who are overworked and buried in paper, we have to have a case management system that works. The case management system is a boondoggle created by the previous government that never worked. That's why we've committed \$40 million over the four years of our mandate to finally get that case management system, and then we'll be able to focus on the question of enforcement.

Mr. Barrett: The member for Niagara Centre, in addressing Bill 155, talked about the proposed increase in jail time. I chatted with one of my staff persons. She does a lot of the many, many FRO cases that regrettably do end up in our office. She indicated that in the last five years she was not aware of anybody serving a jail sentence for default. It leads me to wonder, does it really matter whether it's a 90-day term or an 80-day term or two years less a day or a weekend? If many people, as it seems to be in our area, aren't getting the jail times, I'm not sure why there would be any emphasis put on increasing the length of the jail time. As the member from Niagara Centre indicated, the threat of any kind of jail time has encouraged people to pony up what they owe.

I spent a number of years going in and out of Burch Correctional Centre, doing anti-drinking-and-driving lectures and discussions. It's a two-year-less-a-day facility. People there indicated to me that all it would have taken—when you go in and out of a place like that and talk to inmates, you are exposed to a lot of cons, and I don't think they were conning me—was just one weekend in that place and they would have changed their behaviour. So I throw that out just as some of my experience over many years talking to inmates at Burch.

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Ms. Martel: Let me reinforce what my colleague had to say. We've been here before; it's like déjà vu. I'm looking at press releases by the then Attorney General, October 2, 1996, Charles Harnick: "Harnick creates Family Responsibility Office to crack down on defaulting parents," and, "Tougher enforcement measures." Ten of them are listed, and, my God, the ministry and the government of the day are going to get tough on

defaulting parents, and the money's going to roll in to recipients and their families.

I've got to tell you that in the most recent report of the Provincial Auditor, when you look at the Family Responsibility Office—he would have reported on that in the fall of 2003—the unhappy reality was that, despite the 10 new enforcement measures that were implemented by the then government in 1997, arrears were at the highest level in the history of the office. There was over \$1.2 billion owed to recipients and their families in Ontario, despite all the new measures, despite the hoopla and the fanfare and all the Conservative government members who got up at the time—Mr. Kormos would remember this—and promised people that, once these new tools were implemented, things were going to be so much better.

I've got to say to the government members: The only way things are going to get better at the FRO is when the office has the staff in place who are in a position to implement the enforcement tools. Those have to be permanent staff. The only way things are going to get better is when there's a new computer system at the FRO that those staff can actually use to track enforcement and to have enforcement mechanisms. I hate to tell all of you, but that's not going to happen until some time after 2006—maybe—under your government's schedule. So what are families to do until then? Promising them positive change now without those other things in place is a false promise, and it's not honest.

Mr. Tony C. Wong (Markham): I want to speak to Bill 155 with respect to the comments of the member from Niagara Centre. There's no question that we certainly need the staff necessary to do the enforcement, but it is really beyond me why enforcement would not be important. I've said this before. Especially for folks who do not know our legal system enough, and especially those who are not conversant with English, it would be extremely difficult for them, after they've gotten a court order, to go back to the court again to seek enforcement. That is why I think enforcement is of the essence, and this bill certainly increases the enforcement tools that would be available to the FRO.

The member from Niagara Centre spoke about the law society. As a member of that society, I don't know if there is any solicitor or non-solicitor who has been jailed as a result of non-payment, but I certainly think that if this is something that would be hanging over their heads, then any decent solicitor—I assume that most of the members are—would pay due attention to that. There have been solicitors who have been disciplined for conduct unbecoming. There is certainly a big impact and strong effect when the society is contacted.

It is really also for the FRO to obtain information—not to affect or influence the law society with respect to discipline, but to obtain information about the member in that sense.

Finally, I want to comment on the new case management system. As a former practising solicitor, I know how important it is to really comply with those dates, be-

cause whenever I get a case dismissed or not dealt with, it is a pain to get it reinstated.

The Acting Speaker: The member has two minutes in which to respond.

Mr. Kormos: Well, here we go. Like Ms. Martel, the member from Nickel Belt, says, déjà vu all over again. We've heard this over and over again. And then we heard the Ombudsman over and over again say, "Yes, but—"

Back to 1996, when Ms. Martel broke into that operation up in North York and came back with the videotape, it's been a recurrent—not dream, but nightmare of the government somehow thinking, "If we introduce more enforcement." Look at how pale and mushy they are starting to get: doubling the jail time for a defaulter from 90 to 180 days. Do you know what? The fact is that, in theory—and we don't have any data about how many sentences have been served—even before this amendment they can still do 180 days, because the judge whacks them for 90 for not paying, they go back to court and get another kick at the can, they don't pay and the judge whacks them for another 90 and then another 90. So doubling the jail time—the government trying to somehow create the impression that this is going to enhance enforcement—is phony. It's phony-baloney stuff.

Again, reporting to the professional organization:

"(a) a professional or occupational organization;

"(b) the governing body of a self-governing or regulated profession; or

"(c) an entity that is responsible for licensing...."

Reporting? Big deal. So what? It does nothing. It's window dressing. It's fluff. It's phony-baloney stuff. The core issue is the adequacy of staff, the adequacy of their computer systems, the adequacy of the caseload—that is, ensuring that staff don't have an inappropriate caseload—the appropriate streaming of compliant from non-compliant. That's the solution, not this sort of stuff.

The Acting Speaker: Further debate?

Ms. Matthews: I think it's important that we understand why this legislation has been introduced. It has been introduced and it's important because it will help us do a better job of making sure that parents fulfill their financial obligations to their children; it's as simple as that. At its foundation is the principle that the first responsibility a parent has is to their child, regardless of whether or not that child lives with the parent. A parent's responsibility to a child does not end—indeed, it is not even diminished—when the relationship between the parents of that child is over.

What this legislation does is help us enforce that responsibility when a parent decides that their financial responsibility to their child is not a priority for them, when they fail to live up to a court-ordered support arrangement. This legislation will not fix all the problems in the Family Responsibility Office—that it would be so easy. That office has—well, I'll talk about it in a minute. There is a tremendous amount of work to do to bring that office up to the point where we as a government fulfill our responsibility to the children.

People watching this on television might not understand what the Family Responsibility Office is. I frankly did not know what it was until I got here. It has the mandate to facilitate the payment of support to families and children when families break down. In fact, every court-ordered support order in Ontario goes through the Family Responsibility Office. People have the right to opt out of that, but unless they opt out, the support from the payer to the family goes through the Family Responsibility Office.

If you think about it in that context and you think about all the families in this province in which there is an arrangement of support, it's a tremendously enormous challenge administratively, especially given the emotional context in which these payments are made.

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This legislation will permit the people who work to provide support to ensure that support is received by the children. It will make their job easier. It will not make their job easy, but it will give them some tools that they need to do their job better. Countless families and children across Ontario will finally get the support to which they are entitled, in part because of this legislation and in part because of the changes that are being made in the Family Responsibility Office. As we debate this issue, we must remember that children across Ontario are counting on us to do our job. We have an enormous responsibility to do this job right.

When we began this debate on Monday, the minister spoke of the incredible mess that we inherited: the boxes and boxes of unanswered and unopened mail, the phone lines that were busy 90% of the time, so that 90% of the time, when somebody called in, they got a busy signal. We all in this House have heard stories about people taking a day off work—day after day away from work—so they could sit on the phone and press redial, hoping to get through to the Family Responsibility Office. I am actually a bit amused by the members opposite who tell us what a great job they would have done. Well, they had their chance and they totally ignored this very important obligation. The Provincial Auditor, year after year, with increasing frustration, chronicled the shortcomings of this office.

When we took office, a top priority was to clean up the mess that was left behind. There is no better example of the failure of the previous government to fulfill their responsibility to the children of Ontario than the manner in which they neglected the Family Responsibility Office.

This legislation, then, is part of an overall strategy to make sure that parents fulfill their responsibility to their children. It focuses on three major priorities. It strengthens enforcement to encourage compliance. It improves our ability to trace and locate defaulting parents—if you can't find them, they won't be paying—and it allows for streamlining of procedures to allow for a smoother, simpler administration.

I would like to take this opportunity to highlight some of the major provisions of this bill. It helps us find the

people who are not supporting their children and families by expanding the information that the FRO can demand from a payer to include information such as their telephone number, their fax number and their e-mail addresses. Currently, because this information is not and cannot be collected, our ability to find people is hampered. It also requires payers and recipients to inform the FRO of a change in their telephone number. Currently, that's not required.

It expands the organizations from which the FRO can demand information to include trade unions and professional organizations. Again, we need to find the defaulters and we need help to do it. It also establishes a 10-day deadline to respond to a request for information to let us get on with the job of finding people in a timely manner.

A second priority of this bill is to streamline the process. One way that this would allow us to streamline the process is to allow some discretion to enforce a lesser amount of support when the number of children entitled under a child support guideline order decreases. It does not change the court order—that still must be done in the court process—but it does allow for some interim discretion in certain cases until the court order is changed. I think all of us are familiar with cases where one child has reached the age where the payer is no longer required to pay support but the court order still reads that they are, and a fight ensues. This allows us to just deal with it and get the court order in time.

It also allows the government to create standard support order terms by regulation so that time, money and energy are not wasted clarifying the meaning of court orders. For example, some support orders say that support will be paid until the child is finished school. Well, there is a lot of interpretation in that. Is that full-time school? Is it high school? Is it post-secondary? What if it's an apprenticeship? What if somebody decides to do a master's degree? We need to have clearer support orders so that we don't waste time and energy resolving those issues.

It also requires that deposits be made electronically through direct deposit. It encourages that payments be remitted electronically—a change that would substantially reduce the amount of paperwork and let us do our job better.

Finally, a part of this bill that is receiving a lot of attention is the measures that strengthen our ability to enforce. That is important. This absolutely strengthens enforcement. One of the ways we are doing it through this legislation, if it is passed, is that the process to obtain a financial statement from a third party and the default hearing is simplified. Currently, it's very difficult to track down hidden or sheltered assets. Some people go through the process of having a friend or a relative take control of their assets, so it looks like they don't have any money to pay but, in fact, they do. We know they do. The family knows they do. But it's very difficult to prove it. So we simplify the process so that people will not be able to hide their assets in the way that they currently can.

The jail term has received a lot of attention here. Again, I suspect this won't be used too often, but it is important that we have that tool in our arsenal to encourage compliance, because this is all about getting the money to the kids. It's about kids having enough money so they can go to camp in the summertime, participate in their community, and have a place to live and food to eat.

I've referred to the fact that this clarifies the notion that a committal term under the act is not subject to early release provisions. The term must be served in full or until the arrangements are made to comply with the order. Jail time would be absolutely a last resort. It also provides a new power to report defaulting payers to professional occupational licensing bodies. The member from Niagara Centre doesn't think that's useful, but the Law Society of Upper Canada has expressed interest in exploring the ramifications. Lawyers have an obligation to obey the laws, and if they're not obeying the laws, the law society wants to know. They pride themselves on the high ethical standards in their community. What those organizations do with the information is up to them, but I can tell you it is yet another tool that will be helpful in some cases.

My time is up. There is so much more I would like to say, but I look forward to the rest of the debate.

The Acting Speaker: Questions and comments?

Ms. Martel: Let me just say a couple of things to the member in reply. I think it is fluff to say in the legislation that we are going to advise the professional bodies that someone is in arrears. There is absolutely no obligation in the legislation for the professional organization to take any action when they know one of their members is in arrears. So making that promise and giving recipients the impression that somehow when their ex is reported to his professional body—the law society, for example—something is going to happen and they are going to get some money is really a false promise to make. I wish the government wouldn't do that. That's just not fair to those recipients who really do need money and don't need a provision in this law which is going to do nothing—zero, nothing—to actually get them some cash.

Let me say to the member, for what it's worth—she can take my advice or she can leave it—that if I were her, I wouldn't be making too many promises to too many people that this legislation is going to dramatically change their lives or give them the money that they are entitled to. Don't get yourself caught in the position of doing that. I will tell you why. Because when the ministry was before the public accounts committee in February 2004 and we were reviewing the Provincial Auditor's report of 2003, which clearly showed that arrears were at the highest level, clearly showed we need a new computer system, clearly showed we needed a case management system, the ministry very clearly said at that time that until there was a new computer system in place and until a case management system could be implemented with that new computer system, the FRO was not going to be in a position to really get at the matter of inadequate enforcement—they were not. Maybe we'll get

a new computer system in 2006. I hope we do. I suspect it will be delayed. Because those things won't come to pass until the new computer system is in place, don't make promises to people about how this bill is going to change their lives, because in reality it isn't until those things are in place at the office.

1710

Ms. Caroline Di Cocco (Sarnia–Lambton): I'm pleased to respond to the members in regard to this bill. It's a long time coming that we deal with this office, the Family Responsibility Office, in a substantive way, and there are a number of areas we have to deal with.

One is legislatively, so that we can have better enforcement, so that we can improve fairness and enhance efficiency. That's the reason this bill is being brought forward. The whole notion that this is going to change people's lives on a broad scale is, for me, not a question because this bill is going to improve the way the office works long term. These are incremental steps that have to be taken with an office that for years has been plagued with many issues, and this is one that we're dealing with. I would suggest that we can bring in all kinds of reasons why we should be doing this here and that there and that there, but we're doing something very tangible to improve this office, to improve enforcement. Is it going to be perfect? Probably not. But you know what? It's going to improve it, that's the intent, and it's going to enhance efficiency.

As we bring the new computers on line, when they come on-line, we are moving in that direction, we are moving to better case management. We are trying to strengthen the way this office does business, so that for the people who use it, the service that's provided is good service.

Mrs. Julia Munro (York North): To add to some of the comments that have already been made, I think it's really important to recognize the limitations of this bill, because while there have been comments made regarding substantive change, when I look at some of the changes, as a member of the previous government, I see it simply adding to the initiatives that the previous government did.

For instance, when you look at increasing prison time, the issue is that if you are in a position to contemplate not having paid to the point where prison is a likelihood, I'm not sure that the difference between 90 and 180 days is suddenly going to make a huge difference on the part of the individual who is facing jail time. I don't think that additional time is suddenly going to make this person have a totally different view about the responsibilities the individual has with regard to back payment.

The same argument can be held in terms of going after fishing and hunting licences. I recall when, as a member of the previous government, we introduced the driving licence suspension. I remember the calls that came because people really didn't believe that was going to happen. When that reality set in, it did make a difference to people, but when you add something that is essentially not as important as a driving licence, I'm not sure it's going to have the desired effect.

Mr. Lorenzo Berardinetti (Scarborough Southwest): I wish to add a few remarks to the statements made by the member from London North Centre. I think what she's trying to bring forward and to state quite clearly is that we are making some substantive changes to legislation that has been around since 1996. There have been a lot of changes that have happened in technology, a lot of changes that have happened in the way the world works from 1996 until this day here in 2005. If you're going to properly run an office like the Family Responsibility Office, you're going to have to have the tools available at your disposal, and the government is trying to bring in tools that will allow it to fulfill and do the right things so that those who are required to make payments, make those payments.

Also, there is a balancing side to it. Other changes are intended to improve the methods used to locate defaulting payers. Changes are made to streamline enforcement procedures so that you're not caught in a lot of red tape. There is also a fairness element here which allows the Family Responsibility Office to enforce a lesser amount of support when the number of children entitled to support decreases, which is something the member mentioned. I think that's very important to put in there.

What we're looking for here is efficiency. Oftentimes, I remember listening to the Conservatives when they were in office saying that they were going to run an efficient government and streamline things. We're doing it, and we're doing it in a quiet way and we're doing it in an effective way and we're doing it in a way that will work, and that's why I support Bill 155 in front of us today.

The Acting Speaker: The member has two minutes in which to respond.

Ms. Matthews: I would like to thank the members for Nickel Belt, Sarnia-Lambton, York North and Scarborough Southwest for their comments on this legislation and on my comments earlier.

Let's be clear about this: This legislation is no panacea. Passing this law will not clean up the mess at the Family Responsibility Office. But what it does do is provide tools that will be very, very useful to clean up the mess. It is part of a plan. The member for Nickel Belt talked about the case management, about the computer program. She's absolutely right. There are lots of other changes that need to happen in that office. This will not fix those kinds of administrative issues. Trust me, we are very focused on those issues. However, I think it's important that members not look to one piece, whether a hunting license is going to have an effect. For some people, it'll have no effect at all. For other people, it may just be the tool that gets their attention.

There are measures in this legislation that do streamline the process and enhance efficiency, but it's all about getting money from parents, who have a responsibility to support their kids, to the kids who deserve that, who are entitled to that. So this legislation moves us in the right direction. There is a limit to what

legislation can do on this issue, and this legislation does take the steps, the tools we think we need to improve compliance to get the money where it needs to go.

Mr. Ted Arnott (Waterloo-Wellington): It is a real pleasure to have an opportunity to speak to this important piece of legislation, Bill 155, this afternoon in the Ontario Legislature. It's exciting to see such a crowded House here to hear my comments. I'm looking forward to offering my best advice to the government on this important issue.

This issue goes back probably 15 or 17 years. I think it was the Liberal government of the day that initially brought forward legislation to establish—I think it was called the support and custody office, if I'm not mistaken; we called it SCOE in those days. It was set up as a mechanism to ensure that court orders would be honoured, that individuals who had been ordered to make payments to their families, who had become separated from them, would make those payments. I thought in principle that it was probably necessary, because I was aware at that time that there were huge numbers of families who were not receiving the money that in most cases the so-called deadbeat dad had been ordered by the court to pay and the payments were not forthcoming, and so the children were losing out.

I think all of us in this House would have a sense of concern and empathy about those kinds of situations and would think that the government needs to, in some cases, step in and do something about this.

1720

I recall quite vividly a conversation I had with my esteemed former colleague the Honourable Charlie Harnick, who served with distinction as the Attorney General in our first government, from 1995 to 1999. Charlie and I had served in opposition for five years and I had gotten to know him quite well. I would hope that he would consider me a friend; I certainly consider him to be a friend. We were having a conversation in the east lobby around 1995 or 1996, after we had formed the government. I was on the telephone talking to my riding office, and my assistants were telling me about a number of Family Responsibility Office concerns that were being brought to their attention. Of course, all of us as MPPs know that this is one of the most significant issues that come into our offices in terms of the frequency of people calling us, asking us to intervene and help.

I was becoming quite exasperated by the number of calls coming in, and Charlie happened to be right there. I talked to him and I said, "You know, Charlie, we've got to do something about this issue. This is just continuing to mushroom in terms of the number of cases that are coming into my office. What can we do?"

We talked about it a bit. I said, "Why don't you consider pulling their drivers' licences if they don't pay?" He said, "Well, we can look at that, but we're also looking at what we might be able to do if a so-called deadbeat dad has a professional association. We could maybe try to use their professional association as some

kind of leverage to encourage them to make their payments.”

I said, “Well, in my riding, most of these individuals are not members of a professional association, so it would have a limited impact on most of the people who are being affected by this problem in my riding office. But you would sure get their attention if you took away their driver’s licence for a period of time, and I would submit to you that that is something that ought to be done.”

I say this not because I’m trying to take credit or say it was my idea, because I’m sure others were promoting the idea or suggesting it, but certainly I feel that I was doing what I could as a government MPP to encourage the responsible minister—in those days it came out under the responsibility of the Attorney General—to identify the problem and try to take steps toward solving it. I would encourage other government members to do the same thing as these issues come forward when they have an opportunity to speak to the ministers they work with.

Incidentally, I’m told that since we did bring in the enforcement mechanism whereby the government would be empowered to remove people’s drivers’ licences, we had great success in terms of the recovery of outstanding court-ordered support payments. In fact, between September 1997 and March 2002, which is, of course, almost a five-year period, the latter stage of the Progressive Conservative government, we suspended almost 16,000 drivers’ licences, which they believed at the time led to the recovery of some \$190.1 million. Obviously, that had a direct, substantial impact in encouraging some of these outstanding payments to be made.

I’m also told that the Family Responsibility Office collected a record \$555 million, almost a billion dollars—more than a billion dollars, rather—in court-ordered support payments during 2001-02, which was a 50% increase since 1994-95, which, of course, was the year before we took office, when approximately \$368 million in court-ordered support payments were collected.

So I think you would have to say from that information that whatever the government was doing at that time was having an impact. Certainly the Liberal Party would suggest that perhaps we didn’t do enough, and perhaps we could have done more. But at the same time, I think any fair-minded individual would have to concede that there was a substantial improvement in the amount of money that was being turned over to those families that needed it.

I want to highlight for a moment the promise that was made during the election campaign by the Liberal caucus. As we know, for the last number of months there have been a number of promises that the Liberal Party made during the election campaign and the lead-up to it that have been broken. It has become a fairly frequent and constant refrain that the opposition party is drawing to the attention of the government some of the promises that were made and have since been broken. Unfortunately

for the government, they have a very large credibility problem right now. I know that many of the government members, who are not really wanting to look up at me at the moment, are well aware of this, because they hear it in their ridings, and they are quite concerned about whether or not the government is going to be able to regain its credibility going forward for the next couple of years.

But the Liberals promised in their election campaign, in their document called Growing Strong Communities, their Liberal platform document leading up to the election, “We will crack down on deadbeat parents and make them pay up. Withholding family support payments is a serious crime. It makes the lives of single parents even tougher, and it hurts our kids. We will not watch children suffer while deadbeat parents shirk their responsibilities.... We will use innovative new techniques, such as Internet tracking, to find deadbeats and recover the money they owe. We will pursue aggressive enforcement measures such as suspending drivers’ licences for anyone missing two or more support payments.”

So I think it is fair for the opposition parties, our party included, to hold this particular Bill 155 up to scrutiny and compare it to the commitment that was made at the time of the last provincial election. Clearly, as I understand it, our government was already taking steps in some cases to suspend drivers’ licences, so the Liberals were talking about carrying on the policy that we had already initiated. They talked about Internet tracking. I’m not sure whether this bill has any reference to Internet tracking or not. I look forward to hearing more on that issue, if the government is prepared to divulge it.

The other thing that this bill does is to say to hunters and people who want to go fishing that if you don’t make the support payments you owe, that a court has ordered you to pay, you could lose your hunter’s licence or your fishing licence. I would have to question how effective that is going to be. If you’re a deadbeat dad and you don’t care enough about your family or your children to make the payments that they need, that you’ve been ordered by a court to pay, I’m not sure you’re going to care that much whether or not you have a hunting licence or a fishing licence. I think you may want to go hunting and fishing without a licence, perhaps, if you are a hunter or a fisherman. I really don’t think it’s going to have as much impact, certainly, as drivers’ licences. Yet this is what is held up today by the government as an important initiative, an important innovation that will lead to a strengthening of the enforcement tools.

The other big thing that the government is quite proud about in terms of this bill is that they’re expanding the maximum period of imprisonment from 90 days to 180 days. As we’ve listened to this debate, we’ve heard a number of anecdotes being put forward by members of the Legislature who have actually talked to some of these guys who in some cases apparently are willing and prepared to go to jail for indefinite periods of time because they’re so stubborn and absolutely refuse to

make the payments. I find this almost unbelievable, but it has come up from a number of members who have actually met some of these people. If that is the case, I think you have to question whether or not an expanded maximum period of imprisonment will have any impact on some of these individuals who are not making their payments.

Another important provision of the bill that the government is quite proud of, I gather, is the fact that "Information about default may be disclosed to entities such as professional organizations or licensing authorities." Again, I would go back to the story I told the House a few minutes ago about my conversation with Charles Harnick. This is something he was considering way back in 1996. I can only surmise by the very fact that it wasn't brought into effect at that time that it was concluded by our government that this would not make a significant impact in terms of getting some of these individuals to pay what they had promised they would pay.

In conclusion, I would have to say that I would be supportive of any meaningful steps that the government would take to ensure that children are receiving the financial assistance they need, to ensure that deadbeat parents who have been ordered by a court to make payments to support particularly their children—if we can enhance our ability to ensure that those payments are being made through undertakings on the part of the provincial government, those initiatives would have my support. However, I would have to say that the proposals that are being brought forward in Bill 155 are modest at best and probably won't have as meaningful or as significant an impact as the government would suggest. Certainly, I look forward to hearing the other members who want to participate in this debate, but I will have to suggest that this bill will have such a modest impact as to have an effect that will be almost negligible.

1730

The Acting Speaker: Questions and comments?

Ms. Martel: Let me say with respect to the comments made by the member from Waterloo–Wellington, he raised the name of Charles Harnick, and I'm compelled to respond, because if anyone left a legacy in terms of the disaster at the FRO, it was Charles Harnick. I don't say that to slight you, because I like you. I do; I like the member very much. But honest to goodness, what Charles Harnick did at the FRO was—I can barely speak.

I heard one of the Tory members say yesterday that I broke into the FRO illegally. He used the word "illegal." You know what? There we were in the fall of 1996, and our office was being flooded—flooded—by calls, primarily from women and kids who regularly got their cheques and who all of a sudden weren't getting any cheques, and knew that the payers had made the payments, because the payers had told them so on the telephone. Charles Harnick stood here day after day and said that centralization up at Downsview was great, there was no problem, people were getting their cheques, everything was hunky-dory.

So Mr. Kormos and I went up to the office in Downsview. It was hard to enter illegally; there wasn't even a door there. The place was under construction. There was a big piece of plastic in what used to be the door. We went upstairs. There were boxes of files from Ottawa there, boxes of files from Sudbury and from Hamilton. There were computers all over the place. There were phones all over the place. It was complete chaos.

Complete chaos: That's the legacy of Charles Harnick. Shutting down all the regional offices, centralizing in Downsview and laying off 85% of the FRO staff in one afternoon in 1996 as a cost-cutting measure on behalf of the Conservative government. The place never recovered. It never did.

I just have to tell you that Charles Harnick has a lot to answer for when it comes to what went on at the FRO. It was a huge mistake to centralize the operation; it was a huge mistake to lay off 85% of the staff in one afternoon. The place never recovered from that change.

Mr. Mario Sergio (York West): Just a few comments on this important bill and on the comments from the member from Waterloo–Wellington, as well as Ms. Martel from the Nickel Belt riding.

Yes, indeed, I had to chuckle when the member from Niagara Centre and the member from Nickel Belt broke in—legally or illegally—and found the mess. I think this is the reason why we need to pass this piece of legislation, because it is something that has been in existence for a long time. The unfairness and the inequities have been going on for a heck of a long time.

Let me remind the members of the House that this piece of legislation does not end here. It's going to move on, and hopefully, once we approve so-called second reading, we are giving the chance, a possibility, to all the other stakeholders out there, including the members of the opposition, to make it even better.

But it's not a modest improvement, as the member from Waterloo–Wellington has said. If it is such a modest improvement, then it is, my goodness, something better than what we have now. Don't we owe something better to those people who are entitled to it, especially the children and their mothers or fathers, as the case may be? We keep forgetting that they are entitled to all the benefits they can get of what the government has to offer. They are entitled to receive and enjoy those benefits as any other family, mother, father or child. It's up to us to move on, approve second reading and then bring it back hopefully even much better.

Mr. Gerry Martiniuk (Cambridge): I must take this opportunity to thank the member for Waterloo–Wellington for his excellent presentation. I must also take this opportunity to say a few nice words about the much-maligned Charles Harnick. I happened to be his parliamentary assistant when Charles was the Attorney General. The man was a gentleman, and he brought forth a number of improvements to the act, which did permit greater enforcement; in particular, the suspension of drivers' licences, which has been most effective.

I sit in my office at times, like we all do, I guess, and listen to the sad stories of individuals coming into the office. I have one right now—of course we're not talking about names—where the upstanding spouse has taken off for Norway. What does one do other than suspend their passport? I have another where a professional has left the country and is in the States working as a professional, earning a great deal of money. In both cases, they're abandoning their children. I honestly do not understand these people. I'm sure we all feel that way.

Unfortunately, I frankly don't see this bill improving things. For instance, they've extended the penalty or imprisonment time for non-compliance. Quite frankly, I've only been in this House for 10 years and dealt with the FRO for that 10 years, and I have yet to see anyone in my jurisdiction go to jail. If the provision isn't used in the first place, extending the time is mere fluff and is not going to assist these poor spouses, along with their children, in supporting themselves.

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure to join in and add a few comments today on the comments by the member from Waterloo–Wellington on Bill 155, to do with the Family Responsibility Office.

Actually, I just got off the phone—a half hour conversation with a constituent, who of course will remain nameless and whose case will remain nameless. The only point I'd like to make is that sometimes these changes we make don't really accomplish their goal. In this particular case, the person lost their driver's licence, which caused them to lose their job, which now, seven years after the fact, has caused them to be in a large hole, owing a substantial amount of money. Really, the laws that were in place didn't accomplish anything. Now we have a new law that will—this person, who has already lost their job, is on welfare and is unable to make any support payments whatsoever, will lose their fishing licence as well and perhaps instead of 90 days in jail will have 180 days in jail. The point I'd like to make is that you can't get blood from a stone. Sometimes we have to have laws that actually accomplish something.

There are certainly two sides to every story, and we have to realize that as we make laws in this place. Having just spent half an hour on the phone with a real live person who is having a very difficult situation, I certainly saw the other side of that story.

The Acting Speaker: The member from Waterloo–Wellington now has two minutes in which to respond.

Mr. Arnott: I appreciate the comments of all the members who spoke in response to my presentation this afternoon: the member for Nickel Belt, the member for York West, the member for Cambridge and the member for Parry Sound–Muskoka.

To the member for Nickel Belt, thank you very much for your expressions of affection. I would extend them back to you as well, and to all members of the House. The member for Nickel Belt has a very important day coming up on Friday. I want to wish her a happy birthday and all the very best in that regard.

The member for York West, who unfortunately has had to step out, made a significant and interesting contribution.

I want to thank the member for Cambridge for his kind remarks. I think the fact that he served as parliamentary assistant to the Attorney General at that time brought forward an interesting perspective that enlightened the House on this issue.

I want to thank the member for Parry Sound–Muskoka for coming out of the lobby after having been on the phone for a significant period of time. His willingness to spend half an hour on the telephone talking about these kinds of issues certainly demonstrates his interest in his constituents.

Clearly, we have a job to do as a Legislature, and the government has to provide leadership on this issue, to bring forward solutions to this issue, this problem, this challenge that we all face.

Again, I would urge the government to consider what more it may be able to do to take meaningful and substantial steps to ensure that particularly the children who are in need of financial support receive the support that they need. I would look forward to the government taking greater action and greater steps in that regard in the coming months.

1740

The Acting Speaker: Further debate?

Ms. Martel: It's a pleasure for me to participate in this debate. I feel like I've been here before. Indeed I have, because I had the opportunity to speak on the last set of enforcement measures that were introduced by a previous government. That debate took place on December 3, 1996. At the outset, I want to caution members again from the Liberal Party about how far down the road they want to go in telling their constituents that these changes are going to result in significant improvements and in their getting the arrears that they are owed or having easier access to the support payments that they are owed.

I say that because that's exactly what a former Attorney General by the name of Charles Harnick promised when he brought in Bill 82, which were the Conservatives' amendments to set up the family responsibility act and then to bring in a number of enforcement tools. That's exactly what he and his colleagues promised members at the time, and I remember the debate that went on. The end result of those enforcement mechanisms was a whole lot different from what the Attorney General, and indeed his colleagues, promised at the time. I'm going to go through some of that.

So I say to members here, as a political party, we supported Bill 82. There was no reason not to. We're going to support these changes. But I have to tell you that we would very much be doing a disservice to our constituents if we were to say to them that these changes are going to result in any significant—frankly, any—improvement to the circumstances they are currently facing if they are unable to get their support payments. I really believe, as I look at the enforcement measures that have

come forward in Bill 155, that there's not a single one of them that's going to make a difference in having a payer pay up and getting money into the hands of a recipient and his or her family. I say that right off the top.

Let me tell you what one Charles Harnick had to say when he brought in Bill 82. This was the second reading debate that started on December 3, 1996, and the then Attorney General said about Bill 82: "The new enforcement measures in Bill 82 are among the toughest and most stringent of any jurisdiction in North America. They close the loopholes that in the past have let defaulting parents avoid meeting their support obligations. These new measures make it clear that defaulting on support payments is no longer acceptable in Ontario and that it will not be tolerated. We are introducing 10 tough tools."

I heard the word "tools" a couple of times here today. I think the same bureaucrats who wrote Harnick's speech were in here writing for Ms. Pupatello as well.

"They will close the loopholes and help get money flowing to women and children, money that they rightfully deserve and that they are legally entitled to receive."

Of course they are. So the government of the day introduced measures that included: driver's licence suspension; reporting of defaulting parents to the credit bureau; third-party enforcement—I'm going to get back to this one; obtaining financial statements and making orders against persons who help support payers avoid enforcement by sheltering their assets. That appeared in Bill 82. It appears here again. It must have worked really well. It worked so well that we have to reintroduce it here in Bill 155 as an enforcement tool; garnishment of joint bank accounts: 50% of any funds in a joint bank account held with the payer will be seized for the payment of support arrears.

The fifth tool was expansion of the definition of "income sources." This allowed an expansion to include commissions, advances, lump-sum payments. Tool number six: better tracing and locating of defaulting payers, better methods to trace and track and locate defaulting parents, registration of support orders under the Personal Property Security Act, private sector partnerships—this was to enter with the private sector to collect outstanding support payments. I can tell you, that was a blow-out, because the private sector didn't do much of anything to collect arrears. They took the ones they could cream off the top that would be the easy ones, and left all the hard ones to the FRO. So nothing really changed with respect to the private sector being involved in the collection of arrears. The last two amendments were to the Creditors' Relief Act, so that all support arrears have a priority over all other judgment creditors.

Those were the changes brought in by a former government to the Family Responsibility Act, allegedly to get more money to recipients and their families who were owed that money. Let me say what the net result was of those 10 new enforcement tools that were going to make such a difference in the lives of support recipients and their children.

Here is the auditor's report, the 2003 annual report. Looking at the Family Responsibility Office again, I want to read into the record the conclusion he reached some several years after the new enforcement mechanisms were put in place by the former government. Here's what the auditor said:

"As was the case at the time of our last audit, in 1999, we concluded that the Family Responsibility Office did not have satisfactory systems and procedures in place for initiating contact and taking appropriate and timely enforcement action where payers were in arrears on their family-support obligations. In fact, it is our view that, unless the office takes aggressive enforcement action, supported by effective case management and significantly improved information technology and communications systems, it is in grave danger of failing to meet its mandated responsibilities. We found that the office's services were impaired, and we had the following concerns:

"Unlike most other provinces, which use a process of individual case management, Ontario does not assign each case to an individual caseworker. Therefore, no one individual has responsibility for or is held accountable for the administration of most cases. In addition, although we were advised that in practice the office has assigned cases with outstanding arrears greater than \$50,000 to caseworkers since 2001, approximately 1,500 such cases, with arrears totalling \$126.7 million, were not assigned at the time of our audit in November 2002 and were therefore not actively monitored or enforced."

"Since 1994, the number of caseworkers has declined by 20%, whereas the number of cases has increased from 126,000 to 180,600. As a result, the average number of cases per caseworker has steadily increased. For example, the number of cases with outstanding work items assigned to senior caseworkers now ranges from 600 to more than 1,300, averaging 890 per caseworker." No wonder it's falling apart. "By comparison, the average caseloads in Quebec and Alberta were 400 and 335, respectively. The office has not established criteria or standards for determining a manageable workload. This may well have been a key factor as to why, since 1994, arrears have increased by \$600 million and cases with amounts in arrears have increased by 40,000.

"The office's practice of commencing enforcement action only after being notified by recipients of non-payment resulted in unreasonable delays in enforcement. On average, seven months elapsed between the time support fell into arrears and the time the office initiated the first enforcement action."

"More than half the cases in arrears we reviewed had inordinately long gaps, often as long as two years, between enforcement actions.

"Staff efforts to enforce support obligations and to provide responsive services continue to be significantly hampered by the office's inability to develop and implement the necessary improvements to the computer system."

We had the Ministry of Community and Social Services before the public accounts committee in Feb-

ruary 2004 to take a look at this report. They were called on behalf of the NDP. We asked ministry staff about the new measures the Minister of Community and Social Services had announced in February, about the changes that were going to take place. "We're going to move forward to a case management system. We're going to get a new computer system. We're going to make the changes that ensure the office can meet its obligations and get support into the hands of people who need it."

The end result of that rather lengthy hearing is important in light of the bill the government brings forward today. The important point was that the deputy minister and the other staff who were there made it abundantly clear that, unless and until there was a new computer system at the FRO, the office could not move to a case management system, which has been repeatedly recommended by the FRO, something the Conservatives changed when they were in government. Unless there was a new computer system, the office couldn't move to a case management system, and therefore wouldn't be in a very good position to enforce the mechanisms that were already in place at the FRO and that weren't being utilized to get money into the hands of those who needed it.

When we asked when we might expect the new computer system to be up and running, the ministry told us, optimistically, some time in 2004.

1750

I've been on the public accounts committee for a number of years now. I can tell you that every year the auditor focuses on a ministry that's had a problem with a computer system and every year that problem has involved lengthy delays in getting the computer system up and running and significant cost overruns to the government as a result. The problem with Andersen/Accenture and the new computer system at the Ministry of Community and Social Services is a classic in that regard. So I think the ministry is being extremely optimistic when they say that they anticipate a new computer system for the FRO would be up and running by 2006. I'd be very surprised. I'd be happily surprised, but very surprised. I'd be very surprised if we don't experience significant cost overruns as well.

The point I'm making is that the very significant enforcement mechanisms which came in in 1996 with Bill 82 could not work because the Family Responsibility Office had neither the staff nor the computer technology to make them work. There was neither the staff nor the computer system in place to effectively utilize the tools that the staff had at their disposal to ensure that money got where it was supposed to be.

That will be exactly the same scenario once Bill 155 is passed. The mechanisms the minister has brought forward will not be able to be utilized as tools by the staff because right now there aren't enough staff at the Family Responsibility Office to make those tools work, and there isn't a computer system at the Family Responsibility Office now that uses a case management system that's essential to having good use of enforcement tools. There isn't a computer system that doesn't crash three days of

the week and make the job of FRO staff that much more difficult.

So we're going to pass this bill and the government members are going to go out and tell their constituents, "My God, these improved tools are going to get some money into your hands." Do you know what? They're going to find out very quickly that's not going to happen, that nothing is going to change. I regret to say that, but it's true because I've been here, I've seen what already happened, and I can tell you the same thing is going to happen again. It's not the enforcement tools that are going to make a difference, it's the staff to use them and it's the computer system to make sure those enforcement tools can be tracked; so that when you send a request for a driver's licence to be suspended it gets suspended; to make sure that when you contact the feds and you ask for a passport to be revoked it gets revoked—

Mr. Kormos: The right one gets revoked.

Ms. Martel: The right one gets revoked.

You need the computer system in place to make sure that when you ask the feds to put a garnishment on people's income tax, if they are getting some back, that gets put in place and that the recipient gets the income tax back, not the payer.

Unless and until you have a computer system in place that can do that, all the enforcement tools in the world aren't going to make a bit of difference to recipients and their families who need to get, who deserve to get, and who are legally entitled to support payments in the province of Ontario. That's the reality.

So to promise constituents that passage of Bill 155 is going to result in improvements and enforcement and in their getting their money is a false promise to make. The government would be warned not to do that.

Let me just look at the enforcement tools the government wants to put forward. Frankly, over and above the problem with the computer and the staff, and if you don't have that you can't put the tools into place, I don't think the tools the government brings forward are going to make one whit of difference anyway, I really don't. I regret to say that.

I look at the changes the government wants to make. Increase the maximum jail time for failure to comply with court orders from 90 days to 180 days: Do you know what? I'm waiting to see how many people have actually gone to jail for 90 days, never mind 180 days. I want somebody from the government to come forward and tell us how many times the FRO has managed to have someone put in jail because they didn't make his or her payments. I'll bet you the answer is zero. So this is a meaningless tool because I don't think it has ever gone into effect to date anyway. When they're in jail they can't make support payments, so I'm thinking about how effective a tool this is to get people to pay if it has never been implemented and if once you are in jail you don't have to pay anyway. I don't think that's going to take us anywhere.

Make it easier for the FRO to obtain a financial statement from a third party who is financially linked to a

default payer: This was a provision in Bill 82, for goodness' sake. This is nothing new. This is a provision that was brought forward by the former Attorney General—

Mr. Kormos: Former former.

Ms. Martel: Former former—more than one. That's right, a couple of ones ago. Here's the change that he made. This goes back to the debate on December 3, 1996, again. Tool number seven: "Sheltering of income and assets with third parties by defaulting payers is a huge problem in the plan's effectiveness in enforcing support orders. Sections 41 and 45 of the bill close the loopholes that have helped defaulting payers to avoid fulfilling their support obligations."

If the loopholes had been closed, we wouldn't be here today talking about third parties again, and talking about the ongoing ability that third parties have had since Bill 82 was passed to actually hide their assets in somebody else's name. The enforcement tool was already in place. It's obviously not working. To bring it back today and to portray it as some new enforcement tool, well, that's dishonest. Don't tell people this is going to be a big change. It was already in the law. It didn't work then; it's probably not going to work now. Maybe it's not working because the staff haven't had the time to really enforce it, or maybe the computer system hasn't helped them enforce it. But the reality is, there have been mechanisms to deal with third parties. They haven't worked, and I'm not sure they're going to work now.

Let's look at some other changes. Increase the FRO's power to demand personal information about payers in order to locate them: Do you know how many recipients come into my office? They have every single bit of information about the payer: where he lives, where he works, bank accounts, RRSPs. They've got everything, right? They give it to the FRO and the FRO still can't get a support deduction notice on the employer. It is not a question of getting more information. The FRO has the information, given to them by recipients. The problem is, they don't have enough staff to get it on to a system and they don't have enough staff to get some of these things enforced. So it's not a question of getting more information; it's a question of having enough staff and a computer system to deal effectively with the information they already have. That's not going to make a change.

Expand the number of organizations from which the FRO can demand information to include trade unions: So what? So what if you go to the Steelworkers Local 6500 in Sudbury and say, "Tell us how many of your members have support obligations"? So what? What is that going to do? It's going to do nothing, in the same way that saying we're going to report defaulting payers to professional licensing bodies does nothing.

Hon. Mr. Watson: On a point of order, Mr Speaker: I'm sorry to interrupt the honourable member, but I was just informed that it is David Oraziotti's birthday, one of our colleagues.

The Acting Speaker: That is not a point of order. Please continue.

Ms. Martel: The problem is that it's going to do zip, nada, nothing to report defaulting payers to the professional licensing bodies, because those professional licensing bodies aren't going to be taking away the licences of those professionals to do their work or to practise. So what a silly, silly provision to put in the law, because absolutely nothing is going to happen when that notification goes to the professional bodies—nothing.

Suspend defaulting payers' hunting and fishing licences: Please. So what? The computer system doesn't work now; do you think they're actually going to be able to track that? Hardly.

Mr. Kormos: If suspending their driver's licence doesn't work—

Ms. Martel: Suspending their driver's licence didn't really work because the arrears in 2003 were \$1.2 billion, the highest ever. Do you think that's going to make a big difference? Please.

I look at some of the changes and I say to myself, "Please. Been here, done that." It's like déjà vu. We went through this argument in 1996. We went through this with Bill 82. And Bill 82 was so effective that in 2003 the highest level of arrears was in place. I can tell you, nothing is going to change because there isn't a new computer system at the FRO. If it's up and running by 2006, I will be surprised—extremely surprised. If there is a case management system in place by then, and the staff to truly have an effective case management system, I'd be surprised as well.

There is one final point I want to make. There was an expression of interest about this computer system. We took a look to see which companies might be interested in getting in on the FRO computer system. One of those people, at the top of the list, who expressed an interest was none other than Accenture/Andersen. Do you remember those thieves? There is no nice way to describe them—thieves. They were the subject of four Provincial Auditor's reports—four—because of the money that they had scammed from the province of Ontario: Their staff were being paid two, three, four times more than comparable ministry staff; the project wasn't completed on time; they got money for work that they never did. It's an appalling situation. They are first on the list to be interested in the FRO. That's why I asked the minister on December 15, 2004, if she could guarantee that Accenture is not going to be anywhere near the new FRO computer system. The Minister of ComSoc couldn't guarantee that. The same Madam Papatello, who had so many negative things to say about Accenture and Andersen Consulting before, couldn't guarantee this House that Andersen Consulting, Accenture, won't be within 10 miles of this new computer system.

Folks, do yourself a favour. Make sure these guys never, never, never get near the FRO computer system.

The Acting Speaker: It now being one minute past 6 o'clock, this House stands adjourned until 10 o'clock tomorrow morning.

The House adjourned at 1801.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Speaker / Président: Hon. / L'hon. Alvin Curling

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

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Simcoe–Grey	Wilson, Jim (PC)		
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Stoney Creek	Mossop, Jennifer F. (L)		

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

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