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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 26 April 2005**

**Mardi 26 avril 2005**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Tuesday 26 April 2005

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mardi 26 avril 2005

*The House met at 1330.  
Prayers.*

MEMBERS' STATEMENTS

ELECTRICITY SUPPLY

**Mrs. Julia Munro (York North):** My constituents want some answers from the Minister of Energy. The Ontario Power Authority, which reports to the minister, has identified northern York region as an area where demand for electricity will soon exceed the capacity of existing facilities.

The power authority recently announced through an ad in my local paper that they would be holding a public meeting to find out what the public thinks about the issue. So where are they holding this public meeting? At Highways 7 and 404. This means that a public meeting to discuss the energy supply in northern York region is being held almost as far south in York region as you can go. The OPA seems not to want to go any further north into York region than the first exit from the 404 north of Toronto.

This is not proper consultation. Constituents in my riding of York North, which is northern York region, deserve to have their voices heard. Minister, the Ontario Power Authority reports to you. Tell them to come up to my riding and start listening to the people who are actually affected by their plans.

ORAL HEALTH MONTH

**Mr. Brad Duguid (Scarborough Centre):** About 30 minutes ago, after eating a very good but messy falafel for lunch, I brushed my teeth, as much out of sensitivity for my colleagues, who will spend the rest of the evening here with me, as for pure dental hygiene. Nevertheless, I brushed my teeth and, judging by your smile today, Mr. Speaker, I know you brushed your teeth as well, as you always do. I point that out because the month of April has been declared Oral Health Month in the city of Toronto.

This is the fifth year that the Toronto Academy of Dentistry has worked with the Rotary Club of Toronto-Don Mills to organize Brush-a-Mania. Each year, an Ontario Dental Association member dentist and a Rotarian have gone to a local elementary school to speak to students about oral hygiene. All students who record each time they brush their teeth for three minutes over the month of April will receive a Brush-a-Mania club mem-

ber's certificate, stickers and sugarless gum upon completion.

This year, over 120 schools and 3,500 students will be participating. With your support, through displaying posters in your offices or in government buildings, speaking to your local school principal or attending school events, we can all ensure that the children of Toronto will find a fun and easy way to maintain the health of their teeth and learn and adopt healthy lifestyle choices. On Friday morning I'll be attending, with students at St. Rose of Lima Catholic School and students at St. Barbara Catholic School, a discussion on dental hygiene with local dentists to emphasize the importance of brushing your teeth.

I thank you for the time, Mr. Speaker, and I encourage all members to get out to their schools and do the same.

NASCAR

**Mr. John O'Toole (Durham):** I rise in the House today, now that the Minister of Tourism is here, to mention plans underway to bring NASCAR series events to the Mosport International Raceway in my riding.

As some members will know, Mosport has been Canada's home of motorsport for more than 40 years. Racing legends Stirling Moss, Gilles Villeneuve and Bruce McLaren and stock car racing king Richard Petty have been among the competitors at this circuit. Most recently, president and general manager Myles Brandt and his team have seen crowds increase by 10% to 15% annually in the American Le Mans series. Over the last three Labour Day weekends, over 70,000 fans were in attendance.

A Canadian NASCAR event at Mosport would be an important contribution to Ontario's tourism economy. This event would promote our province around the world. The region of Durham has unanimously endorsed Mosport as the preferred Canadian site for the NASCAR series expansion.

On behalf of Clarington mayor John Mutton, Clarington regional councillors Jim Schell and Charlie Trim, Oshawa city council and all the local elected officials, I would like to bring this NASCAR opportunity to the attention of the House. I respectfully ask that the province of Ontario support the Mosport NASCAR bid. I will be following up with further inquiries of the appropriate ministers, Minister Bradley being one.

Thank you, Speaker, for the opportunity to bring this important issue to the attention of the House today.

## SMOKING BAN

**Mr. Bob Delaney (Mississauga West):** As the government of Ontario moves swiftly toward making all public places in this province smoke-free, I'm pleased to announce that as of 05/05/05—that is, May 5, 2005—the Credit Valley Hospital in Mississauga will no longer allow smoking anywhere on the hospital grounds. Smoking will be banned on the entire hospital grounds, including the parking garages and all outdoor spaces on the hospital property. The hospital is calling this initiative Operation Butt Out!

Banning smoking everywhere on the hospital property will send a clear message to staff, patients and the community that the prevention of cancer, lung disease, respiratory problems and other tobacco-related serious illness is as important as treatment. I commend the Credit Valley Hospital, its board, its management and its staff for taking this initiative for the health and well-being of their patients, families, staff, physicians and volunteers.

Smoking causes cancer. Credit Valley Hospital's new state-of-the-art regional cancer centre will be devoted to the treatment, research and ultimate eradication of cancer. It will open on the very day that tobacco use is prohibited on hospital grounds. I heartily endorse the Credit Valley Hospital's initiative, and I extend my congratulations.

## NIAGARA REGION

**Mr. Tim Hudak (Erie—Lincoln):** As a Niagara MPP, I'm very pleased and proud to welcome Niagara region chairman Peter Partington, a former member of this assembly, and various mayors and business leaders, including Patrick Gedge from NETCorp., to the assembly today. Welcome, gentlemen.

I know they've had an opportunity to meet with members of all three caucuses, and are here to speak with one voice on issues of great importance to the people of Niagara. We are proud of our wineries and proud of the Niagara Falls tourism areas, but we're more than simply wineries and the falls. We're a community that needs greater investment in infrastructure, particularly to attract industrial jobs—good manufacturing jobs that have fled the region recently—to our area.

1340

The greenbelt, for example, as members well know from the debate in the House, will effectively freeze growth in northern Niagara, making the needed investments in the 406 south and the mid-peninsula corridor all that much more important—what the region calls their grow south initiative—to encourage growth down through Thorold, Welland and Port Colborne, into southern and western Niagara. The region will say that without action and investment, Niagara faces a grim prospect after the greenbelt of a limit of only 1% growth over the next 30 years. So I call on the government to move forward with these initiatives.

I remind the members to enjoy some of the VQA wine and good food at the reception in room 228 beginning at 4:30 this afternoon, and hope that we'll see you there.

**Mr. Peter Kormos (Niagara Centre):** I'm pleased to join my Niagara colleagues here at Queen's Park in welcoming municipal leaders, elected officials from across regional Niagara. I know that if Jim Bradley were able to make a member's statement, he'd be on his feet as well saying much the same thing, but he'd far sooner be the minister—a small price to pay.

I want to reinforce the message that these people are bringing to Queen's Park, and that is, first, that Niagara has strong leadership; second, that it is speaking with one unified voice around issues that are relevant to what takes place here at Queen's Park. I appreciate, on their behalf and on behalf of the folks in Niagara, the audiences that were granted to them by any number of ministers and civil servants here at Queen's Park.

I join in calling for a prompt, speedy four-laning of Highway 406 and its extension down to Port Colborne. That's going to do a heck of a lot more to promote the greenbelt and save tender fruit land than any legislated scheme ever will. It's also going to do a whole lot to improve the congestion on the QEW right at the Niagara Falls area because, of course, a whole lot of the border traffic is going to be diverted using the 406 after they get off Highway 3. That's smart planning, that's true smart growth, and I encourage the Minister of Transportation to take that issue on handily.

I look forward to joining members of the assembly later today when these officials here, including Mayor Damian Goulbourne from Welland, Councillor Bobby Gabriel from Thorold, Councillor Brian Baty from Pelham and others, of course Debbie Zimmerman—

**Hon. James J. Bradley (Minister of Tourism and Recreation):** Mike Collins.

**Mr. Kormos:** —and Mike Collins from St. Catharines, ready to greet us.

CANADA-ONTARIO MUNICIPAL RURAL  
INFRASTRUCTURE FUNDFONDS SUR L'INFRASTRUCTURE  
MUNICIPALE RURALE  
CANADA-ONTARIO

**M. Jean-Marc Lalonde (Glengarry—Prescott—Russell):** Il m'a fait plaisir d'être à Vankleek Hill dans le canton de Champlain hier pour annoncer une importante source de financement pour les municipalités rurales de l'est de l'Ontario.

I was honoured to be in the township of Champlain yesterday to announce, along with our federal and municipal partners, important new funding for eastern Ontario municipalities through phase 1 of the Canada-Ontario municipal rural infrastructure fund, better known as COMRIF.

The announcement represents over \$11 million for my riding, as well as \$370 million of investment province-wide. This significant commitment shows our government's willingness to work with local and federal partners to restore infrastructure in rural Ontario that was so

neglected and underfunded by the previous Harris-Eves government.

The township of Champlain, where the announcement took place, has received approval for \$8.3 million for the construction of the L'Orignal waste water treatment plant. Other municipalities in my riding were also successful in their COMRIF applications. The township of South Glengarry received approval for up to \$1.6 million to reconstruct Tyotown Road in Lancaster, and the united counties of Prescott and Russell have received approval for almost \$1.4 million to repair the Henri Séguin bridge on County Road 9.

I look forward to COMRIF's second phase, of which our government will unveil details within the next few weeks.

#### MUNICIPAL FINANCES

**Mr. Ernie Parsons (Prince Edward–Hastings):** I believe it's the obligation of all members in this House to assist other members in fulfilling their obligations. One of these responsibilities is to report accurate information to the media and, hence, to the public.

The leader of the official opposition, Mr. Tory, was in my riding last Thursday and made a speech clearly flawed by inaccurate information given to him by his research staff. According to the Belleville Intelligencer, Mr. Tory stated in Picton that municipalities in my riding will receive \$1 million less from our government this year.

Let's look at the facts. Tyendinaga township received \$613,000 in 2004 and will receive \$613,000 in 2005. That would be the same as last year. Deseronto received \$325,000 in 2004 and will receive \$392,583 in 2005, an increase of \$67,563. That would be more than last year. Belleville received \$5,401,000 in 2004 and will receive \$5,877,035 in 2005. That would be more than last year. Prince Edward county will receive an increase of \$588,992. That would be more than last year.

It's also reported to me that while in Picton, Mr. Tory commented more than once that I am "tired." On that one point, he is correct. I'm tired of having to correct his party's misinformation, I'm tired of his party conveniently forgetting the many errors their government made and I'm tired of Mr. Tory refusing to reveal where the \$2.4 billion in cuts are that he is planning to take out of our health care system.

#### NIAGARA REGION

**Mr. Kim Craiton (Niagara Falls):** I too am pleased to stand in the House today on behalf of my riding of Niagara Falls, and indeed all of the Niagara Peninsula, to welcome the Niagara Economic and Tourism Corp., who in partnership with the region of Niagara have joined together to bring the Niagara region to Toronto this week.

As leaders in Niagara, they, like the Liberal government, have taken a long view that Niagara needs a strong

economy to prosper. Its partners in industry have made it clear that they agree. As a result, they have come together with one voice to advocate for the issues that matter most to our communities. I think we could all agree that the economy of Niagara and its border infrastructure impact the economic viability of not just Niagara, but Ontario. To that end, I'm pleased to say that our regional chair, Peter Partington, other elected officials, mayors and business leaders, and senior staff from the various levels of government have come to Queen's Park today.

In conclusion, I would like to invite, as my two colleagues have already done, all the members of the House to visit and have the opportunity to meet with all the elected officials at a reception that's being hosted later on this afternoon by the four members from the Niagara region.

#### LEGISLATIVE PAGES

**The Speaker (Hon. Alvin Curling):** I would ask all members to join me in welcoming this group of legislative pages serving in the first session of the 38th Parliament.

They are Kyle Anderson from Durham, Dara Bowie from Stormont–Dundas–Charlottenburgh, Alistair Butt from Ottawa–Orléans, Elizabeth Celentano from Nipissing, Lindsay Dunn from Northumberland, Owen Fawcett from Nickel Belt, Nathan Gamble from Scarborough–Agincourt, Kaitlin Giesen from Timiskaming–Cochrane, Inderraj Singh Grewal from Etobicoke North, Derek Kohalmi from Thornhill, Madison Kurchik from Stoney Creek, Jonathan Martin from Cambridge, Sean McConkey from Brant, Taylor Mercer from Parry Sound–Muskoka, Cassandra Muldoon from Oak Ridges, Trishaala Ninan from Hamilton Mountain, Alexandra Rayment from Etobicoke–Lakeshore, Soyinka Reid from Brampton Centre, Joshua Rosenkrantz from Etobicoke Centre and Paula Sanderson from Don Valley West.

May we all welcome the new pages.

#### VISITORS

**The Speaker (Hon. Alvin Curling):** May I ask you also to welcome former member Peter Partington from Brock, of the 33rd Parliament, who is in the House today. I'd also draw your attention to a former member of Parliament in Jamaica, Lawrence Telfer, accompanied by his niece, Norma Telfer, and Altop Telfer in the Speaker's gallery.

#### MOTIONS

#### HOUSE SITTINGS

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** I move that, pursuant to standing

order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Tuesday, April 26, 2005, for the purpose of considering government business.

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

All those in favour, please say “aye.”

All those against, please say “nay.”

I think the ayes have it.

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

*The division bells rang from 1350 to 1355.*

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

#### Ayes

Arnott, Ted	Gerretsen, John	Pupatello, Sandra
Arthurs, Wayne	Hoy, Pat	Qaadri, Shafiq
Baird, John R.	Hudak, Tim	Racco, Mario G.
Barrett, Toby	Jeffrey, Linda	Ramal, Khalil
Bartolucci, Rick	Kennedy, Gerard	Ramsay, David
Bentley, Christopher	Klees, Frank	Runciman, Robert W.
Berardinetti, Lorenzo	Kwinter, Monte	Sandals, Liz
Boutrogianni, Marie	Lalonde, Jean-Marc	Scott, Laurie
Bradley, James J.	Leal, Jeff	Smith, Monique
Broten, Laurel C.	Levac, Dave	Smitherman, George
Brownell, Jim	Marsales, Judy	Sorbara, Gregory S.
Bryant, Michael	Matthews, Deborah	Takhar, Harinder S.
Cansfield, Donna H.	Mauro, Bill	Tascona, Joseph N.
Caplan, David	McGuinty, Dalton	Van Bommel, Maria
Chambers, Mary Anne V.	McNeely, Phil	Watson, Jim
Colle, Mike	Meilleur, Madeleine	Wilkinson, John
Crozier, Bruce	Milloy, John	Wilson, Jim
Delaney, Bob	Mitchell, Carol	Witmer, Elizabeth
Dombrowsky, Leona	Mossop, Jennifer F.	Wong, Tony C.
Duguid, Brad	Munro, Julia	Wynne, Kathleen O.
Duncan, Dwight	O'Toole, John	Yakabuski, John
Dunlop, Garfield	Oraziotti, David	Zimmer, David
Flynn, Kevin Daniel	Parsons, Ernie	
Fonseca, Peter	Phillips, Gerry	

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

#### Nays

Bisson, Gilles	Kormos, Peter	Ouellette, Jerry J.
Chudleigh, Ted	Marchese, Rosario	Prue, Michael
Hardeman, Ernie	Martel, Shelley	
Horwath, Andrea	Murdoch, Bill	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 70; the nays are 10.

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

1400

## ORAL QUESTIONS

### MUNICIPAL TAXATION

**Mr. Tim Hudak (Erie-Lincoln):** A question to the Premier: I remind you that the Ontario Liberal election promise 104 says, “We will support our cities,” and 225 says, “We will guarantee stable, long-term funding for our rural communities.” Premier, in your own backyard, the eastern Ontario wardens’ caucus issued a press release today entitled “Property taxes to jump sharply

thanks to province’s new funding program.” Lanark county alone will lose \$1.2 million over the next four years, resulting in a 6% property tax increase.

Premier, rest assured, you’ve already shattered the record for broken promises. Why are you going to raise taxes in eastern Ontario, and why are you committed to breaking yet more campaign promises?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** I’m pleased to have the opportunity to speak to this matter, and I know if there are any further details, the Minister of Finance would like to speak to those in a supplementary.

Let me say that we’re very proud, first of all, of the new working relationship we have with Ontario municipalities. Secondly, when it comes to this particular matter, the subject of the question, we believe our new model is both fair and transparent. We also believe—we also know, in fact—that we are investing \$656 million in this new program. That is a 6.1% increase over last year. We’re also providing municipalities with \$232 million in one-time assistance to transition into the new funding model. I’m proud to say that includes a \$33-million increase after it was first announced, because we listened to the folks in the municipal sector, ROMA and OGRA, in particular, who said that they felt we might be able to work with them and do something better.

We did that. We are proud of the changes we’ve made, proud of the new model, proud of the fact that, for the first time, it introduces fairness and transparency into our partnership with municipalities.

**Mr. Hudak:** The Premier talks about transparency, but what the eastern Ontario wardens will say is transparent is that this is a raw deal for eastern Ontario municipalities.

Let’s look at Belleville, for example, and Prince Edward county, as well. Last week John Tory caught you red-handed breaking promise 225 with your cuts to Prince Edward county. You dispatched your member Mr. Parsons from that area to try to defend your honour, saying that there were no cuts, but the decision is—today we find out that we were wrong; we actually underestimated the cuts you made to that county. According to this morning’s Bellville Intelligencer, “Prince Edward county’s chief administrative officer, Dick Shannon, said” the new formula “takes \$600,000 away from the county.” It continues, “The new provincial funding formula ... could result in double-digit property tax increases” for the people of Prince Edward county.

Premier, stand in your place and tell us that you are going to fix this broken formula, that you’re not going to cause massive property tax increases in Prince Edward county.

**Hon. Mr. McGuinty:** The member opposite may find it useful to traffic in fiction and scaremongering, but I don’t really think that’s particularly helpful.

Let me tell you about some of the facts, because I think that from time to time they can be helpful. According to the facts, Belleville receives \$5.88 million this year; that includes \$476,035 more than last year.

Prince Edward county receives \$5.3 million this year; that includes \$588,922 more than last year.

Now, my friend opposite is obviously a defender of the status quo and he would embrace that wholeheartedly. If we were to do that, he may be interested in knowing that in Port Colborne that would mean a cut of \$1 million. If that's what he is saying we should do, then he should stand in his place and say that he defends the status quo and that the folks in Port Colborne, a community for which he has specific responsibility, should receive a cut of \$1 million.

**Mr. Hudak:** Mr. Premier, with all due respect, what a bunch of nonsense from across the floor. You are saying that the eastern Ontario wardens are wrong; you're saying Prince Edward county is wrong. But when it comes to choosing between the word of the wardens of eastern Ontario or the people from Prince Edward county against Premier Pinocchio, I'll side with those municipal officials every single time.

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order. Will members please watch their language in here. I am going to ask the member to withdraw that.

**Mr. Hudak:** I withdraw.

*Interjections.*

**The Speaker:** Order. I'd like the member to complete his question.

**Mr. Hudak:** Not only Prince Edward county, not only the eastern Ontario wardens, but the mayor of Cobourg, whom I congratulate for rising to the occasion and helping his community with the fire, is quoted in a recent article as saying, "In three years, we"—Cobourg—"will lose \$624,000." He says the funding will be reduced under your so-called fair formula, resulting in property tax increases of \$10 per household this year, \$25 in 2007 and \$50 by 2008. Premier, why do you continue to break your campaign promises, causing property tax increases in Cobourg, Ontario?

**Hon. Mr. McGuinty:** No matter how exercised the member becomes, it does not change the fact that he is wrong. He is just plain wrong.

Let me tell you about the riding of Leeds—Grenville. I know that my friend Bob Runciman will be interested in these figures. In Athens township, under the old model, they would receive \$398,000. We're increasing that to \$439,199. In Gananoque, under the old fund, \$457,000; under the new one, \$749,000. Leeds and Thousand Islands township, under the old fund, \$721,000; under the new fund, \$896,539.

We are proud of the new relationship we have developed with Ontario's municipalities. We're proud of this new fund. It introduces, for the first time, transparency and fairness. It is good news for all the people of Ontario.

**The Speaker:** New question. The member for Erie—Lincoln.

**Mr. Hudak:** That's certainly not what the eastern Ontario wardens are saying. It's certainly not what they're saying in Prince Edward county. It's certainly not what

they're saying in Cobourg, Ontario. They would appreciate it, Premier, with all due respect, if you would respond to the communities that have brought forward these concerns.

Right across Ontario, mayors, wardens and municipal councillors are upset with your new municipal deal. It's a raw deal for Ontario's municipalities. Hastings county chief administrative officer, Jim Pine, said they "stand to lose a total of \$11 million annually by 2008" across eastern Ontario. United counties warden Alvin Runnalls says of your new program, "The biggest losers will be our taxpayers, who just can't afford to pick up the bill any more."

Premier, at ROMA, the last time you tangled with the eastern wardens, you backed down within 24 hours. I'll ask you to do it again. Will you scrap this formula and make sure you put one in place that is fair to our municipalities, not these cuts we're seeing across the province?

**Hon. Mr. McGuinty:** I like what the president of the Association of Municipalities of Ontario, Roger Anderson, had to say about this. He said, "Today's ... announcement shows that the Premier is listening to municipalities. The province's decision to pay money owed to municipalities for 2003 and 2004 is good news for property taxpayers all over Ontario." I think Mr. Anderson is someone who is specifically designated to represent Ontario municipalities, someone whose judgment can be relied upon.

**Mr. Hudak:** You know what's disappointing is that the Premier well knows that that quote was released before Roger Anderson saw the numbers that are causing these cuts across Ontario. I know the Premier wants to engage—

*Interjections.*

**The Speaker:** Order.

Member from Erie—Lincoln.

**Mr. Hudak:** I know the Premier wants to engage in the game of being fast and loose with quotes, using old quotes. The Premier stands in his place and says he is the only one who knows the facts, whereas wardens, mayors and regional leaders across the province are decrying your new funding formula as a broken promise and a raw deal.

**1410**

More quotes: Shafee Bacchus, Niagara region's commissioner of corporate and financial services, says, "In actuality," Niagara is "losing \$5 million," under this broken formula. The Welland Tribune reports that Niagara Falls "will lose its \$3.1-million CRF allocation."

Mr. Premier, who's telling the truth: the officials in Niagara and across the province or a Premier who breaks promises every single day?

**Hon. Mr. McGuinty:** Again, the member would have us return to the status quo; he's very comfortable back there. We've done something different. We've introduced transparency and fairness and a 6.1% increase. The members opposite are not happy with a 6.1% increase.

Let me tell you again what would happen to some interesting communities were we to have embraced the

status quo on a continuing basis. In Caledon, John Tory's riding, that would mean a cut of \$1.2 million. In Kawartha Lakes, it would have meant a cut of \$2.7 million. In Port Colborne, as I said a moment ago, it would mean a cut of \$1 million. In Gananoque, it would mean a cut of \$302,000. In Pembroke, it would mean a cut of \$418,000. In Wilmot, it would mean a cut of \$556,000. In Smith Falls—and I have many more—it would mean a cut of \$568,000. That is but a short list of the many communities that are benefiting under this.

**Mr. Hudak:** Premier, you made two very clear and solemn promises to our municipalities that you would fund them fairly. That's what this issue is all about. Your own numbers from the Ministry of Finance Web site don't match at all what the Premier and his ministers are saying in this assembly. Municipal officials from across the province continuously say that your numbers are wrong. St. Catharines Mayor Tim Rigby: "Over a period of three years, we'll be whittled down to nothing." The Brantford city council just last night passed a resolution expressing "extreme dissatisfaction" with your new program. Brantford will be short \$1 million by 2008, leaving two grim choices: a substantial property tax hike or a big reduction in services.

Premier, are you going to keep your promises? Are you going to improve this funding formula, or are you going to force municipalities like Niagara and Brantford to raise property taxes through the roof? Which is it going to be?

**Hon. Mr. McGuinty:** I think it's important to recall how we got into this in the first place. It's because, notwithstanding the Tory government's claim that this was going to be a revenue-neutral exercise, their down-loading left Ontario municipalities in a terrible state. We've worked with Ontario municipalities. We've come up with a program, with a fund, with a plan that is fair and transparent.

I want to speak to a matter raised in the earlier question about the Niagara region, because here again I think the facts are important. Overall, municipalities in Niagara region are getting \$16.4 million under the new program. That's over \$3 million more, or a 22.5% increase over last year. The regional municipality of Niagara itself is getting a 10% increase. Those are the facts, and they're important to understand.

#### LABOUR DISPUTE

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. Ontario's electricity system is already under pressure. A couple of weeks ago, you were forced to reduce voltage in the system after seven nuclear reactors went out of service. It was either reduce voltage or face the prospect of a brownout or blackout. Now, with the hot, humid days of summer ahead of us, that electricity transmission system will be under even greater stress. The engineers, the scientists, the maintenance schedulers—those people who work at Hydro One and call themselves the energy professionals—are going to be more important than ever.

Premier, in that context, can you explain to the people of Ontario why you as the sole owner of Hydro One have threatened to lock these very important people out at the very time when we need them to keep the lights on?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** To the Minister of Energy.

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** My understanding is that both parties will return to the table to continue negotiations on this collective agreement. There are a number of issues between management and the workers. My hope is that both sides will stay at the table and continue to negotiate and bargain in good faith to try to resolve the differences that are between them, and to ensure our company works successfully and appropriately for the people of Ontario.

**Mr. Hampton:** That's the answer from the McGuinty government in here. Out there, the head of Hydro One sent all these workers personal e-mails and told them that if they didn't accept an 11% pay cut, they were going to be locked out, at the very time we need these people to keep the lights on. These are the people who make the electricity transmission system work. This bargaining tactic sounds very reminiscent of the McGuinty government's bargaining tactic with the doctors, and we know what a disaster that was: "Either take it or we're going to shove it down your throat." Let me ask you this, Minister of Energy: Are you prepared to intervene and make sure there is a fair offer put on the table, or are you going to continue down the disastrous road you went down with the doctors?

**Hon. Mr. Duncan:** We believe the two parties should negotiate an open and free collective agreement. The kind of interference the member opposite is talking about is exactly like the social contract. I am absolutely astounded that any member of the Ontario Federation of Labour or any member of that party would suggest for one moment that a government should intervene.

We believe in the Ontario Labour Relations Act. We believe in full and free collective bargaining. We understand there will be differences between management and union. We understand the best place to resolve those differences is at the bargaining table. My desire and my hope is that both sides will get down to serious bargaining at the table. My indication from both sides this morning is that they will. My hope is that they will come to an amicable solution to the differences between them over the course of time, and my hope is that both sides can come together to ensure that our electricity sector continues to prosper and grow in the years to come to help ensure a safe and growing economy for the people of Ontario.

**Mr. Hampton:** Perhaps the Minister of Energy and the McGuinty government missed it, but Hydro One, after having their final offer, as they referred to it, rejected by 95%, basically said today that the offer remains the same—no change. And what's that offer? An 11.4% reduction in base pay, and all new employees will face a lower, two-tier system of pensions and benefits.

Minister, these are the people who keep the lights on. These are the people, especially for the greater Toronto

area, who ensure that the transmission system works, that the electricity produced outside the greater Toronto area is transmitted efficiently and effectively into the greater Toronto area to keep the lights on. What I heard in your answer was, "I hope, I hope, I hope." Will you send some direction to your boy at Hydro One, Mr. Parkinson, to put a fair offer on the table, since he's clearly doing your dirty work?

**Hon. Mr. Duncan:** On March 31, public salary disclosure was released in Ontario. This member who stands up and pretends to be defending these workers—let me give you the breakdown. Of 1,300 members on public salary disclosure, fully 1,000 of them were in collective agreements, members of bargaining units, one-third of this bargaining unit. Do you know what Mr. Hampton said on March 31? He said, "These people aren't concerned with providing a service to the people of Ontario. They're concerned about their own salaries." Fully one-third—

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order. The members are the ones who are making the noise.

Minister, you've got 10 seconds.

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**Hon. Mr. Duncan:** Unlike the member opposite, we believe they have the right to full and free collective bargaining. That member has more positions on free collective bargaining than the Kama Sutra. You ought to be ashamed of your two-faced positions on all of these issues.

**The Speaker:** New question.

**Mr. Hampton:** To the Premier, because at the end of the day, the buck has to stop with the Premier: These are the people who keep the lights on. Your Minister of Energy talks about public sector salary disclosure. What I find interesting is that you gave the chief executive officer at Hydro One—

*Interjections.*

**The Speaker:** Order. Stop the clock, please. Member from Eglinton—Lawrence, will you come to order, please.

Leader of the third party.

**Mr. Hampton:** I'm happy to talk about public sector disclosure, because the McGuinty government gave the chief executive officer at Hydro One a 35% pay increase in 2004. This is basically from \$1 million to \$1.5 million. Then, of course, he gets a mortgage subsidy on his home, and if he should quit or be fired, he gets two years' pay.

Meanwhile, you're telling these folks who keep the lights on, who make sure the transmission system works efficiently, that they should take an 11% pay cut and that new hires should accept an inferior pension and an inferior benefit package.

Tell these workers, Premier, how you justify giving your friend at Hydro One, Mr. Parkinson, a \$500,000 pay increase while you tell these workers they should take less.

**Hon. Mr. McGuinty:** The Minister of Energy, Speaker.

**Hon. Mr. Duncan:** What I said in the House, and Hansard will reflect this—I said it at the time, I'll say it

again, I said it in a scrum—is that we leave and entrust the management of Hydro One to the board of directors of Hydro One. That answer is consistent. It is our view at this time that it is appropriate for both parties to get back to the bargaining table and negotiate a collective agreement that will be in the interests of all workers.

We believe that the Ontario Labour Relations Act, we believe that the board of directors, which was appointed, in fact, by the previous government—my colleague opposite reminds me that Mr. Rae, the former NDP Premier of Ontario, is on that board. We have confidence in the board's ability to manage and oversee the affairs of the corporation. We look forward to both sides getting back to the table to negotiate a fair solution for all concerned.

**Mr. Hampton:** The Premier ducked the question again, so I'll go back to the Premier. It wasn't just the \$500,000 pay increase and the mortgage subsidy and the \$2-million severance package that you've given Mr. Parkinson. Last year, he decided that he had to travel to Las Vegas and Australia on business. He took his wife with him. Hydro One paid for that. He decided that he needed an expensive membership in Glen Abbey Golf Club. Membership costs close to \$5,000. Hydro One paid for that. It seems that he has very expensive tastes indeed.

So you're saying to Mr. Parkinson that a hefty pay increase is OK, but to the very people who keep the lights on, the very people who ensure the transmission system works and that we don't suffer another blackout as we did a couple of summers ago, you're saying, "Take an 11% pay cut and accept inferior pensions and an inferior benefit package."

Explain to the people of Ontario, Premier: How do you justify opening the vault to Mr. Parkinson, but say to the people who keep the lights on, "You take less"?

**Hon. Mr. Duncan:** Again, under the laws of Ontario, the board of directors of Hydro One has responsibility for negotiating the contracts of both non-unionized employees and unionized employees. The collective bargaining process has to be allowed to unfold. It's not this government's intention to interfere with free and full collective bargaining. We believe in the rights of working people to negotiate, both those individuals in the public and broader public sectors and those in crown corporations, or indeed in corporations like Hydro One and OPG, which have a unique incorporation.

It is in everyone's interests that both sides get back to the table and negotiate and bargain collectively and freely. My hope is that both sides will come to a solution to this difficult impasse.

**Mr. Hampton:** Again to the Premier, because the buck stops with the Premier, here's the scenario: Mr. Parkinson even believes that it's acceptable to take the Hydro One helicopter when he wants to go to the cottage; or when he's at the cottage and he has to go to a meeting, he wants to use the Hydro One helicopter. His bargaining position to these workers, these essential workers, these people who keep the transmission system working, these

workers who keep the lights on, is, “You either take the 11% pay cut and accept inferior pensions and benefits, or we’re locking you out.” Does that sound like a reasonable, logical position that the Premier is prepared to defend?

**Hon. Mr. Duncan:** What has been reasonable and logical is that the board of directors is in the best position to negotiate both management and union collective agreements and to make those decisions. The government has entrusted those people to do that. We continue to trust their good judgment and the judgment of people like Bob Rae, who’s on the human resources committee. And I remind the workers at Hydro One, the non-management workers, the 1,084 union members at Hydro One who were on public salary disclosure, that that member said, “These people aren’t concerned with providing a service to the people of Ontario; they’re concerned about their own salaries.”

You’ll say one thing one day and another thing another day simply to pander and create a false impression that you care. You’re more interested in scoring cheap political points than finding an amicable solution to a difficult labour situation.

#### TRANSPORTATION FOR THE DISABLED

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** My question is to the Minister of Transportation. Back in the 1970s, there was a special grant given out to disability transportation.

*Interjection.*

**Mr. Murdoch:** No, you can’t transfer it to the—they’re going to transfer it on me, but that’s all right. I’ll still give you the history.

In the late 1990s, when the CRF came out, the transportation grant for the disabled was included in that grant as a special item. In rural Ontario, it’s really needed because we have long distances, and it has worked quite well. There are over seven municipalities in my riding that applied for it and have had it since the early 1970s. Now that we have this new formula called OMPF—it gets a bit confusing—is this grant still going to be left on there as a separate item? That’s what I want you to guarantee to me today, that this grant for the disabled transportation will be left as a separate item when it comes to giving the grants to the different municipalities.

**Hon. Harinder S. Takhar (Minister of Transportation):** Mr. Speaker, to the Minister of Finance.

**Hon. Greg Sorbara (Minister of Finance):** I want to express my true appreciation to the member from Bruce–Grey–Owen Sound. If he were leading the questions for his party on our new initiatives on municipal finance, it may well be that we would get a clearer picture of the truth from the opposition party.

I simply want to say to him that I know he personally has been on the phone with my staff over the course of the past three hours, and I think we’re giving him all the information he needs. But I would want to point out to him and to the people of Hanover, and to the people of

the province, that under the new Ontario municipal partnership funding program, Hanover, the host community of this disabled service, is going to be receiving some \$958,000. That, for the taxpayers in Hanover, is an increase of some \$330,000.

**1430**

**Mr. Murdoch:** My question is very easy to answer—and I appreciate the money that Hanover is going to get: I will applaud that. But what do you say about all the other municipalities that are not going to get the money? Other two out of the municipalities that I represent got more.

Now, here’s where we get into trouble, though. This grant is not tied to CRF or OMPF. It never was; it was a separate grant. What we have to be careful about is that your ministry doesn’t start to tie it there, because most of my municipalities are going to get less money. That would mean there would be less money coming in if you tie it to the transfers. They would get less money there. That is what we don’t understand for next year. Will our grant stay the same? Is it going to go down? Will Hanover’s go up? We can’t get a straight answer on that one, so I would like you to give me an answer on that, if you can. If you can’t, I would hope you instruct people who work in your ministry to get hold of us and help us out.

**Hon. Mr. Sorbara:** I know my friend would have wanted to put on the record that even for those communities, whether in Bruce–Grey–Owen Sound or anywhere in the province, even those communities that are not getting increases—and remember, we increased this program by some 6.1%—no municipality will receive less than they received under the Tory program that we are scrapping. Why are we scrapping it? Because it was part of the awful legacy of downloading and inequity and unworkable municipal financing. I’ll tell my friend that I am aware of the special arrangements that were made for disability transport in the community of Hanover. And as my staff undertook earlier with him by phone, I will undertake here in this House to pay attention to the concerns that he raised today in the House.

#### DOMESTIC VIOLENCE

**Ms. Andrea Horwath (Hamilton East):** My question is for the Minister of Community and Social Services. Minister—for almost two months I have been asking to meet with you. There is a crisis in Hamilton for women trying to escape domestic violence and keep their children safe. You promised to fund second-stage housing and then didn’t. In Hamilton, 28 units of transitional housing will be lost because core funding that you promised would help agencies like Family Services Hamilton never arrived. Seven times we called your office for the meeting. Seven times not one return phone call. Only now that the NDP has alerted the media are you finally agreeing to meet.

Executive director LaFerne Clarke of Family Services Hamilton is here today. My question is this: At the meeting you finally have committed to, will you commit to

providing Hamilton's second-stage services with the core provincial funding that they need to save the precious few units of second-stage housing in my city?

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** I appreciate the opportunity to answer this. I can tell you that Hamilton has some tremendous advocates, and many of them are in our caucus. One of them is also in our cabinet. I am very proud to say that the minister for children and the members who come from Hamilton have done a tremendous amount of work on behalf of Hamilton family services. Moreover, we have been working with them for a long time to actually set a date so that not only will I meet, but I will actually be in a position to go out and visit the agency.

We made a \$3.5-million commitment to transitional housing programs, and we made that announcement. This particular agency was not in a financial position to receive it. I understand that there have been serious governance issues that this new board has been dealing with as it applies to second-stage housing. We are prepared to work with this organization to find a way, because in the end this government is committed, more than any government to date, to the issues of domestic violence. I think the people in Hamilton know exactly what that is—

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

**Ms. Marilyn Churley (Toronto–Danforth):** Minister, you didn't answer the question. Safe housing like second-stage is needed so women do not have to make the decision to stay with or return to the abuser, because homelessness and poverty is often the only alternative for them and their children. It's also a place where they can rebuild their lives during a time when they are in considerable danger. The risk for spousal homicide increases right after a woman decides to leave the abuser. Knowing all of this, despite the lessons learned from the Hadley inquest and other reports, you are breaking your promise to reinvest in second-stage housing and, as a result, they are starting to close down. The upcoming budget gives you the opportunity to make amends. Other housing advocates are here today as well. Will you tell them now that you will keep your promise and restore the funding to second-stage housing?

**Hon. Ms. Pupatello:** I'm very pleased to say that our ministry has been working closely with this agency, and what we have to do with this particular agency is find a way around some serious financial issues that they have had to contend with. Our ministry is going to be sure that when we invest in what we're doing for domestic violence, it will be with agencies that can deliver. I expect that the new leadership that is now arriving and has been there for the last several months with this particular agency is going to do very well. They have also been contacted about the meeting that we have already booked with them.

You should know that the local MPP from this area, Judy Marsales, has been in contact with me, as has Marie Bountrogianni, and I can tell you that you have very strong advocates in the government fighting for the people of Hamilton.

When it comes to the domestic violence action plan of this government, there is no historic government in Ontario that has paid more mind to this issue than ours. We have made a \$66-million commitment, which speaks nothing of the investments in affordable housing that we will work on with our federal counterparts, because when we talk about housing, we know it is a significant issue and we are determined to make this—

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

**Ms. Judy Marsales (Hamilton West):** My question is directed to Minister Pupatello. Contrary to the honourable member from Hamilton East, we have kept a very important promise. The domestic violence action plan announced by the Premier and by you, Minister, on December 13 was an important promise kept by the McGuinty government to help women and children suffering from domestic abuse. I know how hard your ministry is working, and I am encouraged about this balanced plan.

My question is, what measures are in place to help prevent violence before it happens and to ensure that victims of abuse get the help they need and not a lot of hot air?

**Hon. Ms. Pupatello:** I do appreciate that this MPP has been recognized in her local community for fighting for these issues. When we tabled our domestic violence action plan, this member from Hamilton was lauded by those in her own community because she understands the critical importance of the four components of our plan.

We are focused on public education, a \$5-million commitment. We are committed to training people on the front line to know how to respond and how we, our neighbours, our friends and our co-workers can respond to this issue. We are committed to community supports so that when it happens, our communities are ready to respond. Fourth, on justice, we want to stop this in the first place, but when it happens, we need to be prepared so that our justice system responds accordingly. We are determined for our plan to be enacted, and we are going to do it well.

**Ms. Marsales:** Minister, I'm surprised that after years of across-the-board cuts to shelters and traditional housing imposed by both the NDP and Conservative governments, they continue to criticize our investment of new funds to address domestic violence. We are the first government in Ontario to develop a comprehensive plan to help women and their children who are fleeing abusive situations.

What funding is being provided for shelters and second-stage housing under this action plan?

**Hon. Ms. Pupatello:** We made a very full announcement that prescribed all kinds of new funding across the board, across those four main areas. Let me specifically say that family services in Hamilton is currently being provided from our ministry \$326,000 for VAW counselling, \$98,000 for the broader public sector pay equity and \$2,100 for performance management. We understand that there's more work to do with this particular agency. We want them to be a vibrant, successful agency to be able to

respond to the needs of those women who come to their doors. We are prepared to take that kind of personal time.

Let me tell you that this minister will see to it that we can do everything. The minister for children, as well, and the local members who represent that area have been determined to see that these agencies are strong.

1440

#### ASSISTANCE TO FARMERS

**Mr. Ernie Hardeman (Oxford):** In the absence of the Minister of Agriculture, I have a question for the Premier. Yesterday, I asked the minister when the cheques for the market revenue payment would start to flow from his announcement of March 29. He said the cheques were already sent, but when we checked with Agricorp, that turned out not to be the truth.

I have a letter from Shady Lawn Farms dated April 15 and received by them last Friday. It shows their eligibility under the March announcement, and it says, "You will receive a cheque issued by the Minister of Finance ... in the near future." The minister said it was already in the mail. In fact, the note I just quoted from had a letter from the minister in the envelope. Obviously, he has no idea what's going out or what's going on in his ministry.

Premier, your minister's commitment was to send the cheques in two or three weeks; not a letter, not a note, but a cheque. When can Shady Lawn Farms in Nanticoke expect their cheque?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** In the absence of the Minister of Agriculture, let me confirm once again that he is doing exceptionally good work on behalf of Ontario's farmers. As a result of his efforts in particular, we were proud to announce an additional \$79 million for grain and oilseed producers, notwithstanding the financial circumstances in which we find ourselves. Payments were processed last week, and I'm proud to say that cheques are being mailed today and tomorrow, April 26 and April 27.

**Mr. Hardeman:** Mr. Premier, the farmers of Ontario do not share your opinion of your Minister of Agriculture.

Let me give you another example of a promise made and a promise not kept. This one is closer to home. In my riding of Oxford, a local farmer went to the bank to secure funding so he could buy seed for planting. He called me and told me that, based on the results of last year, his bank said no to his bank loan. After repeated calls to Agricorp to find out when he was going to receive the money, they couldn't give him a definite date. As of today—today, Mr. Premier—Agricorp still couldn't tell him when he could expect his cheque. All he received was a notice yesterday stating that yes, at some point in time he was going to get some help. Premier, another promise broken.

When is your government going to accept responsibility for the farmers of Ontario, or are you going to continue on with the Liberal broken-promise tradition?

**Hon. Mr. McGuinty:** If we might place this in some context here—I find that's always pretty helpful—

farmers found themselves up against it because of international commodity pricing. We decided that, notwithstanding our financial constraints, it would be important and right that we find a way to help farmers. So we've found \$79 million, at the insistence, I might say, of our Minister of Agriculture, who has been doing exceptionally good work on behalf of farmers.

We're proud to make that \$79 million available. As I said before, and I'll repeat it, payments were processed last week and cheques are being mailed today and tomorrow. We're very proud of that.

#### SOCIAL SERVICES

**Mr. Michael Prue (Beaches—East York):** My question is to the Minister of Community and Social Services. Last Wednesday, you defended your meetings with high-priced lobbyists by pretending that you also met with ordinary Ontarians. You bragged that you met with non-profit organizations about housing issues and social service issues.

But we have a letter here dated March 24, 2005, addressed to Dalton McGuinty from Mr. David Lance, who says, "I am a single father living in Toronto and struggling to raise three-year-old twin boys on OW.... After the NCBS is deducted from my cheque, I receive just \$859.60. We would like to meet with you ... to tell you what it would mean to families if you ended the clawback in this coming budget year."

Minister, you refused to meet with them. The Premier refused to meet with them. If you're so busy meeting with those you call the most vulnerable, why are you ignoring David Lance, one of the poorest parents in this province?

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** I'm just surprised that the member opposite doesn't parade them in the House to embarrass them like he does most of the time. Let me say in this matter that there are 103 MPPs in this Legislature, and we represent all of Ontario. I expect fully that the member from the riding of Beaches—East York would be meeting regularly with everyday people, just as I do in my riding of Windsor West and as every one of us does.

When it comes to our ministry policies, we work hard to hear from everyday people, not just their representatives. To begin your question with me by talking about high-priced lobbyists is absolutely absurd. You are welcome to look at my track record and the kinds of groups and people that I meet with on an everyday basis, including just before running into this House today. When we talk about welfare issues, we talk about housing issues, social issues, how we're going to deal with addicts who are on welfare. Please don't come into this House and think for a moment that this government hasn't been serious about making real good social policy changes, because—

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

**Mr. Prue:** Your record is not meeting with people who write to you directly. I met with Mr. Lance; you did not. Minister, last week you bragged about meeting with out-of-work Tories. You said: "Tories are bringing people to see me. That's my job." You bragged about meeting with Accenture lobbyists. You bragged about meeting with Phil Dewan. These are the people that you said, "I'm proud to meet with."

What about the people who don't have the influence that Phil Dewan has, and can't hire out-of-work Tories. What about David Lance? He can't afford the \$550 to attend your lobbying seminar, because you take \$1,500 per child off him in clawback each and every year. Minister, how dare you get up in the House and say you've met with the most vulnerable when you won't even meet with the families whose baby bonuses you claw back from every month.

**Hon. Ms. Papatello:** I find the kind of question outrageous. All I can tell you is that on a regular basis what we do in our ministry, led by Liberal leadership from the Liberal caucus, and what our Liberals are most proud of, I think, after health care and education, is that absolutely we have to protect our most vulnerable. We have made significant changes. The first thing we did was eliminate the cutback on the allowance for pregnant women on welfare, and then we stopped that lifetime ban on welfare for those who have been convicted in the past.

This member couldn't possibly be opposed to the positive changes we've made. You could not possibly be opposed to the changes that we have made so far. I will be the first one to admit that we are not where we want to be yet, that it takes major investment and major resources to do everything that we want to do, and we can't do it right away. So we have very, very difficult choices to make about how quickly we can move forward with change. I'm the first one to say that. I will stand and repeat that again. We want to go further, and we are only encumbered by the fiscal mess left to us by your party and the government before.

#### EDUCATION FUNDING

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** My question is for the Minister of Education. It was my privilege on Sunday, April 17, to be with you as you accepted the Upper Canada District School Board's white paper concerning Ontario's small schools. As you know, the small schools summit was held in my riding of Stormont–Dundas–Charlottenburgh, and I would like to at this acknowledge the good work of Susan Edwards, David Thomas, Mike O'Donnell, Phil Dawes and all the others who worked on this white paper.

The majority of high schools in Ontario are small, by which I mean have less than 1,000 students. The schools in my riding are perfect examples of this. These schools provide education preparedness to the students from the greater part of the province. Unfortunately, under the previous government, funding was allocated to schools by size alone, discounting distribution entirely. You have

time and again explained your desire to rectify the errors of the past. Minister, could you reiterate your commitment to small schools and explain to us how your ministry will address the problems created by past governments.

**Hon. Gerard Kennedy (Minister of Education):** Thank you for the question and for your advocacy of what is essentially a sound education idea, which is that we don't close schools simply based on their size. Unfortunately, for eight or 10 years, we laboured under rules that were prejudicial against good small schools, and against most of the students, by definition, because they are in those small schools. We now have an extra \$30 million that we've put out to keep the good schools open.

*Interjections.*

**The Speaker (Hon. Alvin Curling):** The member from Trinity–Spadina come to order, please. I can't hear the minister responding.

**Hon. Mr. Kennedy:** Further, we really want to make sure that people out there understand fully that the school evaluation process we put in place in February is there to put a value on schools, to really see how a school contributes to the community, to the students, to the system, but ultimately even to the local economy, that that's a balanced way to look at schools. Particularly, we will see how, as proposed by the small schools summit, kids actually do. The graduation rates are better in small schools; that should be taken into account. In short, we should value schools by how well they do, not simply by the size they are.

1450

**Mr. Brownell:** Thank you for clarifying your vision for us. As next week is Education Week, a week to celebrate public education in Ontario, it is fitting that you express your commitment to Ontario's students. A decent education is a basic requirement in our society. Part of the commitment you have made is to improve graduation rates dramatically, ensuring that all students have the necessary skills to compete in the job market. Minister, what programs do you have planned to make this vision become a reality?

**Hon. Mr. Kennedy:** I would enjoin all members to take part in the activities next week. Education Week is a responsibility for everyone in this House, including the member opposite who takes it lightly. Essentially there is a role now for the members in the Legislature to actually help appreciate the challenge. For example, one of the saddest legacies of the last government is an increased dropout rate, fewer people with high school diplomas because they mismanaged some of the changes. We need to send a strong signal to those students that they are going to receive assistance. We started last year with additional help for 120 projects around the province, with extra assistance for thousands of students who would otherwise have been discouraged and left school. We are now moving forward with a whole range of plans for next fall.

Next week would be a good opportunity for every member of this House to send a signal that you can't drop

out of high school. You need to understand that help is under way in those schools. It really is difficult for people who reach a certain age not to have had success. Under the past government, the help wasn't there; under our government, it is. I encourage all members to encourage those individuals to finish their schooling and take part in education—

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

### CONSTRUCTION INDUSTRY

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** My question is for the Minister of Labour. During committee yesterday on Bill 144, one of the presenters expressed concerns about the impact of changes to the Labour Relations Act that have the potential to eliminate the right of employees to the safety and security of their property and their homes. In fact, he cited a particular situation in the drywall sector where employees were not just harassed, threatened and intimidated to join a union, but had 28 tires sliced. These threats and the vandalism did not stop on the job site but continued at their homes. Minister, these are going to be the consequences of card-based certification in the construction industry. How will you guarantee the safety and security of employees, their homes and their property?

**Hon. Christopher Bentley (Minister of Labour):** The reforms we've brought forward are fair and balanced. With respect to the question of intimidation and coercion, that is precisely why, for all sectors, we are restoring the remedial certification power that affects outrageous conduct both by employers and by unions, and the interim reinstatement power. That is why it is essential to have a remedy in those cases where the vote is interfered with by either the employer or the union, or there is conduct that removes the fairness of the vote. The member has hit on the very issue.

The member will also know that to get a vote you have to have cards signed, even under her own system. The essential part of fairness in labour relations is: Provide a remedy so that those who interfere with the workers' right to choose suffer the consequences of their interference. I'm surprised the Tories continue to reject that position.

**Mrs. Witmer:** It's obvious the Minister of Labour has no concern or caring for individual employees who can be threatened, intimidated and harassed in the construction sector. I say to this minister, not only do you not care about these individual employees who have no recourse, as you well know, but you are also stripping workers of their right to a secret ballot vote, which you did not mention. You're trying to confuse the issue. It's you who does not understand.

You are leaving these workers vulnerable to the tactics of unions. You are creating unfairness and you are discriminating against construction employees. A construction employee will not have a secret ballot vote, yet someone working somewhere else will. Are you prepared to scrap your change for card-based certification in the

construction sector or are you going to proceed to discriminate against and marginalize these construction employees?

**Hon. Mr. Bentley:** Unfortunately, it's the honourable member's position that discriminates against workers by refusing to support their democratic right to choose, by rewarding outrageous conduct by employers that effectively removes a worker's right to choose in a vote situation or that rewards outrageous union conduct. She supports the conduct and she undermines the democratic right to choose.

Of course we had to provide an extra option in the construction sector because of the nature of the industry. The Tories recognized the special nature of construction when they brought forward changes to the bargaining structure in 1999 in the greater Toronto area residential construction sector. They restricted bargaining rights. Were they trying to prejudice those workers? I suspect not. Were they trying to reward contractors? I suspect not. They recognized the very special factors that relate to construction, and they tailored the provisions for it: exactly what we've done. We support—

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

### SCHOOL CLOSURES

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. Before the last election, you promised that you would protect northern schools threatened with closure. In fact, I want to quote you: "Since 1999, 25 schools in the north have been closed and 18 additional schools are now threatened with closure.... The Rozanski report recommended an increase in funding for small, rural schools, transportation and schools with declining enrolment...." And then you said, "We will fix the funding formula as recommended by Rozanski.... We will protect northern schools." That was your promise.

Now, Fourway School near Thunder Bay and five other schools in northern Ontario are scheduled to close in a matter of weeks. Premier, where is the new funding formula you promised? Where is the new money for schools with declining enrolment? Where is the new money for transportation that you promised? The parents and children of Fourway School want to know where it is.

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

**Hon. Gerard Kennedy (Minister of Education):** We met today, in fact, with some of the representatives of Fourway School, and they were part of a group that I met with in October. I can say that they're pleased to know that we have appointed Dave Cooke, a former Minister of Education. We have done exactly what is needed, which is to put in the situation where we're not having to fight with school boards. What we are going to do is make sure that the children and youth of Lakehead, as well as any other part of the province, will all benefit. That board

did undertake a review earlier, but we're going to make sure—absolutely sure—that they do benefit.

I can tell you that the parents who are concerned about rural schools are appreciative of the \$30 million we put in, above and beyond Dr. Rozanski's recommendation, to keep good schools open. They appreciate and they know very well that we've put a value on their schools and their communities which wasn't to be found when the NDP closed 155 schools during their turn in government.

**Mr. Hampton:** Parents want to know, where is the money for busing? Where is the money for small rural schools with declining enrolment? Neither the Premier nor the Minister of Education has given them an answer.

They also want to know what happened to the guidelines that the Minister of Education issued in February, when he said that there will be "mandatory public notice of one year before a school is closed," that there will be "several opportunities for public input, with wide notice in the community. A task force would be appointed, headed by a trustee, with broad membership to hold public meetings, solicit feedback and gain community consensus."

What these parents have been provided with by the Minister of Education is nowhere near this. It's a whitewash procedure. What they want to know now—I just met with them—is, will you use your powers under the Education Act to prevent the closure of Fourway School, as you promised before the election?

**Hon. Mr. Kennedy:** The member opposite makes a career, and some would say a small career, out of misrepresenting things to people who have a right to expect straight answers from this House. In fact, he now is even taking the point of misrepresenting some of the people he's advocating for, because I met with the representatives—I'd say some very hard-working people who came down here—

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order. I can't hear what the minister is saying.

1500

**Hon. Mr. Kennedy:** The families that care about Fourway School know that there has to be a means of making sure that their kids will benefit. They want a government that's prepared to do that. Even though the member opposite dismisses Dave Cooke, we don't. We say instead that the former Minister of Education has the capacity to conduct a serious review.

As we said in February, and as we say today, we'll make sure the review takes place to make sure the spirit of the new guidelines, which aren't in place yet, is met, even for decisions that were made before they came out. That is the fairness that they're seeking in northern communities. It's the fairness that we're going to great lengths to make sure is extended. They do have faith in this government to be able to provide that. I'm not sure they can have faith in the opposition when they continue to put themselves forward in such a slipshod fashion.

## PETITIONS

### WILDLIFE PROTECTION

**Mr. Ernie Hardeman (Oxford):** I have a petition here to the Legislative Assembly of Ontario,

"The unreasonable and inhumane restriction that the Ontario Ministry of Natural Resources (OMNR) is placing on wildlife rehabilitators with respect to the release of orphaned animals will eliminate their ability to help wildlife.

"Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured wildlife in Ontario;

"Whereas the unreasonable release restrictions imposed on wildlife rehabilitators for animals in their care by the OMNR will prevent responsible wildlife rehabilitation, not only compromising wildlife and frustrating the public but forcing it underground and thereby jeopardizing safety;

"Whereas this will incur significant new cost for local governments with respect to bylaw and public health and safety interventions while creating an emotional and volatile climate because the majority of people in Ontario are simply unwilling to see healthy young animals euthanized;

"We, the undersigned, are deeply concerned that the care and release restrictions imposed by the Ontario Ministry of Natural Resources which are in violation of the international standards will eliminate the provision of responsible wildlife services in our community.

"We petition the Legislative Assembly of Ontario to work with wildlife rehabilitators to ensure progressive, humane and responsible regulations that reflect the international care and release standard that states: 'Orphaned wildlife should be raised with others of their own species, to learn proper conspecific behaviours, and the group should then be released together in appropriate natural areas, with the transitional care for those species that require it, generally within the city or county of origin.'"

I affix my signature to the petition, as I agree with it.

### CREDIT VALLEY HOSPITAL

**Mr. Bob Delaney (Mississauga West):** I have a petition that was given to me by some members of the Mississauga Chinese professional and business association, a great organization that serves our city very well. It reads as follows:

"Whereas some 20,000 people each year choose to make their home in Mississauga, and a Halton-Peel District Health Council capacity study stated that the Credit Valley Hospital should be operating 435 beds by now, and 514 beds by 2016; and

"Whereas the Credit Valley Hospital bed count has remained constant at 365 beds since its opening in November 1985, even though some 4,800 babies are

delivered each year at the Credit Valley Hospital in a facility designed to handle 2,700 births annually; and

“Whereas donors in Mississauga and the regional municipalities served by the Credit Valley Hospital have contributed more than \$41 million of a \$50-million fundraising objective, the most ambitious of any community hospital in the country, to support the construction of an expanded facility able to meet the needs of our community;

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

“That the Ministry of Health and Long-Term Care undertake specific measures to ensure the allocation of capital funds for the construction of A and H block at Credit Valley Hospital, to ensure the ongoing acute care needs of the patients and families served by the hospital are met in a timely and professional manner, to reduce wait times for patients in the hospital emergency department, and to better serve patients and the community in Halton and Peel regions by reducing severe overcrowding in the labour and delivery suite.”

I wholeheartedly endorse this petition, and I’ll have Nathan carry it down for me.

#### JUSTICE SYSTEM

**Mr. Frank Klees (Oak Ridges):** This petition is addressed to the Legislative Assembly of Ontario. It reads as follows:

“Whereas the Hon. Michael Bryant is minister responsible for democratic renewal; and

“Whereas the Hon. Michael Bryant, Attorney General of Ontario, is elected to safeguard our justice system on behalf of the people of Ontario; and

“Whereas the ministry of our Attorney General may not be aware of the serious and important issues facing individuals involved in areas of the justice system even though the Attorney General’s ministry is continually monitoring;

“Therefore we, the undersigned, ask the Hon. Michael Bryant, Attorney General, for his in-depth investigation of the Ontario judicial system and [to] make the public aware of his findings immediately.”

I affix my name to this petition.

#### ANAPHYLACTIC SHOCK

**Mr. Bob Delaney (Mississauga West):** I have a petition given to me by some members of the Lisgar Residents’ Association, especially Geoffrey Smith, Elaine Lord, Therese Ellis and Sandra Fernandes, and 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’m pleased to autograph this petition and to ask Sean to carry it down for me.

#### HEALTH CARE WORKERS

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** I have a petition here on behalf of many constituents in my riding.

“To the Legislative Assembly of Ontario:

“Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

“Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

“Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

“Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments, and/or procedures which they believe to be gravely immoral; and

“Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields, and suffered other forms of unjust discrimination because of the dictates of their consciences; and

“Whereas health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves,

“We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers; prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences; and establishing penalties for such coercion and unjust discrimination.”

I affix my name to this petition and send it down.

#### CREDIT VALLEY HOSPITAL

**Mr. Bob Delaney (Mississauga West):** I have a petition here given to me by Kuen Tan of Sweetbitch Court, who is one of those helping me to obtain capital funds for the Credit Valley Hospital. Her petition reads as follows:

“Whereas some 20,000 people each year choose to make their home in Mississauga, and a Halton-Peel

District Health Council capacity study stated that the Credit Valley Hospital should be operating 435 beds by now, and 514 beds by 2016; and

“Whereas the Credit Valley Hospital bed count has remained constant at 365 beds since its opening in November 1985, even though some 4,800 babies are delivered each year at the Credit Valley Hospital in a facility designed to handle 2,700 births annually; and

“Whereas donors in Mississauga and the regional municipalities served by the Credit Valley Hospital have contributed more than \$41 million of a \$50-million fund-raising objective, the most ambitious of any community hospital in the country, to support the construction of an expanded facility able to meet the needs of our community;

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

“That the Ministry of Health and Long-Term Care undertake specific measures to ensure the allocation of capital funds for the construction of A and H block at Credit Valley Hospital to ensure the ongoing acute care needs of the patients and families served by the hospital are met in a timely and professional manner, to reduce wait times for patients in the hospital emergency department and to better serve patients in the community in Halton and Peel regions by reducing severe overcrowding in the labour and delivery suite.”

I support the petition, and I will have Paula bring it down for me.

1510

#### HEALTH CARE FUNDING

**Mr. John O’Toole (Durham):** I’m pleased to present a petition to the Legislative Assembly of Ontario that is entitled the pay more, get less health care petition.

“Whereas the federal Income Tax Act at present has a minimum amount of medical expenses for which a taxpayer is entitled to claim a non-refundable income tax credit;

“Whereas the health and medical expenses of every citizen in the province of Ontario, great or small, affect their overall net income;

“Whereas the Ontario Liberal government moved in their 2004 budget on May 18, 2004, to delist publicly funded medical services such as chiropractic services, optometry examinations and physiotherapy services;

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

“That the Income Tax Act remove the present minimum amount of medical expenses for which an Ontario taxpayer is entitled to claim a non-refundable income tax credit.”

I’m pleased to sign and endorse this on behalf of my constituents in the riding of Durham.

#### ANAPHYLACTIC SHOCK

**Mr. Delaney:** I’m pleased to read a petition sent to me by a group of Lisgar residents, especially Lee Perrin of Lisgar Drive and Munish Sharma of Meadow Forest Drive.

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

“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 support the petition, and I’ll ask Joshua to carry it down for me.

#### ANTI-SMOKING LEGISLATION

**Mr. Jim Wilson (Simcoe–Grey):** “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; and

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

“Whereas by 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 Legislative Assembly exempt Legion halls, navy clubs and other non-profit, private or veteran clubs from government smoke-free legislation.”

I want to thank Edward Beaven, veterans’ services officer of the Royal Canadian Legion, Tottenham branch 329.

#### ANAPHYLACTIC SHOCK

**Mr. Dave Levac (Brant):** Just to share with my friends across the way, I have a petition to the Ontario Legislative Assembly for a very important bill to protect anaphylactic students.

“To the Legislative Assembly of Ontario:

“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 schools in Ontario;

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

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

I sign my name to this, as Bill 3 is mine.

#### REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):**

“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; and

“Whereas the Minister of Community and Social Services has announced plans to close the Rideau 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 the Rideau 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;

“Whereas Ontario could use the professional staff and facilities of the Rideau 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;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep the Rideau Regional Centre open as a home for people with developmental disabilities and to maintain it as a ‘centre of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I sign my name to this and send it to you, Speaker.

**The Deputy Speaker (Mr. Bruce Crozier):** The member for Simcoe North.

**Mr. Garfield Dunlop (Simcoe North):** I was going to read a Bill 3 petition, but I don’t have any copies of it. I support it. We should pass it on a voice vote.

**Mr. Ernie Parsons (Prince Edward–Hastings):** We have some.

**Mr. Dunlop:** You have some over there? On a voice vote, we could do it.

“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;

“Therefore 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’m pleased to sign my name to that.

#### ORDERS OF THE DAY

##### ADOPTION INFORMATION DISCLOSURE ACT, 2005

##### LOI DE 2005 SUR LA DIVULGATION DE RENSEIGNEMENTS SUR LES ADOPTIONS

Ms. Papatello moved second reading of the following bill:

Bill 183, An Act respecting the disclosure of information and records to adopted persons and birth parents / Projet de loi 183, Loi traitant de la divulgation de renseignements et de dossiers aux personnes adoptées et à leurs pères ou mères de sang.

**Hon. Sandra Papatello (Minister of Community and Social Services, minister responsible for women’s issues):** I believe I’ll be sharing my hour’s leadoff with my colleagues.

This is about Bill 183, the Adoption Information Disclosure Act, 2005. I’m honoured to stand in the Legislature today and speak about Bill 183, a bill that is at the centre of Ontario’s plan to bring adoption information laws into the 21st century. For many of us who may not have been paying attention when this bill was brought into the House for first reading, by the time we went to check our e-mails at the end of that day, you knew that Bill 183 had been tabled in this House, because the response was absolutely overwhelming by the community, both birth parents, adoptive parents and adopted adults who responded when they saw the content of this bill.

This legislation would make us a leader across Canada and the world when it comes to providing adult adoptees and birth parents information about their past. It will also reinforce a carefully considered balance of the right to information versus the right to a relationship.

We believe that every individual has the right to know about his or her own personal history. We believe that adult adoptees should have the same rights as non-adopted individuals—the right to know their identity. We believe that individuals who are involved with an adoption should be able to maintain their right to privacy and not be contacted.

Currently, there are 57,000 adopted individuals and birth relatives on the adoption disclosure register waiting to be reunited. Right now, searches continue to reunite families, but that can take up to three years. Last year, only 887 of the adopted individuals and birth relatives on the register were reunited.

We believe that individuals who are trying to learn about their identity and personal history should be able to do so without unnecessary hardship and delay. Our plan would give individuals whose adoptions were finalized in Ontario the right to know about their identity and their history by the following methods: allowing adoptees over the age of 18 to have access to copies of their original birth records that will provide them with their original birth name and may identify birth parents; allowing birth parents to have access to birth records and adoption orders once the adoptee has reached 19; providing the name that the child was given after the adoption; making all disclosure provisions for adoptions finalized in Ontario retroactive to cover all records; and, in exceptional safety-related circumstances, allowing an individual the right to apply a non-disclosure order to prevent identifying information from being released. That, essentially, is the bulk of the bill.

#### 1520

I wanted to take a moment now to let you hear, through my office, some of the responses that we had from people who are clearly involved in this issue. So I wanted to start with the groups, people who wrote and sent e-mails, as I know many of us in this House have received: the adult adoptee.

One of them said, “As an educator, I have had over 30 years in the school system as a teacher, guidance counsellor and principal, and have witnessed the alienation, shame, guilt and obstacles that deny the adoptee to work through their issues developmentally because of a lack of information about themselves. No other member of society is forced to deny and to carry the shame of secrecy that adoption presents.”

I have to say to this House and to the members in the gallery who are here listening today that I was overwhelmed by the amount of personal information that people were prepared to share to allow us, as members of this House, to understand what it could possibly be like to have lived in these people's shoes. I think it's important as legislators that we get the sense of that, and I think they were successful.

This fellow said, “I am actively promoting this bill. I am an adult adoptee. I conducted my own search for my biological parents over a span of 20 years. Due to the red tape involved with closed files and secrecy, my search was horrendous, filled with mistaken identities, misinformation and much heartache. My birth mother was unsure as to who my biological father was. She led a very unstable and, frankly, quite different life from mine. This was a heart-wrenching journey. The one thing I came away with that I am absolutely resolute about is the need for adoptees to know their biological background and/or family members.”

We have members in the gallery here from an organization called the Coalition for Open Adoption Records, and these individuals have worked for a number of years. I'm very pleased that they're here again today for the second reading of this bill. This was a group, and through their membership, which essentially is thousands across this province, that I would ask some very hard-hitting questions. The letters that I bring to you today are representative of what we heard. So I would ask these folks, “I want to hear what you think. What if you find out that your father's a murderer? What if you find out the most horrendous circumstances of your adoption? Isn't it fair that you should be protected from this?” The answers were quite interesting and very informative for us. They said, “When you don't know, you expect the worst. When you don't know, you assume that's where you come from.”

I see Michael smiling. He remembers these questions in particular, because it's pretty hard to answer that question when you haven't lived in those shoes. We've got to talk to people who have lived this experience.

Let me go on: “This is a basic right that most Canadians don't even have to think about. I've applied under the current system to try and obtain anything that might exist in my file.” This person wrote to us from Nepean. I can tell you they come from all over Ontario.

A sister wrote, “I know from experience that if it was not for the help of Dwight Duncan”—our colleague from Windsor—St. Clair—as well as her own mother's persistence, “my sister and mother would still be in the dark about their past.” It was quite interesting from the sister's perspective, learning that she indeed had a sister.

“I'm a Canadian adoptee, 64, who was still denied the right to personal information.” He went on to talk about his birth parents he wanted to find—he was actually assisted in great detail by his adoptive parents, who wanted him to know. “No parent owns their children, be they adopted or not, and the Ontario government has shown the courage, compassion and insight to put an end to the shameful adoption rules that some people are suggesting ought to be perpetuated.” He said that it is because of such unselfish love from his adoptive parents that he was able to rise to the absolute top of his profession, and he is grateful for that support.

Another from Windsor: “I am an adult adoptee. I desire access to all my personal information. If you've ever been cornered by doctors, an anaesthesiologist with

a grocery list of questions about your family background, with your daughter's life hanging in the balance, imagine how you would feel when you couldn't answer one of the imperative questions being asked of you." This one gives me some chills, because I met personally with a mom in my community in my constituency office, who brought her little toddler along and shared with me the experience of being in the emergency room with this child who was ill. This mom had been adopted and knew nothing about her personal history.

Now, we are not in the this bill demanding that medical information be turned over. My own mother doesn't need to turn over medical information to me. We are not demanding more of one group or the other; we want it to be the same. But without the right to find out who they are, how can they even ask for medical information? So in instances like this, at least they have an opportunity.

You know, historically, in all of the research we've been able to collect, even when people don't want to be contacted, they are all happy to produce medical information, and they are all answering the questions about the circumstances around the adoption. I think that they inherently understand that need to have information to allow some of that closure for people to get on with life, even when they don't want to be contacted.

A fellow named Ron Murdock has been extremely busy on this issue for a number of years. He's the lobbyist to the UN Commission on the Rights of the Child. It resulted in the written recommendation to Canada by that body to open adoption records. He said, "Adoption is supposed to be in the best interests of the child, not in the best interests of adoptive parents." He went on to say, "My desire to know of my natural parents has nothing to do with dissatisfaction with my adoptive family. In fact, they support me wholeheartedly in my search."

I have to say that the lion's share of comments from adopted children, in fact, indicated that their adoptive parents were more than helpful, really wanted to have that information for the children that they raised.

Interestingly enough, we got e-mails from all over North America. People have been watching this file intently. One wrote to us from the US: "In 1974, I was 18 years old, and six months earlier, I was found by a sister I never knew. My adoptive parents never wanted me to know the truth. The resulting trauma was worse than if my adoptive parents had faced the truth with me as I was growing up." We have so many circumstances, and this is an example where, clearly, the adoptive parents didn't share that information.

But the fact is that without a system, without a structure, people are finding people, and I hope we'll hear more examples of that as other members stand to speak. In this new age of information sharing and technology and access like never before, people are being found. When you talk about that fateful call, that's what we're trying prevent somehow, or somehow government's role is to prevent that fateful call—in the absence of government leadership on this issue, that fateful call is happening today.

At a minimum, we know that we're able to put in motion a no-contact notice so that they'll get the information they need but they won't get the contact that, in fact, they don't want. That's why it's so critical to move forward with this bill, because we believe we are including those safeguards.

Let me go on. Another one said, "I'm an adopted child who needs records to obtain Indian status. Even though I know my birth mother's name and have met the family, I still don't have any records." They need the records, of course, for a whole variety of reasons.

Another said, "I've been successfully reunited with my birth parents and everything has gone extremely well. I am meeting new family members all the time, and I hope to consult with my doctor in the near future to update my medical history." This person wrote about how thrilled she was to read in the newspaper about the potential of passing a law and opening up the records.

This one gives her name and says, "My husband and I would like to thank you for your support. My husband spent the last three years trying to locate his birth mother, and I know the search would be easier if only he knew where he came from."

Another one says, "This bill represents a wonderful change for the better. I just hope it gets passed." She felt compelled to write as an Ontario adoptee, "as is one of my brothers."

Another one said, "It gives such a ray of hope that so few would understand. I, like so many, await the next steps with bated breath. I'm a birth parent who has waited 36 very long years to meet his child."

Another one: "Thank you and God bless you and all of you for the wonderful things you're doing for the adoptive community."

#### 1530

This one comes from Kingsville: "I can't put into words how I feel, but I can say that when I watched on Tuesday, I cried, I was that happy." This is a woman born with cerebral palsy, which affects one side of her body. She went to a doctor who told her that the history would have been helpful in understanding her condition.

Another one from a sister, who said, "My mother lives with the pain every day of not knowing how the child she gave birth to is doing in life. Imagine what she feels like not knowing. Was his life good? Is he happy, healthy? Is he alive? I search crowds all the time, hoping to see a face like mine, and wonder if he does the same. I miss him and we've never met."

"I'm a natural mother wishing for the passage of Bill 183. I was never promised or wanted confidentiality," which is another item that we heard repeatedly through many e-mails. We've tried to bring examples of each of these points. Often we have heard that there was some sense of a promise and there is no record of a promise. The stories are quite different—the experiences that these birth mothers have had.

Another person said, "Heaven forbid that an adoptee should ever need to locate his birth family for urgent reasons. If he does, he'll be dependent on a cash-starved,

ineffective, overburdened governmental system.” Well, we’ll have to talk to him. But he does say, “Adoptees should consider their birth parents their parents. Even though an adoptee does not wish to have direct formal contact, for many birth mothers, just learning that a child is alive and flourishing gives them peace of mind.”

From a brother: “I’m a Queen’s University student currently overseas,” and he’s writing to express his support for the bill. “My brother found our family when I was nine years old and our family was delighted that he did. It was important for him to know his heritage and important for us to know him. My mother’s life-long pain at losing him was ameliorated,” and this through the eyes of a brother. I thought that was quite wonderful.

Another said, “A reunion called up the pain. My daughter looked for me the first opportunity that she had as a freshman in college. She registered on over 60 Web sites. She grew up wondering about me and hoping to know me. We met in 2002 when she turned 21, and our healing from the loss of each other has begun and continues. It is her choice to be whole, to know who she is, to know where she came from. She’s delighted. I’m happily married now for 22 years with five raised children. She expected a street bum. She expected to have me slam the door in her face. Finding me has helped fill the hole in her heart.”

Another, with quite an astounding story that resulted in this individual’s adoption, where a mom died shortly after birth, the father was left with many children, and the youngest then was adopted: “At the age of 49, I can tell you, openness, honesty and respect for all parties in adoption are far better than lies, deceit, fear and hate. I have no romantic fantasies; I have reality. I love all of the parents I have. They have all contributed to shape the person that I am.” I thought that was a remarkable story.

Let me say, on the part of birth mothers and birth fathers as well: Can we even think for a moment what life was like for them? I don’t know we can. I just wanted to let you know from my perspective that it meant so much to see the letter read, that we responded to the Toronto Star: “It means for me that some day I may know something of my 44-year-old son. Surrendering him to adoption in 1961 is the most painful and difficult thing I’ve had to do in my 64 years on this earth. Words can’t express my gratitude for what you’ve done. Although I now live in BC, my son was born in Toronto.”

This from Grafton, Ontario: “Please do not give in to the naysayers who are campaigning against this bill. There was no promise of confidentiality to natural birth mothers. Not one single shred of evidence to support such a promise has ever been produced. It’s one of those tired, old-worn urban legends that never goes away. Thank you for having the courage to right a long-time wrong.”

This one came to us from Vancouver: “I opened my newspaper in Vancouver and was emotionally overwhelmed and elated to find that Ontario was introducing a bill to open adoption records for adult adoptees and

birth parents. I cried tears of hope and joy all day. At 16 years of age, I gave birth to a daughter that I carried in my body for nine months but never had the chance to see, touch, hold or tell how much she meant to me. Please give me this opportunity now. My daughter is in her 30s, and I have been waiting my whole life to tell her the story of her birth.” I think that’s quite compelling.

Another wrote, “As for birth mother confidentiality, I can assure you that when I placed my daughter for adoption, I was never offered, nor did I request, that my identity be hidden from her. It was not even mentioned in the documents I signed. In fact, I fully expected to meet her when she turned 18, as I was promised by the social worker who arranged the adoption.” That makes quite a struggle for people who now have to listen to the notion that there was some level of confidentiality there.

Another wrote, “This new bill will help many others find the joy that I have found on reuniting with my son. This will make many people happy and keep many more alive with vital medical information. This is also justice for adoption fraud victims. It means a lot to them as well. You will make the UN proud.”

Another said, “As a natural mother and one who has helped others reunite with their lost children, I thank you. Your support is deeply appreciated and heartwarming.”

Another said, “It will give me great peace to know who my daughter is, even in the event that she does not wish to meet me. It is very comforting for me to know that in this legislation, birth parents have not been rejected further or forgotten.”

Another said, “I have a number of medical problems that I feel my daughter should know about. Now I may be able to contact her. My mother went to her grave hoping that one day she would get a knock on her door and it would be her first grandchild. It’s too late for my mom, but not for me, my son and the rest of my family to be able to meet the daughter, sister and niece. My only wish is that she is happy and healthy. If she chooses not to be contacted, so be it.”

Another said, “I lost my first-born son to adoption in 1965 in Ontario and was reunited with him in July, through no help of the Ontario government, I might add. Every person has the right to know his or her roots, and mothers/fathers should have the right to know the whereabouts of their child. No government should hold a control over people such as has been done with the adoption industry. I hope this bill proceeds and culminates in being passed. It will be truly a victorious day for parents and children affected by adoption laws.”

Another said, “I was promised that my child would be able to find me when he was of age.” This woman goes on to struggle with the notion that now people are suggesting that she had been promised confidentiality.

Another summary of comments:

“Years and years of hard work.” “Tears of joy for a job well done.” “I watched through tearful eyes as the bill was introduced today.” “I wept when watching this announcement.” “Tears of joy and relief.” “I think it’s wonderful that at last it’s no longer a private member’s bill, and hopefully it will pass into law. Thank you.”

Another said, "I am sooooo excited"—with about six o's—"about what is happening today here in Ontario. Last night it was funny, because I knew about today and I couldn't get to sleep. I was like a child on Christmas Eve. Whenever I think about adoption, I go right back into little-kid mode, wanting to know where I came from. I'm sitting here crying just thinking about what's happening."

There were a number of other commentaries, much along the same lines, but every story is certainly different. What's important about these next few—and the reason I selected them is that it's not just about the children and it isn't just about the birth parents; it's also about the adoptive parents, because they're an extremely important part of this whole piece, and here is what some of these have said:

"We are adoptive parents of a young child. We just adopted last year in Ontario through the CAS and have an open relationship with some members of our son's biological family. The information we have gained through these relationships is invaluable to us and our son. I cannot imagine not having this information."

**1540**

"I'm an adoptive parent. My daughter and son were adopted in the 1960s and 1970s and now are young adults. I believe it's every child's birthright to know their heritage and their health background. I believe it's a basic human right."

Another said, "As a mother by adoption, I want for our child access to the same information that the rest of us take for granted. Who is he? Where does he come from? I don't feel that my role is in any way trivialized by a connection with the woman who gave birth to him. In fact, we honour her for her decision." I thought that was very well put.

Another was quite a story about the steps that someone had to go through to finally connect with his family. I think I pulled this because he was adopted as a child and then became an adoptive parent himself. What was interesting is that he's continued to make all of these connections in the absence of any government leadership. The difficulties that they face in doing so—running literally halfway around the world, trying to make these connections with so little information; following any little clue and then finding out the information is wrong—it's been a real struggle for people, and they've won anyway. In many instances, we've made it extremely difficult, but in the end, they are finding people. I think it is our job to make that process easier.

This is from an adoptive parent: "I have witnessed first-hand the remarkable benefits of a growing relationship between our adopted daughter and her birth mother. We are a stronger family as a result." I thought that was quite important.

We do believe that individuals who are involved with an adoption should be able to maintain their right to privacy and not be contacted. I just have to get to the balance of my speech. We also have to acknowledge in this that we have had some commentary from the Privacy Commissioner, so I'd like to address that directly.

No-contact provisions are used in British Columbia, Alberta and Newfoundland. I'd like to point out to the House that we're not aware of any individual breaching a no-contact notice anywhere in Canada. When a person files a no-contact notice, they would be asked to fill out a form that voluntarily requests family history, medical information and reasons for filing the no-contact notice.

I'd also like to point out that while an individual would not be required to provide their medical history, it's the right thing to do, and we would encourage them to do that. Even in situations where an individual does not want contact, we can't find a situation where they still didn't turn over that information that they just knew was going to be important to that child.

When we were developing this legislation, we did consult with the Information and Privacy Commissioner, Ann Cavoukian. We did this even though records relating to adoption fall outside the privacy commissioner's jurisdiction. As a result, we included some changes to our bill. Initially, for example, the proposed legislation didn't allow for limits to the disclosure. Now, the adoptees would be able to apply for non-disclosure orders if they believe that disclosure could result in significant harm. Furthermore, the provisions have been expanded to include both physical and emotional harm.

I want to thank the privacy commissioner once again for her remarks. Many have suggested that her remarks were too strong. We have been copied on much of the correspondence that the privacy commissioner has received. People need to understand that this is her job. It is her role to vet and study every single aspect of anything that has something to do with privacy issues. So we just have to keep those remarks in perspective. Her role does fall outside of this mandate where adoptions are concerned, but we very much respect her opinion. I personally believe that we are moving in the right direction.

Let me just finish in a summary.

Social policy is an opinion. There is no right and there is no wrong. This is very important when it comes to those who are standing up squarely on one side or the other. Can we acknowledge that it's our opinion, that we think we're doing the right thing? Fifty or 60 years ago, they thought they were doing the right thing, and they were doing the opposite in terms of where we want to go today.

I believe that people have a right to know where they come from, not a right to a relationship. We've repeated this several times because it's so important. People have a right to know where they come from, but they don't have a right to a relationship. The privacy commissioner is doing her job when she speaks for a minority, as small as that may be: those who wish not to be contacted. We've been careful. The no-contact notice has worked elsewhere. The fines are extremely high if that no-contact is ever breached. There is no record of a breach that we can find.

Ultimately there would be no purpose to this bill if it was not retroactive: I have to stand firmly on this point. Why would we bring an adoption bill in the House at all

if we were not going to contend with 250,000 adoption records already in Ontario? There really wouldn't be a point to this. Adoptions today are virtually well known, the information is extremely well known and it isn't guarded under that kind of shroud of secrecy, as was the case in the 1920s.

I asked adoptees the hard questions: "What if you're not welcome? What if your history is horrible?" They've given me the straight answers. Currently, with a lack of information about themselves, that's what they believe, yet overwhelmingly we have heard from people where it's gone very well. There has been a tremendous respect for privacy, and people who have either been the birth mother or the adopted child understand the secrecy more than the rest of us because they've been living with this for many years. If there's ever going to be a group that understands the mechanics of no-contact, I can tell you with some certainty that this is the group.

I know we've all been inundated with calls and e-mails. I want to thank people for their interest. This is really important, and I think it merits the kind of debate we have to have around these issues. This bill will have hearings. I hope we're going to have good representation and depositions speaking at our hearings. I'm going to welcome additional improvements. If we feel there will be amendments that can improve this bill, we are prepared to hear them. I say this with an interest in bringing forward good legislation and being prepared to improve it.

Let me just say that I believe we're moving in the right area in terms of social policy on the matter of adoption. I believe in retroactivity. I believe we can't have a disclosure veto because it defeats the purpose of allowing people the right to know who they are. I understand those who have made the comparison to trampling the rights of birth mothers, maybe, but I have to say that at some point people have to understand that for many years we've trampled on the rights of those individuals who have a right to know who they are and where they come from. I hope all members of this House will do due diligence and help us make this bill law.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments? Questions and comments? The member for Simcoe North.

**Mr. Garfield Dunlop (Simcoe North):** I'm sorry, Mr. Speaker, I wasn't in my seat. I thought the minister said earlier in her comments that the parliamentary assistant was also speaking to the bill.

I look forward to the comments from all the members in this House today on this piece of legislation. I know the member from Toronto–Danforth in particular has had a great deal of interest in this bill. She has brought a number of private member's bills here. In my discussions with the member from Toronto–Danforth, I know she has some very strong concerns about this legislation and will be bringing forth amendments to the legislation when we get to committee with it.

My comments now are very brief. I just wanted to put on the record that I look forward to further debate and to

the government listening to the possible amendments that come forward.

**Ms. Marilyn Churley (Toronto–Danforth):** I think there's an adage that if at first you don't succeed, try, try again, and I tried and I tried. I tried five times through private members' hour to get an adoption disclosure bill passed in this Legislature. What was really striking to me then, under a Conservative government, was that the majority of members in the House, all of the times I presented my bill, supported adoption disclosure reform, and yet we were unable to get it passed because of all the funny business that goes on around here during private members' hour.

**1550**

What struck me considerably—and I think it's still the case—is that the majority of legislators from all parties support moving forward on adoption disclosure reform. I know that all of my caucus colleagues support the bill. I know that there are perhaps some people still within the Liberal Party and within the Conservative Party who have some issues and problems. I also know from discussing the issue with most of the members by now and sending them letters and my personal story that there is widespread support for this legislation, and has been for a long time. In fact, it's a good example of where the legislators overall generally reflect the will of the people, because research has shown that the majority of people do support moving forward, and have for a very long time, on adoption disclosure reform for all the reasons and more, which I will take some time to outline later when I get to speak. It really is a very, very happy day for me.

**The Deputy Speaker:** The member for—

**Mr. Ernie Parsons (Prince Edward–Hastings):** Prince Edward–Hastings.

**The Deputy Speaker:** —Prince Edward–Hastings.

**Mr. Parsons:** Just remember, "a prince of a fellow."

I could not imagine two years ago that I would stand up and speak in support of this bill. As an adoptive parent and as a former children's aid board member and president, I had concerns raised with me. But Ms. Churley's bill, when we debated it, caused a significant number of people to contact me in the following weeks and months, people who very eloquently and very passionately made a case for an adoption disclosure law.

Maybe it's a factor of age, but as I get older, I find I am more interested in my roots, in my heritage and in my past and my family's past, and it struck me that, although I'm able to sit down and research three and four and five generations back, not everyone in this province is able to do that, yet there is a very fundamental right that struck me, that a person is entitled to know where they come from.

So I support this bill. I believe that it provides some full citizenship and full rights to people in this province that were not recognized, and I need to compliment the advocates for this bill who have come forward. I suspect it has been a very difficult road. I know it has been a very difficult road that they have walked to get support for it,

but they made their case and they made it well. So it will be my pleasure to support a bill that I believe unlocks some doors. Not everything they find may be what they hope to find, but I have blood relatives I'm not really proud of. That's part of life. That's part of humanity, and I think each one of us is entitled to know.

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

**Hon. Ms. Pupatello:** I know the people from the Niagara area saw a wonderful article in the Standard and a photo of Pat Milliken of Niagara Falls. She reminds me of people I've met in my own home riding and, I think, many of us in this House have met in our ridings.

Pat Milliken took a tremendous amount of courage to come forward and be so public in her local community on the issue of adoption, looking for her son. She is undergoing some surgery, maybe today, and she was really worried. I think as you get older and things happen, you start thinking of your own mortality, realizing what you want to be able to tell your kids if you could. It becomes very emotional, and I think the membership in this House will see that and feel that as you meet people and understand their experiences.

A woman named Val Showers has been a long-time advocate in my area, who has headed up the organization, desperate to assist in the reuniting of children and their birth parents. Over the years, I've met a number of people who have been in that position.

I can tell you that as people become informed, I think in this day and age, we start landing on the right side of this issue. I appreciate that there are going to be concerns. I have personally spoken with adoptive parents who are afraid of this and adopted children who are very afraid of this.

I think we've got to be clear: We've got to stand on a record of human behaviour around the world on this matter. We don't have a history of people breaching that no-contact; we do have a history of tremendous stories of the human spirit. I think that if our government is going to do something well, it's going to do something that's going to encourage that great human spirit.

Let me just say, on behalf of all the members in this House, that I applaud those who have been working so hard and so long with us. I hope that by the end of third reading and our hearings, we're going to have a bill that becomes law.

**The Deputy Speaker:** Further debate?

**Mr. Cameron Jackson (Burlington):** At the outset, let me say I'm very pleased to be able to participate in this debate. I believe, as I went through my Hansard records, it's the sixth time that I've spoken in the House on this issue since 1985, when I was first elected.

The issue around adoption and access to information touches many Ontarians' lives. When I reflect back on my first instance, my first recollection was of being a very young child when my father informed me that our grandmother, Florence Cross, died in childbirth delivering her ninth child, but that the child lived and that I had an aunt somewhere in Toronto, which I thought was

totally cool but totally unfair. Now that I only have one of my late father's siblings still alive, my aunt Betty here in Toronto, who herself has been involved in this issue—I have two aunts in Toronto, but I only know one. I consider that part of the emptiness a lot of people feel. I realize that kind of relationship isn't as deep and as significant as that of a child and a parent, but still, family is family.

As I proceeded with my political career, I found out, with the very first piece of legislation on adoption disclosure, just by conversation, that all three of my staff in my constituency office—again, I'm going back 19 years—either were adoptees or had adopted. So there was this opportunity to be sensitized not only in a more direct way by individuals I think very highly of and care for, but they, by extension, were providing additional counselling and support, offering assistance to many young people and parents who were trying to navigate through a very difficult, troublesome system to gain access to information about their loved ones who were put up for adoption.

For me, this has been an issue I have strongly supported historically, and will continue to with this legislation. As I was commenting when the minister tabled the bill in the Legislature, I expressed some concern about some areas where we would need to have further clarification. You can appreciate that, having participated with at least five other different pieces of legislation, this now being the sixth, there are variations throughout that legislation. Those were born out of the consultative process and out of discussions with organizations and individuals who care very deeply about these reforms and moving them forward in Ontario.

**1600**

There are several variances in this legislation that need to be considered, which is why there will be a public hearings process, a couple of days of committee. It has yet to be determined how far and for how long, but a timely conclusion to this bill in this session is in order. The bottom line is that we still need some clarification on some of these issues from groups that have overwhelmingly embraced the legislation on its fundamental principles of retroactivity and a no-contact veto instead of a disclosure veto. Those were two victories in terms of moving this legislation forward, but there is a tremendous number of information and process kinds of questions that remain unanswered.

Again, I raised that concern in the Legislature when I asked the minister to comment directly on what the costs were that were associated—not that costs are a problem. Costs are a problem if the government is not prepared to commit the dollars; costs are a problem when the resources necessary to make the legislation work are not committed. That is a legitimate question to be raising, because we have raised expectations in the adoption community that the system, the legislation, will actually work in terms of practicality and application out there in the daily lives of both government and the public who turn to the government to receive those services in a timely manner.

Many members would be aware that the current government has a serious spending problem. That problem can be identified in this simple statistic: Three years ago, spending in the province of Ontario was at \$63 billion dollars; today it's over \$80 billion, in just three years. That is before we pass this legislation and call yet again on the treasurer to free up the necessary money, which would be substantive, because this is a major change in the direction and manner in which a ministry operates in the province.

There are other practical challenges in terms of linking it to other provinces and the supports we would provide for Ontario residents seeking adoptees who have left the province, and so on and so forth.

We do not know any of this information at the moment. Efforts to date to get some kind of response about what the plan is have been unsuccessful. In fact, we asked in a fashion that it should have been forthcoming from the minister, but we have been unsuccessful. I think those are the kinds of issues that will be raised in the public hearings so the adoption community can clearly find out what the level of commitment is.

For the purpose of today's debate on second reading, it's important that we put on the record many of the concerns that are being expressed, but it's more important that we put on the record what I believe will ultimately be a high degree of all-party support. I can't speak for all of my colleagues at the moment, because historically and traditionally we wait until after we've had an opportunity to look at amendments. I know my colleague from Toronto–Danforth has some amendments, and I have been contacted by some in the adoption community requesting support for some amendments as well. Then, upon those changes, we'll have a finished bill ready to go to the floor of the Legislature for third and final reading. It's when that occurs that I'll be able to comment more directly about the support of our party.

But I can say that under the leadership of John Tory, our new leader, he has encouraged members to vote according to their conscience and the wishes of their constituents. I know that many have expressed support on the record for this legislation, and we'll have an opportunity during this debate to hear more directly from them as to their support for this legislation.

Much has been said and much will be said about my colleague from Toronto–Danforth's long-standing advocacy in this area, and I'm pleased that I have been standing shoulder to shoulder with her. In fact, I tabled one piece of legislation myself as a private member, a private member's bill, many years ago. It's important that I remind my constituents that I have been rather consistent on this issue and therefore feel strongly about it moving forward.

I was able to pull out some of the Hansard comments from these various debates. One defining feature of this legislation is that it's always debated in the Legislature around Mother's Day. When I was looked through my files and pulled up the records of my comments in each of the years, it's always around this time of the year that

we find ourselves debating this as we move closer and closer to Mother's Day and its obvious importance and affiliation with this important reform in our province.

I'm looking at Hansard from May 12, 1994, 11 years ago, wherein I made a comment—I'm just going to read briefly from that Hansard:

"I am very pleased that we'll have an opportunity today to devote an hour to debating private member's Bill 158 dealing with adoption disclosure and amendments to the various acts in Ontario.

"I am going to be supporting this bill, as I have consistently indicated, both personally and on behalf of the Progressive Conservative caucus, our support for these reforms for so many adoptees in this province."

I went on to comment about the unusual anomaly that we were having difficulty finding a government that would proceed, with the support of a minister, to move forward. As I went on in my speech at that time, I made reference to the fact that the previous three governments had failed to move forward on it, and we can now add two more to the list.

I want to thank the minister for bringing this forward and finding the legislative time in her government's calendar, because that's generally one of the challenging features. I can fondly remember sitting in cabinet when the question was reversed on us: "Of your four bills, which are the most important ones you're bringing forward?" You see, when you bring forward one or two, you have to put two or three others back into the queue. The minister has made a conscious decision to move this forward. For those less informed of the procedures around here and in cabinet, that is very much one of the challenges a minister has. That's an immediate concern. The long-term concern, of course, is when an entire government goes through its mandate and fails to do what it said it might do while in opposition.

We have been using the method of a private member's bill to deal with these reforms, and this caused a considerable amount of concern to advocates. I fondly remember the concern of Holly Kramer, because we had worked very hard to try and get the bill passed in the past. She's an activist with Parent Finders Inc. She certainly didn't have any trouble finding her way to my door 20 years ago to encourage me to work for and advocate on behalf of adoptees in our province, and it's something about which I've been able to maintain contact with Holly over those years.

I doubt members will want to read my entire speech from Hansard on May 12, 1994, but I also raised some concerns about specific cases. The minister herself has raised many good-news letters from families. I had one that I read into the record that involved my own constituent, and I'm going to read briefly from that:

"I have a case that I brought to the Minister of Health's attention, not that this is a typical case"—and it certainly wasn't—"but a case where an eight-year-old child in my constituency"—the children's aid society had not disclosed properly to the adoptive family the nature of the child's condition and the family history. It had

asserted that the child had come from a healthy, happy family and that there were no medical problems. This child, who is a constituent of mine, is suffering serious problems with his health, and “what we’ve been able to uncover by finding the birth parent—the mother’s 28 years old, she’s confined to a wheelchair and she’s gravely ill, the father was a persistent drug user. This information at the time of adoption, if it had been shared, may have changed the parents’ minds in terms of adopting, but more importantly, it holds the key” to their understanding of their child’s medical problems and conditions.

**1610**

Again, the minister would be familiar with the day she tabled the bill and my express desire to support legislation that allows for greater access to medical records. I think that’s a critically important issue here. It’s a compelling argument, especially now, with the way health care has such tremendous abilities, through research, genetic coding and so on, to unlock some of the health challenges for many of our citizens. As our technology, medical treatment and research improve, people are going to be able to benefit more greatly with this knowledge. It becomes an instrument of their better health outcomes and a better understanding of some of their challenges.

I’m aware of another family where there were mental health issues with a child who was adopted. Once there was a match made, it was a lot clearer why some of these problems were inherent in this child. The family was able to work, through counselling and other methods, to ensure that the path to greater health was accelerated with the importance of shared knowledge about the child’s birth parents.

This is a very important part of this legislation, and through the process of amendments and of public hearings, we should be in a much stronger and better position to make sure that this particular legislation achieves as much as we hope it will. That is an important feature which I personally support, and I know many of my colleagues in the Conservative caucus have indicated that this is an important part of the legislation that they’d like to see move forward.

I mentioned a bit about counselling. My colleague from the NDP, the member for Toronto–Danforth, has put her mind around the issue of counselling. I know that the current bill eliminates it completely, and I’m not 100% sure that that’s the very best decision for the government to make. I know that Ms. Churley’s past bills included, based on very wise advice from Parent Finders and other organizations that advocate on behalf of families, that counselling be made available.

The question is the mandatory nature which is currently contained in the legislation. I don’t think that making it mandatory is as helpful as making it optional for those families who need it. Clearly, if families get into a situation—I’m talking in the future—where they find themselves repatriated with the information and a match with a family member, then you would find a

situation where the records are shared with both parties. There are some families who will need counselling supports and won’t necessarily be able to afford it, or they may get well into the process and find themselves in difficulty and in need of support.

I remember a case where we were helping a family with just the personality differences alone: two sisters finding their birth mother, and none of them knew the other. In the process of making all the connections, one had a tremendously positive experience and another one had a very negative one. I remember them coming to my constituency office and sharing that with me. Of course, counselling was available, which was very good. But these young women did not have the means to provide for their own counselling out of their own pocket. That has to be a concern. We need to have some assurances that that kind of counselling will be available for those families and individuals who require it.

Again, in the absence of the minister giving us any clear information about costs or commitments in this and any future budget years to assist this process to make it occur more efficiently, more effectively and with a greater degree of compassion, then we really need to have some input from the adoption community about this issue of counselling. There is very little in the e-mails, letters and correspondence I’ve received over the course of the last month that addresses that important issue. I know my colleague from Toronto–Danforth will be speaking to that at greater length, not only because she has listened well to the community who advised her but because she has also gone through the process herself.

The other point she will stress, and I will too, is that you don’t want the counselling to become an impediment to processing the connection and to the ability of a birth parent and an adoptee to connect. Removing it completely obviously will not interfere with this in time, but it will create some impediments. If it is optional, I wouldn’t want to see it slowing down the process. We have to put our minds around just exactly how we would do that. Generally, that means, will we commit sufficient resources both to process the application and the records and also to provide the actual counselling itself? Again, we will be calling upon the minister to clarify that point and to make some degree of commitment for this legislation.

I’ve raised the issue of how soon would there be proclamation after the bill is passed, and when can adoptees and birth parents know they can begin tapping into the process to get the process to work for them? The waiting lists are still very long under the current process, so there are backlogs. That’s one issue. Those backlogs exist because the resources are still not committed in substantive form. I know when our Comsoc minister, back in 2000 or 2001, committed an additional almost \$3 million to assist with clearing up the backlog, it was rather helpful. But once those backlogs are shortened, they generally start creeping up and getting longer again if you don’t provide multi-year financial commitments to that department to assist with making connections. This

is an area where we really want to make sure we've done our due diligence and we're able to determine that the level of commitment financially will allow this bill to proceed in a predictable way that is helpful for both birth parents and adoptees who are seeking information and seeking to make a match and a contact.

There are several other issues. I read the story about the children's aid society and the disclosure issue. I want to raise another part of that, and that is the issue of litigation. There have been cases where information contained in the records or information that eventually may come to light is contrary to the information in the adoption records, and this opens the door for a substantive amount of access to litigation.

**1620**

Now, litigation exists in just about all aspects of human relations, and this is no different. However, the experience in the courts to date is very limited, and it is limited in part by the very nature that there are so many hurdles to go through in order to make a match and there is the issue of the disclosure veto that has historically been in place and so on and so forth. So there is concern that there may be some approaches to litigation as a result of the information that does come out.

A lot of people are not talking about this, nor do I expect them to. The CAS—the children's aid societies—if they are concerned about it, they are not saying anything. If they are concerned about it, they are not really stating it publicly. But for those of us who have had families that we've worked with over the years, this issue has come forward. There have been a couple of cases that have been in our courts, dealing with information that wasn't matched in a honest way. The results of those court cases have been rather costly for the agencies involved. So, again, I hope that we'll be able to discuss this. In no way is it going to interfere with the progress of the bill and in no way will it, in effect, cause the bill to be radically changed. But I think it's important that we put on the record some of the concerns, because there are exposure issues for some of the agencies.

The final issue that I want to raise is the one that I raised with the minister in the House. I want to clarify, as I believe I did with my question, that I thought it was a rather unusual manner in which the minister, in tabling the bill, cast in a political way the suggestion, by association, that Ontario's privacy commissioner, Ann Cavoukian, would have loved to be in the House that day but she couldn't, but sent somebody else. So there were many of us who were rather surprised to read on her Web site the very next day concerns with this bill.

I want to say for the record, as I have all along, that I'm prepared to support the principle of retroactivity. I don't have a problem with that. I'm having a slight problem with the issue of the no-contact veto versus a disclosure veto, but I will probably end up supporting the bill with some minor amendments as it's currently contained.

However, my question to the minister was one in which I felt that, in her enthusiasm, she had been less

than forthright with the issues. I think that is part of the debate. It will be part of the discussions that will occur when we go to public hearings, and then clause-by-clause debate and vote, before we go to third reading in the House.

The chief commissioner's Web site makes it very clear why she is concerned. But I want to state as well for persons who are watching this debate at home that the commissioner, Ann Cavoukian, can in no way impact this legislation prior to its being passed. Her role and her function is such that she is able to comment on this legislation, and she has done so—quite frankly, by the invitation of the minister. She does not have the power or the authority currently in her mandate to say to the government, "You cannot proceed." She simply gives her advice and that of her lawyers in the privacy commission, and she has put on the record some very important concerns. They have to be considered, although as I say, I don't think that they, in and of themselves, constitute a reason not to support the legislation.

Here's what her Web site had to say briefly:

"A new bill tabled today on adoption disclosure can lead to thousands of Ontarians having their privacy invaded, says Ontario Information and Privacy Commissioner Ann Cavoukian.

"Going from this day forward, with everyone aware of the rules, I am in favour of openness in adoptions," said the commissioner. "But retroactively changing the rules and exposing the identities of birth parents who entered into the adoption process in an era when secrecy was the norm can have major repercussions."

"I keep thinking," said the commissioner, "of the young girls who gave a baby up for adoption 20 years ago thinking they were safe, and never thinking that a government would reveal their secrets. Birth parents cannot simply be ignored—they have rights, too."

For those who want to check the Web site, it was quite informative, because the commissioner goes on to say that she is "urging Community and Social Services Minister Sandra Pupatello to amend the bill to give birth parents and adoptees the right to file a 'disclosure veto.'" It goes on to say that the following provinces, "Quebec, Nova Scotia, PEI and New Brunswick have laws where disclosure of adoption information is based on consent;

"In Manitoba and Saskatchewan, consent is required for disclosure related to adoptions that took place before new adoption laws were introduced. And disclosure vetoes may be filed for information related to adoptions since the time of the new laws."

It was British Columbia, Alberta and Newfoundland that "are the only three provinces where adoption legislation is applied retroactively, but even here, each of these provinces provides for disclosure vetoes for earlier adoptions—exactly what Commissioner Cavoukian is proposing that Ontario do. Nowhere in Canada are the rights of birth parents completely ignored."

Again, that is the minister's or—I keep calling her minister—Commissioner Cavoukian's advice, with her

civil rights lawyers in her department, and that's fine. It can be there to guide the government.

As I say, personally, I'm not prepared to vote against the legislation based on her advice. What I was concerned about was that the presentation in the House on the day it was tabled implied that the privacy commissioner, in some fashion, was supporting the legislation. I just felt that was politically inappropriate and unnecessary, frankly, to complicate this bill.

Obviously there has been resistance from the civil service. There has been resistance from groups over the years, or else this legislation would have been passed years ago. That's a fact, but I'm sure someone's going to suggest that the Information and Privacy Commissioner is a relatively new phenomenon in Ontario, and privacy legislation has only been entrenched in law in this province for the last few years.

Here we have a case where we have codified and identified protection in our laws, and yet we have one here where the commissioner is saying, "Please proceed with caution and I strongly encourage you to amend it."

The minister cited as her example that we would be a world leader, and I said to her that I would work with her to make this world-class legislation. I'm prepared to do that.

She cited that, "New South Wales in Australia has been cited as an example where a retroactive adoption law was put into place with unqualified access. Yet, two years after that law came into effect, the New South Wales Law Reform Commission reported that a 'significant minority' of birth parents felt the law violated their privacy; that a 'significant minority' of adoptees disapproved of the law; and that a 'majority' of adoptive parents were opposed to the law. (As well, a year after New South Wales brought in its law, Queensland, another Australian state, brought in an adoption law with core principles similar to what Commissioner Cavoukian was advocating.

The privacy commissioner is bringing to our attention some of the information that the minister hasn't been forthcoming with. I understand the importance of her putting her best foot forward on legislation under her sponsorship, but I don't think it's helpful to the debate to suggest that there are not some concerns being expressed.

**1630**

Although I will be supporting the bill, I think it's important that all issues are put on the table. I'm sure that when the minister presented to cabinet her slide deck filled with her recommendations, there would have been a full disclosure of some of these concerns: from the privacy commissioner, some of the litigation issues I have referenced, and the comparators as to why other jurisdictions have proceeded very cautiously with retroactivity, that the one example in the world that we're aware of has had some difficulty with it.

To the extent that we can make this legislation have fewer problems, that is the purpose of having public hearings, brief as they may be: to ensure that these concerns are raised and to afford an opportunity for the

government and the adoptive community to work out solutions that will work better here in Ontario.

I've commented for the record about some of the concerns. I'd be less than frank if I didn't say that there were some concerns from members of my caucus about the issues Commissioner Cavoukian has raised. I will leave it up to them to express their own personal view in the matter. As I say, for myself, I've waited quite a long time to have a piece of legislation that we can approve, that will provide access to records. Not making it retroactive, in my opinion, would not serve the thousands and thousands of individuals out there who are today having difficulty navigating through the bureaucracy and the disclosure vetoes and the impediments to information that they have historically had to cope with.

I really believe this is a positive step forward. Clearly, it won't be without controversy and it won't be without some difficulty for some families, but frankly, that has been the experience to this point. Not every one of the contacts that are made works out well for families. But it is a fundamental right for individuals to know more about themselves, for both sides of the equation: for those persons who went through the very difficult decision to give up a child for adoption. Those reasons form a long list, they are complex and deeply personal, and I dare say they are carried inside their hearts for the rest of their lives. It becomes incredibly important that we look at legislation that has the effect not only of making the match but of healing the part of that process that has been difficult for so many mothers, and for the birth fathers also, who found that respecting the wishes of the mother—for a whole series of reasons, they too were disconnected from knowing their child or from having access to their child.

For that reason, I will be supporting this legislation. I will be participating in the public hearings, actively participating. I expect we will hear more comments from the adoption community. We strongly recommend that they make some of the other issues in this legislation better known to us as legislators. We get your top-line messaging that you like the bill, that you like the retroactivity for all records and that you prefer the no-contact rule versus the disclosure veto that has historically been in all legislation in Canada, certainly in the past for us here in Ontario. I encourage the wider community to let us know about other issues in this bill that need to be considered.

A substantive amount of legislation is being deleted from the books. We are going to be relying rather heavily on regulations as this gets implemented. We would hope that the government will come forward and let the adoption community, as well as all MPPs in this chamber, know more and more information about what is actually planned by the government.

In the final analysis, I'd like to add my voice and my vote in support of adoption rights in the province of Ontario. It's long overdue. I think the community has been patient with far too many governments, and the credit really is due to their persistence and their compassion and their simple desire to be connected to a loved

one in the time they have. I will be supporting the bill and I thank the members for the opportunity.

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

**Ms. Churley:** I'll have an opportunity to speak to this bill in a few minutes. I'll just say now that I thank the member.

I know I make it sound like I think it's my bill—I can't help it, because I've made so many attempts to get a bill through—but it is a government bill. I will be talking about my support of the bill but also about some of the amendments I would like to see made. With any bill that's brought forward, there are always improvements to be made. I will be expressing my views on what I consider to be some problems with the bill and how we might find ways, working with representatives of the adoption community, the leaders I've worked with for many years, who are all sitting here, to make some improvements.

I am one of those who would like to make these improvements and get the bill passed rather quickly, because I know that after the bill is passed there is still an awful lot of work to be done to change a system that's been in place for a very long time and that, we will all agree, has not been working very well. It's archaic and outdated and is just not relevant in today's society. To change that and ensure that the resources are there to change it, to ensure that some of the flaws in the bill are fixed so that all the information that adoptees and birth parents need to conduct searches is available—these are things we have to work on, and we all know that.

But we finally have at least a starting point. I think it's really important that we get through this bill in a reasonable way, that we get it to committee, get some amendments in and get it back to the House and hopefully have it passed so it doesn't end up as some kind of bargaining chip at the end of the session, which is usually what happened with my private member's bills in the past. We're not going to let that happen, are we? It's not fair to the community and to all of those people who have been working on this bill for so long.

**Mrs. Carol Mitchell (Huron–Bruce):** I'm certainly pleased to rise in support of Bill 183. I wanted to comment on a few of the things that the member from Burlington said in his support of this bill, just to set the record straight. I have worked extensively with the minister's staff, with community and social services. I must say that I have always found their staff to be very supportive, answering all my questions, and very helpful. I say to the member from Burlington, maybe it's just a communication gap with his own staff. Sometimes, if we just ask a few more questions, we can overcome these things. I know, speaking from my own experiences, how wonderful the minister's staff has been to work with.

1640

With regard to the mandatory counselling—I'm sure this will come up as clause-by-clause is dealt with—one of the things I would like to say is that I have found, talking to my constituents in Huron–Bruce, there are concerns raised about this. Making it mandatory, they

feel, is not dealing with it in a manner that they are supportive of. It should be up to the adult to determine if in fact they want counselling or not, and those services would be available within the community.

Just to set the record straight, I want to make a comment about New South Wales. After the two-year review, what changed? I can tell you: Nothing changed. That, in my mind, speaks volumes about what they did in New South Wales, even after an extensive two-year review.

I thank you for allowing me the opportunity to speak to this bill. Once again, I do want to say how strongly supportive I am of this bill.

**Mr. Dunlop:** I'm very pleased to rise to make a few comments on the member from Burlington's lead-off speech on the second reading of Bill 183, the adoption disclosure bill. He mentioned a couple of times during his comments his interest in this particular bill and the number of times he's spoken in this House over the years on adoption disclosure and what a sensitive issue it is.

I think what's important here today, as we work our way through the lead-off speeches and look toward further debate in this House, is the fact that we do know that some members of this House, some members of the opposition, have some concerns with the legislation. They certainly will be bringing forth amendments. We really want the government to seriously look at any of those amendments and to have a good debate. If there are going to be amendments to a bill of this magnitude, we want to make sure the bill is passed and it's accepted, and that we get the bill right. I think that's what's really important.

I thank the member from Burlington for his comments, because he made some excellent points on the bill itself, but I also look forward to the member from Toronto–Danforth, who will be speaking in a few moments. She has a number of key points that she would like to see addressed in the bill. I've supported the member from Toronto–Danforth in her private member's bills in the past.

I look forward to the debate in this House and to committee hearings that will actually see the amendments listened to. I hope we're not going to gang up on everybody here and just pass a government bill, when there are people with a lot of concerns about this legislation who would like to see proper amendments put in place making sure that the government gets this bill right. I appreciate this opportunity to say these comments right now.

**Mr. Dave Levac (Brant):** I appreciate the opportunity to speak for just a moment. I want to go back in history to when I was in opposition, in general government committee, and the member from Toronto–Danforth put forward a private member's bill. We did have a nice talk, not just at the committee level. The good doctor in the visitors' gallery made a deputation; quite a few people made deputations.

After listening to the human story behind this issue, it was almost impossible for me to look these people in the eye and say we shouldn't be doing something. It made

perfect sense to me that we have to find a way for this human story to come back into this place. We've talked about that at private members' hour; we've talked about that at this legislative level.

I want to get the right legislation out there, and I think the debate should be based on the premise of where we want to be and how to make it better, instead of any side scoring points on whether it's wrong or it's right. What we should be doing is having the discussion about this fundamental flaw in our society and moving it forward. I commend the member, as I have been talking with her over the years about her attempts. The member from Burlington—the same thing: making the attempt to try to address this human story. I think that far too often we forget the nuances of the lives of the people who have been affected. In my listening carefully to those stories, I couldn't help but be affected and understand that something needs to be done.

I encourage us all to take it as a foundation and move forward, not finding fault for the sake of finding fault, but finding improvements to make an even better piece of legislation. By doing that, with all the people who are advising us, I am convinced we can come up with legislation that puts this thing to rest.

**The Deputy Speaker:** Member for Burlington, you have two minutes to reply.

**Mr. Jackson:** I want to thank those for commenting.

I want to remind the member for Huron–Bruce that, on the issue of ministry staff, I was talking about the bureaucracy. The problem is that this minister has had a gag rule against any member of the House talking to the bureaucracy. You have to go through the minister's political staff. My experience for all these years has been that political staff do what political staff do best, and that's to protect the minister. Really, the truth doesn't need that much protection, and that was my point. There have been concerns by the bureaucracy about proceeding in this area, and that's a matter of public record. The member for Toronto–Danforth and I can attest to dozens of meetings where we've had all that push-back. I don't doubt for the moment that the minister's political staff were delightful. I certainly don't have a communications problem with them. It's the fact that you can't talk to the bureaucracy in this government, and I think that's shameful, frankly.

On the issue of counselling, again, the member for Huron–Bruce missed my point. My point was, who is going to pay for it? There are low-income families and others who need access to that counselling. Today it's available; it's provided at no cost. This eliminates that, and so now people are going to have to come up with this money. I don't want this to be seen as a cost-cutting measure. We are dealing with human relations.

Finally—I don't have time to read the full record in—I received one letter from someone who is quite concerned that there is a gap in this legislation. They talk about, "The face of adoption has changed, the terminology has changed, but one major thing hasn't. Natural mothers and fathers still do not have a voice, and the sales pitch and

guarantee to adopters is intertwined in this no-contact clause. Given the fact that the children's aid society has no one overseeing their human rights abuses, that CAS handles most of the record-keeping..." The letter goes on. The point is, open adoption is not addressed in this. People have to wait until their child turns 18 before they will get that information, and they are desperately seeking some support in this legislation.

**The Deputy Speaker:** Further debate?

**Ms. Churley:** I didn't know I was going to get an opportunity today to give my leadoff speech in this area and I went back to my office to dig out some files to try to figure out what I was going to focus on today. Of course, over the years, I had no idea how many files I had. There were so many, I just grabbed a few and picked things out. As you know, this has been a long battle that I have been engaged in for a number of years. Bill 14, Bill 16, Bill 77, Bill 108, Bill 88—I think it was. There was a private member's bill by Tony Martin when we were in government, and it just failed to pass. It was held up before the House prorogued and that ended that one.

Then there were all the other bills, including Bill 77, which I brought forward under the Conservative government. It actually went out to committee. As we all know here, we need to change the private members' system because there is definitely a flaw that I'll get into in a bit. But it went out to committee and we had public hearings on the bill. Many of the people who are sitting with us today, leaders in the adoption community, came, as well as just rank-and-file people who were impacted one way or the other by this issue: grandparents, birth parents, adoptive parents, adult adoptees—some of them with their children—and we heard their stories. I know there had been hearings in Ontario before, hearing people's stories.

**1650**

Even though the majority of people in this Legislature, from all parties, supported the bill, we were never able—because of the kind of system we have here in terms of getting substantive private member's bills passed, we were never able to get it through. My caucus colleagues will tell you what I went through and what I put them through at the end of every session when my adoption bill would be caught up in the whole long list of things that were being negotiated at the end of the session.

Now, to be honest, I don't think my caucus colleagues believed that the Conservative government was going to let it pass at the end of the day anyway, because even though there were few, they were very ferociously opposed to the bill, and everybody has noticed that it's a very emotional issue. So every session, that would be hanging out there, and I would be so desperate along with the community this time, because so many people supported the concept and the idea, that we would be able to get it passed, but it just never happened. I'm very pleased that the Minister of Community and Social Services has come forward with a government bill, because it's highly unlikely with a majority government, and particularly given that our whole caucus supports the

bill and wants it to move forward and I believe that the majority—I don't know how many of the Conservative Party are outright opposed to it. I know some of them have expressed concerns.

I agree with the member from—where are you from again?

**Mr. Levac:** Brant.

**Ms. Churley:** Brant, exactly, who has always been extremely supportive, as have many of the members who are sitting in this House today. There are some new members and I don't know where they stand, but I know that with most of them I've had an opportunity to talk to, some needed to think about it and some were very clear. For some people, there may be that little secret in your family that you don't know about, but if you don't have some member of your family who is directly impacted by this, it's also an issue that, given how busy we all are, until you really delve into the complexities of it, you don't get it. I found in one of my files—the five times I brought forward the bill, I would go through the same process over again—we all do that when we have private members' bills, writing to each and every member, "Hope you'll support my bill, here's what it does, with background material"—and I certainly found a lot of that. I also found in the files just tremendous letters of support from many members in this Legislature who I know tried hard in their own caucuses through those years to help us get it through.

What is important today is that this is a government bill and, with majority support, it will pass, and it's just fantastic. I remember meeting with the minister shortly after the Liberals won the government. I was met in a very friendly and receptive way by the minister and her staff, and I and my staff, and we all met and discussed it, and we figured out what work needed to be done and who was doing what and that I would provide information and that they would get information and start meeting with members of the community and the work started to happen. That was incredibly important, to know that the work was happening, that previously, quite frankly, because it was a private member's bill, except in our government where we did do the work, and ironically, I must say, I was the Minister of Consumer and Commercial Relations in our government, but I was also the Registrar General, and this was before I found my son. This put me in this very strange position where I really had to question my integrity.

*Interjection.*

**Ms. Churley:** Fortunately, they are up in Thunder Bay, but can you imagine? All of my adult life, after I had a son as a teenager and gave him up for adoption—and I'm not going to spend a lot of time talking about my personal story but I'll tell you a little bit about it—I always wanted to find my son, but I had decided that I would wait until intuitively I felt the time was right. I had registered with the government and Parent Finders and all of that and hoped that he would find me.

Then I became Registrar General and it occurred to me that I was in charge of all of those files, including the

personal and confidential files of my son's birth. Can you imagine being in that position? I won't lie to you. I had some fantasies of going up to Thunder Bay and saying that I needed to look at certain records and sneaking into these files. Of course, who wouldn't? Wouldn't you? But I never did. Obviously, I was in a trusted position. I was a minister, and that's all about integrity, and I certainly could not and would not do that. But I have to tell you, it drove me crazy knowing that it was there and I could, maybe through devious ways—they might want to know why I was trying to get into those records. Nonetheless, of course, I didn't do it, but it did spur me to think that the time had come to actually conduct my search. I did it, and I'll just tell you a little bit about my story and get that out of the way before I go into some details about the bill.

It's public knowledge. I have written about it in the Toronto Star. I had a child as a teenager and gave him up for adoption. My family didn't know about it, which is often the case, or sometimes it's families who will work with or force their daughters to give up their children.

I gave up my child. As any birth mother will tell you, when they say goodbye to that little person they've carried in their body for nine months and they have to go through the pain of childbirth pretty much alone, as I did, and say goodbye, they promise—I remember staring at that little boy, that little baby, in the bassinette behind the glass. I only got to touch him; I never got to hold him. Right after he was born, I was able to reach out and touch his head. But I looked through that glass and they brought him over. I said, "I will find you some day," and I did. I think that is the reality for most birth mothers.

When we hear that birth mothers were never—that's one of the things we hear a lot, that birth mothers were promised confidentiality. I want to be fair. There may be some in certain circumstances, and certainly the privacy commissioner has said she's heard from some of those, whose life circumstances are such that they're worried. That's why there's a contact veto, and I'll talk a bit more about that in a moment. But the vast majority of birth mothers—and, in some cases, birth fathers, but particularly the mothers—it is our goal, it is our passion that one day we are going to reunite with our children. Having said that, let me also say to adoptive parents, and certainly my son's adoptive parents, who are the nicest people in the world—my son really lucked out.

We located him through the help of Holly Kramer from Parent Finders. I located him over—and I'm not going to go into that long story, but eventually we found him. I remember the first time I talked to his adoptive parents, who are his parents. I was a bit worried, because I was going public, about how they would react. My son's adoptive father said to me—it was a very emotional conversation—the sweetest thing that you could imagine. He said, "Marilyn, we always considered you to be part of our family because if it weren't for you, we wouldn't have our son." He said that to me, and I think that that's how most adoptive parents feel. But there's no doubt about it that there are some adoptive parents who are very concerned, and that's documented, that somehow

the birth mother is going to reach into their lives and take away their children. Of course, that's not possible.

I raised my beautiful daughter, Astra, whom I had under much better circumstances when I was a little older, some years later. She grew up as an only child, but there was always this shadow, which she eventually found out about, but that's another story for another time. There was always this shadow in our lives. The minister read a letter from somebody who said they missed somebody they had never met. There was a shadow, always, in our lives.

**1700**

The reality is that I didn't bond; I didn't raise my son. His adoptive parents took him home as a newborn and bonded with him and raised him and did all the things we parents do with our children: when they become teenagers, the first time they come home drunk; the first time they get all As in school; being up in the middle of the night, dealing with fevers and sickness—all of those things that create a bond between parents and child. I never did that; they did. To any adoptive parent who has concerns about that, even if there are problems in the relationship, which sometimes is the case, no birth mother can come into the family and take away the bond—you would know that—that exists between the parents who raised the child and the child.

Having said that, I will say to you that there is also a bond between the birth parent, the birth mother in particular, and the child, for obvious reasons. So the relationship I have now with my son: We found his biological father in BC, who came—he recently got married—there's a whole bunch of other relatives out there, and we've all come together and met.

It was a tremendous event, where what we found out, as one big, almost unmanageable family—and it's not like we're best buddies and spend all our time together—that we like each other, we respect each other, and we all love this one particular person. That's the bond we all share. What we have discovered is that there's enough love to go around, and that's what it's really all about: that it's not a threat to anybody; that we all have different roles in our children's lives.

I also want to point out that not everybody who reunites has such a happy story. That's something we heard quite frequently from people who came to give deputations to the committee. But what everybody said, and I have not heard anybody say otherwise, even if it doesn't work out—either there was a rejection in that the person didn't want to be contacted or they found out not very flattering things about their birth parent or adopted child or whatever—was, “Now I know.” That is something most of us take for granted.

We grow up with our parents saying to us, “Oh, you sound just like your Aunt Edna,” or “You've got your grandfather's nose,” or “You know that funny little tic you've got in your eye? You'd better have that checked out, because for Uncle Sam, that tic turned into something serious.”

I'm delving into a very serious issue around not knowing, because it's a psychological need to know and

a right to know who you are. But now, because we have so much information about genetically passed-on diseases, that has actually become a matter of life and death; it actually has become that. It always was, but it was before we knew about so many of these diseases. If you know in advance that it's in the family, sometimes you can take precautions and prevent it from happening to you. But at the very least you can be prepared for it. You can make decisions as to whether or not you're going to have children yourself. You can change your diet. You can do all of the things, like the special screening that the previous government brought in for women with breast and ovarian cancers in the family, that we take for granted. You talk to adult adoptees who say they go to their doctor and they've got a problem, and the doctor says, “Is there such and such a disease in your family?” And it's a blank slate; they don't know. The way the current system works, if you are diagnosed with a serious disease, you can apply to get your health information, and if it's available, you can get it. The problem, of course, for most of these diseases is that, by the time you are diagnosed with it, it is too darned late.

That is one of the key reasons why I will not and cannot support a disclosure veto. I too have talked at length to the privacy commissioner. When we had committee hearings for one of my bills, Bill 77, she made it clear in her letter to me—and I'm sorry; I don't have a copy or I'd read it directly, so I'm more paraphrasing here—that adoption disclosure falls outside the purview of the privacy commissioner. She said, “It falls outside my area, but I will give you my comments on it, while admitting that it falls outside, and let me tell you why. If you think about it, adoption, for obvious reasons, was left out of the freedom of information and privacy act because, if it wasn't, we couldn't deny adoptees their own personal information. It's that simple. If it weren't excluded, then it might be a problem for the birth parents to get the information. But adoptees, under the law, would be allowed to have their personal and private information.” The paradox of that is just unreal, but that is the situation.

She wrote a letter to the committee explaining her concerns, and we did have a very good meeting to discuss in detail what I consider to be some serious flaws in the argument: that it's also the responsibility of the freedom of information and privacy commissioner to make sure that individuals have access to their own private information; that it's not just about protecting people, but it's also about being in the position to provide that information.

The most important point that I brought up with the privacy commissioner and I want to bring it up here: For those who are having serious concerns about the disclosure veto based on what the privacy commissioner said—because, of course, we all listen very carefully to our very own experts who are put in that position to give us their best possible opinion on any laws that we're making. The minister referred to this earlier, and it is so important that people understand this piece, so I'm going to repeat it. Minister Pupatello and I have discussed this.

Organizations like Parent Finders have been out there for a long time, and all kinds of other agencies and organizations that have been helping people search. But in this age of technology, with the explosion of the Internet, people are finding each other anyway. It's unfortunate that it is two classes of people. For instance, Holly Kramer from Parent Finders was very kind; she didn't charge me very much to do the search for me. It was more, I think, out of pocket. A lot of people can't afford to pay that money when they have this so-called non-identifying information. But what I mean by the two classes is that even on the Internet, for instance, there was a certain period in our history where, believe this or not, children were just given numbers, so they don't even have a name to go by when they get some information. Having said that, there are a lot more people finding each other, through the Internet and through all kinds of other means.

Right now, under our existing laws, with no contact veto, let alone a disclosure veto—no nothing—if you find somebody, there's nothing to stop you from knocking on that door the next day.

1710

The good news, after all these years, is that for those of us who were lucky enough to find each other through other means, we don't do that. Just put yourself in the position of being either the adult adoptee desperately searching for their birth mother, father, siblings or whoever they're searching for—or the birth mother, as in my case, dreaming all these years of finally meeting my son as an adult. Was I going to do anything to blow that opportunity? No.

That is the experience that you hear over and over again: You start off, you write the letter, you find each other and you give each other a lot of time. We wrote letters to each other for a while, sent some pictures and talked about when it would be good to get together. After several months of this, although I was champing at the bit, as you can imagine, I had such extreme respect for his need to give this a little time.

He knew he was adopted. He hadn't registered. He had told me he'd seen my name on elevator licences, though, because he happened in his case to know my last name, and he did see it. But he just thought, "No, it can't be. Nobody would have a mother whose name is on licences in elevators." Can you imagine that? But he needed some time. I feared that if I pushed the envelope there, if I couldn't wait and just showed up, not giving him enough time to be ready for the meeting would destroy his trust in me. That's true of everybody. When you finally do get the information and want to unite, you want it to work and you want it to go smoothly.

So even though the situation right now is that you can do that, people don't. But as more and more people are finding each other—for those who are concerned that the new legislation, because it's opening up records and allowing disclosure, is actually going to cause people to just start showing up more than they are now, it doesn't happen now when it can.

The fact is that, whether you like it or not, from looking at other legislation that's way ahead of us and at evidence in other jurisdictions, I'm one of those who now believes that we don't even need contact vetoes. There are some groups who feel, "Who is the government to say who people can or cannot meet?" Nevertheless, the contact veto is there for that very purpose: to give comfort to those who are concerned about that very aspect, and that is the person showing up at the door and ruining a family or a secret that's in the family that could cause all kinds of problems. Those things we shouldn't take lightly.

But the irony of the situation, and what I tried to point out to the privacy commissioner, is that if that is her concern—she said very clearly that her concern is that the poor birth mother, who thought she was promised confidentiality until one day the adult child shows up at her door, needs to be protected—then all the more reason to support this bill with the contact veto, which will mean that there's some legislation in place that would have to be adhered to.

I found the article—there have been so many lately—by Evelyn Gigantes very interesting. It was published in the Toronto Star on April 11 in response to the privacy commissioner's concerns and editorials in the Globe and the Star supporting the privacy commissioner's concerns. I found this interesting, because there was an editorial in the Star on my bill, which did not have disclosure veto, supporting it and saying very clearly that people had the right to their own information.

Ms. Gigantes's article was very good. It talked about that issue and some of the problems with it. For those of you who don't know, she's a former Ontario Minister of Health, a former Minister of Housing, a colleague of mine when we were in government, and just a wonderful human being. I'm going to read you a little bit of what she has to say:

"Same Objections on Disclosing Birth Parents Were Made in the Ontario Legislature in 1978

"It is disheartening to witness the current debate about reforming adoption information disclosure in Ontario."

As an aside here, in 1979, I'm proud to say, it was Mr. Ross McClellan, New Democratic member, who put forward a private member's bill that resulted in North America's first official disclosure registry, right here in Ontario. I'm really proud of the fact that New Democrats have been strong and effective advocates in this area since way back in 1979, when we were leaders in North America.

Ms. Gigantes goes on to say, "Editorials in major newspapers and even the Ontario privacy commissioner have criticized the opening up of information proposed by social services minister Sandra Pupatello.

"As early as 1978," and Ms. Gigantes was here at the time, "the same hypocritical objections were raised in the Ontario Legislature.

"Then, as now, the argument was made that legal secrecy around adoptions is mainly to protect the privacy rights of women who gave their children for adoption.

“That argument was wrong in 1978 and I hope it will be rejected now, nearly 30 years later.”

Then she goes into describing some components of the bill and some of the quotes from former members who did not support disclosure over the years. But I want to skip to what she has to say about the privacy commissioner’s remarks on this:

“The privacy commissioner’s public statement is curious. She cites a report of the New South Wales Law Reform Commission (LRC) in 1992 about changes two years earlier providing legal access to birth records in that state.

“While she acknowledges that the LRC found the principal objectors to the new openness of adoption information were adopting families, she fails to mention that the commission’s report on the New South Wales Adoption Information Act of 1990 was overwhelmingly positive, in terms of the act’s principles, administration, effects and public acceptance.

“This extensive and important New South Wales LRC report documented that, during the 14 months of open birth records, 15,985 individuals had sought information and 30% of them were birth mothers.

“Given that many birth mothers could not apply, having died before the law was changed, this is strong evidence that birth mothers are being ‘protected’ against their will.”

She goes on to talk about the other positive aspects of that report. I read the report because it was of great interest. It was one of the few in-depth reports that were done to look at the impact of open adoption records, and it was an overwhelmingly positive report.

Of course, in any law, no matter what it is, there are always going to be some issues and some problems. You cannot bring forward a law that doesn’t have some negative impacts sometimes on some people, but to pick on the one small part of the problems—very minute problems, actually—in an overwhelmingly positive report and how well it was working out for all parties, I think misses the point. It’s important for people to understand that, with all due respect to the privacy commissioner, because we always respect the opinion of our experts, as I said earlier—as she said to me in a letter when we were at committee with one of my bills, and I know the minister quoted it in the Legislature the other day—again, I’m paraphrasing—at the end of the day, this is a very complicated and emotional issue and needs to be decided by legislators, and that is exactly what we’re doing. That is what we’re doing here.

**1720**

We’re not reinventing the wheel here. It’s interesting to note that when it comes to disclosure vetoes, BC is way ahead of Ontario. They’ve had the laws changed for a number of years—and England since the 1970s. That is how far we are behind here. But some of those jurisdictions are now looking at getting rid of the disclosure vetoes because, when you think of it, what it does is it sets up two classes of people.

Why, in heaven’s name, after all these years of trying to get these laws updated—we’re so far behind now; Ontario used to be a leader, in 1978, in North America—would we bring in a bill that would not completely fix the problem and would create two classes of people? Albeit the class that couldn’t get their information would be a very small percentage, there would still be a class of people out there who couldn’t get vital health information, who couldn’t get their own birth records and information while everybody else could. Why in the world would we do that? Particularly when the evidence is there, and I pointed it out earlier, that the contact veto works. That is the thing that we have to bear in mind.

Let’s get ahead of the game here in Ontario now. For us to bend to that concern would, in fact, put us behind again, because other jurisdictions—there is a lot of pressure now that they’ve brought in bills with the disclosure veto and the problems that are arising out of that—are going to have to look at reforming their bills again. So we have an opportunity to do it right.

I wanted to read some quotes to you from people who came forward when my bill, Bill 77, one of the five bills, went to committee, just so you get a sense of the support from various members of the community out there. They’re still the same people; they are still around; they’re still saying the same things. I know that they’re working hard to work with the minister and all of us who want to see this bill passed and amendments made to deal with some of the problems. These are some of the things that they said then and are still saying today.

Michael Grand, Ph.D., policy chair, Adoption Council of Ontario, says, “In England, Scotland, Wales, Northern Ireland, Israel, Argentina, Mexico, several of the United States, Denmark, Holland, Norway, Sweden, Finland,” Austria, Germany, France, “New Zealand, Australia, British Columbia, Newfoundland, the Northwest Territories and Nunavut, adoptees can approach the respective birth registries and obtain identifying birth information.” Of course, there have been more added since then.

Kariann Ford, an adoptee, said this: “The adoption agencies are neglecting to pass on” medical “information given by birth mothers who are trying to help their adopted children. Life-saving information is being withheld ... by the very organizations that have been put in place to help and assist.” Kariann Ford was very courageous, and she came forward publicly to the committee and talked about her horrendous situation. She’s a perfect example, and there are many more, of somebody who inherited a life-threatening and very serious disease, didn’t know about it, had three children and passed it on to them. By the time she found out—she’s very, very ill—she realized that had she known, she would have taken perhaps different steps in her life, as well as she could have done things to mitigate it, even though there was nothing she could have done in this case, as I understand it, to stop the onset of the disease. So she came forward as a living, breathing example of the issues out there around not knowing your health issue. In some cases the health information is there, but not passed on to

the adoptive parents and the adult adoptees, who don't get it unless—well, I don't have time to go into the present system, but I described it earlier—unless they get sick. By then, it's frequently too late because you can't take the precautions that you might have, had you had the information.

Wendy Rowney of the Coalition for Open Adoption Records—and I should say that Wendy and Michael are both patiently still sitting here, along with Karen Lynn, Holly Kramer and a whole bunch of others; I know it is dangerous picking out names, and I could go on. Have been strong advocates and worked very, very hard to help me get my bill right, and they're now working very hard with the minister so that she can get her bill right. We want to thank them for all of the work they have done over the years. They have been fearless and courageous, and sometimes really annoying because they never stop. That's why we're here today. Of course, they're smiling; they know that I mean "annoying" in the nicest sense. They're very good friends of mine, and it's because of them and other advocates who go way back—some certainly before we got involved—that we are here today, and we really owe them our gratitude. We can take lots of credit and it can go all around because there are a lot of strong advocates here, but they are the heroes in this situation and they do deserve a round of applause.

Here is what Wendy had to say: "There have been no serious breaches of veto anywhere in Canada. No one has ever accused another individual of violating a contact veto.... Vetoes work. They provide privacy for the small minority who seek it."

Here's what the Ontario Association of Children's Aid Societies said: "The OACAS supports the underlying philosophy behind Bill 77. We're of the view that the time is right to bring about greater openness in the adoption disclosure process. ...it would indeed be unfortunate for this bill to fail to be enacted after all the adoption disclosure bills that have come before the Legislature in recent years."

Andrea Németh, an adoptee, said, "Every other adult citizen of this province has the right to his or her original, unaltered birth information. For no other reason than that I was adopted as an infant—an arrangement into which I did not enter and from which, even as an adult, I cannot leave—I am denied that right." That is what Andrea Németh had to say. When you think about it, it's true: Adoptees are the only people in our province who don't have access to their own personal birth information.

Here's what Karen Lynn, from the Canadian Council of Birthmothers, had to say, and she was here earlier as well: "All of our experience in the adoption community has shown us that the overwhelming majority of birth families welcome contact from their relatives who had been adopted. This includes first mothers. This runs contrary to the assumption that some first mothers want privacy. Will this issue be decided by assumption or fact?"

Terry Gardiner, an adoptee, says, "My adoption was a contract in which my interests were decided by others

because I was a child. I am no longer a child and should have the freedom of choice which every other adult Canadian enjoys, especially in matters which go to the very core of who I am as an individual and as a human being."

Nikki Weiss, adoptive parent, says, "As an adoptive parent, I am in full support of Bill 77. In fact, the bill is long overdue. I believe that our open relationship with" our son's "original family positively and profoundly contributes to his positive and confident outlook on the world and helps our family function normally."

There is another quote from Dr. Grand, who says, "The first thing we must remember is that we are not talking about children. We are talking about adult adoptees and birth parents who are well into middle age and beyond.

"My published study of searching clearly indicated that when adoptive parents and adoptees searched together a stronger bond was formed between them."

#### 1730

Then we have a quote from Diane Mathes, a reunited adoptee and also a therapist. I still remember her presentation because of her dual roles in this situation.

She says, "My reasons for searching for my birth family had nothing to do with being unhappy in my adoptive family. They were initially, crucially, for medical information, because at age 34 I had undergone two surgeries, neither of which corrected the problem but left me progressively worse. At age 39, with medical information from my birth father's family I was finally correctly diagnosed with thyroid disease and immune problems and returned to full health within six months. One of the difficult issues for me to resolve was that the surgeries and the length of time had left me unable to conceive. I believe that if I had had my birth father's family information and been able to address the problem correctly at age 34, my chances for conception would have been at least vastly improved."

Mary Shields, Birth Mothers for Each Other, said, "In the past, the Ontario government has taken the position that birth mothers need their protection. We have never been asked if we want it or don't. Let us speak for ourselves. Open up the adoption records."

Then we had a press release from Dr. Philip Wyatt, who came down to Queen's Park at my invitation for a little event we held for members so that they could understand the issue a little better, back in 2002. Dr. Philip Wyatt, who is the chief of genetics—at the time, anyway—at the North York General Hospital, said then, and I think it's even more true today, "Current adoption disclosure laws put the health of more than 300,000 Ontarians at risk. With our ever-increasing understanding of genetics, now more than ever it is important for every individual to know his or her genetic history. Without this knowledge, adoptees are at risk."

He also says, "Adult adoptees cannot access their own medical history until after they show symptoms of a fatal disease. Current laws make it impossible for adoptees to take informed preventive action. Without accurate patient

information, doctors can misdiagnose illnesses and prolong suffering. Adoptees can die because of this injustice, or unknowingly pass on conditions to their own children.” I gave you one example of that, and there are many more.

In the 15 minutes or so that I have left, I want to talk directly about the bill, which I am supporting and, as I said, am very, very pleased is before us. We’re finally having this opportunity to debate it, knowing it has full potential to pass into legislation. I have said that I’ve been talking to some members in the adoption community who know this legislation in the world, in other jurisdictions, inside out. They are the experts and they’re certainly the ones who—I see Karen Lynn is back now. I quoted you, Karen, when you were away. Karen Lynn is another strong advocate and a very courageous and strong woman, too. We’ve gotten to know each other very well over the years. We’ve shared wine and shed tears together, haven’t we? All of us. Michael and Wendy and Karen.

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** I’ll drink to them.

**Ms. Churley:** Yes, we’ll drink to them. They’re good people.

I want to talk a little bit about some of the concerns around the bill, which I talked to the minister about, and we’re going to work in a co-operative way to try to resolve some of these issues. One of them is, of course—I think perhaps the most serious one; I think there are remedies to this that we have to think about—that as the bill stands now, as it’s tabled, it repeals the right of adult adoptees and birth relatives to access their information that has always been referred to as—certainly what I got helped me find my son, because without it I couldn’t have done it. It’s called non-identifying information that is held by the children’s aid society. That was a right that the adoption community—and I know that Parent Finders was really involved in that fight back in 1987.

For people who don’t understand the distinction, what has been locked away from people is their own birth information: their birth certificate and registration, with their real name, their birth parents’ real name and that kind of thing.

The other thing, and I went through it myself, is where you work with a social worker. You give as much as a teenager knows about your parents’ health information—especially when it’s a secret from them. You don’t know very much anyway, but you give what information you can, and it’s in a file at CAS. That file contains that so-called non-identifying information.

I wrote to the children’s aid society and requested the so-called non-identifying information, and I received that information. It really helped me in my search. This is the point that I want to make: Without that so-called non-identifying information, there are no names, no addresses or any of those things attached.

*Interjections.*

**The Deputy Speaker:** The chatter level is rising a bit. I wish you’d give co-operation to the speaker.

**Ms. Churley:** That information is really critical for those who are searching. Just think about it. When you get the original birth information—the name of the birth mother—if she had the child at 16, think of the changes that will have happened in her life since that time. She could be living somewhere else across the world; the name could have changed. All kinds of things will and do happen.

So that other piece of information—we don’t want to see a situation where we gain one right and lose another. I know that’s not the minister’s intention here, and I know that we can work to find a way to make sure that that doesn’t happen, but I just want to point out that was not part of my bills. I made it very clear within my bills that that right would also be maintained: the ability to get that information through children’s aid. All of the private members’ bills that have been introduced—I forgot to mention this earlier, and I should give credit as well. I mentioned Tony Martin, but Alex Cullen, who sat in this House some years ago—

**Mr. John R. Baird (Nepean–Carleton):** Oh, God. He was downloaded to the city, wasn’t he?

**Ms. Churley:** —be nice, now—also brought forward a private member’s bill and was a strong advocate as well.

**Mr. Baird:** I supported your private member’s bill.

**Ms. Churley:** Yes, you did. John Baird is back; you can tell. Yes, John Baird always supported the private member’s bill but did not have whatever it took to get his caucus to get it passed. So there you go. But he did support it.

**Hon. Ms. Pupatello:** It’s a girl thing.

**Ms. Churley:** It might be a girl thing, yes.

This is a very important problem with the bill, as discussed with the minister. We absolutely cannot be in a position where, in order to accept what we’ve been fighting for for many years—access to original and personal information that’s locked away—we lose the opportunity and ability to get this other information, those files that give that kind of background information that helps you in your search. Without that information, it could really frustrate the efforts of a search. I know that it’s not the intent of the minister to do that, and we will have to find a way to fix that in the bill.

I mentioned before, when I spoke to this bill the first day and I hadn’t had a chance to look very carefully at it—of course, I now have, and I’m very pleased to see that the bill, except for this one major problem and a couple of other smaller ones, does echo the most important components of all of the private members’ bills that have been brought before the House and the advice from the adoption community, and that is that it gives adult adoptees unqualified access to their own birth certificates and adoption orders, regardless of when the adoption took place. Birth parents have similar access. That has always been at the core of all of the private members’ bills that I’ve brought forward, and others, and this bill reflects that.

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The bill, of course, is retroactive. Those who say it shouldn't be retroactive completely miss the point, because that's what the bill is all about. Most, if not all, adoptions today are open. I get heartbreaking letters from women in their 80s who gave up a child when they were young, and they're ill and they desperately want to find their children before they die, to know that the child they gave up for adoption is OK. It may be, if possible, an opportunity to even meet. So it's absolutely critical that it's retroactive because we're fixing a wrong that we thought at the time—

**Mr. Baird:** It's not the same bill.

**Ms. Churley:** No, it's a different kind of bill; exactly. This bill is about retroactivity. That's what it's designed to do. It was brought in at a time when there was shame around having children out of wedlock; there was shame, believe it or not, for infertile women.

I don't know if anybody here has ever seen the movie *Secrets and Lies*. I recommend it to everybody. It's a British movie, and it's a very funny, compelling, and also—

**Hon. Ms. Papatello:** This is a good movie.

**Ms. Churley:** Have you seen that movie? You laugh, you cry—

*Interjection.*

**Ms. Churley:** I'm trying to remember; if you think of it, let me know. Go out and rent it: *Secrets and Lies*. It's all about the two who converge in this movie: a woman who'd given up—there are hilarious parts to this movie—a child for adoption, and her husband's sister, who can't conceive, and all of the intertwined shame and problems around, on the one hand, the secret about the adoption and, on the other hand, the shame around the infertility. These laws were brought in when that was the norm. They were brought in when there was a lot of shame around these things, but that stopped a long time ago, on the whole. This bill is to fix that wrong that we all know now—it has been outlined many times—has caused intolerable, unnecessary suffering, and continues to do so.

The disclosure veto is not in the bill. Again, I've gone into some detail today about why it is important that we stick to our guns on that one. We cannot bring in a bill that sets up two classes of people once again. The contact veto I've already talked about, and so has the minister. The provision of updated medical information to adoptees: In my bill I had it mandatory for birth parents who filed contact vetoes to provide adoptees updated genetic and medical information. There's a more permissive approach in this bill. It encourages birth parents to provide the information. I would prefer, given everything we know now about genetic diseases and how little—I gave a personal example. I actually knew about my own family's health, partly because of my age but partly because illnesses appeared in my family since the time when I was a teenager. So I believe that, if that contact veto is filed, it is important that people be asked to

update the files when it comes to health provisions or health information.

There are a couple of other things that are somewhat different. I talked about the disclosure registry—and we really have to deal with that—and the provision of counselling. Right now it's mandatory, which is ridiculous. After I went through the process of locating my son, I didn't need ministry counselling, to line up and wait until an opening was possible, before I could move on.

**Mr. Baird:** You're a grown woman.

**Ms. Churley:** Yes, exactly; I'm a grown woman and can make my own decisions. But the bill did allow for counselling upon request, and I believe that is important and we need to look at a way to make sure that, for those who need counselling, it's provided in a timely way.

A disclosure veto for adoptees in cases where harm is possible: I know that many of us receive—I have, myself—constituents who come to see us, particularly those who adopted children who were taken away from their parents because they had been done harm by their birth parents. Some of these are concerned when they know that horrible, atrocious things have been done to these children whom they adopt. They certainly have legitimate concerns. They feel, the ones I talked to, that their children, when they grow up, should have the right to get the information. But they express real concerns that, when the knowledge is there that that harm has been done, those birth parents should be able to get that information. This bill provides for that.

The timeline for implementation: It says it will be in place in 18 months after the bill is proclaimed. I hope that we can stick to that. As I said at the beginning of my remarks, it's a huge undertaking to change a system that has been in place and not working very well for many, many years—to get it right.

I will end by once again thanking everybody for all of the support that you have given me over the years from all parties. I notice that my colleague Shelley Martel is here. All of my colleagues have been supportive throughout the years, in my five attempts to get my bill passed, and have been through my ups and downs when, every time, I had my hopes dashed. This is a very important moment for me, as I said at the beginning. I was hoping that the day would come when a government—in fact, any government—would bring forward a bill. Some people say to me that it's—

*Interjection.*

**Ms. Churley:** Well, we're not going to be partisan on this one, actually. I know it sounds surprising, but I've worked on this issue too long, too hard. I hope that this is one of those situations where we can all work together with the minister, whose intentions, I know, are good. She really wants to work with us all to get the bill right.

I'm looking forward to the committee hearings so that we can look at some of the problems I've outlined with the bill and we can get it back into the House and have a vote. I would like very much for that to happen very soon.

So there you go. Thank you very much for this opportunity.

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

**Mr. Peter Fonseca (Mississauga East):** I'm happy to speak to Bill 183, adoption disclosure, and I congratulate the Minister of Community and Social Services, Sandra Pupatello, for her fine work.

It was great to hear our colleague from Brant with his heartfelt disclosure around this piece of legislation, and also to listen to the member from Toronto–Danforth and her journey through some of the work that she has done here in this House, but also her own personal life and how it has been affected by adoption.

Adoption disclosure dates back in this province to 1927, and really, the system hasn't been changed; it's still back in the days of the horse and carriage. This piece of legislation will bring it forward to the information age of the 21st century.

The changes proposed to the Child and Family Services Act and the Vital Statistics Act will bring many answers to those adoptees over the age of 18. They'll now be able to obtain their original birth records. It will allow them to see their original birth names, and, in so doing, help them identify their birth parents. In turn, this will also open up information to those birth parents so they can access birth records and adoption orders once the adoptee has reached 19.

What this will allow is to have both parties be able to find many unanswered questions that they've been searching for. I can imagine how many questions many of those adopted children and their birth parents may have about where their children may be, what they look like—also the adoptees, about their personalities. We often talk about nurture and nature. This piece of legislation will allow many of those answers to be told.

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**Mr. John O'Toole (Durham):** I'm pleased to respond to the member from Toronto–Danforth because really, in fact, out of respect for the work she's done, I think the government is certainly imitating many of the points in her own private member's bills that have been brought forward here on two or three different occasions. And I do want to respect my riding of Durham. I have had input from one person who has certainly encouraged me to use her name, because she is a very strong advocate for full disclosure, Julie Jordan.

In every contact I've had on this issue, I think the government, if they're listening, can resolve the contentious points—one is the issue of retroactivity, and this isn't the first instance in which this government has brought forward the issue of retroactivity—and find some transitional way of dealing with that retroactivity issue in terms of the no-contact provision. It has been brought to my attention that the people have always said they would respect the United Nations Convention on the Rights of the Child to guarantee the right to have knowledge of their identity, and I certainly respect that. I think it's important that children have that right—that's been established, I believe—and would want to be on the record as having that right.

I think what's most important here, as the member from Toronto–Danforth has described, is that the child

certainly has the right to know issues that could be of concern as they grow older. So what you are looking at here is that the issue of retroactivity and the conflicts that our privacy commissioner, Ann Cavoukian, has raised, could be dealt with by saying that the no-contact provision would also have the provision—as it is now, it is almost like a negative option. Unless they put the no-contact provision in so that there is no contact, the individual who has since given up the child for adoption, their own life and their own siblings etc., could be affected by that. But there would be no reason why they couldn't disclose the particular birth information—genetic etc. We're in an era of technology, so I think this can be addressed if the ministry is prepared to listen.

**Ms. Shelley Martel (Nickel Belt):** It's a pleasure for me to say a few words with respect to the speech that was given by my colleague from Toronto–Danforth.

First, with respect to the legislation itself and to the minister, a number of points have been raised by my colleague that I think would go a long way to making sure we have an exceptional piece of legislation. It seems to me that after all the years, all the struggle, all the intervention, all the hard work, where we want to be at the end of the day with this legislation, Bill 183, is in a position where we have both the strongest and the finest piece of adoption disclosure legislation anywhere. There have been some very valid and important suggestions that have been raised by my colleague. I trust that this bill is going to go to committee and that at committee there will be a spirit of co-operation from folks from all sides so that we can implement the changes that I think would go a long way to ensuring that we do have a fine piece of legislation that we can all be proud of.

Secondly, there are certainly some folks in the gallery who have been referenced today, and I want to say my thanks to Wendy, Karen and Michael, who in the last number of years since this has been an issue have been e-mailing me and many others who have been here through the various iterations of this bill—and there were many—to bring us the real stories: the stories of people; heart-wrenching, heartwarming stories about why such disclosure was needed and why we had to move on this. So thank you for your persistence.

Last but certainly not least, on behalf of my caucus—the rest of them are in committee and spread throughout the building—I do want to thank Marilyn, the member for Toronto–Danforth. Without her persistence, without her dogged determination to see something done on this important issue, something that was very personal to her but very important to so many other parents across this province, I don't think we would be here today. It hasn't been an easy struggle, and there have been some very disappointing times when this bill didn't move forward. But I want to say to Marilyn, thank you very much for your persistence. We are where we are today because of what you have done. So thank you on behalf of the NDP.

**The Deputy Speaker:** Questions and comments? The Minister of the Environment, the member for—I never have to say it. What is your—

**Hon. Leona Dombrowsky (Minister of the Environment):** Hastings–Frontenac–Lennox and Addington.

**The Deputy Speaker:** Thank you.

**Hon. Mrs. Dombrowsky:** I'm very pleased today to have the opportunity to stand and support the comments that have been offered in support of Bill 183 by the member from Toronto–Danforth. Some may think that it's rather unusual. She also serves in the role as critic to my portfolio, Minister of the Environment, so there is a range of issues where, I guess it would be safe to say, we're not on the same page. But I think the member from Toronto–Danforth knows that from the very beginning I have been supportive of this initiative in some of its previous lives, when I was a member of the opposition. I have admired her tireless effort and her commitment.

I had the opportunity, when the bill was at committee when we were in opposition, to hear from some of the presenters she has identified, the folks who are in the gallery today, and I have to say that I was very impressed with the information they brought forward. We are talking about providing rights to adults for information that we all have about ourselves. I think that is the important point to remember with this legislation. We are going to move forward, to be consistent with many other jurisdictions around the world that long before us have recognized that it's an individual's right to know some very basic information about themselves: when they were born, how much they weighed and what their name was at the time of their birth. Many of us might take that for granted. If you did not have that, it would be something that is a missing piece, a part of you. When I was able to attend the committee hearings and hear from people for whom this information is very important, it again convinced me that the efforts that were being put forth by the member from Toronto–Danforth, and now, I'm very proud to say, Minister Papatello, are so very worthwhile. I look forward to its passage.

**Mr. Levac:** On a point of order, Mr. Speaker: I have an understanding that the member from Nepean–Carleton would like to speak for two minutes on this item. I would seek unanimous consent to provide the member with that opportunity.

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

**Mr. Baird:** Thank you very much, to my friend from Brant.

I just wanted to congratulate my colleague from Toronto–Danforth for her remarks. I know the support for the bill is not unanimous in the House, but I want to rise to indicate that she gave great remarks. She has put more effort into this issue than probably any member in my 10 years here, and on any issue that has been of concern to their cabinet or critic responsibilities. I want to congratulate her for that.

I also want to congratulate the minister for moving forward with this legislation as a government bill. When you present a private member's bill, I think that one of

the best things that can happen to it is when it is taken on as a government bill, and that's a good sign. I want to acknowledge the work of the minister in this regard. I thought I would be able to complain about the minister and the policy she pursued, but I'm looking for other issues with which I might oppose her otherwise objectionable political philosophy.

To thank the government: This, to me, is an issue of human rights. Some may not agree, but I don't think the government should be holding information about you, something that is so personal and fundamental to who you are as a human being, and that you should be denied access to that information. I want to congratulate the government, and to congratulate the member for Toronto–Danforth for her remarks. While many people have serious and fair objections to the bill, on balance I think it is the right thing to do. We'll support the legislation. Thank you, Mr. Speaker.

**The Deputy Speaker:** The member for Toronto–Danforth has two minutes to reply.

**Ms. Churley:** This is indeed a rare opportunity, where I get to genuinely thank all the members from all parties for their remarks, and where we are generally in agreement on a piece of legislation and are committing to work together for the good of the people to make this the best legislation, if possible, not only in North America but in the world. I hope we can do that.

I want to say to the Minister of the Environment that I think she deserves some special credit, along with Elizabeth Witmer from the Conservative Party, who isn't here. The Minister of the Environment was then in opposition with me and was extremely supportive. I know she worked her caucus very hard to try to get everybody onside. I want to thank John Baird as well. I know that within his government he worked very hard, and I think quite genuinely, with me to try to get agreement from all three parties to get the bill passed, long shot that it was, and of course it never happened. But he genuinely supported me in every effort. I want to thank the new member from Mississauga East—I think I have that right—who wasn't around through all of this. But you can guess by now that there's quite a long and emotional history to this bill. I particularly want to thank my colleague from Nickel Belt as well, because she and I, and my whole caucus, as I've mentioned, have gone through some serious ups and downs over this bill over the past several years.

I think we're all very pleased in my caucus for a number of reasons. Maybe it will shut me up, now that this bill is finally going to get passed. So thank you to all of you, and I look forward to finalizing this and having a vote soon.

**The Deputy Speaker:** It being 6 of the clock, this House is adjourned until 6:45.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*

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