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(Hansard)**

Thursday 14 April 2005

Jeudi 14 avril 2005

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Honourable Alvin Curling

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 14 April 2005

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 14 avril 2005

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS'
PUBLIC BUSINESS

GENDER-BASED
PRICE DISCRIMINATION
PROHIBITION ACT, 2005

LOI DE 2005
INTERDISANT LA DISCRIMINATION
DES PRIX FONDÉE SUR LE SEXE

Mr. Berardinetti moved second reading of the following bill:

Bill 182, An Act to prohibit price discrimination on the basis of gender / Projet de loi 182, Loi interdisant la discrimination des prix fondée sur le sexe.

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

Mr. Lorenzo Berardinetti (Scarborough Southwest): I will be sharing some of my time later on. My colleagues from Huron–Bruce, London–Fanshawe and Don Valley West will have some comments on this bill as well.

In my 10 minutes, I just want to briefly outline Bill 182, An Act to prohibit price discrimination on the basis of gender. Today's bill is about discrimination, discrimination that exists today, in 2005, in Ontario. It is called gender-based pricing discrimination.

Nobody in this chamber today would support discrimination. In fact, we have here in Ontario the Ontario Human Rights Code, which specifically addresses the issue of discrimination. I have a copy of that with me today and I would briefly like to read into the record the preamble of Ontario Human Rights Code. It reads as follows:

"Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

"And whereas it is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully

to the development and well-being of the community and the province; and

"And whereas these principles have been confirmed in Ontario by a number of enactments of the Legislature and it is desirable to revise and extend the protection of human rights in Ontario;

"Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:"

I'll only read part I, which is "Freedom From Discrimination." It reads:

"Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status or disability."

Unfortunately, this code is not complete. Today, I bring forward an act, Bill 182, which will help in many ways to bring some completion to this code and to fulfill some much-needed areas of public policy and social policy here in Ontario.

I'm joined in the debate today and here in the assembly by one of Canada's most popular business writers, Joanne Thomas Yaccato. She's here today. She's the president of the Joanne Thomas Yaccato Group and the author of several books, including *The 80% Minority and Balancing Act*. I'm also joined by the inspiration of my life and the inspiration behind this bill in many ways, my wife, Michelle Berardinetti. She and Joanne have teamed up to work on this with me, and I owe a lot of this to their hard work and to their research. I'm simply bringing forward a small portion of the work that they've done.

I want to use my remaining time to tell you a little story. This story starts last October, when Michelle and I got married. Shortly after we got married, we did things that normal married couples do: We fixed our house, we got to know each other's families, we got to know our neighbours, she started to learn to put up with my snoring and we started shopping together.

Mr. Brad Duguid (Scarborough Centre): Snoring also happened at council meetings.

Mr. Berardinetti: Snoring also happened at council meetings, as Councillor Duguid has pointed out. That was in the good old Scarborough days.

Mr. Kim Craiton (Niagara Falls): Stay on topic.

Mr. Berardinetti: I'll try to stay on topic, thank you.

When we went shopping, Michelle told me about something interesting, and that was something called the gender tax. Being a typical male, I didn't have a clue

what she was talking about. I soon learned, however, what gender tax was all about. We went out and we went shopping. We bought deodorant, 50 grams for her, 50 grams for me, basically the same brand. Mine cost \$2.99; hers cost \$3.99.

We needed some new clothes, so we went to get ourselves each a suit. We liked a certain brand, so we went to look for comparable men's and women's styles. Mine was about \$800—it was expensive, but I like to keep my suit for several years—and hers, of a similar style and a similar type, was \$1,200. We needed alterations on our suits. Mine were free, they were included in the suit; hers were \$180. We continued on our shopping adventure. We dropped off dry cleaning and left some dress shirts there. We went to pick them up. Both of the shirts, hers and mine, were 100% cotton dress shirts. Mine were \$1.55 each and hers were \$3.95 each. I have with me today that little receipt, which I keep close to myself and which reminds of the difference in price for basically the same shirt.

It was at this point that I started to ask Michelle questions: "Why is there a difference in price?" She replied, "Gender tax, my dear." So I asked her if she would come with me to visit the dry cleaner and to ask the dry cleaner why there was a difference in price. We argued and we haggled, and basically the dry cleaner said that the bottom line is that a woman's shirt is going to cost more and that a man's shirt could fit on a press and a woman's shirt could not fit on that press. That argument was to no avail.

We went to the clothing store, and I asked the person who had sold us our suits why her suit cost so much more and why she had to pay for alterations. The reply I got was basically that women's suits cost more because women are fussier. That was the explanation given to me: They want their suits done a certain way, and men will accept them off the rack with minor alterations.

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From that, we went on and experienced similar situations involving things like haircuts, where, yes, she does have longer hair than I do, but if we went in for a trim and both spent 20 minutes in the chair to get a trim, I would pay maybe \$15, and she would pay something between \$60 and \$100.

Michelle and I decided to do some research on this topic, and we soon started to dig up certain interesting things. One of the things we found was an article in the Wall Street Journal. This article was written several years ago; in fact, it was written back in 1994. In the Wall Street Journal, which is considered a small-c conservative newspaper, the headline reads, "State May Ban Bias In Pricing Hairdos and Wash." The article goes on to talk about women complaining for years that they have to pay more than men pay in clothing, dry cleaning, shirt laundering and haircuts. It also mentions that California is proposing to do something about it. In this article, the writer says that California was proceeding with this new legislation, and then goes on to address the various critics who speak against it.

The critics basically say that it should be left to the marketplace to deal with this issue. The article responds by saying that consumer markets don't always punish irrational behaviour. Some retailers can get away with charging more, based on convenience rather than price, for example, and many consumers don't have the time to do comparison shopping. The article also points out various evidence and surveys that have been done in California and in New York, which show that women pay significantly more than men do for things like haircuts, dry cleaning and other things.

From this article, we then went on to find an act that was enacted in California in 1995, which dealt with gender-based pricing. In California, they actually now have in place a law known as the Gender Tax Repeal Act, and that deals with repealing or not allowing people to charge more for basically the same service.

Today's bill is simply an attempt to carry out what California and other jurisdictions are also doing. Miami-Dade county and New York City have enacted similar legislation and regularly send out notices or bulletins reminding retailers that gender-based pricing is prohibited in that region or county.

I'm simply asking today that this Legislature do the same thing that is being done elsewhere in North America, something that makes common sense: to charge the same price to women or to men for the same good or service. I ask the support of this Legislature today in approving second reading of my bill.

The Deputy Speaker: Further debate?

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I'm pleased to join the debate this morning on Bill 182, the Gender-Based Price Discrimination Prohibition Act, 2005, which has been introduced by the member for Scarborough Southwest. Certainly I commend the member for bringing this issue forward. It has actually raised quite a bit of media interest, and I see that we even have some media here today.

However, I would also have to say that, personally, it has not been an issue that I have received mail or phone calls or faxes about. In fact, I would have to say at this point in time that the only comments that I did receive personally were that the principle behind this bill is obviously commendable, but there were some who said they felt there were more pressing matters that the government needed to be dealing with, such as education, health, the environment and safety.

What this bill does is prohibit discrimination, and I support that we need to take action against any form of discrimination.

This bill specifically says that we need to prohibit price discrimination on the basis of gender. One of the things we need to determine and what we need to answer is: Is price discrimination, indeed, based on gender? That's a very important question that we need to answer, because I don't know that anyone is certain at this point in time whether or not that is so. How are you going to determine if it is indeed based on gender, and who is going to have the authority to determine that? What criteria are going to be established?

I see in this bill that the Ontario Human Rights Commission would have the authority to listen to complaints that might be filed, as well as the Superior Court of Justice. So obviously, there is going to have to be some sort of an infrastructure established to determine who would be eligible to file these complaints, how they are going to be handled, what financial and human resources are going to be required and who is going to do the investigation. There are a lot of consequences to introducing this legislation that need to be taken into consideration.

But I go back to the fact that if there is indeed price discrimination on the basis of gender, we need to deal with it. Personally, I can recall when I've gone to a dry cleaner and I've had my husband's shirt and my simple white blouse, we do pay a different price. Also, when our clothes go through the alteration process, women usually are required to pay for shortening of their slacks and men oftentimes are not. Is that price discrimination on the basis of gender? I don't know. Or is it simply the practice of that particular retail outlet?

Do you know what? It's an issue that I don't think you can answer with a simple, "Yes, we need to move forward on it." I think this issue is one that needs a lot of examination. I think we need to take a look at the consequences of this legislation. What impact is it going to have on the people in the province of Ontario? Is it going mean, at the end of the day, that everybody's price goes up to the highest level? That's a possible consequence as well.

Again, price discrimination on the basis of gender is unacceptable. I understand this legislation does exist in California, but I also understand that the legislation is routinely violated because of the lack of public awareness. So I guess another question you ask yourself is, how would you enforce the legislation? Again, what resources would be required to do so?

Maybe, at the end of the day, this bill will cause people to seriously consider if, in the product they are offering, there is discrimination based on gender. Perhaps it will cause any companies that have a difference in pricing, or someone who offers a service, to take a second look and seriously consider whether this is happening, or indeed, if there are valid reasons for the price differential. I really don't know.

This bill, as commendable as it is on the part of the member from Scarborough Southwest, really does require some further examination as to the consequences and the reality of the situation. I think it needs much more study before anybody would be able to give approval for it moving forward.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I certainly join the media in congratulating the member for Scarborough Southwest for a bill that is being considered top-notch as a public relations exercise. It was, a number of weeks ago, I would say, a very successful public relations exercise, and it does tweak our sensitivities with respect to discrimination. I'm sure the member will call for hearings on this one.

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I have always been opposed to predatory pricing based on an individual's knowledge or lack of knowledge of what may be under the hood, for example, when they take a vehicle into the garage and perhaps unwittingly have prices that are jacked up by their mechanic. But I have some problems with this legislation as well.

One reason I say this is that hairdressers, barbers and dry cleaners will rightly tell you that the price differences that they may set and that the government member has decried so vehemently are indeed based on—and I quote this bill—"the cost, difficulty or effort of providing the goods or services."

Now, I certainly got an earful from Melinda, where I get my hair cut. She explained that typically a hairstyle for a woman does take longer. It can be more difficult than a more basic typical male hairstyle like that of the member for Erie-Lincoln. She's put in the position where she would have to explain to her female customers and her male customers that perhaps she's going to have to adjust the prices. That makes it difficult for someone in business.

I'm not the only one who feels this is a bit of a publicity exercise. I take a look at the always Conservative-friendly *View* magazine. Michael Truscello writes that this bill represents "another case of a Liberal trying to do something that appears meaningful and is wrapped in symbolically progressive gestures, but in reality just distracts from more important issues."

I would think that a progressive Liberal in this House might want to perhaps investigate the unethical behaviour of large corporations or why young men approach my office with insurance quotes of \$6,000 to \$10,000 a year. That's a significant price difference from perhaps their sister. Should young women be sharing this burden with young men? I spent this winter with farmers blocking the 401 and out in front of Queen's Park on cold winter days. They have some very important issues that I wish the members opposite would address in a more serious way.

Michael Truscello goes on to write, "The best a long-time friend and Scarborough councillor, Michael Thompson, could say about Berardinetti's bill is that it is a 'welcome initiative' but that he thought there were more pressing social issues at Queen's Park."

There are many non-middle-class women in my riding who cannot afford the clothes and cannot afford to take their clothes to a dry cleaner, period. What does this do for them? I know it will assist a middle-class MPP to perhaps get fair play at a dry cleaning shop, but what does it do for so many people—and I'm thinking of some of our rural and northern ridings and inner-city areas—who don't go to dry cleaners? We're talking about designer clothes—I see this in the media—perhaps manufactured in China or Malaysia or Indonesia. The member may want to investigate how many pennies a day the young women who are involved in manufacturing those products receive in sweat equity to ship their product to Ontario. That is something the member may want to consider. I feel that might be something a little more significant than the price of a haircut.

Mrs. Carol Mitchell (Huron–Bruce): I'm very pleased to rise today to support Bill 182, the Gender-Based Price Discrimination Prohibition Act. Gender-based pricing is certainly evident in many, many places, and it is so unfortunate that in this year of 2005 we are still discussing the inequalities between genders.

However, Bill 182 is a very important step in closing that gap. If passed, this bill will prohibit price discrimination on the basis of gender. Under this proposed legislation, a person who believes that they have been discriminated against may file a complaint with the Ontario Human Rights Commission. This is a very important first step.

But I want to be clear on this. This bill does not prevent price differences. For those services that are based upon cost, or that require more time and effort to deliver, it understands that service providers may charge more for a service for gender, based on time, effort and money. Therefore, the bill acknowledges that some service providers do charge more, but they have a very legitimate reason to do so. Service providers should price their services based on the item or service being offered, not gender.

I want to, just for a minute, a personal example. As you can see, I have very short hair, shorter probably than even Lorenzo, the member from Scarborough Southwest. My husband has longer hair than I do, plus he has a beard and a moustache. My husband pays less money to get his hair cut than I do, and he gets his beard and his moustache trimmed. I'm out the chair in a shorter time than my husband, yet I pay more. So I don't believe that service was based on time allocation.

Bill 182 also takes into consideration that people who practise gender-based price discrimination may be prosecuted. As the member from Scarborough Southwest has mentioned, in the House today is Joanne Thomas Yaccato, the owner of a Canadian consulting firm which focuses on gender issues. She has done extensive research on the topic of gender-based pricing. Her research proves that women pay 30% to 50% more for services and products in Canada. If I had a shirt on today, a beautiful white shirt, that many of you do, with a tie—and my husband certainly wears those shirts—when I go to pick them up at the dry cleaner's, my husband's is about a third of the cost for the same shirt that I'm getting done. That's also not appropriate.

I wanted to give you just a few more examples. I know that there have been some comments made about rural-urban—I don't know how we can mix this into the conversation, but we have. Being the member from the most rural riding in the province of Ontario, I'm going to talk about OshKosh. I come from a retailing background and I had a couple of stores for 10 years. When the children were small, it was always the same price. T-shirts for whatever—men, boy, girl—were the same price. With denim overalls, denim jeans, it was always the same price. So I went on to the OshKosh Web site, and what do you think I found? On that Web site I found that the denim overalls and jeans were the same price. But a

white T-shirt—the same for a man and woman—the woman's T-shirt was more money. I just wanted to bring into the conversation that I also went into what one would refer to as workwear around the farm, and this is what I found.

I'm going to take a little trip down memory lane for a minute. When I was young, when my husband and I were dating, jeans were just coming into fashion—so that was just a few scant months ago—and the only place that you could buy your Levi's were in the men's store. My husband has longer legs than I do, longer hair and longer legs. I would have to have my jeans shortened, and he would not. I would pay to have mine shortened, but he would not. I just put forward these examples.

But I do believe this bill is very progressive. It responds to the issues. It not only addresses the issue of gender price discrimination, but it also calls for action. This bill received a tremendous amount of support from both men and women in the province when it was first introduced—because the sword cuts both ways—so I want to be clear: I add my support, and I commend the member from Scarborough Southwest and his spouse on all of the work that they have done. My thanks to you on behalf of one of the genders.

1030

Mr. Tim Hudak (Erie–Lincoln): I'm pleased to rise and offer comment on Bill 182 from my colleague from Scarborough Southwest, who I enjoy working with on the standing committee on government agencies. We missed him yesterday, but I know he was getting prepared for his big day in the Legislature today. Certainly, his bill received extensive media coverage. In fact, I followed the bill and did a bit of a scan myself. Coverage for this bill was in the UK, across the United States. It certainly has caused some conversation in the coffee shops and the hair salons across the province. But let me give you a couple of angles that I've heard about.

First, I don't think anybody forces us, whether it be a man or a woman, to use a service or to pay the price for the service. In fact, many women I've spoken to about this bill quite frankly have found it patronizing. It has at its base an assumption that they're not capable of making a rational decision to pay certain prices.

Mrs. Mitchell: I don't think they get the point of it.

Mr. Hudak: No, I think the women that I've spoken with do get the point, because it does characterize them as dupes in the marketplace who are unable to get good value for their dollar or to shop around. Maybe others have a different viewpoint on this, but women I've spoken with find the bill patronizing.

Secondly, the Ontario Human Rights Commission has an active caseload of 2,500 in the last fiscal year, the largest caseload in the last five years, and the caseload gets bigger every year. In fact, when we deal with constituents who are trying to get a case through the Human Rights Commission, it's an average wait of some 11 months. The commission is by law required to investigate every complaint it receives. So, one wonders. Here are some of the investigations that they've recently reported

on their Web site: stopping cases of discrimination based on sexual orientation; going after cases to stop racial discrimination in the workplace; in housing decisions is one case that they cite. Also, sexual harassment in the workplace is a predominant aspect of the Human Rights Commission's good work.

I think that we would all probably share the concern that if the Human Rights Commission members are required to investigate charges of differences in prices in hair salons and particular products, does that take away from priority work like sexual discrimination in the workplace, like racial discrimination in housing decisions or landlord/tenants, sexual discrimination based on sexual orientation? Should these be the higher priorities and the focus of the Ontario Human Rights Commission?

In the last area tour we did, we did a call around to owners and business operators who would be impacted by this legislation. Hairstyling is one that's often cited by the government members. I will say, with Dalton McGuinty paying about \$50 for his own haircut, maybe he's making great strides in rectifying the price differences in hairstyles between men and women. But Dalton McGuinty aside, Audrey Kelly, who runs the Renaissance Hair Styling business in Fort Erie, strongly objects to this bill and the implication that she discriminates between men and women. Erin Grigg, a stylist at Vaccii Hairstyling and Esthetics in Beamsville, says that her customers have responded to this bill quite negatively, and they even characterized it as silly—or "strange priorities," some of her customers have said. Caesar, the owner of Caesar's in Ridgeway, had a similar viewpoint. I'll tell you also that Jan Moore, the owner of Top Hat Cleaners in Beamsville, says that she doesn't price discriminate, that she charges the same price for the same product. As well, Pike's Dry Cleaners in Fort Erie is, similarly, of that ilk.

In conclusion, I do worry too that these businesses, which are predominantly run by women: the hair salons, the esthetics shops, the dry cleaners that we spoke with, almost all women—does this bill actually discriminate against those owners as well?

Ms. Marilyn Churley (Toronto–Danforth): I'll be saving a couple of minutes for my colleague from Niagara Centre, whom I'm sure you're all dying to hear from, as the fashion plate of the Legislature. Remember the day he walked in here in a tuxedo? But that was rented, so he didn't have to go out and pay for that.

Mr. Peter Kormos (Niagara Centre): Borrowed.

Ms. Churley: Borrowed.

I'm happy to see that some male members of the media are here today, Robert Benzie from the Star and Lee Greenberg from the Post, right?

Mr. Phil McNeely (Ottawa–Orléans): The Citizen.

Ms. Churley: The Citizen—sorry about that. I know what they're worried about. They're worried that what this bill might do is actually jack up prices now, that instead of coming down for women, it might go the other way and prices for men might go up. Isn't that what

you're worried about? They're nodding. That's why they're here today.

Mr. Kormos: Do you mean this haircut is going to cost me \$40?

Ms. Churley: The cost of Peter Kormos's haircut—look at that hair—might go up to the same as mine. And look at this hair. I mean, it doesn't take long to do. Well, I'll just let you judge for yourselves.

I noticed that the member for Scarborough Southwest is well turned out today in his Armani suit.

Mr. Berardinetti: No.

Ms. Churley: It's not an Armani suit? Well, I tried to find one of my more expensive suits to put on today.

Mr. Kormos: Is it Armani?

Ms. Churley: No, it's not Armani. I can't afford Armani.

It's good that this bill is here before us today, because it raises awareness. It has titillated the media a bit. They've written a lot about it. It's an interesting subject, but it's also very true. It's not news, in the sense that those of us who have been shopping for many years and have been around and have been married a bit longer—congratulations to the member, by the way, and to his wife, who is here with him today.

Mr. Kormos: Who's the real author of this bill?

Ms. Churley: That's right—the real author.

There are students here today. I'm sure they know that girls pay more for their clothes than guys do. That's what this bill today is all about, to try to change that. However, it's more of a public awareness effort. This has been around for some time. We're all aware of it.

However, having people go to the Ontario Human Rights Commission to have their case dealt with—although I disagree with Tim Hudak that we feel patronized by that. Let me tell you, as a strong feminist, I often feel patronized in many ways, but I don't feel patronized whatsoever to have a bill before us that says this discrimination should end. This is very clearly discrimination in the marketplace, and not just in term of clothing.

You may know that on March 8, 2002, on International's Women's Day, I brought forward a "stamp out the tax" bill. This was a bill to get rid of the GST from feminine hygiene products. I'm still on the case, still after the federal government. I would like to see everybody here get on the bandwagon for that one as well. It is a real discriminatory measure. It is women being taxed for being women. When you add up the cost to families, if you have a mom and four daughters or whatever, it's thousands of dollars. That's another example of marketplace discrimination against women.

Of course, there are other kinds of discrimination against women, some of which we've been dealing with in this House, such as equal pay for equal value. We're still a long way behind. Women still make 80 cents on the dollar, or whatever it is, that men make. Then there is the card-based certification bill. What bill was that?

Mr. Kormos: Bill 144.

Ms. Churley: The NDP voted against Bill 144 because it was the Liberals bringing in a bill that actually

discriminates against women—also new Canadians, but by and large, women. Women who work in certain workplaces are left out of that bill. It mostly applies, I believe, to the carpenters' union. Is that correct?

Mr. Kormos: The building trades.

Ms. Churley: Building trades, which are mostly men. God bless. No problem. We want them to have it; we want all the rights that the Tories took away given back to workers. But the bill applies only to workplaces that consist mostly of men.

So we still have all kinds of discrimination in the marketplace in general and in this Legislature. I raise all the time the fact that despite some efforts, certainly by our party, we need to have an affirmative action program to get more women into politics. On the whole, we certainly do better than the other parties. We're fighting to have proportional representation brought in, which will help get more women as representatives in Parliaments across the land. There is discrimination clear across the world in terms of the power structure, of women making it to the top: the glass ceiling, not just in politics but in the workplace.

So when any bill comes before us that deals with any aspect of discrimination against women, whether in the marketplace or overall, I'm happy to see it. I welcome it and I certainly will be voting in support of it.

1040

Now, I do have to say, as I said at the beginning, that I don't think it is really going to make a huge difference in the marketplace. I believe a similar consumer protection law has been on the books since January 1, 1996, in California. A study was done recently on how well that's working, and they found that the legislation is routinely violated due to a lack of public awareness and a lack of enforcement. And that is the problem here: The bill really doesn't have any teeth. If the government were serious, they'd vote for this bill today and make sure it would be covered under the Consumer Protection Act and would be given more teeth so there would be some kind of recourse other than to the Human Rights Commission.

The Human Rights Commission has far, far more serious issues on their plate. They're really backed up and behind schedule on some of the very serious issues around sexual harassment in the workplace. That's another area in which I have a private member's bill, to try to get sexual harassment under the Occupational Health and Safety Act, because it isn't right now. Those complaints go forward to the Human Rights Commission, and they're really backed up on these very critical, important cases. I don't think they're going to have the time to deal with complaints about this kind of marketplace discrimination.

Having said all that, the reason I'm glad that the bill is before us today is because I am tired of paying more for my clothes than my partner has to pay. I am tired of paying more to get my hair done than Peter Kormos pays to get his done. I'm not even going to tell you how much it costs to get my hair done. You'd be shocked at how much I'm charged. But I have the best hairdresser in the world. Hi, James. He's good.

You know what? I'm going to close here. This is what I say to any marketplace people who may be watching this. Some of the dry cleaners, on the environmental issue, opened up environmentally friendly dry cleaners. They're starting to pop up all over the place and more and more people are starting to use those now; they've established themselves in the marketplace. To those out there in retail, you make a choice—today, because of public awareness, I will shop in your store—and you stop the discrimination in your store against women and sell clothing to men and women at the same price. I believe this is one of those situations where the marketplace needs to see that they will actually profit by ending discrimination. There's another idea.

I'm glad that this bill is before us today. Raising public awareness on any issue of discrimination against women is a good thing, and I will be voting for it today.

Mr. Khalil Ramal (London-Fanshawe): I'm honoured to stand today and speak in support of Bill 182, An Act to prohibit price discrimination on the basis of gender.

First, before I start talking about the bill, I want to commend the member from Scarborough Southwest for making this bill and introducing it in this House. Also, I want to commend the people who worked with him behind the scenes—his wife, Michelle, and also the author of *The 80% Minority: Reaching the Real World of Women Consumers*—for doing all the research concerning discrimination against women.

This issue is not a new issue in our lifetime. There has always been discrimination against women throughout our history. As part of the progress, we've been fighting along with feminist groups to bring an end to discrimination: the right to elect and to be elected, the right to be in any job like every man, and also to be in any sport if she wishes to.

Even with all the tremendous work and effort, the world is still controlled by men. What we're talking about today is a real event and truth about the discrimination between men and women, especially in terms of pricing. When women go to buy the same item, when they go to the hairdresser, when they go to the laundromat, when they go to any spot, any place, they are being taken advantage of. I believe this bill is a very important step toward correcting and eliminating the discrimination.

I was sad when I heard the member from Haldimand-Norfolk-Brant talking about the bill and saying that he doesn't think it is an important bill to be addressed in this place. I disagree with him. It's a very important bill and has to be addressed and talked about, especially in this place, in order to make it a law and be enforced to correct long-standing discrimination against women. I agree with the member from Toronto-Danforth that for a long time there has been discrimination against women, and I support her effort to continue the fight to correct this.

Today, the member from Scarborough Southwest brings this important issue to this House in order to talk about it and in order to put the mechanism in place to

stop a long era of discrimination against women. The member from Scarborough Southwest spoke eloquently about that issue, and not just in this place, but on many TV and radio stations. Many newspapers talk about it in London, Toronto, Ottawa, China, Pakistan—a lot of different papers. This issue brought to life a lot of important concerns about discrimination against women.

Again, I'm honoured to stand up and speak in support. Hopefully, my colleagues from the Conservative Party understand the importance of this issue and will support the member from Scarborough Southwest.

Mr. Kormos: I appreciate the opportunity. Like my colleague Ms. Churley, I'm going to be supporting the bill. I think it raises an interesting dilemma for consumers and retailers across the province and across the country.

Look, Mr. Berardinetti, the author—one has to applaud the clear co-author of this bill, and that's Michelle Berardinetti. They've provided me with a fascinating book called *Balancing Act: A Canadian Woman's Financial Success Guide*, written by Joanne Thomas Yaccato. Here it is, Speaker. She's here with Ms. Berardinetti in the visitors' gallery. In her book, she references a story told by Shaughnessy Cohen, who was a federal member of Parliament from the Windsor area. She passed away, tragically, at a very young age. She tells Ms. Yaccato, the author of this book, that as a lawyer, where she was buying the court shirts that one buys to wear with the tabs and the gown for Superior Court, there were no women's shirts; you could only buy men's. There was only one design of these court shirts. You're wearing that sort of shirt right now, Speaker, along with your clerks. But when she took her man's court shirt to the dry cleaner, she was charged 80 cents more than when a man took the same shirt.

Ms. Churley: She started getting a man to take in her shirts.

Mr. Kormos: So what she started to do was get a male colleague to take her shirts so that he got the men's rates.

That is the clearest-cut discrimination. Quite frankly, that's already dealt with by the Ontario Human Rights Code. It is. Section 1 of the Human Rights Code is very clear. I'm not saying that to denigrate or detract from this bill, but that is a clear violation of the Ontario Human Rights Code, because it's not the product; it's the person who's being discriminated against. The product isn't being discriminated against.

1050

Now, let's deal with haircuts. I've got to tell people, I suppose I could go up to Yorkville Avenue—and I don't want their BIA calling me or sending nasty letters. But I could go up to Yorkville Avenue and pay 40, 50 or 60 bucks for a haircut, if I were so inclined. Well, I'm not. If you do, you've got more money than brains. I suppose Hilary Weston has no qualms about stepping out from Holt Renfrew up there on Bloor Street and trotting up to Yorkville and blowing 100 bucks on a haircut. Steve Baltich in Welland, \$8 and a \$2 tip, once every three

months, regardless. Whether you're a man or a woman, it's \$8 and a \$2 tip. Semley Avenue in Welland South, Steve Baltich—Slavko—has been doing it for years. If you pay any more than that, you're a sucker, man or woman.

Look, Armani suits—go down to Blake's Men'swear on Niagara Street in Welland. They're going to sell you fine, professional clothing, the best ties, two pairs of trousers with every jacket.

To the author of this bill, Mr. Berardinetti, your mistake was shopping Armani instead of buying Canadian-made. Look, if you want to buy imported Italian, Gucci, Armani, the whole nine yards—again, what you do with your money is your business, but I'm telling you, let's shop Canadian for starters. OK?

Let me tell you, you go down to David Chev-Olds in Welland, a unionized car dealership. I've been buying cars from Cathy Robertson there for years and years, expensive ones and cheap ones. There's no discrimination at David Chev-Olds. Cathy Robertson's going to give you the same good deal, whether you're a man or a woman, and the best deal anywhere. In the service department, unionized mechanics are going to treat you fairly, charge you the same price, man or woman. That's David Chev-Olds.

Blue Star restaurant, south end of King Street, man or woman, if you get the Ukrainian special—cabbage rolls, perogies and coleslaw—you're going to pay the same price and get the same quality meal.

My concern, to the author of this bill, is that you're shopping in the wrong places. That's my concern. You're a little bit too much carriage trade. Look, go a little farther west on Bloor Street, down toward Roncesvalles, to some of the ethnic shops out there, some of my Polish and Ukrainian friends. I assure you, you buy your gotchies, and they're going to be the same price whether they're women's gotchies or men's gotchies.

Ms. Churley: Gucci; not gotchies.

Mr. Kormos: I'm not talking Gucci; I'm talking gotchies now. Do you understand what I'm saying, Mr. Berardinetti?

I look forward to this bill being in committee. I thank Michelle Berardinetti for her astute interest in this area and for her skill at draftspersonship clearly, because she's done a darned good job of putting together a piece of legislation that warrants committee consideration and also some response from the retail and service industry.

But at the end of the day, if you want to pay the same price for your shirts, whether you're a man or woman, go to Lee Wah Laundry. I just spoke with Mr. Lee, and he said he doesn't care who brings the shirt in and who wears it. If it's a plain, simple shirt, it's one price. If it's got the pleats, it's another. But it's not based on sexual discrimination. That's Lee Wah Laundry down on Hellems Avenue, Welland. Remember that one, Mr. Berardinetti.

Ms. Kathleen O. Wynne (Don Valley West): I really do appreciate the tone of this discussion this morning.

I have to say, when I first looked at Bill 182, I was a bit taken aback and I thought, "Well, this is always going

to be with us.” But when I talked about it with some folks and read some of the material by Joanne Thomas Yaccato, I thought, “OK, this is so engrained in me that I need to look at it,” because if, in California, there’s a \$1,300-plus gender tax, there’s probably a similar gender tax here that women are paying.

What I want to do is—to suggest that this phenomenon is part of a much larger picture—and I think the member for Toronto–Danforth was pointing to that that this phenomenon is a really part of a picture in which the fashion industry and popular culture all collude and contribute. I want to start with a quote from a study by the Canadian Teachers’ Federation in 1990 called *A Cappella*. It’s a report on the realities, concerns, expectations and barriers experienced by adolescent women in Canada. I’d like to think that between 1990 and now everything had changed, but in fact it hasn’t. In the questionnaire that they did, 48.2% of the girls strongly agreed or agreed that “Being popular is a big worry for me right now.” However, 85% strongly agreed or agreed that they worry a lot about how they look. To quote one child, “Teenage girls are concerned about social issues like drugs but most of the time they worry more about things that are closer to them, like their looks. I don’t think that I know one girl that is satisfied with her looks. That is a big concern. I know people who do such dumb things to look better (crash diets, for example).”

It’s clear that that kind of undermining of self-esteem is going to set up a whole group of people to be taken advantage of. I’m not suggesting that young boys don’t worry about their looks, because of course they do, but I think there’s a special phenomenon here with young women.

I want to say that we learn these lessons early. I remember when I was 15 or 16 years old, which is around 1968, and I was shopping for jeans around the same time Carol Mitchell was shopping for her first pair of jeans. I was the same size as I am now, but I was a sprinter, so my thighs were a bit bigger. When I couldn’t find a pair of jeans that I could comfortably sit down in, I said to the attendant, “I’m having a problem here. I can’t find a pair of jeans that I can breathe in,” and he said to me, “We’re just trying to make the world a more beautiful place.” I will never forget that, because I was not fat; I was not overweight. I was a perfectly normal, healthy 15- or 16-year-old. But that message was, “You’re not thin enough. You’re not good enough.”

When you undermine people’s confidence like that, they’ll pay anything, they’ll do whatever they have to do, to reach that norm, to conform to that model. I really think that’s what we’re dealing with. We’re dealing with a group of people who are undermined, and maybe it’s because they’re focusing on the carriage trade or going to the wrong stores, as Mr. Kormos suggests, but I think there’s something deeper going on here. The point is that that incident was 37 years ago for me, but I believe the retail world and media images pressure young women to conform, and that’s a dangerous thing. What we’re seeing in the pricing schedules is the manifestation of that.

We could talk a lot about hair. Frigga Haug did a book called *Female Sexualization* a number of years ago. Open the chapter to “The Hair Project.” “I remember people in our street saying, ‘Such a shame it had to be the boy and not the girl that had naturally curly hair. It doesn’t matter so much for a boy, but the girl could have been saved so much work and money when she got older,’” the assumption being that women are going to have to pay to conform to a norm, that you’re going to have to pay to get your face fixed or your hair coloured or your hair cut just the right way because you’ve got to conform to a norm that we all know is impossible.

That’s the serious underlying issue here, and that is that we, as a society, continue to force young women into a mould that’s impossible, and because it’s impossible, because there’s that sense of inadequacy that builds up in young women, we have crash diets, plastic surgery, young girls with perfectly beautiful hair colouring their hair. All of those realities mean that retailers can charge what they want because, “If I just get that shirt, if I just get that hair colour, it’s all going to be OK.”

So I support the member for Scarborough Southwest. It’s not going to solve the problem. Bill 182 wouldn’t solve this huge problem, but it’s a step, it’s an awareness, it’s a reality check on what we’re doing to young women in our society.

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

Mr. Berardinetti: Thank you, Mr. Speaker. I wish I had more than two minutes, but in my short two minutes I will thank those who have spoken to the bill, those in favour and even those opposed.

Just very quickly to the member for Haldimand–Norfolk–Brant, who says that we have more important things to deal with, private members’ time is once a week and we get two bills to deal with Thursday morning. This is the time to fill in the gaps, to fill in the holes. The government is dealing with education; the government is dealing with health care. The government is dealing with the issues of the day. Private members bring forward issues that are important, and I think this issue is important. If you don’t think so, then I respect your view, but I respectfully disagree with your view.

To the member for Erie–Lincoln, I respect your views as well in many ways. But if you say that the Human Rights Code or the human rights body has no time to deal with this, it reminds me somewhat of the arguments made in the 1960s, when they were talking about racial discrimination and Kennedy and Johnson were bringing forward legislation to eliminate discrimination. Arguments were made that, “You know what? Why do we need this legislation? It’ll work itself out.” But legislation was needed.

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I wish we didn’t need this legislation here today. I wish that things would work out the way they are supposed to work out. However, there are some—not all, but some—establishments, proprietors, who do discriminate based on gender, and that has to be dealt with. That,

unfortunately, has to be dealt with through the legislation that's in front of us today. Again, I ask for the support of those members who are here today.

The bottom line is this: A dollar in the hands of a man should be worth the same as a dollar in the hands of a woman. The bill makes it absolutely clear that if more work is required, yes, you do pay more. But if a woman spends 20 minutes in a chair and a man spends 20 minutes in a chair to get their hair cut, the price should be the same. A woman shouldn't have to go out and shop for her rights; she shouldn't have to go looking throughout Toronto to find a dry cleaner who will give her the same price as a man.

Finally, to the member from Niagara Centre, as far as my own personal wardrobe goes, I own five suits, Mr. Kormos. Three of them I bought in 1997; they last a long time. And the shirts are J.P. Tilford, made here in Canada.

The Deputy Speaker: The member's time has expired.

KARLA HOMOLKA

Mr. Robert W. Runciman (Leeds–Grenville): I have a resolution which I will move:

In the opinion of this House, the Attorney General should:

(a) immediately make inquiries of federal correctional officials as to any known or intended residency plans of Karla Homolka;

(b) immediately convey to the Attorney General of Quebec the recommendation and request of this Legislature to the Attorney General of Quebec that should Karla Homolka indicate plans to reside in Quebec or not disclose such information that the Attorney General of Quebec invoke section 810.2 of the Criminal Code prior to her release to seek an order from the court to protect the public, especially by including a reporting-to-police clause in any recognizance she is required to enter into; and

(c) immediately seek such an order should no information be known about her post-release residency or the Attorney General of Quebec declines to seek an order pursuant to section 810.2 of the Criminal Code, in which case the order sought should include all of a residency restriction, police reporting and electronic monitoring clauses in order to best assure the protection of the people of Ontario and Canada from this convicted and dangerous killer.

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

Mr. Runciman: Thank you very much, Mr. Speaker. I appreciate the opportunity.

I have to say at the outset that I'm somewhat flattered by the fact that I have introduced two resolutions since the provincial election a year and half ago dealing with criminal justice issues—one dealing with gunshot wound and knife wound reporting for folks who show up in

hospitals, and I think within two or three days the Liberal government tabled legislation in response to that resolution. I tabled this resolution dealing with Ms. Homolka's pending release from Joliette prison in Quebec, and within days of debating it in this Legislature, the Attorney General, Mr. Bryant, called a press conference to announce that indeed his officials, crown representatives, are going to go into the province of Quebec to appear before a provincial court judge, asking for conditions which would apply only in the province of Quebec.

This is passing strange, to say the least. I have significant concerns about the approach of the Ontario government, the announcement made by the minister, which I think was rushed for political reasons, to try to exercise political one-upmanship, because we are going to be debating a serious and responsible resolution in this Legislature today. For whatever reasons, the Attorney General, in his effort to build his reputation as a crime fighter, was not content to allow the debate to occur in this Legislature and perhaps beat him to the punch.

That's truly unfortunate. I think it is an insult to the victims of the Homolka-Bernardo horrific crimes. In my view, it may jeopardize meaningful efforts to place constraints on Ms. Homolka. There's a whole series of issues surrounding this, and I found Mr. Bryant's announcement very curious: sending Ontario officials into Quebec to make this application before a Quebec judge, to place constraints upon her in Quebec. That should strike anyone as unusual. If you know the attitude of the Quebec government on virtually every other issue where it involves their jurisdiction, we know they are very protective.

I made some efforts in the last few days to contact Quebec officials to try to get a better understanding of why this is being approached from Ontario with what Mr. Bryant suggests is their complete support. Finally, a friend of mine, who is a member of the Quebec assembly, spoke to the justice minister in Quebec yesterday—this is two days after Mr. Bryant's announcement—and asked him about this, about why they are agreeing to this. The justice minister didn't know anything about it. He had never been contacted by the Attorney General. He didn't know about it. Two days after a press conference in this building saying that we're sending crown officials into Quebec, the Quebec justice minister had never been contacted.

If you read the Criminal Code, section 810, it clearly specifies that any person who fears on reasonable grounds that another person will commit a serious personal injury offence as defined in the section may, with the consent of the Attorney General, lay an information before a provincial court judge—with the consent of the Attorney General. That would be the Attorney General in the province in which the application is being put forward. And here we have the Attorney General in the province who has not even been contacted, but the minister is making an announcement that he's going into the province and that his officials are going to do this.

That should concern us all. I think it has the potential to jeopardize any meaningful constraints if they are going

to try to appear before a court without the consent. They may ultimately get the consent—I don't know—but I think it certainly highlights the fact that the Attorney General rushed into this exercise for political reasons. I think we should all be concerned about that effort on his part.

Yesterday, I talked to Alan Cairns, the crime reporter at the Toronto Sun, and Paul Cherry, the crime reporter at the Montreal Gazette, and they hadn't had recent updates. This was prior to my contact with the Quebec justice minister. They said that as of three weeks ago, they talked to officials in Quebec—both Cairns and Paul Cherry—and Quebec officials didn't know anything about this. So I think that we should all be concerned about what is happening here.

This is also a very tricky jurisdictional question. I mentioned that Quebec is traditionally very protective. I think there are other areas that we should be expressing concern about here. I don't have a lot of time. There's a very serious issue with a pedophile coming into Ontario—not into Quebec but into Ontario—which I have not heard the Attorney General speaking about. He has admitted up to 100 sexual assaults on children.

Mr. Peter Kormos (Niagara Centre): An incorrigible.

Mr. Runciman: An incorrigible and untreatable pedophile. He's coming into Ontario, but Mr. Bryant, because he can get the cameras with respect to Karla Homolka, has made an announcement that he's going to cross the border without the knowledge of Quebec officials and deal with Ms. Homolka.

My resolution is talking about working with Quebec to help those officials bring an 810 application—a supportive role, which we should be playing—and engaging the victims, the victims' counsel and certainly the police agencies that conducted the investigations into this matter. But that's not happening.

One of my colleagues will talk about what's really happening in this government. They've closed down the victims' office and fired the most prominent victim advocates in this country, Sharon Rosenfeldt and Pricilla de Villiers—fired, kicked out by the Liberal government. They've shut down the Ontario Crime Control Commission but kept a false front. They've shut down Project Turnaround for young offenders, one of the most effective efforts to turn around young offenders in this country's history. They have done nothing to deal with the overcrowding situation in the remand centres in this province, where very serious people are getting three for one when it comes to sentencing. Those are issues that they have done absolutely nothing about.

1110

I have a few minutes to talk about Ms. Homolka, and we certainly express our continuing support for the victims of the crimes of Ms. Homolka and her husband, Mr. Bernardo: the Mahaffy family, the French family and, of course, we cannot forget Tammy Homolka, Ms. Homolka's sister, who also had a violent death as a result of the actions of Ms. Homolka and her husband.

There are a number of things. Justice Galligan reviewed the plea bargain agreement, and I think the Attorney General of Ontario, if he's serious about dealing with this issue from an Ontario perspective, should review Justice Galligan's report. I think there are opportunities in that report that could be pursued.

If you look at the plea bargain itself, there is a reference in it to Ms. Homolka's commitment to only tell the truth. It's signed by our good friend Murray Segal, who is a director in the Ministry of the Attorney General. I believe Murray is still with the ministry.

In his letter to Ms. Homolka's counsel: "Your client need provide sworn testimony in any and all proceedings to which she is subpoenaed by the crown arising from her cautioned statements and she will tell the truth."

That's part of the agreement. We know she didn't tell the truth. We can thank Ken Murray. I'll have some reference to Mr. Bernardo's lawyer, Ken Murray.

Justice Galligan indicates that the plea bargain did not contain any references to immunity from prosecution for perjury. I think we should pursue that. We should consider that seriously. It also did not provide immunity with respect to a very serious sexual assault, which is described as a Jane Doe, on June 7, 1991. That was not part of the plea agreement. Those are opportunities, I believe, for the Attorney General to pursue. In consideration of the victims, Leslie Mahaffy and Kristen French, he should pursue those very vigorously.

I want to mention Mr. Bernardo's lawyer, Ken Murray, as well. This guy got off scot-free. It's a shameful situation where there was a significant investigation by the OPP. Mr. Murray, Bernardo's lawyer, who concealed these tapes from officials, was charged with obstruction of justice by the OPP. The courts let him off. That is shameful. Then the law society let him walk away from this. This man, to my knowledge, is still practising law in the province of Ontario. I don't know if we can revisit that, but if there's any way we possibly can revisit it and remove this man's licence, we should be doing it.

The Deputy Speaker: Further debate?

Mr. Kormos: I rise to speak to this resolution and in support of it. I want to commend the member from Leeds-Grenville, Mr. Runciman, for putting this matter on the order paper. I have no doubt that Mr. Runciman, having served notice of this motion, did a great deal to prompt the Attorney General and his ministry here in the province of Ontario to move, as they stated they have, with respect to the pursuit of a section 810.2 application with respect to Homolka.

I am, however, shocked, as all of us should be, to learn from Mr. Runciman today that the announcements that were made by this government and its Attorney General with respect to the pursuit of a section 810.2 recognition are for all intents and purposes news to the authorities in Quebec. We had every indication—it wasn't suggested; it was stated overtly—that the Attorney General was going to have some of its lawyers called to the bar in Quebec for the specific purpose of participating in this application, but where the origins of the appli-

cation clearly have to come from the Quebec counterpart of our Ministry of the Attorney General and its crown attorneys. So that betrays the announcement earlier this week as being perhaps a little more spin than substance, and that should be of great concern to all of us.

Mr. Runciman is quite correct about the fact that Homolka isn't the only dangerous, predatory, convicted criminal to be released from jail and possibly coming to communities here in the province of Ontario—quite frankly, anywhere in Canada, for that matter.

My concern is that there is precious little case law around 810.2 applications. One of the explanations that's offered up is that we don't have—I've asked the Ministry of the Attorney General to give me hard numbers on how many of these applications have been made since section 810.2 was brought into the Criminal Code. I haven't received an answer from the Ministry of the Attorney General yet. I don't want to pre-judge the matter, but my suspicion is that it's because they're not all that common. And maybe that's just as well, maybe they should be preserved for the extraordinary case, but if Homolka isn't an extraordinary case, then none is. There is a paucity of case law, and one explanation that's given is that section 810.2 recognizances that are obtained are the result of a negotiated set of terms and conditions.

You read, as I did, the commentary of two very, very competent Toronto lawyers. One indicated that any good defence counsel—and I'm paraphrasing here—would have little problem defending Homolka in the context of this application. Another equally competent lawyer, one who I know and for whom I have a great regard, indicated that it should be a slam dunk to get a recognizance. But the fact is, and as I have indicated, a valiant effort on the part of the Attorney General notwithstanding, it's still a matter of the appropriate court applying the law, and it's not a done deal by any stretch of the imagination.

You also have to understand that section 810.2—and it's not the Attorney General's fault—restricts any recognizance to a maximum of 12 months. Of course, the Attorney General would respond that the Attorney General can go back to the well, back to the court, for another 12 months and another 12 months. But again, not wanting to pre-judge and just speculating, there may be a point at which a judge says, "No, the crown has exhausted its opportunities," depending upon the circumstances of the service of that previous 12-month recognizance, in this instance, by Homolka.

People in this province, people across Canada, deserve to be protected—in my view, have a right to be protected—from the likes of Homolka. If in fact the Attorney General is frustrated by the limited tools available to him here in the province of Ontario, I share his frustration. But I will be so bold as to say this: The people in any community where this convicted and dangerous offender should decide to live have a right to thorough, complete, absolute protection. At the end of the day, a recognizance is but a piece of paper and it's only as good as the subject of the recognizance's willingness to abide by the terms and/or the ability of the police in

that community to supervise that person with respect to the terms of the recognizance. First and foremost, any recognizance will contain the condition that that person keep the peace and be of good behaviour. That's broad-ranging, but that's where we get into the issue of the capacity of any given community to supervise the person named in that recognizance to ensure compliance with the recognizance. It is but a piece of paper.

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I have concerns, because this Legislature is haunted far too frequently by questions during question period about a dangerous spouse released on a recognizance after arrest who then attacks his or her—usually his—partner again, sometimes murderously. What better way to illustrate that a recognizance—I mean, those people were out on recognizances too, a recognizance of bail. It's nothing more than a piece of paper, nothing more than the willingness of the person named in the recognizance to abide by its terms and certainly the capacity of the community to supervise that person with respect to that recognizance.

It is not partisan to say that we know that police forces across this province, and I dare say probably across the country, are working with persistently and even increasingly scarce resources in terms of staffing and other tools that are critical to their doing their jobs safely, effectively and efficiently. So I'll be so bold as to say this, and I don't think it is very bold at all under the circumstances: The people of any community that Ms. Homolka decides to live in upon her release have a right to thorough, complete protection. If that means an obvious, marked police presence, conducting surveillance of her around the clock, then so be it, because there shouldn't be one of us who has to look into the eyes of the parents of a child, a young girl, who might become Homolka's next victim.

There will be some who will accuse me, and maybe at the same time Mr. Runciman—I'm not sure—of being overly dramatic. I respond by asking people to simply recall that all-too-recent history of the revelations of the incredible and despicable and atrocious crimes. While our memories may have faded somewhat, the memories of the parents of the victims of Bernardo and Homolka haven't faded at all and I suspect become more acute as each day passes. Do any of us want to have to look into the eyes of yet another pair of parents of yet another victim?

During the course of the crown presenting its case in pursuit of a section 810.2 recognizance, I trust there will be reports of the evidence offered up to substantiate the federal parole board's opinion that Homolka is an offender—let me have this right—"likely to reoffend." That goes beyond mere "not rehabilitated"; it is "likely to reoffend." How much more notice do we have to have? How many more red flags have to be waved? How many more sirens have to be sounded? How many more alarms have to be rung? The community that is forced to expend scarce police resources on an effective around-the-clock surveillance of Homolka has to be guaranteed financial assistance from, in my view, both senior levels of gov-

ernment. Protecting people from Homolka will be an expensive exercise, but it will be an exercise that, in my respectful submission to you, we can't afford not to invest in. We can't afford not to invest in the exercise of protecting people from this and similar very dangerous, highly predatory, incredibly devious criminals.

The reports we have—I'm being cautious, because one doesn't want to pre-judge—are that this Homolka did not participate in any of the rehabilitation programs available to her during the course of her imprisonment, but for obtaining a bachelor's degree courtesy of the taxpayers of Ontario, when every one of us knows of so many families that struggle, sometimes unsuccessfully, to get their kids into and through college and university. But the reports we have available to us now are that she didn't participate in one rehabilitation program while serving in custody.

Look, this isn't somebody who forged a couple of bad cheques and did their three months and is now out. This isn't somebody who got caught up with the wrong crowd and got involved in stealing cars and did their six months and then got out. This isn't some youthful offender who has since matured and recognized the foolishness of his or her criminal activity. This is a ruthless, cold-blooded, homicidal, predatory, sociopathic personality who, in my view, deserves nothing but our disdain and who, in my view, has to be contained in the legal ways permissible so as to prevent her from ever committing another of the atrocities that she admittedly—she pleaded guilty. She admitted the atrocities that she was guilty of and certainly a party to.

I look forward to seeing this chamber support this resolution. I believe it then sends a strong, clear message that the pursuit of a section 810.2 order isn't the passion of but a crown attorney or a couple of police officers, but is the wish and will of the people of this province.

Mr. David Zimmer (Willowdale): Many people believe that Karla Homolka should never set foot outside of a federal penitentiary. The fact of the matter is that Homolka has served her sentence and will soon be released. She's served every minute of every hour of every day of her sentence.

However, it is not the intent to permit Karla Homolka to exit prison in a few short weeks only to slip away into the comfort and security of obscurity somewhere in Canada. The public can rest assured that crown prosecutors are prepared for Ms. Homolka's impending release. The public needs to know that every means possible has been and will be taken to ensure that their safety and that of their children and families is protected.

Crown prosecutors are seeking now to obtain a strict recognizance order in Quebec under section 810.2 of the Criminal Code. Such orders generally serve to place restrictions on where someone can go and with whom they can associate. They have regular reporting requirements on their whereabouts and other activities; these reporting requirements are to the police. They subject a person to a curfew. They prohibit a person from using alcohol and non-prescription drugs.

The idea is to offer as little opportunity as possible for people like Homolka to reoffend. It is the intention of our prosecutors to seek from the court the strictest recognizance conditions in order to monitor strictly Karla Homolka.

1130

Some people might be concerned about the apparent limitations of such an order. What if she decides to pick up and move to another part of the country? It's true that the recognizance order being sought will apply in Quebec, but more importantly, it will serve to keep Karla Homolka from slipping away as soon as she is released from prison. It will also set in motion an organized system that will remain an ever-watchful eye on her, no matter where she goes.

The government of Ontario has worked diligently and secured the co-operation of every provincial and territorial government in the country in order to monitor Homolka. The intention is that upon her release she will not simply be able to walk away from prison, never to be heard from again. Our court system is determined to know the whereabouts of Karla Homolka, no matter where she resides in Canada.

Some people might argue that such measures are overly harsh and even border on harassment. There are grounds, however, to support such actions. Ms. Homolka's last parole report classified her as a poor risk for early release because she was likely to reoffend. Now, for the time being, she is going to be released from prison. However, should Homolka breach any of the conditions of her recognizance order, she will be swiftly and vigorously prosecuted and could even end up behind bars again.

Senior crown prosecutors are already seeking restrictions on Karla Homolka. The full co-operation of Quebec prosecutors, with the full assistance of the Quebec justice minister, has already been secured. This resolution before us this morning is therefore unnecessary and redundant. Further, it's a violation of the legal rule of sub judice, which is a constitutional convention that holds that elected officials and this Legislature must not prejudice a proceeding before the court by giving direction to the Attorney General, the independent crown attorneys or the courts. That's what this resolution seeks to do.

In short, this resolution being debated this morning is unnecessary, unconstitutional and improper. I urge members of the House to vote against it, to leave the matter of Karla Homolka up to the crown prosecutors and the judicial system.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I wish to address this troubling issue, the release of one of Ontario's most notorious sex offenders and killers. This is a unique situation. It is deserving of unique treatment, and we have to find a unique solution.

As we know, Homolka is slated to be released from Joliette on July 5. There are some in our society who always have had an unfortunate interest in those who have committed the most horrific of crimes. Usually,

however, these offenders are unreachable, whether it be due to the fact that they are either never caught or are locked up for life, or, in the case of the United States and other countries, are executed.

The Homolka case is different. This is pointed out by Robert Thompson of Syracuse University in an April 9 Toronto Star article: "Her situation is unusual because it doesn't happen all that often, with spectacularly horrible cases, that the person comes to live on the other side of the bars with us." Here we are, a mere three months before her release, contemplating just how such a person will soon be unleashed on the people of Canada.

Osgoode Hall law professor Allan Young recently pointed out, "Most people believe that she should either still be in prison or that she poses a risk to the community." I would add that should she be released July 5, given her reputation, her history, this would make her a risk to herself. By releasing her into the general public, I feel that her life will also be endangered, given people's revulsion of her crimes.

The National Parole Board underlined the illogic in allowing this killer to go free when they postponed her early release, determining that she was "likely to commit an offence causing the death of or serious harm to another person."

I know these are some of the issues that concern me. My involvement goes back to 1995, when I read a petition in the House to that effect. It was signed by 570 people. I can tell you that that isn't all that people told me. The more vocal, the more incensed, people talked about their concerns for Homolka's release, their concerns not only for their safety but for her safety.

Attorney General Michael Bryant is telling us, "No matter where she goes, no matter what she does ... we will be one step ahead of her." Well, I say good luck. Can you ensure that we'll be one step ahead of a sniper, for example, a hired hit man? That could be the reality of what awaits notorious deviants like Homolka once they begin rubbing shoulders with those that abhor their actions. I ask the Attorney General to find a way. Keep Homolka away from the general public; if anything, for her own safety. Do it.

Mr. Kim Craitor (Niagara Falls): I'm pleased to have the opportunity to speak for a few minutes on this resolution, which I will be supporting.

This gives me the opportunity to maybe vent some frustrations that I and my community—we lived right next door to this. I guess everyone throughout Ontario and Canada lived next door to this horrific situation.

I can still remember sitting on city council, and we had hundreds of people coming in. In fact, one person in particular, Carolyn Ioannoni, who is a mother of four children and has become a good friend of mine and now is on city council, brought in petitions galore demanding that there be an investigation done into this agreement. I think it is now commonly referred to as the devil's agreement or the devil deal that was made, under which she was allowed almost to be set free—almost; a slight penalty of some sort, maybe a slap on the wrist. Today,

this is where we are. The situation is that she now is going to be allowed to come out on to the streets.

How quickly we have forgotten that all of that took place. In fact, I had the opportunity recently of being given one of the initiating agreements toward this plea bargaining process that went through. I was sitting, reading it, and was utterly amazed about some of the things that seemed to be agreed to. It is signed by Karel Homolka, Dorothy Homolka, Karla Leanne Bernardo, and the Attorney General of the day, Geoffrey Hadfield. Some of the things in here are, "That I am to receive sentences totalling 10 years...."; "That the crown will not seek an increase in the period before" my "eligibility"; "That the crown will write to the parole board, will include a record of my trial proceedings, will indicate my co-operation, remorse, etc. and will indicate on" my behalf that the crown will "leave the matter of" my release "and/or parole should" it come up "up to the parole board without further comment." I could read on.

It is the devil's deal. In fact, that is where we're sitting right now. We have to deal with a devil's deal that was made that has given this person a slap on the wrist. She now has the opportunity to come back into society. The fear is that this will continue. There's no question everyone feels that way.

The Attorney General is taking every possible action that he can. I said I'm supporting the resolution. You've heard from the parliamentary assistant that some of it may be outside of the legal system. Be that as it may, I think that all of us throughout Ontario and Canada are passionate that this woman be watched closely, that she be scrutinized and that she should have no life as we know it, those of us who are free and have the opportunity to travel around our communities and our country. I'm pleased to stand up to show my support for this resolution.

1140

Mr. Ernie Hardeman (Oxford): I rise in support of the resolution on behalf of the member from Leeds-Grenville, a resolution that deals with public safety issues involving such a horrendous case, that over the years has never stopped being in the public eye, a story so horrible, with such a profile in history, that it would be foolish for us to put our heads in the sand. This case involves serial offender and killer Karla Homolka and her pending release from the Joliette prison in Quebec. I share the concern of my colleague from Leeds-Grenville that upon her release from prison, Homolka poses a grave risk to our communities. That's why I'm supporting the resolution being debated.

I believe that the government of Ontario must vigorously pursue every legal channel possible to protect the public from Homolka once she's released from prison in July. It is absolutely imperative that this province do everything possible to guarantee that the public will be safe upon her release, that the strictest conditions and safeguards be put in place so that, as the minister says, we'll always know where she is and what she's doing. The public deserves the right to feel safe in their homes and on the streets.

There will always be crime, and there will always be victims of crime, but what Homolka and her husband, Bernardo, did was beyond any nightmare anyone could imagine. I understand that in mid-June, an application will be made before a Quebec provincial court judge to limit Homolka's freedoms under the Criminal Code. But what concerns me most, and has been mentioned before, is that we're being told there is no guarantee that any restrictions on her daily activities will be granted by the provincial court. That's why I think this resolution is necessary. It has been 12 years, and we're now faced with the reality that Homolka can walk away from prison. It defies logic that anyone who was involved with and committed a series of brutal murders such as the ones she was convicted of can be certified as completely rehabilitated, and that she will not offend again.

I again state my support for this resolution, and I implore the provincial Attorney General to fight for public safety by legally requiring Homolka to be restricted as to where she can go, whom she can associate with, and to enforce curfews and force her to report regularly to the police. It has been discussed very publicly that there are reasonable grounds to believe that she may harm again. Let us all do what we can to ensure that she can never have the opportunity to do this again. I ask everyone in this Legislature to support this resolution.

Ms. Jennifer F. Mossop (Stoney Creek): I am supportive of this resolution, and I'm supportive of any attempt being made, including the work of the Attorney General, to deal with this matter. And I will not ever say that the member from Niagara Centre is being overly dramatic in this case, because I remember very well the day of Karla Homolka's trial.

I was an editor in a newsroom in Hamilton, and as a society we had all waited a very long time to hear the details, mostly because none of us could fathom what those details might be. That day, the agreed statement of fact was read into the record and there was a publication ban slapped on in order to not prejudice the future trial of Paul Bernardo. But as an editor, our reporter was well within her rights to tell me the details, and that's what she did. I sat under the harsh lights in the newsroom, with the police monitor chattering away behind me, and for an hour and a half I listened on the phone to the details, from which every fibre of my being recoiled. At midnight, I got into my car and drove for two hours, through the darkness, to my cottage. I went inside and sat in the chair, facing the window, and stared out into the darkness. I sat there, without moving, all night long and I was searching all night long, through the horror that I had heard, the unfathomable horror that I had heard, and I was trying in vain to find some shred of salvation, some saving grace, some glimmer of light, and there was none. It was only darkness—oppressive, impenetrable darkness.

I thought about the families. I could not imagine how they were even putting one foot in front of the other every day, how they were functioning at all. I realized they would never, ever again know happiness, that pure,

carefree, light-hearted joy that we saw in the pictures of those teenage girls that shone out of their young faces at us from our television screens for so many months as we waited to learn the details of what happened. I thought, there's always going to be an oppressive shadow, a darkness over them like a low ceiling that doesn't let you stand up straight, ever. They have been sentenced to life. So I commend the member and the Attorney General for their efforts to keep from all of our lives that shadow, that unyielding darkness.

Mr. Cameron Jackson (Burlington): First of all, at the outset, I want to commend my colleague the member for Leeds–Grenville. In the 21 years I've been in this House, it has been my privilege to stand with him on criminal justice issues. He has been a leader, and a consistent leader, regardless of the six different governments that have come and gone since he was first elected.

Today, it's no exception that we find ourselves putting not only elements of the criminal justice system on public display with public debate and in effect on public trial; we're also having to be held accountable for the failure to act on behalf of victims of crime in this province and in our nation.

The context in which I want to place my remarks today in support of this is to remind members that this is not a simple case. It has become more special by the fact that it seems to be one of the unique cases in Canadian history that seem to get the attention of the public and the attention of those in public life, that enough is enough, that changes have to be made and that the rights of victims in this province and this country must be respected and they must be understood and they must be fortified with meaningful legislation.

To that end, both my colleague from Leeds–Grenville and I have tabled numerous pieces of legislation. We participated in the national debate on Bill C-55, and in this province the genesis of that was the brutal abduction, sexual assault and murder of young Christopher Stephenson by an individual who was on early release without any leash whatsoever. This sexual predator, who was cruising a mall in the city of Toronto looking for his prey, was obviously able to do this on early release. The key point here is "early release." So many of us went to Ottawa to argue the case for Bill C-55, section 810.2 of the Criminal Code, that deals with all aspects of corrections and conditional release in our Criminal Code. We fought hard to get that legislation. When we did that, the first objective was to say that if a judge says that you're guilty and gives you a life sentence, you must stay in prison for life, that life must mean life, the full term. In this country and in this province, criminals were being released after committing the most horrific crimes, who got off one third automatic, then one third for good behaviour. Therefore, they only had to serve one third. These were violent sexual offenders. That's why Christopher Stephenson died in our province, in our midst, virtually without any reaction.

It was six or seven years later that a government in this province—and I'm proud to say that my colleague

and I and others were part of the government to bring in Christopher's Law, to begin a pedophile registry, to start DNA database testing, to do a whole series of pieces of legislation that would better protect the public of Ontario. Now we find ourselves arguing over a section of the federal Criminal Code and asking the Attorney General of the day to trigger what amounts to a peace bond, a leash that'll be put on this terrible person, Karla Homolka, for periods of up to a year that can run concurrently.

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We have to ask ourselves, why is it that in the 18 months of the Dalton McGuinty government we can find no instance where this section has been sought out by the Attorney General of our province to help protect the citizens of this province from sexual offenders? I can say that on three separate occasions I've raised this issue in the House. I've named the sexual predators who were on early release. They are, in fact, dumped in the city of Hamilton; it is the preferred dumping ground for sexual offenders out of the federal penal system. The children in the city of Hamilton and the surrounding communities are at a higher risk than anywhere else because of that fact. People like Roy Green, on his radio show, myself and many others—Priscilla de Villiers, still Debbie Mahaffy and her voice—plead with politicians to change the laws. I pleaded with the Attorney General, "Will you please contact the federal government and ask them to make sure that these pedophiles fill their full term and that we apply this section to them?" Did I get an answer? No. I was chastised because I was making—

Mr. Richard Patten (Ottawa Centre): What did you guys do?

Mr. Jackson: We went out and created the legislation. We brought in a Victims' Bill of Rights, a victims' justice fund. We brought in legislation that said that Homolka and Bernardo could not profit from their hideous crimes and make money off them. The member from Ottawa asks, "What has your government done?" You've dismantled the Office for Victims of Crime; you fired Scott Newark, probably the top legal counsel in North America on these issues; you fired Priscilla de Villiers. That is your record.

When I stood in the House and asked that you provide additional funding for police services, something our government did, to go after pedophiles and seek out pedophiles and sexual predators on the Internet, the government members made promises to police forces in Hamilton, York, Peel and Halton. Did they honour those promises? No. I've got an order paper question in right now asking—this Liberal government brags about having a program that involves the OPP. They turned their backs on the local police forces that are doing the work and don't resource them; they haven't flowed the dollars. I've asked, "Have you even had a meeting?"

The trouble is, we've got an Attorney General who is the fastest politician I've seen in this House in years to get in front of a TV camera, but when he's asked by members on all sides of the House if he will act in the

best interests of public safety, he's nowhere to be seen. The truth of the matter is, he's busy getting in front of a camera to tell the Attorney General in Quebec what he should be doing, when he has failed to go before the courts in his own province to protect communities and children from dangerous sexual offenders.

For those of us who fought for years on behalf of the families—I still maintain a considerable amount of contact with Debbie Mahaffy and her son, Ryan, constituents of mine; with Priscilla de Villiers, whose daughter, Nina, was sexually assaulted and murdered. These families continue to bear the pain, but what hurts the most—and everything I've ever learned about the victims, every single one who has had an opportunity to touch my life—is that they don't want anyone else to experience what they experienced; they don't want anyone else to be victimized. The most powerful instruments are to empower the lawmakers and our court system to do what it was designed to do, not to help prove the innocence of a criminal mind—oh, it does very well in that department—but to protect the people of this province.

I want to say to my colleague from Leeds–Grenville, I commend you for bringing this forward. It's unfortunate that the Attorney General is a johnny-come-lately to these issues, but I want to stand proudly in support of your resolution.

Hon. James J. Bradley (Minister of Tourism and Recreation): Thank you for the opportunity to speak on this resolution. I'll be supporting the resolution today, though I must confess to being somewhat disappointed by the partisan nature of the debate in private members' public business today.

As the member for St. Catharines and a friend of the French family, I remember well the great difficulties that confronted that family. There were many opportunities to get personal publicity as the member for St. Catharines or to take partisan shots, and I resisted those over the years because I felt it was right to resist them. I remember a television reporter coming down to ask about something. I had an idea what it was going to be about. When the person asked, I said, "Is this about unemployment in the Niagara region?" I listed several things. I said, "It's Bernardo, isn't it?" "Yes." I said, "I have nothing to say about Bernardo."

I think it's most unfortunate when these circumstances are exploited. I remember I used to have a headline, when I was over on the other side, when there were petitions, that said—I won't hold it up—"Tories Stand by 'Deal with the Devil': Judge's Review Upholds Infamous Homolka Plea Bargain."

The minister at the time, Charles Harnick, a good friend of mine, who was the Attorney General, did not overturn that deal. I could have at the time gone wild publicly, had press conferences and so on. I think Charles Harnick made a very difficult decision. I respected the fact that he had a very difficult decision to make and that his hands were tied. I would have preferred to see that deal overturned, and I'm sure those involved with the investigation, if they knew those tapes existed, would

never, never have made this deal with Karla Homolka, who was every bit as guilty, as it turned out, as Paul Bernardo in this particular case.

We have to remember that this person is still a threat to society, that indeed, particularly in tandem with another Paul Bernardo-type of person, she could definitely present a threat to a community. Yes, there's a lot of attention to this particular person. The crimes were horrendous. It was a traumatic experience for our entire community. Of course, for the family of Leslie Mahaffy, Doug and Donna French, the family of Kristen French, the children and the family, the relatives and friends, it was a traumatic experience. Every time I see the names "Bernardo" or "Homolka" listed in a newspaper or covered in a movie or in a book, I become repulsed at hearing those names. I wish we never had to hear them again.

I think our Attorney General has taken some positive action in this regard. I commend him for it. The member for Leeds–Grenville is sincere in these matters, and he has been for all the years I've known him in the Legislative Assembly. I want to support his resolution because I think he sincerely believes that the action he is advocating is the very best action to take. I urge the people of this province to boycott any film or book that would enhance the reputation of Bernardo or Homolka.

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

Mr. Runciman: I appreciate the input of all members who participated in the debate this morning.

I appreciate the comments of the member from St. Catharines with respect to the partisan nature of the debate, and certainly my concerns that I expressed earlier about the approach of the Attorney General were not, I don't believe, partisan in any way, shape or form. I have genuine concerns about the fact that this resolution was to be debated today. There seems to have been a rush to announce other activities on the part of the government prior to this debate occurring. Maybe that's a misinterpretation, but the fact that the Minister of Justice in Quebec as of yesterday morning was unaware of this effort certainly raises concerns.

With respect to what happened in terms of the plea bargain agreement, the fact that Ms. Homolka only received 12 years on two manslaughter convictions certainly upsets most Canadians when they look back at it, and the fact that she is now going to be a free woman in a few short weeks—again, very serious concerns. She is a predator and could pose a threat to Ontarians in the future, and I think we have to be genuinely concerned about that. I also think that the participation of Mr. Bernardo's lawyer, Ken Murray, in concealing evidence, which was a significant contributing factor to this plea bargain that was arrived at, should be reviewed, along with the efforts in terms of perjury and the Jane Doe sexual assault in 1991, which were excluded from the plea bargain agreement.

We always have to ensure that there is every effort on behalf of three young women who lost their lives to this

monster couple and their families who have to live with the brutal reality that this predator will shortly be free. Anything we can do on their behalf, we should do, as an assembly and as a government.

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

GENDER-BASED
PRICE DISCRIMINATION
PROHIBITION ACT, 2005

LOI DE 2005
INTERDISANT LA DISCRIMINATION
DES PRIX FONDÉE SUR LE SEXE

The Deputy Speaker (Mr. Bruce Crozier): We shall deal first with ballot item 59, standing in the name of Mr. Berardinetti.

Is it the pleasure of the House the motion carry?

All those in favour, please say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Carried.

Mr. Lorenzo Berardinetti (Scarborough Southwest): I would ask permission to have this bill brought to the standing committee on social policy.

The Deputy Speaker: Mr. Berardinetti has asked that the bill be referred to the standing committee on social policy. Agreed? Agreed.

KARLA HOMOLKA

The Deputy Speaker (Mr. Bruce Crozier): We shall now deal with ballot item 60, standing in the name of Mr. Runciman.

Is it the pleasure of the House the motion carry?

All those in favour, please say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1202 to 1207.

The Deputy Speaker: Mr. Runciman has moved ballot item 60. All those in favour, please stand and be recognized by the Clerk.

Ayes

Arnott, Ted	Gravelle, Michael	Munro, Julia
Barrett, Toby	Hardeman, Ernie	Oraziotti, David
Berardinetti, Lorenzo	Hudak, Tim	Parsons, Ernie
Bradley, James J.	Jackson, Cameron	Patten, Richard
Brotten, Laurel C.	Kennedy, Gerard	Qaadri, Shafiq
Brownell, Jim	Klees, Frank	Racco, Mario G.
Chambers, Mary Anne V.	Kormos, Peter	Ramal, Khalil
Colle, Mike	Kwinter, Monte	Runciman, Robert W.
Craiton, Kim	Lalonde, Jean-Marc	Ruprecht, Tony
Delaney, Bob	Leal, Jeff	Sandals, Liz
Dombrowsky, Leona	Levac, Dave	Tascona, Joseph N.
Duguid, Brad	Martiniuk, Gerry	Van Bommel, Maria
Duncan, Dwight	McNeely, Phil	Wilson, Jim
Flynn, Kevin Daniel	Mitchell, Carol	Witmer, Elizabeth
Fonseca, Peter	Mossop, Jennifer F.	Wynne, Kathleen O.

The Deputy Speaker: All those opposed, please stand and be recognized by the Clerk.

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 45; the nays are 0.

The Deputy Speaker: I declare the motion passed.

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

The House recessed from 1210 to 1330.

MEMBERS' STATEMENTS

VOLUNTEERS

Mr. Cameron Jackson (Burlington): Next week is National Volunteer Week, a time during which we honour and gratefully acknowledge all those Ontarians whose vital contribution of their time and energy make such a tremendously positive impact on our communities.

National Volunteer Week was first proclaimed in 1943, when women's voluntary services organized special events across Canada to publicly acknowledge the vital contribution of women to the war effort. Today, more than 6.5 million Canadians contribute more than one billion hours of their time to make a difference to their fellow citizens.

This year's theme of National Volunteer Week is Volunteers Grow Community. It is an appropriate one as volunteering truly does help build vibrant, strong and prosperous communities. Volunteers serve on boards and committees, organize cultural and recreational activities, support the elderly, provide shelter, counsel youth, coach teams and do much, much more.

On Monday, I will have the privilege of volunteering myself as I serve an appreciation luncheon every year to the volunteers of the Canadian Red Cross, Burlington branch, who work tirelessly delivering Meals on Wheels and many other services in our community. Without the invaluable services of our volunteers, many organizations such as the Red Cross simply could not function.

On behalf of my leader, John Tory, and the Ontario PC caucus, I would like to take this opportunity to salute and to thank our volunteers for all that they do on our behalf throughout the year. The very best way to show our appreciation for them is to become volunteers ourselves and join their ranks.

ARMENIAN GENOCIDE

Mr. Brad Duguid (Scarborough Centre): I rise today to mark the 90th anniversary of the Armenian genocide. April 24, 1915, was the start of a planned and systematic campaign to eradicate the Armenian people from present-day Turkey, the last century's first case of ethnic cleansing. One and a half million Armenian men, women and children were brutally killed.

At the time the world community, constrained by politics, sat idle and did nothing. Thus, the stage was set for other genocides and human tragedies, such as the one that occurred in Rwanda in 1994. In fact, upon unveiling his final solution for the Jewish people during the Holocaust, Adolf Hitler noted to his aides that the world would not lift a finger because, in his words, "Who today remembers the Armenians?"

History has an unfortunate tendency to repeat itself. Perhaps if the rest of the world acknowledged the horrific reality that what happened to the Armenians in 1915 was genocide, it's possible that subsequent genocides might have been averted.

Facts are facts. You cannot have justice without truth. You will not see true healing without full acknowledgement and recognition.

On Sunday, April 17, many of my colleagues from this assembly and I will be in the Armenian Community Centre in Toronto to commemorate the lives lost in this first genocide of the last century. I urge you and all of us to commemorate this event with the Armenian community in Toronto.

I am proud to be a member of this assembly, which has long spoken out on this issue, and I commend members from all sides of the House who have taken an active interest in it, particularly the member from Don Valley East, the Honourable David Caplan, and the member from Scarborough-Agincourt, the Honourable Gerry Phillips.

RURAL ONTARIO

Mr. Toby Barrett (Haldimand-Norfolk-Brant): Ontario's tobacco counties are being shortchanged by this government. On March 29, AG Minister Peters announced that his government would provide \$35 million in compensation to Ontario's tobacco farmers, not the \$50 million they were expecting. The \$15 million is being subtracted and directed to area municipalities.

Just a few days ago, we learned that this government is now taking back well over \$15 million from those very same tobacco municipalities through their Ontario municipal partnership fund announcement. Brant will see \$2.9 million less than they did last year; Elgin, \$4.49 million less; Norfolk, a decrease of \$7.3 million; Oxford, \$979,000 less; and the town of Tillsonburg will see a decrease of \$451,000. This government promised \$15 million on one hand, but when you add it up, they took away \$16.1 million on the other, through the Ontario municipal partnership fund. This is the former community reinvestment fund.

After looking at the list of the Ontario municipal partnership fund, a reporter asked me this morning, "Why is this government treating rural Ontario so poorly?" I cannot help but think the members opposite are either blatantly insensitive or truly fiscally incompetent.

On behalf of tobacco farmers, the tobacco farming communities and the rest of rural Ontario, I ask that the government restore fair and equitable transfer payments.

VAISAKHI

Mr. Michael Prue (Beaches–East York): Why Guru Jee Ka Call-saw, Why Guru Jee Key Fut-eh.

On behalf of the Ontario NDP caucus and members of the Ontario New Democratic Party, I would like to wish the Sikh community Vaisakhi Luk Luk Va Die—happy Vaisakhi.

Today, Sikhs throughout the world are celebrating Vaisakhi, the day their 10th guru, Gobind Singh Jee, created the order of Khalsa. Guru Gobind Singh Jee told the Khalsa that they needed to have a unique physical identity so that anyone in need of help could ask. The identity includes the five articles of faith that are commonly known as the five Ks: the kesh, or uncut hair; the kirpan, or ceremonial sword; the kara, the steel bracelet; the kanga, which is a comb; and the kaccha, which is the unique form of underwear.

Sikhism stresses equality of all people regardless of race, religion, culture, gender and economic class. I would think too that that is what we practise here in Ontario.

Sikh Canadians have contributed greatly to communities from coast to coast, at times surmounting enormous barriers. More importantly, the Sikh community has helped to build a vibrant and diverse Ontario both economically and socially. Indeed, their involvement in business, education, technology, health care and community service have made this province a more vibrant place in which all of us may live. Their shared culture of love, acceptance and respect has been expressed through the generosity of their community. Their desire to make Ontario a better place for everyone is to be applauded.

Please join me in wishing the more 20 million Sikhs worldwide a very happy Vaisakhi.

HOSPITAL FUNDING

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): Opposition members tend to criticize the level of service that Ontarians are receiving in our hospitals. I'm rising today to say that the McGuinty government's health care program is working. Our health minister, George Smitherman, has stood up for better and improved health care services for Ontarians. The days of the Harris-Eves government's mismanagement of health care are over.

Yesterday, I went to the Ottawa Riverside hospital to receive health care services. It was my first-ever visit to that hospital, which is not in my riding. The staff had never seen me before and did not know who I was. I arrived for an early morning appointment and was seen right away by friendly staff. While there was some confusion over my appointment time, the helpful staff made sure to locate a great doctor within less than a minute, and the situation was cleared up immediately.

I would like to thank Sylvie Philippe, Ghislaine Labine and Claire Bertrand, who greeted me so warmly, and Dr. Blais, who looked after me so well. I would like

to say that the Ottawa Riverside hospital is a five-star hospital, and its health care team and support staff are providing excellent service to the citizens of Ontario. Only after I called back later to thank them for their efforts did they realize that I'm an MPP.

We are on the right track. Clearly, the McGuinty government's investments in health care are paying off.

REGION OF PEEL

Mr. Tim Hudak (Erie–Lincoln): Do you know what? I have to admit it: We were wrong. We've been saying that we've not seen one single Liberal ever vote against Dalton McGuinty and the orders from the Premier's office, despite his promise to the contrary. But now one brave member, the member for Brampton Centre, Linda Jeffrey, has said that she is going to stand against Dalton McGuinty and vote against his plan to restructure the Peel region. Clearly, she is tired of trying to figure out that bouncing-ball policy that has seen Dalton McGuinty take about six different positions on this issue in the last year alone. In fact, the finance minister, Greg Sorbara, had a different opinion than Dalton McGuinty on this issue. We will see how he votes. I don't know why they won't stand up to Dalton McGuinty, because Dalton "Muscles" McGuinty, whenever he draws a line in the sand, always backs down. They shouldn't call him "Muscles;" they should call him "Blinky."

1340

The big question is, where do the members for Brampton–Gore–Malton–Springdale, Dr. Kular, and Brampton West–Mississauga, Mr. Dhillon, stand? This is front-page news in Peel, and you can't even find these guys commenting on the back page of the newspapers. They're two intelligent members; surely they have an opinion. But what I fear is that "Bruiser" and "Crusher," Don Guy and David MacNaughton, told them to pipe down, or that Chris "Dr. No" Morley told them not to talk to the press. What I hear, worst of all—Ms. Jeffrey may not know this yet—is that Port Colborne's "Polish Hammer," Bob Lopinski, may make a comeback to try to shut down this dissent.

HOSPITAL FUNDING

Mr. Mario G. Racco (Thornhill): It is with great pride that I rise in the House today to recognize the unprecedented level of support that our government is providing to York Central Hospital in the region of York, one of the fastest-growing areas in the province.

I was pleased to attend the announcement this month at York Central Hospital when the Honourable Greg Sorbara, Minister of Finance, announced the final approval to proceed with phase one of their capital expansion project, news which was enthusiastically received by the hospital board, staff physicians, foundation and donors, and the people of the region of York, who rely on the hospital for their health care services.

This capital expansion will triple the size of the emergency and diagnostic imaging departments, double the size of the critical care unit, create a state-of-the-art birthing centre, create negative-pressure rooms for the isolation of highly infectious patients and provide schedule 1 mental health facilities. The expansion will add 93 in-patient beds to York Central Hospital and add 148,230 square feet to the hospital. This expansion of both space and services will allow for faster patient admission, improved access to emergency services and will shorten wait times for procedures and diagnostic tests.

To date, the Minister of Health and Long-Term Care has committed \$55.5 million of the total \$91.1 million toward the total cost of phase one. The balance of the funding has been provided by the community, and I want to say thank you to the good work done by the York Central Hospital Foundation in the town of Richmond Hill, which raised the money.

This expansion will create a modern, expanded facility that strengthens health care for region of York residents and build on the investments that our government has already made at York Central Hospital, including a new CT scanner and a new MRI suite. This is just another example of our government's commitment to making the Ontario health care system the best in the world. I want to say thank you to the minister.

IMMIGRANTS

Mr. Lorenzo Berardinetti (Scarborough Southwest): I rise today to commend our government's efforts in eliminating the \$23-billion gap that exists between what Ontario contributes to the federal government and what Ontario gets in return.

Ontarians are proud Canadians. We understand that Ontario is the economic engine of the country, and we accept the responsibility of contributing to the federation of provinces. Going toward the future, we need to ensure that Ontario can continue to be a solid contributor to Canada. However, we need a fair deal from our federal counterparts.

One specific area where we need more funding is immigration. My riding of Scarborough Southwest is home to thousands of recent immigrants from China, India, Sri Lanka, the Philippines, Pakistan and other countries, many of whom are trained professionals or tradespeople. Our immigrants need proper settlement assistance to engage them and their families into the life of our province. To do this, our province needs more than the \$819 per immigrant we receive, compared with the \$3,806 per immigrant Quebec receives.

Our province's ability to share with the rest of Canada is compromised if we cannot ensure that our immigrants are the most prosperous they can be. The Premier has asked for a meeting, and the Prime Minister has said he's willing to meet. On the other hand, Jack Layton, leader of the federal NDP, is doing nothing for Ontario. The people of Ontario expect us to work together to find

solutions, and we're looking to work with Ottawa to build a stronger Ontario.

HEALTH CARE

Mr. Michael Gravelle (Thunder Bay-Superior North): I rise today to raise an issue that is important to all Ontarians. Yesterday, the former leader of the Reform Party and Mike Harris released a report on health care. The Reform/Common Sense Revolution duo, writing for that left-leaning organization the Fraser Institute, said that the province should be allowed to privatize health care. Well, Speaker, both you and I know that Mike Harris did his best to take care of Bay Street when he was here. We know how he hurt the people of this province.

I'm wondering what Mr. Tory has to say about his friends Manning and Harris and their report advocating the privatization of our health care system. If you're a high-income earner, I guess it's easy to suggest privatization; I guess you can afford to pay. But what if you don't collect a big pension; what if you don't have a high-paying job?

John Tory needs to look seniors and low- and middle-income earners right in the eye and tell them if he shares the views of Mike Harris and Preston Manning. This past January, Tory told the Guelph Mercury that he would involve the private sector in all government projects, from health care to subway construction.

My questions are these: Does he support the abolition of our valued Canada Health Act? Does he support the privatization of our health care system? Does he support the Conservative agenda unleashed yesterday? Or will he finally stand up for the people of Ontario and say he supports the Canada Health Act because he not only believes in it but supports equal access to health care for all Ontarians?

VISITOR

Mr. Bob Delaney (Mississauga West): On a point of order, Mr. Speaker: I would like to draw attention to the east members' gallery and introduce Mr. Glen Grunwald, president of the Toronto Board of Trade, making his first visit to the House.

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

INTRODUCTION OF BILLS

KHALSA DAY ACT, 2005

LOI DE 2005

SUR LE JOUR DU KHALSA

Mr. Dhillon moved first reading of the following bill:

Bill 189, An Act to proclaim Khalsa Day / Projet de loi 189, Loi proclamant le Jour du Khalsa.

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

Mr. Vic Dhillon (Brampton West–Mississauga): I'm pleased to introduce a bill that would give recognition to Ontario residents of the Sikh faith who have made and continue to make tremendous contributions to the growth and development of the province of Ontario and of our country. It is important to recognize and celebrate those contributions. My proposed legislation, if passed, will recognize April 13, the day of establishment of Khalsa, as Khalsa Day in Ontario.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I seek unanimous consent to move a motion without notice regarding private members' public business.

The Speaker (Hon. Alvin Curling): The Government House Leader seeks unanimous consent. Is it agreed? Agreed.

Hon. Mr. Duncan: I move that, notwithstanding standing order 96(d), the following changes be made to the ballot list of private members' public business: Mr. Miller and Ms. Scott exchange places in order of precedence such that Ms. Scott assumes ballot item 68 and Mr. Miller assumes ballot item 69; and that pursuant to standing order 96(g), notice be waived for ballot item 62.

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

DEFERRED VOTES

TOBACCO CONTROL STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA RÉGLEMENTATION DE L'USAGE DU TABAC

Deferred vote on the motion for second reading of Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / Projet de loi 164, Loi visant à modifier le titre et la teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.

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

The division bells rang from 1349 to 1354.

The Speaker: Mr. Smitherman has moved second reading of Bill 164.

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

Ayes

Arnott, Ted	Fonseca, Peter	Pupatello, Sandra
Bartolucci, Rick	Gravelle, Michael	Racco, Mario G.
Bentley, Christopher	Hampton, Howard	Ramsay, David
Berardinetti, Lorenzo	Hoy, Pat	Rinaldi, Lou
Bountrogianni, Marie	Kwintar, Monte	Runciman, Robert W.
Brownell, Jim	Lalonde, Jean-Marc	Ruprecht, Tony
Bryant, Michael	Leal, Jeff	Sandals, Liz
Cansfield, Donna H.	Levac, Dave	Smitherman, George
Caplan, David	Martel, Shelley	Sorbara, Gregory S.
Chambers, Mary Anne V.	Martiniuk, Gerry	Sterling, Norman W.
Chudleigh, Ted	Matthews, Deborah	Takhar, Harinder S.
Cordiano, Joseph	McNeely, Phil	Tascona, Joseph N.
Craitor, Kim	Meilleur, Madeleine	Van Bommel, Maria
Delaney, Bob	Munro, Julia	Wilson, Jim
Dhillon, Vic	Oraziotti, David	Witmer, Elizabeth
Dombrowsky, Leona	Parsons, Ernie	Wynne, Kathleen O.
Duguid, Brad	Peterson, Tim	Zimmer, David
Duncan, Dwight	Phillips, Gerry	
Flynn, Kevin Daniel	Prue, Michael	

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

Nays

Barrett, Toby	Hudak, Tim
Hardeman, Ernie	Klees, Frank

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 55; the nays are 4.

The Speaker: I declare the motion carried.

Shall the bill be ordered for third reading?

Hon. George Smitherman (Minister of Health and Long-Term Care): I would ask that the bill be referred to the standing committee on finance and economic affairs.

The Speaker: So ordered.

ORAL QUESTIONS

PUBLIC SAFETY

Mr. Robert W. Runciman (Leeds–Grenville): My question is for the Attorney General. After repeated questions from John Tory, you have no answers for the people of Bolton as to what action is being taken to prevent a man charged with the first-degree murder of his wife in a school parking lot being allowed to return home on bail. Put yourself and your family in the place of Bolton residents, having someone charged with murder living just a few feet away from your home. Minister, the bail hearing is Monday. What specifically is being done to ensure that this man stays in prison pending his trial?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I want to assure the member and all members of the community affected by this that we

are taking all the appropriate steps to do all we can to make the case before the courts in a manner that will ensure the community is in fact safe. I am not going to make the arguments that the crown will be making before the courts in this chamber because it's not appropriate and because it may prejudice our ability to make the best case before the court. I can assure the member that we are doing everything we can within our legal means to ensure that this person gets the appropriate treatment by the justice system. The member knows that I just cannot go any further than that.

1400

Mr. Runciman: The minister doesn't mind making political comments when it suits his political purposes. You have the responsibility to ensure that people feel safe in their communities, and you are missing in action.

Yesterday, we learned that a career predator, Lawrence Sears, a man convicted of 22 child sex charges, will complete his full prison sentence in June and likely settle in Toronto. This man has been described as an untreatable pedophile who will undoubtedly attack more children. What specifically are you doing to protect Ontarians and their children from this high-risk pedophile?

Hon. Mr. Bryant: I am aware of the particular case that the member is talking about. I cannot say at this time the position that we may or may not be taking with respect to obtaining a recognizance order. But we do so; it is not on a regular basis, but about 20 to 25 times a year we appear before the courts to obtain orders to ensure that the community is protected from somebody that we feel is a danger to the community. I am not going to say on this particular case what we will do yet. As soon as we are in the position where the police make a recommendation that we do that, I'm happy to advise the member. I can assure him that both the police and our ministry are monitoring the situation very closely.

Mr. Runciman: Maybe we can look forward to a press conference. The minister is failing the people of Bolton and he's failing the people of Toronto. He has chosen to hide behind legal niceties.

Another case, minister: In 1981, in Toronto, Ralph Power, an aspiring serial killer and sexual predator murdered a 20-year-old aspiring model, Cheryl Gardner, who hailed from Gananoque in my riding. Power beat Cheryl to death with a hammer. He also attempted to kill a second woman six days later. Power felt no remorse after confessing to Cheryl's murder. I'm told that Mr. Power will shortly be considered for day parole. He's in Kingston Pen at the moment. I ask if you and your officials plan to intervene to ensure his continued incarceration. Do you plan to do that?

Hon. Mr. Bryant: Again, I say to the member, not only do we engage in 810.2 applications or other recognizance or intervention orders upon the release of somebody into the community where we feel there is a danger, we also have made the case to all provincial and federal justice ministers that we need to be making changes to the Criminal Code so that our most serious serious offenders are getting the appropriate treatment by our danger-

ous offenders system and that we need to strengthen our recognizance system.

With respect to the specific cases that the member is raising in this Legislature, I remind him of a very recent submission by the dean of the law school at Queen's University. He said "Beyond the issue of prejudicing ongoing proceedings," any "discussion in the Legislature" about specific cases "raises a more overarching concern—the politicization of the criminal process." I won't participate in that.

HOSPITAL FUNDING

Mrs. Elizabeth Witmer (Kitchener–Waterloo): My question is for the Minister of Health. Minister, you are forcing hospitals to balance their budgets by March 31, 2006, and to do so in accordance with your seven-step process. Each step, as you know, increases the negative impact on patient care and safety. Steps 6 and 7 identify program consolidation and reduction in programs as a means to balance hospital budgets.

We now know that you and your Premier have revealed your hidden agenda to extricate and consolidate services from hospitals. In fact, the Premier said on April 15, "We think it makes good sense to consolidate the service in one centre."

Minister, I ask you, will you make public these plans by hospitals to balance their budgets so that the public and the hospitals will know what services and programs and staff you plan to strip from their hospitals?

Hon. George Smitherman (Minister of Health and Long-Term Care): I appreciate the opportunity to respond to a question from the party whose hidden agenda became rather public yesterday. You are but a branch plant for the national Conservative viewpoint, well expressed by your former Premier and devotee, Mike Harris. He came clean yesterday in the hidden agenda of all hidden agendas: Wipe out the Canada Health Act and all the protections associated with it that Canadians have enjoyed and move forward in a John Tory-inspired privatization along the lines of his commitment to make all health care services function just like Highway 407, because that has proven so good for consumers.

Why doesn't the honourable member stand in her place and tell us how that is going to be accommodated, alongside her party's very firm commitment to cut health care by \$2.4 billion?

Mrs. Witmer: Out of respect for the people in the province of Ontario, who are actually looking for an answer to this question, I say to the minister that yesterday our leader introduced an opposition day motion that stated "that no nurses will be fired as a result of budgetary constraints for the remaining term of office of the McGuinty Liberal government." However, nurses and others were shocked to learn yesterday that the McGuinty Liberal government voted against this motion.

We now know that your balanced budget plans have contributed to service cuts and that you have approved the layoffs of 757 nurses. I say to you now, will you

guarantee that hospitals will not be forced to lay off any more nurses?

Hon. Mr. Smitherman: It's interesting that a question about nursing would come from the longest-serving health minister in the previous government, which has on its record, as a strong point in its health care legacy, the \$557-million reduction in hospital funding over two fiscal years and the elimination of—get this—8,000 nursing positions, to the point where the inspired leader of the Conservative voice in Canada, Mike Harris, back in the high life again as evidenced yesterday, had the audacity to compare nurses in the province of Ontario to Hula Hoops. That is your legacy.

Ours is clear: 3,000 new nursing jobs in fiscal 2004-05; rebuilding the foundations of nursing; more resources for safe procedures in hospitals, like \$60 million to buy ceiling-mounted bed lifts; the first investments in the kind of technology to prevent needle sticks; 1,000 clinical training opportunities for our new graduates; clinical simulation equipment in our nursing schools—

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

Mrs. Witmer: The people of Ontario and nurses in this province were actually interested in the response to the last question. I say to the minister opposite that what he has done is stated a lot of fiction, as he well knows, and I know he's very uncomfortable about this. He knows that we did hire 12,000 nurses. He also knows that we have been recognized by the RNAO in the province of Ontario for the work we did to expand nursing services.

Interjections.

The Speaker: Order. I'm going to give you a chance to ask your question properly. I ask the government House leader and the member from Don Valley East to come to order.

Mrs. Witmer: If the minister doesn't care about nurses and if he doesn't care about the staff at hospitals, I ask him this: Your Premier, while he was Leader of the Opposition, stated during the debate on the provision of cardiac care for children that "the best thing is to provide continuing quality care closer to home."

Now, you said in a scum last week, "If you want to have an obstetrics program just around the corner, but it is not necessarily sensible to have an obstetrics program if a hospital only has a volume of ... 50 or 60 births a year...." Your comments in that scum sound like the people of Georgetown—

1410

The Speaker: Thank you. Minister?

Hon. Mr. Smitherman: Our commitment to nurses is clear. We've hired more of them over the course of the last fiscal year. Tomorrow, the Premier will be making an announcement about family health teams. And what does that do? It brings our nurses and nurse practitioners alongside our doctors and other health professionals to expand coverage for people in the province of Ontario.

With respect to obstetrics, I did go to Wallaceburg, 20 kilometres or so north of Chatham, where they had an obstetrics program that was having 60 or 70 births a year.

This is not a satisfactory circumstance from a clinical outcome for baby or mom alike. I said to that community that while I recognize that the program has been there for a long time, when more people were having babies in the local community, it cannot safely be sustained, and I supported its move to Chatham. But in the case of Georgetown, where the number of births was many, many times multiple of that, I supported that program. As the member from Halton can tell his colleague, it continues to be a program that is gaining life even as we speak today, and providing tremendous service too.

PUBLIC SECTOR RESTRUCTURING

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Acting Premier. In the last election, you promised ordinary Ontario families you would rebuild our public services. Here is your record so far: 757 nurses fired, not hired; cuts to physiotherapy, optometry, chiropractic. And now we learn you're laying off 3,700 public service workers. That's one in 10 public service workers, whom we rely upon to deliver good-quality public services in the province.

Acting Premier, how do you square laying off 3,700 more public service workers with your promise to rebuild Ontario's public services?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I'm going to refer that to the Chair of the Management Board of Cabinet.

Hon. Gerry Phillips (Chair of the Management Board of Cabinet): I think the leader of the third party should—perhaps he doesn't realize this—kind of deal with the facts.

Firstly, in terms of the numbers, we actually have been rebuilding the public service. We now have about 1,400 more people working for the Ontario public service than when we took office. We brought in 450 people who were outside consultants, brought them back into the public service. We saved \$20 million doing that. We've added 200 health and safety workers. We've added 100 meat inspectors. So we are rebuilding the public service.

The numbers he talks about simply are possible plans that might happen. Two thirds of that, already announced, are basically psychiatric hospitals. The employees will stay the same. We are transferring them to community-based organizations, as I think the third party would agree is a good idea. So I would just hope he might deal here with the facts.

Mr. Hampton: Well, one of the facts is that 120 of these cuts will happen at the Family Responsibility Office. You should know that the Family Responsibility Office already cannot keep its commitments to children and women who need those financial support payments in order to pay the rent, put food on the table and have clothing on their backs. Since 1995, the number of case-workers at the FRO is down by 20%; the number of cases is up by almost 50%. And now you're going to lay off another 120 staff.

Can you tell us, Acting Premier—most importantly, can you tell those women and children—how does laying off another 120 staff at the Family Responsibility Office help those women and children who need those support payments?

Hon. Mr. Phillips: You don't help by misstating the facts. These people are not being laid off. I again say to the third party, two thirds of these people who are in our plans are people who will be transferred to another employer—psychiatric hospitals. In the particular case that you raise, that would happen only after the Family Responsibility Office has solved the challenges that are there, and it might happen.

So I would say to all of our public servants, these aren't layoffs. These are possible plans laid out for the last year for our unions. Two thirds of these are transferring employees to another employer, and in the case of the Family Responsibility Office, until the Family Responsibility Office has solved its problems, nothing is going to happen there.

I would urge the leader of the third party: Calm down—we are going to work with our public service to make sure we rebuild the public service—and do not rely on these scare tactics he's using here in the Legislature.

Mr. Hampton: The now Chair of Management Board wants people across Ontario to believe that the McGuinty government sends out layoff notices for the fun of it. Let's be clear about the facts. You're the person who a year and a half ago, in June, said there was a possibility of a \$5-billion deficit. Then, when you're hit with a \$5-billion deficit, you say, "I didn't hear about it. I didn't know about it."

If there's anybody who is a stranger to the facts around here, Minister, you are. This concerns some of the most vulnerable children and women in this province. The Provincial Auditor has said over and over again that they are not well served by the Family Responsibility Office. The Provincial Auditor has said that this office needs more staff, better trained staff, more experienced staff, and what do we see? One hundred and twenty staff there are getting layoff notices. So tell those women and children who already wait, in some cases seven months for action on their child support payment files, how laying off another 120 staff is going to—

The Speaker (Hon. Alvin Curling): Thank you, Minister.

Hon. Mr. Phillips: Again I say to the public: There are no layoff notices. No layoff notices have occurred. He's making it all up. There are no layoff notices. These are simply plans required, I might say, by law. By law we are required to disclose possible plans for the next two years. There are no layoff notices.

In terms of what he is talking about—the people I think he is talking about—that there are 120 of them, 40 of them have not even been hired yet. So I would say to the leader of the third party, do not use the term "layoff notices." There is no such thing. These are plans over the next two years that may or may not happen. Two-thirds of them are simply transferring these employees to

another employer, and the other third, as I say, may or may not happen. I would also add that in those same plans, there are another 1,400 people that we're adding, which offsets the number you're talking about in any event.

The Speaker: New question.

Mr. Hampton: To the Acting Premier again: Let me say that I don't think women and children who are already waiting seven months too long for child support payments get any sort of confidence from this minister.

I want to ask about the 72 layoffs at St. Joseph's health centre in London. Your underfunding of our hospitals is forcing St. Joseph's to cut \$8 million from mental health services and to lay off staff in mental health services to cover the underfunding. This will mean more service cuts for vulnerable people who need help, and it will mean more trouble for other social service agencies. Can you tell us, please: You said you were going to improve public services. How does laying off another 72 people in mental health services help rebuild our public services?

Hon. Mr. Duncan: I'll refer that to the Minister of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): If the member were interested at all in the facts, he would know that the circumstances in London are such: Many years ago, the province of Ontario divested operation of the psychiatric facility in that area to St. Joseph's Health Care. As part of that, there has been a long-standing plan, which is now being acted out, to push more of those services down to the community level. This is consistent, I believe, with what have been the values, as previously expressed, of the third party. This is entirely consistent with that, and very reflective of the commitment of a government that made the first increase in 12 long years to community-based mental health, \$65 million, a legacy, sir, that I could remind you began on your watch when you began your deprivation situation for health care in Ontario.

Mr. Hampton: I find it interesting that the Minister of Health says that laying off 72 workers who work in mental health is going to improve services.

I want to ask next about Royal Botanical Gardens in Hamilton. During the Hamilton East by-election, the McGuinty government promised to help the gardens work through some financial difficulties. In fact, they promised money to help address that. On April 1, the McGuinty government announced \$3.8 million in new funding, but guess what's tied to it? What's tied is a requirement that 23 of the 44 staff be laid off and, through contracting out, a whole lot of other services be taken away from the staff who work there. Can you tell us, please, how does laying off 23 of 44 staff there help to rebuild public services in Ontario?

1420

Hon. Mr. Smitherman: I refer this question to the Minister of Culture concerning your allegation about 23 layoffs at Royal Botanical Gardens.

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): I just wanted to say to the House that there is a negotiation going on presently at Royal Botanical Gardens. As the person who asked the question knows, it would be improper for me to answer if there are any layoffs or not.

Mr. Hampton: During the Hamilton East by-election, the McGuinty government had no problem making this announcement. The McGuinty government had no problem saying that there will be help there for Royal Botanical Gardens. But now, when we find that the financial help carries with it the firing of 23 of 44 staff and the contracting out of a whole bunch of services, suddenly the McGuinty government doesn't want to answer. Tell us, please. This is your promise. This is what you were so happy to promise during the Hamilton East by-election. What happened to your promise? How does laying off 23 of the 44 dedicated staff there equal rebuilding Ontario's public services?

Hon. Mrs. Meilleur: Royal Botanical Gardens is a very important institution in Hamilton and in Ontario. We are working very closely with the board of directors and with the city of Hamilton and the regional municipality of Halton to make sure that Royal Botanical Gardens is with us for a long time. There has been a consultation with the community, so we know very well what the community and the municipality want. The board is reviewing the recommendation, and they will come up with a decision on the recommendation.

We have not been sitting here. I requested a review of Royal Botanical Gardens. I was not standing there looking at Royal Botanical Gardens' deficit year after year, like the previous government did.

CORMORANT POPULATION

Mr. Robert W. Runciman (Leeds–Grenville): My question is to the Minister of Natural Resources. As you're aware, in the last decade, the population of double-crested cormorants has grown out of control in the Great Lakes basin. Recent estimates show the population is doubling every five years and, in many areas, including my riding of Leeds–Grenville, cormorants have caused severe environmental damage, compromising important ecological, recreational and heritage values. The previous government initiated a cormorant control strategy, and I'm pleased to see you continuing with the program and that you proceeded with a cormorant cull in Presqu'île Provincial Park. Minister, can you confirm today that you will follow through with a further cull of cormorants at Presqu'île this year?

Hon. David Ramsay (Minister of Natural Resources): Just to set the record straight, I hope the member didn't imply that the previous government initiated a cull, because, quite frankly, they didn't have the guts to do it. It was my decision last year to have the first cormorant cull in the province of Ontario, because I thought it was the right thing and it's what the scientists had recommended. As the member knows, part of the requirement by the

Minister of the Environment was to have a scientific review of the success of last year's cull. I have posted that on the EBR, and we're receiving comments on that. In the next few weeks I will be making a decision on the further cormorant control program.

Mr. Runciman: There's no question that the minister is a gutsy guy, and we all acknowledge that; I want to thank the minister for his commitment. However, this may not be enough in terms of recent scientific evidence we've had from your ministry and from New York state, which suggests that cormorants are having substantial negative impacts on our Great Lakes and St. Lawrence River fisheries. Cormorants also appear to be expanding their populations and expanding colonies on inland water systems such as the Kawartha Lakes, Lake Nipissing and Algonquin Park. In fact, cormorants have been spotted on smaller lakes in my riding, including Wolfe Lake and the Rideau system.

Minister, the science is there; the time for action has come. Will you commit to expanding your committee's recommendations to other areas of the province and proceed to cull the overpopulation of these nuisance birds before they do irreversible damage to our fisheries and our natural environment?

Hon. Mr. Ramsay: I appreciate the opportunity to address this situation, because the member basically restricts his question to the idea of a cull. That is only one control technique we have. It is obviously the most extreme, and I did employ it last year.

As you know, I have continued the cormorant control program. Egg oiling seems to be one of the best techniques, so that you suppress the population. We are continuing to expand that. Taking away nests and culls are also proposed. I would say to the member that I will be signing off on these decisions in a timely fashion so that whatever decision is taken, there will be enough time to carry out whatever programs are required.

AUTISM TREATMENT

Mr. Michael Prue (Beaches–East York): My question is to the Minister of Children and Youth Services. Madam Minister, I'd like to reintroduce you to Michelle Quance, a woman you should know very well by now. This morning, she and her mom stood outside this building to again draw attention to your failure to provide four-and-a-half-year-old Tennyson with the IBI therapy she needs.

I have repeatedly attempted to ask for your help in determining a simple issue: where Tennyson is on your IBI wait list and, more importantly, how long that wait will be. On March 29, your senior staffer and MPP liaison person came to my office and promised to provide me with that answer by the end of that day. We are still waiting. Not one answer has been forthcoming.

Minister, today I have several questions and we need some answers. The questions are: How long is the Quance family going to have to wait for IBI for their daughter? How many more months does this family have to go

deeper and deeper in debt? Do they have to sell their home? Does the community have to raise even more money?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I thank the honourable member for the question, and I welcome the family back to the House and understand their frustrations. I will endeavour to get that information for you.

I will tell the family that we are making progress provincially. There are 25% more children under the age of six accessing IBI treatment. I know that isn't comfort to your child, who isn't yet accessing it, but we are doing the best we can. We inherited a long, long waiting list. We have cut down the waiting list for assessment by 72%. We do have a plan for children right through to the age of 18.

I understand your frustration. Again, I will endeavour to get that information for the honourable member to pass on to you.

Mr. Prue: Madam Minister, I thank you again, except that it has now been six months. First of all, your senior staff wouldn't tell me, then there were no answers forthcoming from this House and then there were no answers from your staff. We cannot hide behind a whole sea of statistics; we can't hide behind a sea of promises to help. We need to know, and this family needs to know, exactly what your plan is. They need to know the reality of the situation, and they need to know it now.

When are Tennyson and all the other autistic children who have been assessed by your ministry going to get off your stagnant waiting list and get the IBI treatment they so desperately need? Tell them the time frames, tell them the dates, and do it.

Hon. Mrs. Bountrogianni: This is actually a very timely question, in that the implications of the recent ruling—the ruling that we are appealing—are still being discussed. For example, if children over the age of six remain as clients of IBI, that will unfortunately affect the waiting lists for children under the age of six. We are still going through the implications of the ruling and what we are going to do about that. That has also added some more complexity to giving parents answers for their children on waiting lists. I will endeavour to do my best to get the information for the family, given this added complexity as well.

1430

HEALTH CARE

Ms. Kathleen O. Wynne (Don Valley West): My question is for the Minister of Health. I know how hard the government and you are working to restore Ontario's health care system so that it's second to none and sustainable, and that is why I was concerned this morning when I read an article regarding Sunnybrook and Women's emergency room. It stated that the hospital had not yet received any word from the ministry regarding capital

funding for the much-needed renovation and expansion. You know that Sunnybrook and Women's emergency provides my constituents with needed services, and they need to know that the hospital will be there for them. Can you update my constituents on the status of Sunnybrook and Women's emergency room?

Hon. George Smitherman (Minister of Health and Long-Term Care): I appreciate the question from the hard-working member for Don Valley West. She has made herself a very forceful advocate indeed, in particular perhaps for this hospital. I was surprised like she was, because I know that on March 24 I did send a letter to Virginia McLaughlin, chair of the board at Sunnybrook and Women's, flowing \$9.4 million as the beginning point of our government's commitment, and I will just read one line: "an unconditional grant in the amount of \$9,400,000 as a contribution from the Ministry of Health and Long-Term Care towards the cost of your emergency department capital project."

I will say that there are other capital needs at Sunnybrook. We are waiting for a report that will influence the development at Sunnybrook, but we've worked hard to send a message to the leadership there that we recognize that this is a long-overdue project. The circumstances that we're grappling with include the fact that the previous government left behind \$6 billion worth of commitments, but we are building public services to take pressure off these ERs, including family health teams, which we'll have more opportunity to talk about tomorrow.

Ms. Wynne: My constituents have come to rely on Sunnybrook and Women's emergency room, as you know, but health care doesn't just mean hospitals; we need doctors, nurses and health care professionals. Can you update us on the government's plan for family health teams?

Hon. Mr. Smitherman: Obviously, our government's agenda has been to try and drive resources to the community. Over the course of our last fiscal year, we made more than \$600 million worth of investments. I'm honoured that tomorrow we will have the opportunity to move forward with one of the most significant initiatives we've been working on since we came into office, and that is the development of family health teams. It's well known to all members of this House because the interest in these has come from all ridings in the province. We'll be moving forward with more than the first 45 that we'd committed tomorrow, and the 150 that we've committed will be easily fulfilled. We've already had 213 applications from communities that were interested in moving forward. The beauty in this idea is that doctors working in sole practice have limitations in terms of the number of patients they see. Doctors working in team practices with others helpers, like nurses, nurse practitioners and other health care professionals, benefit the patients by being able to see fully 52% more patients, and tomorrow we will be able to launch the projects all across Ontario in a versatility of settings.

TEACHERS' COLLECTIVE BARGAINING

Mr. Frank Klees (Oak Ridges): My question is to the Chair of Management Board. This morning your colleague the Minister of Education made a rather significant spending announcement. The question I have for you, sir, is whether you, as Chair of Management Board, signed off on the cost of that announcement, and if so, what was the full cost of the announcement made this morning by your Minister of Education?

Hon. Gerry Phillips (Chair of the Management Board of Cabinet): I'll take the first question and then maybe the supplementary will go to my colleague.

Let me say that he certainly sought full approval from cabinet for what he did, and I might add that cabinet is very proud of the work the minister did. I think the public who care about peace and stability in our public schools will recognize that the minister has done a fantastic job here. I would say, on behalf of the cabinet and my colleagues in caucus, that we're fully aware of the route that the minister was taking and very, very pleased that he has been able to achieve this. I guess it's called a tentative agreement with the teachers. So, yes, he is proceeding with approval, and we are very proud of the accomplishment of the minister.

Mr. Klees: I can't believe that the Chair of Management Board has given a blank cheque to the Minister of Education. That's what it was.

Not only has the Minister of Education today announced the end of local bargaining and taken over bargaining in education but, as Chair of Management Board, you should know that his framework just on the salaries alone is going to cost \$2.68 billion. In addition to that—and the Minister of Education is laughing, which shows he doesn't know, because when he was asked in a press conference this morning what the cost of this announcement is, he was not able to give an answer.

The Speaker (Hon. Alvin Curling): Question.

Mr. Klees: To the Chair of the Management Board: Is it responsible that your Minister of Education would make an announcement this morning for which there has in fact not been a sign-off from Management Board? Is that responsible?

Hon. Mr. Phillips: I did not say that he offered a blank cheque. He actually came to Management Board and cabinet and got approval for what he's done.

But I would also say, surely we believe in collective bargaining. We believe in collective bargaining, and where we have reached a tentative agreement with one of our groups, we do not make that public before our groups have become aware of the details. We are proceeding in a way that all collective bargaining does. I think the public should be aware. The minister operated completely within the mandate that he sought and got from cabinet. Secondly, we are following the normal process in collective bargaining. You simply do not reveal the details of this until the parties have had an opportunity to review them themselves.

Again I repeat for the public: We're very proud of the work that our Minister of Education has done to bring peace and stability to our public education system.

AUTISM TREATMENT

Ms. Shelley Martel (Nickel Belt): I have a question to the Minister of Children and Youth Services. We understand that as a result of Justice Kitley's decision, the government has told IBI service providers not to discharge children turning six from the IEP program until further notice. What concrete steps are you now taking to increase IBI services, both in the IEP program and by offering IBI in the school system to ensure that autistic children over six and those who are under six waiting for IBI services will have their needs met?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I'd like to thank the honourable member for the question. That's the reality of the ruling, that we are studying the implications. We have told IBI providers not to stop providing therapy for the children over the age of six. That was the judge's ruling. As you know, we have appealed it through the Attorney General's office for various reasons.

I will say that it has added more complexity to the under-age-six program. We put \$10 million in the program. We hired nearly 100 new therapists. We reduced the waiting list for assessment by 72%. Twenty-five per cent more kids under the age of six are accessing IBI treatment. The program was eventually getting better and better. We didn't solve it overnight; we can't solve it overnight. But this ruling has added more complexity to the under-age-six program. It's just logic.

I will allow the Minister of Education to answer the second part of your question, which was the over-six program.

But I am extremely proud of our government. We have more services for autistic children in this province than ever before and more than any other province in the country. But the ruling has added that complexity that the member has raised.

Ms. Martel: Minister, you knew that there would be an increased cost and a need for increased capacity when Dalton McGuinty made the promise that he did. Don't come to the assembly now and pretend that somehow you didn't think of this when you made the promise that you did.

What's clear in Justice Kitley's decision is that your government now has an obligation to respect charter rights unless and until her decision is overturned. That's why you've been forced to tell providers that they can't discharge children from the program just because they turn six. You also have an obligation to provide ongoing IBI to those older children and, at the same time, meet the needs of children like Tennyson who are on the waiting list. This means you have to increase funding and staff to meet the needs of the whole group of children.

The Speaker (Hon. Alvin Curling): Question.

Ms. Martel: There's no rocket science about this, and you certainly knew when you made the promise. I ask you again, Minister, what specific measures is your government taking to increase services through the IEP and through the school system, like Justice Kitley recommended, to ensure—

The Speaker: Thank you.

Hon. Mrs. Bountrogianni: To the Minister of Education.

1440

Hon. Gerard Kennedy (Minister of Education): The member opposite used the word “pretend” in the assembly. There is a lot of pretending on her part in this assembly. She pretends not to know this government has put significantly more resources for kids with autism. She pretends not to know because it's not to her political advantage to acknowledge that. She pretends not to acknowledge that we have put 65% more dollars toward kids with autism in schools and other kids with special needs. She pretends—

Interjection

The Speaker: Order. Give the minister an opportunity to respond, please, member for Nickel Belt. Minister.

Hon. Mr. Kennedy: We operate under a certain requirement for integrity in this House. It means not to misrepresent things that affect real people's lives, and that is what is happening with this question. Instead of falsehoods, the member opposite should be talking—

Interjection.

The Speaker: Order. Member for Nickel Belt, come to order, please.

New question.

TEACHERS' COLLECTIVE BARGAINING

Mr. Ernie Parsons (Prince Edward–Hastings): My question is to the Minister of Education on the announcement made today regarding the unique accord that our government has reached with the Elementary Teachers' Federation of Ontario.

From the moment it took office, our government said that a new relationship needed to be forged with teachers in this province. When you began the dialogue with the teachers' federations and the school boards in this province, it marked a recognition that we move ahead only by working together. I'm very proud we're taking a new and mature approach to working with Ontario's teachers. I know that parents in my riding—in fact, in all ridings—are very curious as to what our announcement includes.

Minister, what is included in today's announcement that will guarantee quality education for our students and the resources that our teachers need to do their job?

Hon. Gerard Kennedy (Minister of Education): I thank the member for the question.

It is important to note that this is a change and a departure from a time when the previous government took away programs from young children. It's easy to do, I guess, to deduct. Music programs are going to be coming back because we are financing specialist teachers. Just

for the public elementary system alone, 1,300 teachers will be there for literacy and numeracy, to make sure that kids get a chance at the right age. Further, we'll be able to provide for everyday physical education, because we'll be able to bring back phys. ed. teachers taken away by a thoughtless previous government.

Part of what everybody in this Legislature should agree on is the minimum that our kids deserve, which is a multifaceted education, one that accesses all of their potential. This does that, and at the same time, it creates the best environment possible for people whom we respect: the teachers who spend the day with our children and get education done.

Mr. Parsons: Minister, I'm very proud of how quickly the McGuinty government and yourself are overcoming the damage that the previous government did over eight years to the schoolchildren in our province. Today we have demonstrated that a unified approach with our teachers and school boards is a prerequisite to success in education. I have no doubt that all participants are committed to quality education in this province.

With the good news that the work-to-rule campaigns will end next Monday, April 18, how will this understanding pave the way for agreements between school boards and local federations in the future?

Hon. Mr. Kennedy: It is something that hasn't been done before. For the first time, we have a provincial dialogue. A successful conclusion means there is a framework that will then be applied by local organizations, because we've learned, sadly, at the expense of some of our students in the past, one size does not fit all. We have a robust, different kind of education that can fit small and rural, northern and urban areas and so on. It's important that it be done at the local level. Those agreements will be bargained. We will have, for the first time in this province, four-year agreements, and sustained peace and stability for all students.

We have done this in a way that allows the same dollars to be put into programs to create peace and stability. The fundamental cost of this is something that would have been available to every previous government: respect. We've provided that to our students, to our teachers, and it is now starting to get embedded in our education system, to the benefit of everyone who is part of it.

REGULATION OF PARALEGALS

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): My question is for the Attorney General. The National Post has reported that a paralegal who defrauded a wheelchair-bound cancer survivor of \$40,000 received a two-year conditional sentence. This client has been duped out of thousands of dollars because of your failure to take responsible action and regulate paralegals. My question to the Attorney General: How many more consumers will be duped out of thousands of dollars before you keep your word to regulate paralegals?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I thank the member for his question, and I take it from his question that he and his party support the regulation of paralegals. I think that's very good news because this is a profession, and he is quite right, that is completely unregulated. I think the time has come, and I have made the case to the Law Society of Upper Canada, that this profession be regulated by the law society. The law society has agreed to it. They struck a working group. We certainly hope to come forward to the member if in fact a proposal will be able to be brought to this House and get his support for that. It's good news that the member supports the regulation of paralegals.

Mr. Tascona: Another media report has a paralegal facing charges for fraud for stealing a client's motor vehicle insurance settlement monies and then shutting down shop. Unlike lawyers, paralegals are not required to carry liability insurance and do not have to pay into a compensation fund to reimburse clients of fraud artists in their industry. This client has not recovered her motor vehicle insurance settlement monies. You've made a public commitment to the regulation of paralegals by the law society. My question to the Attorney General: Will you commit today to introduce legislation immediately for strict regulation and enforcement of paralegals, with the start-up costs paid by the Ontario government?

Hon. Mr. Bryant: I think my view on this is well known. I have certainly made it known to the Law Society of Upper Canada. I want to congratulate the law society for their leadership in agreeing that the time has come for regulation and that they will take it on. But I want to remind the member that they were in government for eight years and they never even talked about regulating paralegals. They had a couple of studies and a couple of speeches, but they did nothing. I can assure the member that we won't be doing that. I will look forward to getting his support on whatever legislation, if at all, will be introduced in this Legislature on this, because I agree with him: The time has come to regulate paralegals.

AMBULANCE SERVICES

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Acting Premier, in the absence of the Premier. Before the election, Dalton McGuinty asked the former government this question: "Why do you insist on going ahead and transferring a broken-down ambulance system to our municipal partners, who are saying 'We can't handle it; we can't cope with it.?'?" That was his position before the election. Recently, the chair of the Rainy River District Social Services Administration Board, which runs the land ambulance in my part of the province, wrote to the Premier and said, "I have been asked to express the board's frustration with the failure of the province to pay their share of land ambulance service

costs. The board formally requests that the service be transferred back to the province."

Since you are not paying your fair share of land ambulance costs, will you do now what the Premier said was a good idea before the election and take land ambulance service back? Because municipalities don't have the money to do it.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I will ask the Minister of Health to set the record straight.

Hon. George Smitherman (Minister of Health and Long-Term Care): I appreciate the question from the honourable member. I acknowledge that in our relationship with municipalities and those districts that are providing services, including land ambulance, this does stand out as what I would characterize as the most significant irritant. We have made significant progress on our relationship from a health standpoint overall, particularly with our \$190-million investment in uptake of costs related to public health. That has been our priority from a fiscal circumstance. Unlike the honourable member, we are operating in an environment where we recognize there are fiscal limitations.

I would say to the honourable member that I expect this is an issue where the House will see evidence of progress. We are working on it diligently on a day-to-day basis, and I would be happy if the honourable member would assist us by sending that message along to the community from his constituency.

1450

Mr. Hampton: This is a message from rural communities, social assistance boards and social service boards across the north. Under the land ambulance formula, the province was supposed to pay 50% and municipalities were supposed to pay 50%. But the province is now only paying 30%, which means municipalities have to pick up the lion's share of a very expensive service. In the district of Rainy River, they see another \$1.5 million being added to their plate. So I say, if this was good enough for Dalton McGuinty before the election, if this was the opinion he expressed before the election, why are you now changing your position? Why isn't the province taking back land ambulance, as Dalton McGuinty said before the election?

Hon. Mr. Smitherman: The honourable member doesn't want to accept the first answer, but I think if he goes back and reads it, he'll see an acknowledgment on the part of the government that this is an issue where we've got more progress to make. I told him that in a lengthy answer the first time, and I won't burden the House with a lengthy answer the second time. Suffice it to say that in the relationships that we have, I've been working very closely with my colleague the Minister of Municipal Affairs and with municipalities and boards to make the progress on this issue that everybody would like to see.

SKILLS TRAINING

Mr. Tony Ruprecht (Davenport): I have a question for the Minister of Training, Colleges and Universities. The most recent report from Ontario's Task Force on Competitiveness, Productivity and Economic Progress called on governments to integrate immigrants more effectively. Another report by the Institute for Research on Public Policy told us that inadequate utilization of immigrant skills is a \$2.4-billion problem.

All three levels of government need to do a better job of planning, coordinating and funding the support that will allow immigrants to prosper in our province. The consequences of failure are grim, and they are already apparent. In 1981, 45% of the poor families in high-poverty Toronto neighbourhoods were immigrants. Twenty years later, immigrant families comprised 65% of the poor families in these neighbourhoods. Minister, what is our government doing to ensure that Ontario's skilled immigrants receive the best service and the best training available?

Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities): I want to thank my colleague, the member from Davenport, for his ongoing commitment to this issue.

Yesterday, I had the opportunity to present to the federal government's standing committee on citizenship and immigration. I urged them to work with our province to integrate internationally trained professionals and skilled tradespeople more effectively into our economy, not just once they have arrived here but before they even leave their home countries. I asked them to consider providing prospective immigrants with information on labour market forces as well as processes for certification and licensure in various occupations.

There's no question that we need work on an immigration agreement. My colleague Minister Bountrogianni has been working with the federal government in this regard. Ontario receives 57% of new immigrants and—

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

Mr. Ruprecht: That is really great news, and I'm delighted you gave us that answer, Minister, but our skilled immigrants are not the only Ontarians who could benefit from better coordination of training and employment programs between the federal and provincial governments. Constituents of mine who seek employment training face a system of confusion, duplication and gaps as they try to navigate through a range of programs, some federal, some provincial and some municipal.

I know that Ontario is the only province without a labour market development agreement. I also know that this agreement would be of great benefit to my constituents when they are in need of skills training. Minister, what would a labour market agreement offer Ontarians and what is our government doing to stick up for Ontarians who are seeking a seamless system of labour market training?

Hon. Mrs. Chambers: Thanks for the supplementary. As in the case of the immigration agreement, where

Ontario is the only province without an agreement, we are also the only province without a labour market development agreement.

This is about improved client service. It's also about recognizing the fact that we have two training systems now that even together do not address all the needs for training and employment for the people of Ontario. We are asking the federal government to assist us in providing better services. We know, for example, that some 70% of people who need these services do not even qualify for employment insurance. We need the federal government simply to treat Ontario the way it treats the other provinces.

TRUCKING INDUSTRY

Mr. Jim Wilson (Simcoe-Grey): My question is for the Minister of Transportation. On Tuesday, I met with the Kingston Centennial Transportation Club, where I talked to a number of people directly involved with Ontario's trucking industry. They're very concerned with the growing shortage of truck drivers in our province.

As you should know, nearly 90% of all consumer products are shipped by truck somewhere in the distribution chain, creating a \$48-billion trucking industry in Canada. The demand for qualified drivers is increasing significantly. This year alone, we'll see a shortage of about 37,000 truckers, and by 2008, they say that we'll have a need for roughly 224,000 truck drivers.

Minister, are you aware of this growing problem; and what are you doing about it?

Hon. Harinder S. Takhar (Minister of Transportation): Let me first thank the member for asking this question. Actually, I had a meeting this morning with the Ontario Trucking Association for an hour and a half, and we did discuss this issue. We are working very closely with the industry to address some of these issues and also the other issues that are facing the trucking industry.

Some of these issues require a long-term training impact and also working with the stakeholders and educating the workforce. We're going to work very closely with the Ontario Trucking Association and also with the independent truckers so that some of these issues that the member is raising get addressed.

Mr. Wilson: I'm glad to hear that, Minister, and I would encourage you to work with the Minister of Training, Colleges and Universities to develop an apprenticeship program. Truckers very much feel underappreciated in this province. You know there's a saying, "If you buy it, a truck brought it." They're extremely important to the economic lifeline in our province.

Will you commit today also, Minister—there's a back-up of at least two months at the Barrie examination centre of your ministry for truck drivers to get their driver tests. Would you look into that right away and correct that? There don't seem to be enough examiners on the commercial side, and truckers—young people in particular who want to become truckers and fill this gap, fill this urgent need out there—are having to wait a long

time for their examination. Will you look into that and get back to this House?

Hon. Mr. Takhar: Let me assure the member that I already have been working with my colleague from the Ministry of Training, Colleges and Universities. We are working on the apprenticeship program. That will address some of the needs of the trucking industry. But we need to make sure that we also make the working conditions better for our truckers. So we have set up the working group, along with the other truckers, so that some of the issues that are facing the trucking industry get addressed, including the working hours and so on. We are working very closely with the ministry and the trucking industry.

PETITIONS

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): “To the Legislative Assembly of Ontario:

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

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

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

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

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

I’m pleased to sign my name to that.

1500

ANTI-SCALDING DEVICE

Mr. Jeff Leal (Peterborough): I have a petition from the residents of Peterborough riding.

“To the Legislative Assembly of Ontario:

“Whereas the Ontario government has made changes to the building code which requires a master thermal

mixing valve (anti-scald device) to be installed upon replacement or installation of a water heater;

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

“That the installation of the thermal mixing valve (anti-scalding device) should be at the discretion of the property owner and not mandated by the Ontario building code.”

I’m in agreement with this, and I’ll affix my name to the petition.

ANTI-SMOKING LEGISLATION

Mr. Jim Wilson (Simcoe–Grey): I have a petition to the Legislative Assembly of Ontario.

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

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

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

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

This, I would note, is a very timely petition, given that we just had second reading of the Smoke-Free Ontario Act today. I have signed the petition.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Ms. Shelley Martel (Nickel Belt): I have a petition that I have been asked to read, and so I will. It reads as follows:

“To the Legislative Assembly of Ontario:

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

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

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

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many

more clients who live in the community, in partnership with families and community agencies;

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

I have affixed my signature to this.

SHARIA LAW

Mrs. Liz Sandals (Guelph–Wellington): I have a petition to the Parliament of Ontario from my constituents in Guelph–Wellington.

“Whereas it is proposed that the Ontario Arbitration Act include Sharia law to resolve disputes involving Muslim families;

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

“Sharia law should be restricted to religious issues only, and established Ontario laws should pertain to all secular issues.”

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): I have another group of petitions from the Huronia Regional Centre.

“To the Legislative Assembly of Ontario:

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

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

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

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

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

I’m pleased to sign my name to that.

GO TRANSIT TUNNEL

Mr. Tony Ruprecht (Davenport): I have a petition addressed to the Parliament of Ontario, the minister of infrastructure services and the Minister of Transportation. It reads as follows:

“Whereas GO Transit is presently planning to tunnel ... just south of St. Clair Avenue West and west of Old Weston Road, making it easier for GO trains to pass a major rail crossing; and

“Whereas the TTC is presently planning a TTC right-of-way along all of St. Clair Avenue West, including the bottleneck caused by the dilapidated St. Clair Avenue–Old Weston Road bridge; and

“Whereas this bridge,” which is also classified as an underpass, “will be: (1) too narrow for the planned TTC right-of-way, since it will have only one lane of traffic; (2) it is not safe for pedestrians... It’s dark and slopes on both the east and west sides creating high banks for 300 metres; and (3) it creates a divide, a no man’s land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

“Therefore we, the undersigned, demand that GO Transit extend the tunnel beyond St. Clair Avenue West so that trains will pass under St. Clair Avenue West thus eliminating this eyesore of a bridge with its high banks and blank walls. Instead it will create a dynamic, revitalized community enhanced by a beautiful continuous cityscape with easy traffic flow.”

Since I agree with this petition 100%, I’m delighted to sign it.

CHIROPRACTIC SERVICES

Mr. Gerry Martiniuk (Cambridge): I have over 1,000 good citizens of Cambridge bringing this petition to the Legislative Assembly of Ontario.

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

“Whereas,

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

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

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

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

“We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of

the public, patients, the health care system, government and the province.”

I agree with this petition and will be signing at the top.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I'm pleased to read a petition on behalf of my seatmate, the member for Niagara Falls. It's from the Niagara Anaphylaxis Support and Knowledge group. It reads as follows:

“To the Legislative Assembly of Ontario:

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

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

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

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

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

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

I fully support this petition. I'm pleased to sign it, and to ask Nicole to carry it for me.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): “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 the 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 the 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;

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

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

I'm pleased to sign my name to that.

1510

Mr. Pat Hoy (Chatham–Kent Essex): I have a petition to the Legislative Assembly of Ontario.

“Whereas Dalton McGuinty and the 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 Ontario's three remaining regional centres for people with developmental disabilities, located in Smiths Falls, Orillia and Blenheim, Ontario;

“Whereas the regional centres are home to more than 1,000 disabled adults, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing the regional centres will have a devastating impact on people with developmental disabilities, their families, the developmental services sector and economies of the local communities; and

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

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Ontario's regional centres for 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.”

This is signed by a number of residents from Tilbury, Chatham and Wallaceburg, and I have signed the petition.

BIRTH CERTIFICATES

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

“Birth Certificate Fiasco:

“Whereas since the Liberal government has been in power, one-day service has been eliminated and ordinary birth certificate delivery has grown from two weeks to months; and

“Whereas the Liberal government has initiated a number of new security measures and a computer system regarding requests, increasing the workload tremendously. Subsequently, 152 new contract staff were hired after the delays proved an embarrassment but they were recently laid off; and

“Whereas the government's incompetence has caused grievous harm to many of the hard-working Ontario families in Ontario;

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

“That the Liberal government come clean and remedy the fiasco in the registrar general's office and take all

necessary steps, including hiring more staff, to issue birth certificates to the public in a timely manner.”

I agree with this petition and will sign same.

POST-SECONDARY EDUCATION

Mrs. Liz Sandals (Guelph–Wellington): I have a petition to the Legislative Assembly of Ontario from the Canadian Union of Public Employees, Local 1334.

“Whereas rebuilding our post-secondary education system is critical to the future of our communities and our province; and

“Whereas high tuition user fees are resulting in massive student debt; and

“Whereas Ontario ranks second-last among all provinces in terms of total PSE budget received from government grants and has the highest percentage of total post-secondary education revenues from private sources; and

“Whereas working and learning conditions must be healthy and safe, because working conditions are learning conditions; and

“Whereas the deferred maintenance cost at Ontario university campuses is estimated to have already reached the \$2-billion mark;

“We, the undersigned, support the Canadian Union of Public Employees’ call on the provincial government to invest sufficient public funds that will:

“(1) Restore public money cut from operating funds since 1995 and bring Ontario up to the national average for funding post-secondary education;

“(2) Finance the \$1.98 billion needed for deferred maintenance; and

“(3) Provide the funding needed to continue the tuition freeze beyond 2006 and increase grants to working-class families.”

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): Again, it’s on the Huronia Regional Centre in Orillia.

“To the Legislative Assembly of Ontario:

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

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

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

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many

more clients who live in the community, in partnership with families and community agencies;

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

I’m pleased to sign my name to that.

BUSINESS OF THE HOUSE

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

On Monday, April 18, in the afternoon, Bills 155 and 110; in the evening, Bill 60.

On Tuesday, April 19, in the afternoon, Bill 159.

On Wednesday, April 20, in the afternoon, Bill 92; in the evening, Bill 60.

On Thursday, April 21, in the afternoon, Bill 159.

ORDERS OF THE DAY

MANDATORY GUNSHOT WOUNDS REPORTING ACT, 2005

LOI DE 2005 SUR LA DÉCLARATION OBLIGATOIRE DES BLESSURES PAR BALLE

Resuming the debate adjourned on April 11, 2005, on the motion for second reading of Bill 110, An Act to require the disclosure of information to police respecting persons being treated for gunshot wounds / Projet de loi 110, Loi exigeant la divulgation à la police de renseignements en ce qui concerne les personnes traitées pour blessure par balle.

The Speaker (Hon. Alvin Curling): Further debate?

Mrs. Liz Sandals (Guelph–Wellington): I’m delighted to rise and speak in support of Bill 110 today, the mandatory reporting of gunshot wounds act. This bill, if passed, would require hospitals to orally report to police the name of a patient who has been treated for a gunshot wound, if it’s known, and to give the name and location of the facility.

This would be done as soon as is practicable and would not disrupt normal hospital operations. This would actually resolve a source of conflict between police and health care workers, because what has become clear is that given the influence of US TV on the Canadian psyche, even 58% of emergency room physicians are not clear on what the actual law is in Ontario, and whether or not they are required to report. No doubt this is because 45 states in the US already have mandatory gunshot

wound reporting acts, and of course emergency room physicians, like everybody else, see enough American TV that they're not quite clear.

What this bill would do is make it very clear that when a patient comes into an emergency room for treatment suffering from a gunshot wound, there would be a requirement on the hospital to report this to the police.

I think there is often a misimpression, if I may, that patient confidentiality is an absolute right in Ontario, and that's not actually true. There are a number of Ontario acts that already require that something has to be reported. For example, it is mandatory for medical practitioners to report incidents of child abuse to the children's aid society under the Child and Family Services Act. This has become quite common practice. In fact, I would add that a whole host of people are required to do this reporting, including teachers. So it's become quite common in society that when there are incidents of child abuse, these must be reported to the appropriate authority.

Contagious diseases must be reported by medical practitioners to the medical officer of health in the community, pursuant to the Health Protection and Promotion Act. When you look at the penalties in that act, or at least the results in that act, it is possible that under that act the person suffering from a contagious disease could be detained in a medical facility for quite some time against their will. However, we understand that contagious diseases must be controlled, and thus there is this interference, if you may, with what might be regarded as personal rights.

Violent deaths must automatically be reported to a coroner or police officer, pursuant to the Coroners Act.

Unsafe driving related to a medical condition must be reported by medical practitioners to the registrar under the Highway Traffic Act, so that if there's a person with, possibly, deterioration in eyesight, or some other sort of medical condition, the doctor is required to report that under existing law.

When we start to look at gunshots and what can happen as a result of gunshots—obviously, bullet holes—it is currently required under the Highway Traffic Act that tow truck operators, repair shops and the like must report vehicles with bullet holes in them to police. Ironically, while the law currently requires that a car that has a gunshot hole in it must be reported to police, we don't have the same requirement for people with gunshot holes in them. You might say that this just brings the legislation up to date to give people the same sort of status as cars, and I think it's high time we got on with doing that.

1520

What are the actual data on gunshot wound treatment? If you look at the actual instances of treatment of gunshot wounds in Ontario hospitals, in 2002-03, which seems to be the last year for which we have accurate data, there were 196 cases of gunshot wounds treated in Ontario's emergency rooms. Ninety-six of those, or almost 50%, were as a result of assault, 69 were accidental and 31

were self-inflicted. Sometimes one is asked, "Should you just be reporting those that are the result of an assault?" In fact, when you stop to think about it, even gunshot wounds that are accidental or self-inflicted could lead to issues of public safety, and when we get right down to it, this is what this bill is all about: We want to ensure public safety.

For example, imagine that some children are playing get hold of dad's gun and one of those kids is accidentally wounded. It's important that the police know about that, so they can do the appropriate follow-up and ensure that that gun is properly secured. The same may be said in the case of an attempted suicide. You would want to make sure that the gun which has been the cause of the problem is properly secured and put out of the way of any future harm.

In fact, the executive of the Ontario Medical Association's emergency medicine section has said, "Suicidal patients pose a risk to the public. The gun used may pose a continuing safety risk after hospital discharge, should suicidal feelings recur." If I can pick up on that idea, you may want to make sure that when the patient comes home, the gun has been secured and doesn't actually present a temptation to reattempt suicide. The emergency medicine section goes on to say, "One third of firearm-related accidents involve children aged five to 19. An investigation could lessen the threat to children posed by the weapon."

I would like to emphasize that what we're doing here is not just about police investigation of criminal activity; it's about public safety attached to all instances of gunshot wounds. That's why it's important that all gunshot wounds are reported.

What about victims of spousal abuse? One of the issues that has been suggested is that it's possible that victims of spousal abuse may fear that if they have an incident reported, there could be future escalation, because there is obviously some evidence that abusive behaviour escalates over time. I'd like to observe that if the abusive behaviour has already escalated to the point where the abusive partner has attempted murder, has in fact shot the partner, who requires treatment in hospital because of a gunshot wound, it's high time that society intervened and protected that victim from the next logical step: a reattempt of that shooting, which might become a successful murder as opposed to an attempted murder. As a society, I think we have a responsibility at this point to try to intervene.

What do some of the data say? This is American data because, as I mentioned, there are a number of states in which this is already the practice, so these surveys are being done against a background not of perception, but of a practice that is already in place.

There was a population-based survey assessing support for mandatory domestic violence reporting by health care personnel published in *Women and Health*, and it found, in a survey of randomly selected women, that about 75% of women supported a mandatory reporting law. There was another survey conducted by the *Journal*

of the American Medical Association. This one was more specifically on mandatory reporting of domestic violence injuries to the police, and what emergency patients thought—this is the people who are there. Again, the majority of people who were actual victims supported mandatory reporting of gunshot wounds or, more broadly, domestic violence, to the police. So while it has been suggested that this is a problem, it would appear that actual surveys would discount that to some degree.

Another question that has been asked is, “Don’t the police already know about this? If somebody has shot somebody in the neighbourhood, surely police know.” That’s very hard to get at in Ontario, because of course the point is that they don’t know. But if you look again at jurisdictions where reporting is mandatory—for example, Georgia, which is one of the US states requiring physicians, hospital employees or health care facilities to report gunshot wounds to the police—when one matched hospital records to police records, one found that in Georgia, 13% of gunshot wounds seen in Atlanta emergency rooms actually had not been reported to the police. As the OMA section on emergency medicine concluded, “Several cases that were not known to police involved severe injuries or multiple wounds, thus the assumption by some physicians that police somehow ‘already know’ about all serious gun-related incidents does not hold true.”

In conclusion, I would like to reinforce that Bill 110 is actually quite a simple law. It requires that where there is an individual being treated for a gunshot wound, the hospital is responsible for making an oral report to the police—not divulging medical records or private information; simply reporting the name, if known, of the victim and the location of the victim—and then it’s up to the police to follow up in the interests of public safety. I certainly think that this is an advance in the protection of public safety in Ontario. I’m delighted to support this bill.

The Speaker: Questions and comments?

Ms. Shelley Martel (Nickel Belt): Let me make a couple of comments in response. I’ve had an opportunity to read through some of the submissions that were made, and I’d like to quote from Dr. Dan Cass’s submission to the committee. He’s the chief of the department of emergency medicine at St. Michael’s Hospital, and he spoke on behalf of the emergency room physicians in that hospital. He said at the public hearings, with respect to the government’s allegations that this is going to increase public safety:

“Most of the studies and analysis of mandatory gunshot wound reporting have been done in the United States where mandatory reporting of gunshot wounds is law in 48 states. There is no evidence that the introduction of mandatory reporting has resulted in a decrease in the incidence of gunshot wounds in any jurisdiction.”

So in terms of decline in guns, gun use, people being injured because of guns: no decline in that regard whatsoever in those states. It’s almost all of the states in the United States that have mandatory reporting. So I think

it’s kind of hard for the government to try to bill this as a piece of legislation that’s going to somehow increase public security and public safety when this has been the result.

The second thing that needs to be pointed out is that there’s nothing mandatory about this legislation. If there were a mandatory obligation on people and institutions to report, then there would also be, in the statute, the list of penalties and consequences that would be put in place if you failed to report. The bill is silent. The bill says nothing about what the penalties are for failure of someone in the hospital to report. You cannot have a mandatory obligation in the statute if there are no consequences. There are no consequences in this bill, so people in institutions can decide to report or can decide not to report, but nothing in this bill is going to force them to do that.

1530

Mr. Phil McNeely (Ottawa—Orléans): Bill 110, the mandatory reporting of gunshot wounds act, is a very important piece of legislation and certainly has the support of the medical association. I have a letter here from John Rapin, MD, president of the Ontario Medical Association. He says:

“As you know, the OMA and its section on emergency medicine have supported the introduction of legislation in support of the mandatory reporting of gunshot wounds as a public safety matter. We look forward to seeing the legislation move forward in the fall session of the Legislature.” Well, it’s moving forward now.

“In preparation for implementation, I would like to remind you of the importance to the medical community of instituting an appropriate database in order to track gunshot wounds for the purposes of research and development of harm reduction strategies. We will be developing our thoughts about how this might be best structured and operationalized over the course of the summer and hope that your staff will involve us in the planning of this important component of the overall program.

“Thank you for your efforts to date to consult with the medical community. I look forward to further fruitful dialogue over the coming months.”

This is an important initiative. It makes sense. We have many of the states in the US that maybe have a higher occurrence of this type of situation, but certainly governments are moving in this direction. It’s the right thing to do, and it will certainly help the police in their investigations, possibly in preventing additional harm in communities when they’re alerted to this. It’s a very easy reporting system that is being suggested by the legislation, and it will help us to have safer communities. It would help the police and the medical people to look at this. The OMA is behind it, and I just hope this legislation is supported by this House.

Mr. Ted Chudleigh (Halton): This is another Liberal fluff bill, a bill that doesn’t really do very much. As the member pointed out, it’s mandatory but there are no

penalties associated with it. So if you want to not report, that's just kind of your option.

The other thing is that gunshots, of course, are a dangerous purge in our society that seems to be growing in number, but perhaps one of the more common or one of the more dangerous effects are wounds of other types that also should be reported: knife wounds, for instance. And yet when knife wounds were suggested to the minister, the minister responded that legislation such as this would greatly increase the workload of our health care practitioners in the sense that all cutting, slashing or stabbing wounds would have to be reported, including those resulting from meal preparations. Well, you know, I'd have to check the stats on that, but I would be very surprised if there are many people preparing meals who stab themselves in the stomach. If you did find a stab wound that was obviously one that might have resulted from a fight or something, that should also be reported to the police. It's equally dangerous to our society as a gunshot wound, perhaps even more so.

So this bill doesn't go far enough in that it doesn't set penalties. It doesn't go far enough in that it doesn't take into consideration all types of injuries that might be sustained by people in these situations. It doesn't take into consideration knife wounds and it doesn't take into consideration broken beer bottle wounds, which are also dangerous to our society and should be taken into consideration in legislation such as this if this bill is to have any real meaning.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I just want to respond to the last member's comments. One of the most common things I heard when we were talking about this bill was that most people said, "I can't believe we don't have it. I watch these old movies and I see people going to veterinarians, going to discredited doctors to get treatment because they're afraid to go and see a doctor or go to the hospital." I said, "Believe it or not, there isn't a province in Canada that has it." The anomaly is, you've got to report a hole in a car that's been made by a gun, but not in a person.

To answer the question about knife wounds, we absolutely considered that. But let me tell you, the medical profession was very concerned that they didn't want to get involved in the patient's life and things of that kind. They were concerned about their liability. So we were very careful to suggest that a gunshot wound is a gunshot wound. If you see it, just report it. You don't have to do anything else.

When you get involved with knife wounds, you have to make some very subjective decisions. How did this happen? Where did it happen? Am I going to report some kind of wound that may be as a result of an accident that happened in a car, where it looks like a knife wound? All these things were a problem for the medical profession. They said, "If you want us to co-operate, we fully support it, but we want to limit it to gunshot wounds."

We think it's a great idea. We think that, notwithstanding some of the comments that were made about it

not reducing crimes, you cannot compare the American experience with the Canadian experience. In the United States, lots and lots of people walk around with guns; it's quite common. You walk into places and they'll have a sign: "Please deposit your guns here before you enter." I am suggesting to you that we had a lot of consultation. We have not only the emergency section of the OMA supporting it; we have the full OMA supporting it. We think this is the way to go, and we're delighted that we're bringing this legislation forward.

The Speaker: The member from Guelph-Wellington has two minutes.

Mrs. Sandals: I'd like to thank my Minister of Community Safety and Correctional Services and the members from Nickel Belt, Ottawa-Orléans and Halton for their comments.

I'd like to talk a little bit about the idea that somehow, as the member from Halton says, this is a puff bill because there aren't penalties. I would suggest that what we are doing here is requiring that hospitals report. We're requiring that a public institution report. There are all kinds of requirements, under law, that public institutions in Ontario report all sorts of things. I would suggest to you that in most of these cases there isn't some sort of penalty if the institution fails to report. It's simply assumed that if you are a public institution and the law says you need to report this, you comply with the law because you're a public institution. So I would suggest that perhaps I have a little bit more faith in public institutions than the members for Halton and Nickel Belt.

I'd also like to point out, with respect to knife wounds, beer bottle wounds, and somebody-really-punched-you-out wounds—whatever it is—that in all these instances there is nothing that prevents emergency room physicians from reporting these to the police if, in their judgment, they are very severe. But what we heard from emergency room physicians was, "Don't make knife wound reporting mandatory. If we have to report them all, it's a huge number," because people find an incredibly large number of ways to cut off fingers that have to do with chopping wood and chopping vegetables and all those delightful things. So we are simply listening to the advice we received.

The Speaker: Further debate?

Mr. Cameron Jackson (Burlington): I'm pleased to be in the House today to offer some comments on Bill 110, and I want to thank the minister for bringing it forward.

I just want to say a few words about the minister before I begin. He and I were elected on the same day. The day after the last election, people in the media asked me about the various persons who might make cabinet, and I will say—and I've said publicly—that of their entire caucus, the one person I thought would probably do the best job of the lot in the area of public safety would be the minister. I say that because I know him personally and I know of his record.

Mr. Chudleigh: That's going to be in his brochure.

1540

Mr. Jackson: That's fine, as long as he doesn't ask me to knock on doors for him.

Hon. Mr. Kwinter: I thought we were friends.

Mr. Jackson: Yes, I'm really killing you over there, aren't I, buddy?

I want to preface my comments with that because I have some concerns that I want to raise about this bill and other bills and what I'm starting to see as a pattern developing from the message lines of the McGuinty government and the actual teeth and legislative importance they're putting on issues around public safety.

Earlier today we debated the issue of the performance of the Attorney General, in terms of preparing to seek community protection from our courts with respect to early parolees and section 810.2 of the Criminal Code, to put a leash on criminals. We're finding out now that the only application to come out of this government is in a Quebec court. We haven't even applied it to protect our own people in our province, but apparently it's important to this government that we protect the people of Quebec from Karla Homolka.

So there is a pattern here and a history with respect to the honourable minister's political party and their performance in the 19 months they've been the government.

The first criticism they're going to make is, "Why didn't you do that? Why didn't you do it when you were the government?" The answer is that the police had an agenda when we became the government back in 1995—the Police Association of Ontario, the Ontario Association of Chiefs of Police and the Ontario Provincial Police Association. The minister knows of my familiarity with those organizations and the work I've done with them over the years. Each of those organizations had a 10-point agenda for public safety, and this item wasn't on it.

The minister has never been asked the question, but his bureaucrats will tell him that the first time we heard this was a significant issue was two years ago, in mid-summer 2003. It was Chief Julian Fantino who shared that with the government and said, "We realize"—as the minister has said, and he's absolutely correct—"nine out of 10 people in Ontario would have assumed that this was the rule." The problem we have is that this is not what Chief Julian Fantino asked for. He asked for there to be mandatory reporting, with penalties for non-reporting. The chief got it, the chiefs of police got it, and the bureaucrats who were working on it during the final months of the previous government got it. That's why we were a little concerned about two aspects of this bill.

One is that there is no real penalty for non-compliance. In fact, I would argue that the doctors in this province are in a position to say, in an internal memo to their staff, "You are responsible for the reporting of this, not me." They have the right to download the responsibilities to their employees. It's done all the time.

As to the minister's suggestion that the OMA objected to this because it would add to their liability, yes, under the system in Ontario, a criminal could go to legal aid

and legal aid would then be hired at taxpayers' expense to go sue a doctor, but that doctor would never, ever be inside a courtroom, because the minister didn't tell us all that the taxpayers of Ontario pay the liability for doctors in this province. Doctors don't pay it. It's paid for by the province of Ontario. The amount paid is paid directly, much like the teachers' pension. It comes directly from an order from cabinet. We pay the bill. So this is not going to add to the liability.

The doctors don't want to have the responsibility. If we want to be honest about this, they don't want somebody threatening them in their office, saying, "If you report this, there will be consequences." One presumes that the individual with a bullet wound is someone who has just engaged in some sort of criminal activity. Lord knows, we're not going to be worried if a police officer, God forbid, is sitting there with a bullet wound. We're going to be scrambling around making sure we report it to the police. This is for criminal activity, to reduce its incidence and to allow the police to do their job.

I submit to you, after carefully reviewing this legislation and looking at the comparisons in the United States, on the one hand, it's in the minister's press kit about so many jurisdictions in the US having it, and then he stands in his place this afternoon and says, "You know, we're not like the United States." I'm still trying to figure out what his real message is. But the truth is, in the United States they put teeth into it. They realize that just saying, "You should report"—imagine if we did this with the other things where there's mandatory reporting, for women who are the subject of rapes. We don't need to be casual about this. There should be rules in place that are followed, and as my colleague from Sudbury-Nickel Belt has said, it's meaningless without consequences. That's the first issue.

The second issue is knife wounds and the statement that the minister made as to why we're not going to look at this practice. It's very hard to figure that somebody who had four or five stab wounds in them had a cooking accident. This is a huge leap for people. Yet we know that, increasingly, young people who can acquire knives quite easily are using them as their preferred weapon to intimidate and to do all these other criminal activities that they're wont to do. I'm concerned that even though the practice in the US and the advice of ministry staff at one point was that we consider these things—in fairness, we should proceed with that—the government of Dalton McGuinty and the minister, in particular, have chosen not to go down that path.

To be fair to the minister, he has said that this was a request by the OMA. OK, so is the purpose of this bill to make the process of reporting comfortable to the OMA? Or is the purpose of this bill to ensure that we can match up criminal activity with police as soon as possible, so that victims who will have gunshot wounds and perpetrators who will have gunshot wounds will have the police dispatched, so that they can complete their investigations and the charges can be laid, so that we can get these people into court, and that will be the deterrent

which is supposed to be designed into this in order to ensure greater public safety?

I mentioned earlier the 10 items on the agenda. I want to walk through a couple of those items as they relate to guns. In the House today, there are only two members who have served here since 1985, as I have, from the government benches. They will remember a terrible, terrible incident in Sudbury, when Constable Joe MacDonald was executed. He was dispatched to his own murder by someone who had criminal intent, was obviously a dangerous person and was out on early parole for a provincial offence: two years less a day. Joe MacDonald was armed with terribly inadequate firepower. At the time—I'm going back to 1992 or 1993, when Joe was shot—we were the only province left in Canada that didn't allow hollow-point bullets.

I know the minister is aware of this issue. We had insufficient firepower for our police, and we had the weakest bullets. The proof of this was that Joe was able to get his revolver out and discharge one shot that went through one of the two assailants. Eventually, he cocked his own gun and executed Joe, shooting him in the back of the head, with not only a weapon but ballistics that were two to three times more powerful.

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Nothing happened as a result of that. There was a coroner's inquest, and a few other things did happen—to correct the record, some things happened. But what didn't happen was that we didn't acknowledge the importance of giving our police officers both those items: increased firepower—modern weaponry—and the ability to use hollow-point bullets, which they did not have. Had Joe had hollow-point bullets and a better weapon, we don't know whether he would have been able to survive that. But I do know that with my colleague the member for Leeds-Grenville, and I said this morning that I was proud to stand shoulder to shoulder with him on these issues, we eliminated the Ontario Board of Parole, because if they were going to take these murderers and put them out on to the street automatically, give them one-third time off for good behaviour so that they were out on the streets after one third of their sentences of two years. Those were the kinds of issues that were paramount to police officers in Ontario at the time, which would explain extensively why not until 2003 did Julian Fantino formally make the request that this kind of legislation be considered by government.

Another item on their agenda was Project Turnaround for young offenders. We know that the young offenders who are coming into our system today are more violent, that they are aware of the subtleties of the law. We disagree, the Liberals and the Conservative Party fundamentally disagree: A 12- or 13-year-old who picks up a gun and shoots someone should not be tried in child court and should not be given the protections of the ministry of children, when the ministry of corrections and others should be trying—why? To this day, we have 19- and 20-year-olds who have committed murders who are still in the youth justice system, and that youth justice

system has been terribly watered down, so much so that you'll find there is a 70% vacancy rate in a certain number of our youth detention centres.

Those violent kids who used to be in our system are now out on the street. You would think that the minister would want to arm himself with an opportunity, such as Bill 110, to ensure that when these young people are engaged with guns, as they seem to want to be in this province in increasing numbers, we would have a truly mandatory reporting system in place with penalties for those medical professionals who failed to respond.

I also remember a case, and I'm not going to mention names. What might be the reason? Maybe somebody will be engaged, have a gunshot wound, and may not want that to be reported. The only example I can remember that has been raised in this House was a former Attorney General, who presented herself to a police station with the suggestion that they might be processed somewhat differently. I remember that period of time and so does my colleague opposite. It's demonstrative of the fact that a mandatory system without penalties—if somebody breaks this law, there isn't even a penalty. There is not even a slap on the wrist. In my view, that lends itself to abuse.

If there's anything I've come to learn about crime in this province, it isn't the exclusive purview of the poor. It is an issue that crosses all economic groups. So one would see that this legislation, although very well intended, has the potential for a degree of abuse.

We objected to the fact that the government and the minister have decommissioned the Ontario Crime Control Commission, something that was put in the hands of the public to give them a say, to influence public policy. We've also seen, coterminous, the Office for Victims of Crime completely dismantled by the current Attorney General, and the unceremonious firing of Priscilla de Villiers, probably Canada's top champion and expert on victims' rights and victim services, along with others who were fired, including people like Debbie Mahaffy, who was the subject of discussions this morning, turfed out and told, "You're no longer needed, nor is your board, neither is your executive director, neither is your staff," in order to effect the changes.

I haven't even had time to talk about the issue of the mysterious disappearing officer announcement made by the Premier in the third week of October of last year when, with some bravado, he indicated that he would honour his pledge of 1,000 police officers, but only 500 of those would find their way into community service. It was not in his press release but, when pressed by reporters, he indicated that, well, it might cost about \$30 million. Yet, if you look at the secret documents that were released by the freedom-of-information officer about the costing of the Liberal election platform, the true cost of that is \$100 million.

So what are we to learn from that? Are we to learn that the Liberal Party's intention, when it promised it before the election, was that as long as 1,000 more officers are hired, it doesn't matter how they're paid for? Are we to

believe that they never said—and to their credit they never said how they'd pay for it, but now we're starting to find out that if the true costs are \$100 million, why then would they only commit, as the Premier has said, \$30 million? There's no time frame for when these officers will be put in place, there's no costing, there's no formula, and it's hard for us to believe that it's a real commitment.

I can tell the members opposite that under the PSAC system of public accounting in this province, if you make the announcement, the dollars have to flow in that year. Well, that year is gone. March 31 has come and gone. Premier Dalton McGuinty stood, shoulder to shoulder, right next to my esteemed chief of police, Ean Algar, who has been both the Ontario and Canadian president of the chiefs of police, a distinguished public servant. You can imagine how surprised and disappointed he must have been on March 31 when no announcement and no dollars and, therefore, no new officers appeared in the province of Ontario.

When we consider the importance of this bill, it begs the question, why are we prepared to do this, unless we're going to do it right? So I implore the minister opposite if he would please consider some of these important amendments. There is nothing mandatory about this bill if there's not even the mention of a penalty. The defence that it'll affect their liability begs the larger question as to what the purpose and the motive are behind this bill. I thought it was for public safety, not to mollify the doctors and to insulate them from potential threats and potential litigation. If that's the case, then the minister should be more forthcoming to the citizens of Ontario as to its intent.

It's important that we get into a protocol of reporting these, so that police officers can do their work. I lament the fact that the minister opposite gets very little, if any, support from the federal government. It's a matter of public record, since we're talking about guns and ammunition, that the Liberal government in Ottawa has invested \$2 billion in a gun registry, and here we are in Ontario debating Bill 101, about reporting gunshot wounds, and we have a government saying, "You know what? We really can't afford to pay the liability insurance for our doctors, so we're not going to provide a bill with real teeth."

The Acting Speaker (Mr. Joseph N. Tascona): Questions and comments?

Mr. Michael Prue (Beaches—East York): I've had a chance, an opportunity, to only hear half the speech as, unfortunately, I was in subcommittee in the backroom. But in the half I heard, the member from Burlington did touch on a number of very key points, and I think they need to be commented upon.

The first is the need for extra police officers. It is all well and good to have doctors and health care practitioners report the gunshot wounds, but unless there are trained police officers to do something with those reports, very little good, if any, will come of it.

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The police have told us that the collateral information that a trained police officer would obtain from questioning and interviewing the victim of a gunshot wound is every bit as, or probably more important than, the information they would get directly from the health care professionals. The police would be able to look at the true circumstances as to how the gunshot wound was obtained, whether or not there was intended violence, whether it was an accident, whether there were gang relations, a whole number of factors that would come into play for us to be able to do something as a society about the fact that someone was shot.

Without the police presence, merely the fact that Mr. X was shot by Mr. Y, or was shot with the assailant unknown, provides very little information. In fact, that's what we in our society are increasingly finding from gunshot wounds. There isn't a week or a month that goes by where I don't see something in the newspaper or something on television that a person was shot but refuses to co-operate with anyone to say how or why he was shot or who the assailant was or whether he knew the assailant. What we are seeing is a whole bunch of people going very mum because they are afraid of retribution. We need more police in order to investigate this. When I have an opportunity to speak later today, I will expand upon this theme.

The Acting Speaker: The Chair recognizes the minister.

Hon. Mr. Kwinter: I only have two minutes, but I'd like to respond to the minister from Burlington—the member from Burlington; he was the minister—to say that when we talk about this particular initiative, I didn't one day decide, "You know what? I'm going to bring forward a bill to deal with gunshot wounds." This was requested of me by the police. It has the support of the Ontario Association of Chiefs of Police. It has the support of the provincial police association. It has the support of the Ontario Provincial Police. It has the support of the Police Association of Ontario. So these are law enforcement agencies that have asked that we bring forward this legislation. They have lots of other requests as well. The reason why this one is coming forward at this particular time—we introduced it some time ago—is that it's a very simple bill. You asked for it. We can do that very easily. Some of the other things they have asked for have very serious cost implications and things of that kind that we have to work through. But this was easy. Do you want this? Why not? Let's see how we can do it. And when we got into it, it wasn't quite as easy as it looked. There are legal implications, medical implications, and after a lot of consultation with various people in law enforcement, with the legal profession, the judiciary, the medical profession, it was decided that this bill would suit their purpose.

The member from Burlington also commented that we are putting doctors at risk. I can tell you that they don't always deal with the criminal element when they are dealing with gunshot wounds. If you see the news today,

you'll notice that a woman who was shot in a drive-by shooting, at random, is finally going to get some kind of justice because the police have investigated and have arrested several members who were involved in that shooting. This is Mrs. Russo. She was just going to get a sandwich, and she was shot. In some cases, the mere fact that she was shot, whatever it was, she may not have been taken to a hospital where she could have had a doctor look at her, and that's vital information that they get because of the wound, the bullet and everything else, and that will be useful to them in their investigation. So it's important.

I want to spend one last minute, and that's on the commitment on the 1,000 officers. Just to correct the record, the Premier has announced that it will be \$30 million a year, and it will be the—

The Acting Speaker: The Chair recognizes the member from Cambridge.

Mr. Gerry Martiniuk (Cambridge): Thank you, Mr. Speaker. I hope I can speak as long as the Minister of Consumer and Businesses Services, in case I go over my two minutes.

I'd like to congratulate my friend and colleague the member for Burlington for his critique of this very important bill, a bill that no doubt we're all in favour of, in principle. My colleague the member for Burlington has served his community—I didn't realize it—20 years. That's a substantial length of time. No doubt he looks the same as he did when he started 20 years ago. He probably has the same amount of hair, and he's as fit as ever and as young-looking as ever, and of course he has a substantial pension coming.

Mr. Jackson: Correct that.

Mr. Martiniuk: I'd better do that. Unfortunately, my friend and colleague receives no pension, along with the rest of the MPPs.

He does raise a very important point. Everybody is in agreement in principle, I'm sure, that we need some reporting system by physicians so that the police can investigate this type of possible crime. But it's very rare that we stand here and spend the time in this House without sanctions. It just seems peculiar. We have sanctions—not for the majority of people. We have speeding laws. We have rules of the road to prescribe that we do not go through a red light. Why don't we? I think 95% of the people or more would agree to that rule and carry it out whether there was a sanction or not. The sanction is always aimed at those few who refuse to play by the rules. There could be, basically, in this case—

The Acting Speaker: Thank you.

Mr. Martiniuk: Oh, I thought you were going to be as gracious as you were with the minister.

The Acting Speaker: I think I was.

The Chair recognizes the member for Nickel Belt.

Ms. Martel: I'm going to have a chance to speak next on this bill, but there was something the member from Burlington said that I wasn't actually going to address in the context of the remarks on Bill 110, so let me just say it now.

He talked about police officers, and the government's announcement with respect to 1,000 new police officers and the funding that apparently has been allocated for that. Given that he talked about it and that the minister responded to it, let me just say that I have heard from my own police chief and a number of other northern police chiefs that if the government doesn't change the funding formula and provide more than 50 cents on the dollar for new police officers, neither my community nor most other northern municipalities will be in any way, shape or form financially able to hire any new officers, period.

I know that Chief Ian Davidson from the city of Greater Sudbury has spoken to the minister about this and expressed his concerns, not only on behalf of our own community but on behalf of a number of other northern police forces, that the reality with the downloading is that, given all the other financial pressures that municipalities are now facing, they will not be in a position to use the provincial money that's offered if more money isn't put on the table.

It means that the government has to seriously reconsider the funding share that it first announced, take into account the special circumstances in northern Ontario, special circumstances with respect to providing police protection over great distances, and make a change in the funding formula so that the province picks up more of the tab. Otherwise, neither my community nor most other northern municipalities will actually be able to hire any new officers, because they won't be able to find the local share that's required as part of this initiative. So I hope the minister will come forward soon with a new funding formula to take that into account.

The Acting Speaker: The Chair recognizes in response the member from Burlington.

Mr. Jackson: I want to thank the members for Beaches—East York, Cambridge, Nickel Belt and the minister for their comments.

Minister, I want to make it abundantly clear that I'll be supporting this bill. I just feel that this was an opportunity that should have been capitalized. I make no bones about how I set my priorities in terms of how I put a policy lens on issues. My first concern is for victims. My second concern is for public safety. My third is for officers in the line of duty. With all due respect, Minister, I put the civil libertarian bench in this province and I put the medical concerns at the bottom of that hierarchy of need.

By your own admission in this House, you've said that this should be a simple bill, and it is. It's a one-pager or a page and a half. It just says that you have to report it. My concern is when you said, once you got into it—you were referring to your bureaucrats and your government—it wasn't quite as simple. We know what wasn't quite simple about it. Doctors don't want this additional reporting responsibility to have any degree of liability. Well, that's the reality of medical practice on this continent, and we pay those bills.

1610

Then you went on to say that you were determined that it would suit their purposes. This gets back to where I part company with the Liberal government, but maybe not necessarily the minister himself. The concerns of the civil libertarian courts and the OMA are well documented, and found their way to suit their purpose in this legislation. But I fundamentally don't believe that any legislation should still perpetuate the ability to protect criminal confidentiality and to allow the conduct that we're trying to reduce. Incarcerating and bringing to justice those individuals is not, frankly, being upheld. It could have done better, and I wish it had.

The Acting Speaker: The Chair recognizes the member from Nickel Belt in further debate.

Ms. Martel: I'm pleased to have the opportunity to participate in the debate today. I want to recognize the fact that the Minister of Community Safety and Correctional Services is here listening to the debate. I appreciate that he took the time to do that.

I'd like to use the time I have this afternoon to repeat or reiterate some of the concerns that were raised by our critic, Mr. Kormos, both during the public hearings and also during his debate on this matter, which was on April 11. I hope that you'll take the concerns that I raise in the vein that they're offered, because I believe I have an obligation to point out what I think is wrong and why I think some of those things are wrong, and to hope that there will be another round of consultation and another round of potential amendments to try to deal with what's in front of us.

Let me deal with my own concerns first and then I'm going to talk a little about some of the concerns that were raised during the public hearing process. Firstly, I read through the Hansards. I've heard here again this afternoon a number of Liberal members say that this bill is mandatory, that this bill puts in place mandatory reporting of gunshot wounds, and it lists the institutions and hospitals, with the proviso that, by regulation, doctors' offices and other clinics might be included.

I have to point out again that the bill isn't mandatory. It is offering a false promise, frankly, and false information, I think, to the public to suggest that it is. If you look at the bill—and it's not a long bill to go through—you will see that under section 2 it does say the following: "Every facility that treats a person for a gunshot wound shall disclose to the local municipal or regional police force or the local Ontario Provincial Police detachment the fact that a person is being treated for a gunshot wound, the person's name, if known, and the name and location of the facility." That's what the bill says with respect to what the obligation appears to be for a facility to disclose this information to the local police.

The problem is that if the mandatory reporting were truly a statutory obligation, then somewhere else in the bill there would be a provision in one of the sections to outline what the consequences are if the reporting does not take place. There would be a section with respect to penalties, for example, if there is non-compliance with

section 2, which is the reporting provision. I regret to say that there isn't anything else in the bill before us, any other section that outlines what the penalties will be for non-compliance of reporting. Because the bill is silent, says nothing about the matter of a consequence of non-reporting, in truth, there isn't a mandatory requirement to report in the first place; there just isn't. Mandatory reporting would be followed up by statutory declarations about what the penalties are for non-compliance, and those fail to appear in the bill.

So as a consequence, in reality—and I think we have to tell the public this—an institution can decide to report or an institution can decide not to report, and that's the way it is. That's what we have with respect to the legislation, because there is no penalty for a hospital and its employees to decide not to report. There is no obligation. There's no mandatory requirement. There's nothing automatic about this.

We would be better to tell the public that a number of people hope that institutions might report, a number of people might, but that nothing in the bill obliges them, because there really are no consequences for non-compliance. As I hear Liberals say that it is mandatory, I have to repeat again, I'm sorry, it's not. We would probably all be very well advised not to leave the public with an impression that would just not be true, that would be, frankly, false.

Secondly, I gather that the minister, in his remarks in Hansard about this bill when he introduced it, said very clearly that family doctors don't have to report gunshot wound incidents under Bill 110. I gather that he said that on June 23, 2004, and the relevant page in Hansard would be 3176. I'm quoting from the minister at that time on that day: "If passed, the legislation would not make it mandatory for family physicians to report gunshot wound patients to police." Now, perhaps the minister's view has changed—I don't think that it has—but that was certainly his position on the day he introduced the legislation. So I assume that is still his position and that is still the government's position.

The situation we find ourselves in is, under Bill 110, family doctors don't have to report gunshot wound incidents. I've been trying to figure out how the minister thinks this bill is then going to work. The bill very clearly says that "the obligation" to report a gunshot wound to the police "may be extended by regulation to clinics and medical doctors' offices." That's in the explanatory note. So at some point in time the government can decide, via regulation, that they are going to ask doctors' offices and clinics to report gunshot wounds, if indeed victims present themselves at either of these two facilities. But the minister has also said that family doctors do not have to report. It's not going to be a mandatory requirement for them to report if a victim appears at a doctor's office or a clinic with a gunshot wound.

So if someone shows up at a clinic or a doctor's office, if indeed the government has extended the obligation, voluntary as it is, to doctors' offices and clinics, who then is responsible to report this? Who is left with the

authority? Who is in charge? Who is supposed to report to the police the fact that someone has presented themselves at the family doctor's office with a gunshot wound if not the family physician? Are we expecting that his or her receptionist is now going to be accountable for that and responsible for that? If it's in a clinic, is it going to be some member of the administrative staff who is going to do that? Why would the obligation be on them and not the family physician?

I'm not sure about the discrepancy that I see in this legislation with respect to what the minister has stated on the public record, which I believe is still in effect, which is that family doctors don't have to call the police, but if someone does show up in their office, there is an obligation for somebody to call the police and report that. Well, why should that be the receptionist and not the doctor or vice versa? My concern is that everybody should have to report or nobody should have to report, because I can't see why there would be an additional obligation on somebody in a physician's office to do something and that obligation would not equally be shared with the physician in that very same office.

So I have a concern about how the government really thinks this is going to work if the government extends the obligation—and it's very voluntary—to a doctor's office or to a clinic to report, but at the same time makes it clear that the family doctor in that doctor's office or the family doctors in that clinic bear no responsibility to report that someone with a gunshot wound has come in and that seemingly gets delegated to someone else. I don't understand why there is that discrepancy and I don't understand why that responsibility would not be equally shared; either the physician has to do it or the receptionist has to do it or nobody has to do it at all.

1620

Alternately, I'm thinking about the government extending this voluntary obligation to a physician's office or a clinic, and what possible consequences there are then going to be if gunshot wound victims know that if they show up in emerg, somebody there may very well report that to the police, but if they go to the doctor's office, in all likelihood it's not going to be reported to the police, because we already know that family doctors aren't under any obligation to report.

I'm starting to see that any number of people are going to directly bypass the hospital because they think that probably somebody at the hospital—an emergency room physician, for example, or a nurse—is going to call the police, but “If I get myself to a family doctor's office or a community clinic, in all likelihood this is never going to come to the attention of the police, because the folks most normally in charge there, the family doctors, don't have to report this.”

I've got to tell you, I really worry about that scenario, because I don't think most family doctors' offices or community clinics are in the best position to provide the kind of medical attention that's probably going to be required if someone is suffering from a serious gunshot wound. I'm not questioning the medical capacity of the

physician involved; I'm questioning the set-up in his office and his ability to respond to what could be a very serious injury.

I say again, we've got some problems here with respect to the minister's proposition and his public suggestion that family doctors will not be in the position of having to respond. There's the perspective of who does respond in a family doctor's office or a clinic when a victim shows up, and alternately, what that is going to mean to people who very consciously decide that they're going to try to bypass the hospital, where it might be more likely that they will be reported to the police, and head for their nearest after-hours clinic or the nearest family doctor's office because they feel that probably nothing is going to be reported there, because there is no obligation on the family doctor to do that.

So I've got some real problems in terms of seeing how this is ever going to work, particularly how it's ever going to work if you have one set of obligations for one set of health care providers—or receptionists, or administrative staff—and not a parallel responsibility for a family physician, particularly those in a doctor's office and those in a community clinic or after-hours clinic.

Fourthly, the minister's promise that family doctors won't have to report is actually contrary to what professional bodies like the College of Physicians and Surgeons encourage doctors to do now. I've had some concerns about that as well. Both the CPSO and the College of Nurses, as part of their professional standards, encourage nurses and doctors to report gunshot wounds when they believe that it is in the interest of public safety to do so. That was confirmed in a presentation that was made by emergency room physicians from St. Mike's, who said very clearly:

“In any situation in which a physician reasonably believes a gunshot wound victim could pose an imminent risk to others, the physician has a legal and ethical duty to report that victim's identity to police under ‘duty to warn’ requirements as established by common law and by the policies of professional organizations (including the College of Physicians and Surgeons of Ontario).”

That seems to be what their colleges expect them to do—I'm referencing doctors at this point—and it's very clear that, in doing that, these professionals would essentially be exempt from the privileged relationship that exists between a provider and a patient. If this is what the CPSO has in its regulations and expects doctors to follow, why is it that the minister has a contrary view with respect to what his expectations are for family physicians when he says they won't have any requirement to report? I see a real contradiction there, and that contradiction essentially also carries to family physicians, if they were in their own offices or in clinics. I don't understand that contradiction, in the same way that I don't understand why we would have some expectations or responsibilities for some health care professionals and some for others.

That leads me to the comments that were made by the RNAO at the public hearing. I want to read most of this. It's short, but I think it's important to make the point,

because the RNAO came forward and essentially opposed the government's bill. Their acting executive director said the following:

"... we cannot support this legislation, which would place an additional obligation on health care professionals to report to police when a person is treated for a gunshot wound.

"Let's be clear. Most of the time, it will be registered nurses who will be obligated to report. RNAO believes this obligation will have a negative impact on the confidentiality aspect of the therapeutic relationship between registered nurse and patient. The notion of confidentiality is essential to nurses gaining and maintaining the trust of patients. If registered nurses must act as an extension of law enforcement, it will have a chilling effect—not only on patients with gunshot wounds, but also on other vulnerable clients.

"We are concerned that mandatory reporting of gunshot wounds could deter people with such injuries from seeking treatment. This could further jeopardize the safety of abused women, families and their children, and teens. This could also spill over to other patients who may be less inclined to seek the care they need or provide information crucial to their recovery.

"We believe public safety concerns in regards to gunshot wounds are currently addressed by the standards of nursing practice set by the College of Nurses of Ontario, the regulatory body for nurses. These standards provide for voluntary, rather than mandatory, reporting. They allow registered nurses to use their professional judgment to decide when it is in the public interest to report gunshot wound victims. If safety concerns outweigh those related to patient confidentiality, nurses can and are obligated to report any treatment or health care condition, including gunshot wounds.

"Furthermore, we believe that mandatory reporting will not be an effective policy to increase firearm safety. Evidence indicates that almost two thirds of gunshot wounds that required hospital admission were either accidental or self-inflicted. Seventy-eight per cent of deaths from gunshot wounds were related to suicidal situations. As a result, RNAO believes that a focus on prevention through gun safety education and mental health services would be a more effective focus for policy in this regard. In rural areas where hunting is more widespread, mandatory reporting could divert scarce health care resources to reporting accidental injuries, and away from more productive use of time on the part of both registered nurses and police officers.

"Finally, the most effective policies to reducing violent crime are those associated with the social determinants of health—those that reduce discrimination and inequality; those that address nutrition, affordable housing and child care."

I thought that was a very interesting perspective by some of the folks who believe that they, more than others, are going to be the most responsible for actually doing the reporting to the police. The argument that I would make in the House is that I think a nurse's time in

a hospital is as valuable as a physician's time, and vice versa. A nurse's time in a community health centre is as valuable as a physician's time. And it's the same in a medical clinic, if nurses are employed in that medical clinic.

Again, I don't understand why it seems that in some scenarios, in some settings, the burden for reporting is going to fall on to one health care provider; it's not going to be equally shared among whoever is there providing care when a gunshot wound victim arrives. I don't understand that discrepancy. I have to tell you, Minister, I don't.

The final points I wanted to read into the record come from the presentation that was made by the emergency physicians at Saint Mike's. It was Dr. Cass who spoke on behalf of the group. He reported again that 80% of those people who die from firearms incidents are suicides, and since this is not related to a criminal activity, it would make a whole lot more sense to have someone from mental health dealing with the fallout of that than actually having the police deal with those kinds of matters. But there is no discrimination that is being made in terms of gunshot wounds as appears in the bill. It doesn't matter what the reason is; the police are supposed to be called.

They raise a couple of concerns: "... gunshot wound victims with non-life-threatening injuries might not attend emergency departments or might delay attendance resulting in complications of their gunshot wound injuries. There is precedent for these concerns; for instance, fear of mandatory reporting of the identities of HIV-infected people resulted in those at highest risk for HIV not seeking testing or counselling in the 1980s."

Point number two: "A gunshot wound victim whose identity is disclosed to police against the victim's wishes might be put at risk for retributive actions from others who are aware that the victim's name has been disclosed to police; this has been documented in the situation of women who have been assaulted by spouses."

Thirdly, "If gunshot wound victims with non-life-threatening injuries can seek treatment in the private offices of physicians without their identities being disclosed to police ... then such gunshot wound victims might do so in order to avoid emergency departments and mandatory disclosure of their identities. Family physicians' offices and walk-in clinics are not properly equipped to assess and manage patients with" gunshot wounds. "In addition, if such victims do pose a risk to others and consequently attract their assailant to the physician's office, these physicians are in a situation of being unprotected...."

1630

At the end of the day, they said—I just want to read their recommendations:

"We oppose the mandatory disclosure of the identity of gunshot wound victims as described in Bill 110.

"We do, however, support the mandatory reporting of statistics regarding all gunshot wounds, without patient identifiers, to an appropriate agency."

In conclusion, let me just say again that I've got some concerns about what seems to be a real discrepancy between who's going to be obliged to do something and who's not. At the end of the day, frankly, it's also clear that there really isn't an obligation in the law, because there aren't penalties. Any obligations that come with respect to reporting really come from people's own standards from their own colleges, whether it be CPSO or the College of Nurses. I hope that the minister will take some of those concerns into account when we deal with this bill, hopefully in committee again.

The Acting Speaker: Questions and comments?

Hon. Mr. Kwinter: I'm pleased to respond to the member and to clarify for her the issue she has brought up about the doctors having an obligation under their responsibilities to the College of Physicians and Surgeons and what is happening with this bill.

This bill talks about facilities. If you take a look at it, you'll see it says that "Every facility that treats a person for a gunshot wound shall disclose to the local municipal or regional police force"—and it goes on. So it talks about facilities. Then, in the regulations, it says that a doctor's office may be classified as a facility. So at the present time, as you have already said—you've sort of answered your own argument—the doctors have a responsibility to report a gunshot wound. Nurses have a responsibility under the particular legislation they're involved in. We are talking about facilities. What this does is put an onus on that facility to report that gunshot wound.

The argument is, will it cause some harm to somebody? Well, these people have obviously had harm caused to them. Someone has shot them, either intentionally or inadvertently, by accident, whatever, and we have a responsibility, in terms of public safety, to find out what happened: Is there someone out there who still has that gun and is out shooting somebody?

Again, this initiative was prompted by requests from the people who have the responsibility to maintain safe communities, and we have responded. We have responded in a way that I think is going to do the job. It is there because the request was made.

In the United States, virtually every state has the same type of legislation.

I hope that members will, in the final analysis, support it.

Mr. Jackson: I would like to commend my colleague from Nickel Belt for her comments. I underscore, as I did when I had the floor, the concerns she raised. The minister, in his explanation, is attempting to clarify matters that are raised in this debate. But her points are still valid, and her concerns have not been addressed, nor have mine.

What she is pleading for and what I have pleaded for is that the government put in this legislation or the regulations a failure-to-report clause. It's real simple. I'll give you an example. Why don't you just simply put in there that there will be a \$5,000 fine? Oh, maybe that's too harsh from the Conservatives—maybe a \$500 fine;

oh, maybe a \$10 fine. In yours, it's a zero fine. Why don't we charge a \$5,000 fine for failure to report, payable to the victims' justice fund in Ontario? It strikes me that if you operate your motor vehicle, as the minister knows, and you go six kilometres over the limit, you're going to be paying into the victims' fund.

I'm just uncomfortable with there being a double standard in terms of inappropriate conduct not being acknowledged with some kind of fine. Either we're serious about this or we're not. My colleague from Nickel Belt says we should be serious about this. Frankly, Minister, it's an opportunity for you to implement this legislation, which in and of itself is appropriate. But it's going to be hard to explain when the first couple of people come in with gunshot wounds and they aren't reported. What does that say about the efficacy of this legislation?

Mr. Prue: It's a pleasure and an honour to comment on my colleague from Nickel Belt and what she had to say. I watched the majority of it on television downstairs while trying to do some other work. I must tell you that she's every bit as impressive on television as she is here in the House. In fact, on most occasions I don't actually get a chance to watch her give the speech—I hear it from behind—and it was a pleasure to watch it on television.

Having said that, she does raise a couple of issues that I think the minister needs to be very clear about. The first is the fact that the penalty section of this act is non-existent. I thank the minister for being here, because he is doing a rare thing. I come here very, very often to speak on behalf of the people of Beaches–East York and often speak to a near-empty House. Certainly only on the very rarest of occasions do I actually speak to a minister who takes the time to come forward, so I want to thank him for participating in the debate and for giving his comments.

My comment to you is that you must include a penalty section for failure to report. If you are intent upon forcing doctors and health care practitioners and others to report these crimes, as I believe you are intent upon doing, there has to be something involved in the legislation that forces them to do so, because in the American jurisdictions without the failure to report—I will be speaking about that later—where there is not a mandatory reporting requirement, the actual reporting is not much higher than the present state in the province of Ontario. In fact, even when there is a provision that forces reporting to a government agency, as there is in Massachusetts, which has the highest reporting, it's still only 75%. I don't see how ours is going to work unless we adopt similar provisions that make a requirement mandatory, and penalties for not doing so.

Mr. Jeff Leal (Peterborough): It's been a very interesting debate this afternoon. I had an opportunity to listen very carefully to my colleagues. The member from Nickel Belt and the member from Burlington certainly add a number of points of view which I think are very important for a bill of this nature, Bill 110, the mandatory reporting of gunshot wounds in the province of Ontario.

I do want to compliment the Minister of Community Safety and Correctional Services. I know from my police force that I deal with in Peterborough—having dealt with them for a while when on council—that the current chief, Terry McLaren, and the deputy chief, Ken Jackman, see a minister who's been consulting with them over the last 18 months. I think this bill that's been brought forward by the minister is a product of that consultation with police chiefs across the province of Ontario and, indeed, of listening very carefully to the rank and file, the men and women who don the uniforms each and every day to provide safety for individuals in our respective communities. And I know he's actively working on the commitment of 1,000 police officers over the mandate of this government, to make sure that there are more men and women out in the field each and every day to make sure that bills like Bill 110 are indeed enforced.

I note that this legislation is consistent with some 45 American states that have some form of law that provides mandatory reporting of gunshot wounds or other wounds. I think, if it's passed, this will make Ontario the first province in Canada to have the same requirement. I think that shows a great deal of leadership on behalf of this minister.

We're now in second reading, and a potential that this bill will go to committee for additional review. I think that's particularly helpful. So I think—

The Acting Speaker: Thank you. In response, the Chair recognizes the member for Nickel Belt.

1640

Ms. Martel: I'd like to thank all members for their comments. Let me focus on two.

I've pointed out that you can't say the bill is mandatory, because there are no provisions for non-compliance. While the member from Burlington has said, "Put those in," my argument is that I really do, at the end of the day, think that health care providers, nurses and doctors in particular, living under the standards under which they operate as health care providers, both under the standards set by CPSO and by the College of Nurses of Ontario, will report gunshot wound incidents to the police when they believe there is a threat to public safety. I believe they will do that on their own.

So I didn't come here today making an argument for a provision to be put in the statute that would clearly set out penalties. I would much prefer us to continue with what is in place, which is doctors and nurses using their best judgment in emergency rooms and other places to report to the police when they know that there is an issue of public safety. Those are requirements under their professional bodies. I've got to believe they are going to live up to those responsibilities and obligations.

Secondly, with respect to the minister, it was the minister himself who, when this bill was introduced, said very clearly that, if passed, the legislation would not make it mandatory for family physicians to report gunshot wounds to the police. What I tried to raise here today is that I don't understand why he took that position a year ago. Clearly, there is a discrepancy there between

what the minister has stated he thinks the obligations of family doctors are, and what family doctors themselves believe their obligations are with respect to standards and their college of family physicians and surgeons. Secondly, the bill does make it very clear that government, by regulation, can extend this reporting to family physicians' offices and to clinics. I'm going to operate under the assumption that the government is going to do that at some point. I say to the minister, then, if that's your intention, because it appears in the legislation, why do you have a different standard, one for reporting for other people in a doctor's office, but no obligation for a family doctor to report a gunshot wound in that circumstance?

The Acting Speaker: Further debate?

Ms. Laurel C. Broten (Etobicoke-Lakeshore): I'll be sharing my time with the member for Scarborough Centre.

I'm pleased to stand in support of Bill 110 today. All too often, our communities are shocked and saddened by stories we hear about gunshot wounds and gun incidents across the city of Toronto and in my own community of Etobicoke-Lakeshore. I know that individuals in our community have really been saddened and shocked and are wondering, what steps can we take as a province and as a government to try to deal with the fact that guns are lethal weapons and a severe danger to public safety in each of our communities? I think this legislation is one step forward along the path that we can all take together to make our communities across Ontario safer.

This legislation, if passed, will require public hospitals to report to police incidents of gunshot wounds without fear of reprisal or professional sanction. Health care professionals are already required to report incidents of child abuse, contagious disease and violent deaths, and under the Highway Traffic Act, section 60(5), tow truck drivers and operators and repair shops must already report to police when they work on a vehicle that contains bullet holes. It's a strange circumstance in our province when you have to report on an incident affecting a vehicle and a gunshot wound, a gunshot incident in a vehicle, and you don't have to report something happening to an individual.

So this legislation will be a step we can take forward to make sure we try to curb the crimes associated with guns, and the fact that guns are a large component of serious criminal incidents that occur in this province. Forty-five states already have some form of mandatory reporting of gunshot and other wounds, but no other provinces in Canada have legislation that requires hospitals or health care professionals to report gunshot wounds to police. So this will put Ontario on the leading edge of dealing with a serious crime which unfortunately, in many ways, Ontario is already on the leading edge of, as our communities face day after day terrible stories about gunshot incidents. Just recently again in Toronto that was certainly heard and devastated our community.

Statistics for 2002-03 reveal that of the 196 cases admitted to Ontario acute care public hospitals for injuries resulting from firearms, 96 were the result of assault, 69

were accidental, and 31 were self-inflicted. So these incidents are occurring across all of our communities.

The minister has already indicated in his statement and leadoff on this that there is a great deal of support in respect of this legislation. I think it's because, as we know, guns pose a unique threat to our communities, so various sectors have come together to support this legislation. I think it's important to acknowledge the expertise of those who are supporting the legislation: the Ontario Medical Association, the Ontario Association of Chiefs of Police, the Ontario Association of Police Services Boards, the Ontario Provincial Police, the Police Association of Ontario and the Association of Municipalities of Ontario. All of those expert groups who work on keeping our communities safe each and every day are supporting this legislation.

From John Rapin, the president of the OMA: "Physicians recognize the special threat that guns pose to public safety.... We are also mindful of our ongoing duty of confidentiality to our patients and are pleased that this legislation prevents detailed clinical information from being released to police." As a result, the Ontario Medical Association board of directors passed a resolution in support of mandatory gunshot reporting. I think it's an important cross-section of our province that is supportive.

There is also an interesting article and a quote in the *Annals of Emergency Medicine* that talks about the role that emergency medicine and police can play in collaboration to prevent community violence. That's what this legislation is really trying to get at: a collaborative approach to keep our communities safer. That article says, "If emergency departments and law enforcement work together to enhance the reporting of crimes, this could deter potential offenders, provide police with information about violence that is not available from another source and help repair the wider damage done to victims and communities."

That is why it is this collaborative approach and how we will, by this legislation, take one step forward to make our communities safer, looking at the expertise that has come forward to indicate that this is a good step forward and a good vehicle to make our communities safer. It is the reason why, on behalf of Etobicoke-Lakeshore and wanting to ensure that my own community is much safer, I'm very pleased to support this legislation.

Mr. Brad Duguid (Scarborough Centre): I'm pleased to rise to speak to Bill 110, the Mandatory Gunshot Wounds Reporting Act. This bill would require health care facilities to report to police as soon as possible the fact that an individual is being treated for a gunshot wound. They'll have to report the name of the person being treated and the name and location of the facility.

I was on the phone not too long ago in the backroom, speaking to a friend of mine, who asked me, "What are you speaking on?" I told them, and, like I think many of us, they were flabbergasted that this wasn't already mandatory. They just assumed that if somebody came

into an emergency, a physician or attending nurse or somebody from that facility would have to report this kind of thing. But no, it's not mandatory.

In fact, amazingly enough, we'll be trailblazers here in Canada. I believe we'll be the first jurisdiction in the country that is going to be doing this. That doesn't mean we're the first jurisdiction anywhere doing this. I understand, as I think the minister said the other day, that something like 47 or 48 states throughout the US already have a similar type of legislation in place to ensure that these gunshot wounds can be reported to the police, which gives the police the opportunity to at least begin an investigation and try to get whatever the situation that resulted in a gunshot wound resolved.

It just makes sense to do this. Sometimes there are things that come before this House that simply make sense, and this is one of them. When you think that health care practitioners are mandated to report incidents of child abuse but not gunshot wounds, that doesn't add up; contagious diseases but not gunshot wounds, that doesn't add up; violent deaths but not gunshot wounds, again, that doesn't add up. They have to report medical conditions related to unsafe driving but they don't have to report gunshot wounds. That just doesn't make sense. It gets worse when you start using comparisons outside of the health care field. When you look at the fact that a mechanic has to report a bullet hole in a car but a doctor doesn't have to report a bullet hole in a person, that just doesn't make sense.

I want to thank the minister for coming forward with this legislation to allow us the opportunity to make some sense of this, to help provide police with an additional tool—a tool that they're looking for, a tool that police officers across Ontario want to see us provide them with. It's not just individual police officers who want this; their associations do as well. The Ontario Association of Police Services Boards is seeking and supporting this. The Ontario Association of Chiefs of Police have been seeking this for a very long period of time, and they still are. The Toronto Police Service wants this tool to help them be able to get out and investigate as quickly as possible when these gunshot wounds take place.

1650

It's time to bring some sense and clarification to this issue. I'm pleased that Ontario will be at the forefront of this approach. Think about it. When somebody walks into an emergency ward or is dropped off at an emergency ward and they have a gun wound—I think of my own local hospital, Scarborough Hospital. They do a great job in what is, frankly, an outdated emergency ward. It's 50 years old. They're dealing with cramped quarters. They're dealing with an emergency ward that's really in need of being fixed up. Speaking of Scarborough Hospital, I was there just yesterday, meeting with staff and the administration of the hospital and, in particular, the emergency ward because we're investing \$60 million, which I had the pleasure of announcing yesterday, in that emergency ward. I know this is of interest to you, Mr. Speaker.

Mr. Leal: Sixty million?

Mr. Duguid: It's \$60 million—the biggest announcement I've ever had the pleasure to make—that's going into a brand new emergency and critical care unit in Scarborough. It's something we've been looking for for a long time. I know the physicians there are very responsible, but they would like to see clarification of this too, to know whether they should or should not be reporting these gunshot wounds. Clearly, the government is drawing the line here and saying that they should be reported. Police need all the tools. The McGuinty government wants to provide all the tools we possibly can to our police officers to allow them to get out there and investigate these crimes. When somebody is going into Scarborough Hospital with a gunshot wound, I, for one, want to make sure the police have all the information possible at their disposal so they can get out there and investigate, and get whatever thug may have plugged somebody with a bullet off the street, out of our community, and this legislation is going to help them do that.

I thank the minister for bringing it forward. It's another example of how the McGuinty government is ensuring we help our police officers do the great job they do.

The Acting Speaker: Questions and comments?

Mr. Frank Klees (Oak Ridges): I'm pleased to add some comments in the course of the debate on this bill. Bill 110 is a bill that in one sense is simply common sense. Why would gunshot wounds not be reported? To spend this amount of time trying to come up with words to explain why we should, I think, is an absolute waste of our time in some ways.

So what I will do is speak to a very important announcement that took place today, and that was an announcement made by the Minister of Education regarding a multi-billion dollar settlement, a framework that was developed. It was negotiated between the Minister of Education—a multi-billion dollar framework to deal with teachers' contracts, and here is what this represents: For the first time in Ontario, the Minister of Education has now taken over contract negotiations. There will no longer be any need for local school board trustees, because the framework has now been established at the provincial level that every school board simply must now comply with. So much for local bargaining.

The four-year contract that this Minister of Education has now imposed is going to cost the taxpayers of Ontario, just on the salary grid alone, \$2.68 billion. That's in addition to the 200 minutes of preparation time that is also part of that framework. No one has even costed that out. The frightening thing is that when I asked the Chair of Management Board how much this was going to cost, even he couldn't tell me.

There's trouble ahead in the province of Ontario.

Mr. Prue: I listened to the two debaters, but I think I'm only going to comment on the speech by the member from Scarborough Centre.

One of the difficulties with this law: He was talking about the 47 jurisdictions in the United States. Yes, all of

the states have a reporting system, but I can't think of a single example where they do not have a reporting system that requires that the information be provided and has a penalty when it is not. In all of these jurisdictions, the reports must be made to a criminal justice law enforcement agency, and they impose penalties for failure to report. If this legislation did that, at least we would be emulating some of the successes in the United States instead of the failures.

In the much-touted Massachusetts example, they have required physicians to report stabbings and shootings to police for decades. Compliance under the system, before they changed it recently, was very poor, and it only improved when the Massachusetts Department of Public Health established the weapon-related injury surveillance system, which actually had a penalty for medical practitioners who did not report.

Even when they established the penalty, though—I don't want people to think this is the be-all and end-all. If you have a system where there's no penalty for not doing it, you have a very poor compliance system, not unlike what we have in Ontario today. If you beef it up and require that compliance, accompanied by a penalty to be imposed, even today the state of Massachusetts only has a 75% compliance rate among its physicians and nurses. I don't know what's being striven for here, but it's not going to make it with what this bill says.

The Acting Speaker: The Chair recognizes the member from—Willowdale, I guess.

Mr. David Zimmer (Willowdale): Mr. Speaker, I'm assuming you didn't have your glasses on, and that's why you couldn't recognize me as being from Willowdale.

I am happy to speak in support of this legislation. Here are some statistics that members might be interested in. In the calendar year 2002-03, there were 196 cases admitted to Ontario acute care public hospitals with injuries resulting from firearms. Ninety-six of those cases were the result of assault, 69 were accidental and 31 were self-inflicted. So we're not talking about a huge, burdensome reporting requirement on health care professionals here, but the reporting requirement dealing with these gunshot wounds will go a long way to enable police and law enforcement officers to successfully investigate these gunshot cases where they should be investigated.

Forty-five American states already have some sort of law on mandatory gunshot reporting. There's an analogy with what body shop owners have to report. If you're involved in an accident and you take your car into a body shop and ask them to repair it, the body shop owner has an obligation to put one of those stickers on the damaged car and make a note of it, so that if police officers come around to investigate a hit-and-run scene, for instance, there is a record of when the car was brought in, who owns the car and what the damage was so that the police officers can investigate.

It's somewhat similar with these mandatory gunshot reporting laws. In the last couple of days, in the newspapers, there have been some stories about shootings down here at Yonge and Dundas where the people in-

volved in the shootings got away and, obviously, went to the hospital. Police officers will be able to track these people down now.

Mr. Martiniuk: It's my pleasure to speak to this bill, Bill 110, once again. In doing so, I'd like to make reference to a couple of the amendments that were put forth before the justice committee after first reading of the bill, in particular, the one dealing with wounds other than gunshot wounds. This bill at the present time deals only with gunshot wounds. It was suggested as an amendment that, "The people of Ontario recognize that weapons such as guns and knives pose serious risks to public safety and that mandatory reporting of gunshot wounds and knife injuries will enable police to take immediate steps to prevent further violence, injury or death."

1700

Just reading the newspapers and noting the number of knifing incidents, not only, of course, within this city of Toronto but throughout our province, it would seem that the minister would want to draw this bill as widely as possible to ensure that reports were made of not just gunshot wounds but also knife wounds. For some reason, this government and this minister have refused to acknowledge that knife wounds are a serious problem in this province and should be under this act and reported as such.

The Acting Speaker: In response, the Chair recognizes the member from Etobicoke-Lakeshore.

Ms. Broten: I want to thank the members from Oak Ridges, Beaches-East York, Willowdale and Cambridge for their comments.

I want to comment directly on the member for Oak Ridges' comments that this was just common sense and not really worth talking about. That's somewhat interesting, because this issue was brought to the Solicitor General by the Ontario Association of Chiefs of Police way back in 2000, when that member's party formed the government. They were asking the Solicitor General to do something about the disclosure of gunshot wounds and in fact took the issue so seriously that they passed a resolution which reads, in part, as follows:

"Whereas medical health professionals in hospitals presently refuse to disclose such information to the police for fear of breaching the patients' confidentiality rights and thereby facing discipline from their governing bodies; and

"Whereas the provincial Ministry of Health, in 1997, prepared draft legislation in the form of the Personal Health Information Protection Act that would have allowed disclosure of personal information for the purpose of reporting a crime; and

"Whereas the proposed legislation was never introduced in the Legislature...."

I'll just close by saying that I'm pleased to be part of a government that is responding to the call that the police are asking, providing them with more tools. We have a minister who is willing to make sure that our communities are safe by giving the police the tools they need and at the same time responding directly to a legitimate

concern the doctors previously may have had that they did not want to breach patient confidentiality, so again bringing that collaborative approach forward to make sure that we can protect community safety. I am pleased to be part of a government and a supportive minister who have brought forward this legislation.

The Acting Speaker: Further debate?

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I am pleased to join the debate today on Bill 110, An Act to require the disclosure of information to police respecting persons being treated for gunshot wounds, which was introduced by the Minister of Community Safety and Correctional Services, who I am very pleased to see is in the House today to listen to the comments about the bill.

This was a bill that received first reading on June 23, 2004. After first reading, it then went to the standing committee on justice policy, and we are now in the second reading debate, which I understand is going to be continuing next week.

It is a pretty simple bill. My colleague from Oak Ridges indicated that it seems to make common sense. I would agree. I think that probably most members of the House are going to end up voting for this legislation. It's a very small bill, and basically all it is going to do is require public hospitals and prescribed health care facilities to report to the police in the province of Ontario whenever they treat a person for a gunshot wound. I understand that others would only be included by regulation.

This is a bill that our caucus plans to support. This bill, or the impetus for this bill, actually came about as a result of a resolution that was introduced by my colleague Bob Runciman. In fact, today Bob has seen this government now move forward on two resolutions that he has brought forward. Of course, this bill we see today relating to the disclosure of information to police respecting persons being treated for gunshot wounds is one of the resolutions that Mr. Runciman brought forward, and as a result, the Minister of Community Safety and Correctional Services did subsequently introduce, then, this legislation.

Also today, Mr. Runciman brought forward another resolution. In fact, as a result of introducing this resolution some days ago, it has also prompted the government to take action. The resolution we debated today was Mr. Runciman's request that:

"In the opinion of this House, the Attorney General should:

"(a) immediately make inquires of federal correctional officials as to any known or intended residency plans of Karla Homolka;

"(b) immediately convey to the Attorney General of Quebec the recommendation and request of this Legislature to the Attorney General of Quebec that should Karla Homolka indicate plans to reside in Quebec or not disclose such information that the Attorney General of Quebec invoke section 810.2 of the Criminal Code prior to her release to seek an order from the court to protect the public especially by including a reporting-to-police

clause in any recognizance she is required to enter into; and

“(c) immediately seek such an order should no information be known about her post-release residency or the Attorney General of Quebec declines to seek an order pursuant to section 810.2 of the Criminal Code in which case the order sought should include all of a residency restriction, police reporting and electronic monitoring clauses in order to best assure the protection of the people of Ontario and Canada from this convicted and dangerous killer.”

I'm pleased to say that this resolution, which stands in the name of Mr. Runciman, received unanimous support today in the House. As a result of his introduction of this resolution some time ago, it also prompted the current Attorney General to make some public statements about Karla Homolka and the fact that he agreed with Mr. Runciman on the need to protect the public. So today is a good day for Mr. Runciman because two of his resolutions have now gained the attention of the government, and they seem to be gaining the unanimous support of people in this House.

This particular piece of legislation was one that certainly involved our critic Garfield Dunlop. He went through the process of attending the public hearings. He worked extremely hard to make sure that we listened to the voices of those who came to speak to the legislation, those who indicated they had some desire to see some amendments made to strengthen the bill during committee. He did attempt to reflect what he had heard when people were here, and he did introduce some amendments.

I'm very sorry to say that in this instance, the amendments that were introduced by our critic for community safety and correctional services, Garfield Dunlop, were rejected by the Liberals. I say I'm sorry because not just on this bill, but I know on bills that have gone through other committees, certainly bills that I had the privilege of being part of, when we introduced our amendments as well, they were flatly rejected by the Liberals. I think it's really regrettable, because I thought the reason for sending bills to committee was to hear from individuals who were making representation, wanting to strengthen the bill or make the bill better, or who had some insight into the bill which maybe those who had drafted the bill originally would not have considered.

1710

However, it seems that people are simply going through the motions. “We're going to have public hearings”—yes, that's great. “You come and make your presentation”—yes, that's great. “We'll ask you a few questions.” However, when we start to debate any bill, including this Bill 110, the government seems to be totally reluctant and flatly rejects any proposals to strengthen or improve that bill. I've been here since 1990, and I just cannot believe that people who have come in front of committees since this government was elected in the fall of 2003 wouldn't have some ideas that could be incorporated into legislation. Regrettably, Mr.

Garfield Dunlop's amendments, which reflected what he had heard from stakeholders, were not accepted by the Liberal government.

I'm going out to participate in public hearings on Bill 144. This is a bill which deals with labour relations. It actually takes away and strips workers of their right to a secret-ballot vote. It allows for automatic certification in the construction sector if the sector can get 55% of signed cards. Also, it removes the opportunity for employees to get government-approved information in their workplace as to how they could get rid of the union if they so wanted. I hope we're not going to have these three days of hearings—two days here in Toronto and one day in Kitchener-Waterloo on April 29—simply to go through the motions again of listening to the people and, at the end of the day, introducing amendments that those who are making presentations feel will strengthen or improve the bill, only to have those flatly rejected by the Liberal government one more time. However, that's what we have seen here.

I just want to read the press release that my colleague, the PC critic for community safety and correctional services, Garfield Dunlop, put out on March 9, 2005. He indicates that he proposed four amendments to Bill 110 to strengthen and improve the bill. These amendments to strengthen the legislation would have included “the mandatory reporting of knife injuries that are obviously not self-inflicted.” He goes on to say, “Without these amendments, Bill 110”—currently—“only requires the disclosure of information to police about persons being treated for gunshot wounds,” but of course not knife injuries or wounds.

He then goes on to state what I think many people know today. He says, “The knife has become the weapon of choice for many criminals for many reasons, including the fact that knives are easier to acquire than guns.” Then he goes on to say, “Now's the time to avoid giving criminals a loophole in this legislation.” He continues by saying in this press release of March 9 of this year that “When a bill goes to committee, it is expected that the bill will come out as a stronger piece of legislation.” But then he says, “I'm disappointed that the Liberals opted instead to play politics with this bill, refusing to support amendments that weren't their idea.”

Then he says, “In reality, this is just another law-and-order letdown from a government that clearly doesn't consider community safety a priority.”

He concludes by saying, “As community safety critic, I fully support providing police with the tools they need to do their job effectively.”

I know that Mr. Dunlop, the PC critic for community safety and correctional services, certainly is a very sincere individual. He represents the people up in Simcoe North. He was simply trying to reflect the opinions and viewpoints of the people who appeared before the committee. He really did feel it was the appropriate time to add this fact, that those who had been injured through knife wounds should also be reported at this time. I know how disappointed he was that that did not happen.

I guess one of the areas where we as a party have been extremely disappointed is the fact that this Liberal government has not yet lived up to their very highly publicized promise to put 1,000 new police officers on the street. I know that's something that police throughout the province of Ontario are looking for. They want to make sure that they do everything they can to protect the public from criminals.

I've got here some more of the motions that Mr. Dunlop introduced. I think it's important to take a look at some of the comments that Mr. Dunlop made. As I say, he's very sincere and works very hard in his role as critic. He really is very disappointed that there wasn't support for the reporting of knife injuries. In fact, he says—and he made this statement in the House—that about 85% of the injuries that come forward are not as a result of gunshot wounds but the result of knife injuries. You now have a situation in the province where, if somebody has a knife wound and they come into a hospital with five or six or seven stab wounds, obviously not normally self-inflicted, there is absolutely no way that the hospitals would have to report that. Of course, that has caused some concern when you realize the number of injuries in this province at the present time that are inflicted not through guns but through knives. I think that figure is probably a shock to many people. It means that 85% of the injuries that are coming forward, and people travelling to hospitals to have treated, go totally unreported. This bill did provide an opportunity to deal with that particular issue. I think many people find it difficult to comprehend that if you're going to report gunshot wounds, which are only part of the violence in the province, why would you not also report the knife injuries as well? However, that doesn't happen.

As I say, this piece of legislation is one that has been called for by Bob Runciman. Certainly the police community has called for this type of legislation. It's also supported by the Ontario Medical Association. I don't think there's anybody who doesn't support the bill. The only question that remains is, why, when you are trying to deal with the issue of public safety and protection of the community, would you not also take a look at the inclusion of violence caused by knife injuries? That certainly is an omission here within this legislation.

1720

I have here the position of the OMA section on emergency medicine. They do, of course, support this bill. They did a bit of a survey, and it says here that 46% of the respondents indicated that they had seen one to five gunshot wounds in their career in Ontario; only 17% reported seeing more than 10 in their emergency room career; more than two thirds indicated that they had never notified police about a GSW presenting to the ER; and over half of the survey respondents indicated that they did not know whether reporting of GSWs was mandatory. Then they were asked: "Do you feel there should be mandatory reporting of GSWs (intentional or accidental) by ER physicians?" I'm pleased to say that 75.3% said yes, 20.3% said no, and those with no opinion

were 4.4%. This was regardless of whether the injury was suspected to be intentional or accidental. If I take another look here, they do report gunshot wounds in the United States, and I guess that certainly provides us with a strong basis for the support of gunshot wound reporting in this province as well.

I think it is important that this bill be passed. Although it doesn't go the entire distance to protect the public, a very good step has been taken in moving this legislation forward. It's important that those people in emergency rooms recognize that when this bill is passed they do, and will, have an obligation to do the reporting that is going to be necessary.

In conclusion, I want to again express my appreciation to the Minister of Community Safety and Correctional Services. He has been here for the debate. I know that the legislation he has introduced is going to go some distance in responding to the need to protect people in the province of Ontario, and I hope that at some further time we can progress beyond that.

The Acting Speaker (Mr. Gerry Martiniuk): Questions or comments?

Mr. Prue: To comment on the speech made by my colleague from Kitchener–Waterloo: She raised a number of points, and in the two minutes I think I can only deal with one of them, and that has to be the whole issue of knife wounds. What she has said is really quite telling, quite important.

I started to think back in my own community over the last couple of years about some of the horrific circumstances, some of the crimes that have been committed that have caused so much angst to the people of Beaches–East York, and really there were two of them. They both involved the death of young men. One was known simply as Jonathan. It was reported widely in the papers. It is an ongoing trial, so I don't want to say too much more about that, except that it involved knife wounds. There were no guns involved; it was a family dispute. The problem is that young people have an opportunity in this country to get far more access to knives, to people who have knives. Knives are readily available. You can buy them in any hunting store, in any hardware store. You don't have to have any kind of licence to have them. They're used for a broad range of household uses. They are simply available.

I think about the other crime that involved the stabbing of a young person outside of East York Collegiate that is still very much in the news, and the trial is ongoing. But I don't have to say anything more than that these two horrific crimes in my neighbourhood were not the results of guns but of knives. It seems to me that the legislation should be broadened to include the mandatory reporting of knives, because if these two were so much in the news, there have to be hundreds of others in which a knife was brandished, in which a knife caused a wound, in which case they should have been reported as well.

Mrs. Donna H. Cansfield (Etobicoke Centre): I'm pleased to stand in support of Bill 110, the Mandatory Gunshot Wounds Reporting Act, 2005. It's fascinating to

listen to everyone just assume that all gunshot wounds are the result of violent crime. In fact, they're not. Of the 196 cases that were reported in 2002-03, only 96 were the result of something involving violent crime; 69 were accidental and 31 were self-inflicted. There have to be other issues at play here, so it also opens up the opportunity to deal with such things. If in fact there is an accidental gunshot, it may have been from a hunter. It may be an opportunity to deal with issues around education. So it's not always just the thing about violent crime.

There's no question that we have an issue of crime to deal with in our community, but statistically, in the city of Toronto violent crime has actually gone down. It's not up. One of our challenges is that we keep reporting it as being up, and unfortunately I think it gives the wrong impressions to the community. Of course we're interested in their safety. That's part of what the minister's responsibility is. That's why we have the police services that we do. But this is talking about mandatory reporting of all gunshot wounds. I think we need to keep that in mind as we're reviewing this particular bill. It's not just restricted to the one.

It's fascinating to me when you think about the fact that 69 were accidental and 31 self-inflicted; that's almost half of them. So you have to say to yourself that there's another issue here about the use of those firearms, and maybe there's an opportunity to prevent them from being used inappropriately in another setting. How many children are killed with the accidental shooting-off of a firearm?

In the reporting of gunshot wounds, I think we should look more broadly than just at violent crime, although I do appreciate that that's an issue.

Mr. Chudleigh: This is an interesting bill in that it doesn't really contain anything that's going to change a great deal about this. A lot of injuries that are sustained through the commission of crimes or illegal activities by people are going to go unreported. That's too bad, because there's an opportunity here to catch a lot more than is being caught by this particular piece of legislation.

It's typical of this government. It's almost like the sushi bill: They bring something in but they don't put any teeth behind it. There's no penalty for not reporting in this bill. The bill doesn't even require doctors to report. It says the hospital or the medical facility, and it's extended to clinics or a doctor's office, but it doesn't insist that the doctor himself has to report the incident. It's the responsibility of someone, but it doesn't designate who that someone is, and if someone isn't designated or if it goes unreported, there is no penalty for not reporting it.

It's a lot like the 1,000 new police officers that are in limbo right now. On October 21, 2004, it was announced with great fanfare that there were going to be 1,000 new police officers in the streets of Ontario and they were going to be fighting crime, targeting marijuana grow-op houses and Internet luring, two topics that are hot in the public's mind. But do we see 1,000 new police officers being funded in the province of Ontario? No. The minis-

ter said today, and I'm sure he did so in good faith, that before the end of this term, funding will begin. Well, maybe the announcement should wait until the funding is in place.

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Mr. Lorenzo Berardinetti (Scarborough Southwest): I want to make a few remarks to respond to the speech by my colleague from Kitchener-Waterloo. Earlier, this morning, we debated a bill I brought forward to deal with gender-based pricing discrimination. She spoke to the bill and so did some of the other members of her party. The gist that came forward was that we had better things to do than to waste our time in the Legislature talking about gender-based pricing. I'm not quoting her, but this is what some of the members from the Conservative Party were saying at that time.

I'm going to throw that same logic back at the opposition right now. What we're dealing with here are gunshot wounds. When someone is shot and brought to the hospital, the police need to know about it. To start drawing in examples of knives and reporting knife incidents, we're starting to grasp at straws. We've got more important things to talk about than knives. Guns are a serious matter. Guns should be registered, controlled and dealt with in a very serious manner. When people are shot, it's a very serious matter. Just throwing back the same logic the Conservatives used on me, saying that I was bringing forward unimportant matters, I would have to say, with the greatest of respect, that trying to bring forward knives is discussing something that is unimportant to a very important bill that I support and commend the minister for bringing forward today.

The Acting Speaker (Mr. Joseph N. Tascona): In response, the Chair recognizes the member from Kitchener-Waterloo.

Mrs. Witmer: Thank you very much to those who have responded to the remarks I was able to make.

The member from Eglinton-Lawrence: I appreciate that he has unfortunately had the opportunity to observe some violent situations where knives were involved. I would agree: He pretty well said that the legislation should be broadened to include knife wounds.

I appreciate the comments of the member from Etobicoke Centre. I always appreciate her comments. I've had the opportunity to work with her over the course of many years, and she always makes a great contribution.

I want to thank my colleague from Halton for his remarks and contribution to this debate.

I also want to thank the member from Scarborough Southwest. I don't think anyone was saying this bill was not important. I think people were saying we are all probably going to support this legislation at the end of the day.

There are many important issues in Ontario that need to be discussed. We know that at the present time there are nurses being laid off in the province—about 757. We know that mental health workers are being laid off. There are many priorities—many people without family doctors—and many issues we can discuss. We know that

today there was a move to further centralize control of education and take power away from directors of education and school boards. Regrettably, there wasn't even a statement made in the House today by the minister about that issue at all. These are some of the issues.

We can support this bill, we can move forward, and there are many other important issues that we need to deal with.

The Acting Speaker: Further debate?

Mr. Prue: This is a bill that I think is somewhat more controversial than one might be hearing here in this Legislature. It is controversial not because people have fear of guns themselves, although I have to tell you that I personally have fear whenever I have seen one or been in the presence of one, even when it is strapped to a policeman's belt. It causes me unease, perhaps because I am a boy from the city and did not grow up in close proximity to them. But people have fears of guns mostly from a criminal aspect. I haven't heard too much public debate that people are worried and want the gunshot wounds investigated of a suicide victim. I haven't heard too much debate or had people call me and say they want gunshot wounds due to an accident investigated. What people really want the gunshot wounds investigated for is perceived criminal activity.

We ought not to fool ourselves that this is a bill that is going to stop people from attempting suicide by use of a gun or that accidents won't happen from time to time: people cleaning the gun in anticipation of a hunting trip or something going off accidentally, falling and discharging. Those things happen whenever someone sees fit to have a gun in their residence. That's why, certainly, I would never have one in mine. I would tell people that unless they had a very good reason, an absolutely great reason, for having firearms, they're probably far safer not to have them.

The public is concerned because they perceive, either rightly or wrongly, that the incidence and the use of violence and guns in our society is increasing. As the member from Etobicoke Centre said, the criminality and the use of violence and guns, here in our city of Toronto at least, is actually declining. That is a statistic that most of my constituents would not believe. They would not believe it if they saw the numbers, they would not believe it if I told them, they would not believe it if they listened to the debate in this Legislature, because they see the horrific crimes played out in the media. They see it in the newspapers. They see violence around them. They probably see it from American television and American news sources. They believe that these gunshots are more commonplace than they actually are.

The statistics that were cited by some members in the government are quite telling. There are about 100 gunshot wounds that are the result of violent actions, robberies or whatever, in Ontario per year. We have a very large population. I would like to contrast that with the number, and I'm going to talk about the United States later, of violent assaults using guns in that country. If you see the murder rates in some of the large American

cities—Washington, Detroit, New Orleans, some of the others—you will see that the murders by use of guns in those cities—cities, not states—are far, far larger than anything we would see here in the province.

I think we live in a fairly safe place, but that is not to say that it cannot be made safer. We believe that there are several ways we can make it safer. This has a small potential, not a large one, to make Ontario a safer place. Therefore, it needs to be debated and the provisions need to be explored. Other things need to be looked at and explored.

I don't want to go into too much debate on the federal level, but we've gone through a number of years with the gun registry applications by the federal government. If ever there was a bill in this country, I think, that was contentious, that bill was contentious. What did it intend to do? It intended that people who own a gun register it. It is pretty simple. It is opposed by many people who hunt, many people in rural areas, many people who believe they have the right to bear arms, thinking that they are somehow drawn into the American Constitution. It has been attacked hugely by civil libertarian groups, by members of the opposition, the Conservative Party, the Reform Party, and indeed by members of probably all parties, as being unworkable, unnecessary and in fact doing no good at all. This bill may, for some, cause the same consternation. I'm going to get to that in a minute, but the consternation is not from amongst so much those who own guns, but from those who are going to be required to report.

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We know that one of the things for this bill to be successful will be to have more police officers who are able to do the secondary investigations if and when the medical institutions, either through the doctors, the nurses, the nurse practitioners or a hospital administrator, are required to file the necessary reports with the police. It is no good turning over this information to police authorities if they do not have the wherewithal to investigate it. What needs to come, I would suggest, before this bill is proclaimed and comes into force, what is necessary, is to have adequate police in order to do the follow-up that this will no doubt engender.

I'm not sure how much time the police are going to want to take investigating attempted suicides, although I guess that is a provision of the Criminal Code that many people are probably not aware of. It is against the law to attempt to commit suicide. It's in the Criminal Code as one of the provisions. I'm not sure the police are going to want to spend a great deal of time on that, nor am I convinced they're going to want to spend a great deal of time on the other ones that are deemed to be accidental and that they are satisfied are accidental. They are going to want to spend their time on the criminality.

We get into what the police have said is necessary. They believe that what they would collect is called collateral information in a true investigation for the purpose of attempting to lay charges. I would agree that the information that starts by being given to them that

leads to criminal charges is useful information. They have to know that a crime has occurred in order that they can follow up on the crime and actually arrest and attempt to prosecute the guilty parties.

But what are we seeing that is happening in many of these gunshot-related crimes in this city and elsewhere in the province and elsewhere in Canada and certainly in our great neighbour to the south? You are seeing that people who are the victims of gunshots are refusing to co-operate with the police, refusing to co-operate with the hospitals, any investigation whatsoever to name—if they do in fact know who has shot them—the circumstances under which they were shot or to co-operate in any single way.

I am not sure how this bill is going to play out in terms of that. They won't co-operate with the police now when the information is known to the police and I'm not sure that if this investigation by the hospital is turned over to the police, they will be any more likely to co-operate.

So I am afraid that in large measure this bill is not going to do what the people of Ontario hope it is going to do. The rationale that the minister and many give for coming up with this bill in the first place—there are three rationales that I heard from the minister and those who spoke. Number one was that the police forces across Ontario are asking for this bill. Number two is that there are similar programs in the United States and certainly, if they have programs, maybe we should look at having programs as well. Number three was that the Ontario Medical Association, in a survey of its members, recommended doing precisely this. I would like to deal with those three and just see exactly where they take us.

First of all, the police want the tools, the police want to be able to get this information. I don't blame the police. The police have a very difficult job. They have to investigate crimes oftentimes with a lack of co-operation, oftentimes with a lack of information. Any information that they can get from witnesses, any information that they can get from gleaning sources, be it on the computer, the newspapers, anything else—they need to use every single resource they can to help capture the criminal element and to bring people to justice. The police believe, or were led to believe, that this bill would help them in their law enforcement.

I want to say that people in society generally, certainly in my riding of Beaches–East York, support their police and would hope that this legislation would give it to them, would give them that little leg up, but sadly, I think that is not the case with this legislation.

Certainly, there is a lack of officers. I have spoken to that, and other people have too. We need the 1,000 or so officers that this government has promised, and we need them fast. We need them trained and on the street. We need them doing their job to protect the citizens.

But this legislation has a difficulty, because it is turning over to people who are not properly trained a requirement to do some aspects of police work. Where this has been tried in the United States, there is a duty in law to report the findings to the criminal justice system,

not necessarily to the police, but special agencies set up in each of the states that monitor, keep track of and determine whether there is a requirement that this information be turned over to the police.

In fact, it is not a great tool in the United States, any more than it will be a great tool here. Sadly, I think the reason the police thought it would be at least as good a tool as in the United States is that the incidence of reporting in that country will be immeasurably higher than it is here, because here there will be no legal requirement and no penalty for failure to report. In the United States there is, and in the most successful state of all, that being the state of Massachusetts, they are all the way up to 75% of actual reporting. That means 25% of the gunshot wounds that are actually supposed to be reported are not reported. Even when there are penalties, even when there is a state agency, they are not reported. One has to go from there: Why are they not reported? They are not reported, I would suggest, because there is some considerable controversy among medical practitioners whether or not they should be reporting the information, and certainly there is a controversy in this country as well.

I heard earlier the member from Kitchener–Waterloo say that the majority of medical practitioners believe there should be reporting and are surprised there isn't, but there is also a sizable body of medical people who do not agree with this bill and do not agree it is their responsibility to report gunshot wounds.

Certainly, the Ontario Medical Association is on record as supporting the bill, but what we have not heard is other professional institutions, like the Canadian Association of Emergency Physicians that has members who deal with these wounds in hospitals, that are opposed to the bill. You have not heard that the Canadian Medical Association is opposed to the bill. I think we need to ask why they are opposed to the bill, and if the bill is passed, will it have the desired effect?

To quote some of these people very briefly, current laws and practices already protect public safety, is what some of the doctors are saying. I have here Dr. Merril A. Pauls and Jocelyn Downie who note to the Ontario Medical Association, "We recognize that some suicidal patients will pose an ongoing risk to themselves or others and that their access to guns must be addressed. However, a psychiatrist, not the police, should evaluate this risk."

Dr. Simon Kingsley of the department of emergency medicine at St. Michael's Hospital wrote the OMA after they had given their tacit approval to this bill and he protested by saying, "Physicians should never be seen by the public, rightly or wrongly, as agents of police enforcement, and we must resist all efforts to the contrary. Such paradigm shifts in the public's interpretation of the role of physicians cannot readily be revoked, and can have a significant negative connotation of the profession in the eyes of the public."

Other physicians have written that people and victims may not go to the hospital if they know they're going to be reported. I certainly can tell you, having worked 20-

some years in the immigration department, that many people who are in this country illegally or without status would be very reluctant, unless they felt their life was actually in jeopardy, to show up and be interviewed by police with a gunshot wound. I will tell you, they simply would not go.

The same Dr. Kingsley writes, "If legislated, mandatory reporting would only serve to discourage ... patients from seeking medical care, or if a patient actually did present to the emergency department, would induce intentionally inaccurate histories to disadvantaged physicians."

Dr. Dan Cass wrote back again to the OMA following their tacit approval—he's from St. Mike's—"There is a very real potential that mandatory reporting could result in patients delaying or avoiding presenting to emergency departments ... for care. In our emergency department, we frequently treat patients who, for one reason or another, are reluctant to be involved with police. Our job is to provide an environment where patients feel safe to seek care. In short, we are doctors and nurses, not police officers."

There are two ways in which this legislation could come into effect; one is if, by general agreement, the public accepts the bill and is willing to take the necessary actions. Where people are in accord with the law, you will generally find that most citizens will obey the law, will trumpet the law, will act within the law, will enforce the law all by themselves.

There is a second aspect to law, though, where people are not quite so happy to be part of the law, to work within the law. That is, there must be an enforcement provision where people are not willing to be complicit without some kind of enforcement mechanism. This bill does not have that enforcement mechanism. There is no penalty for doctors who would say, as these doctors have

said to their own Ontario Medical Association, that they are reluctant to carry out the provisions that have been put forward in the reporting of gunshot wounds. There is nothing in the bill that would require them to do so.

Long ago, the Americans—if we are going to model our bill on theirs—discovered, especially in the case of Massachusetts, that in fact until they did have mandatory reporting and penalties for doing it, the Massachusetts law, as it existed prior to the one which is being quoted so often now around Ontario, had required physicians to report stabbings and shootings to police for decades. But compliance under the former law in that state was very poor, according to officials. It only improved when the Massachusetts department of public health established the weapon-related injury surveillance system which is in effect today. Even after they established that, as I said earlier, it went all the way up to 75%.

If this legislation is intended to assuage the fears of people in this province and is seen to do something about crime, in reality is not doing that. There is very little in this legislation that is going to stop attempted suicides, in my view, or will negate the number of accidents caused by having guns in a house. The reality is that it does not sufficiently help the public health strategy to work with our public health officers. I am afraid it is going to be—until it is revised substantially—doomed to the same kind of failure that we saw in the early attempts in the United States. I would ask the minister to bear all of this in mind, and when and if this goes out to committee, to take some very real looks at either making the law stronger or seeing some way to do the same things in a much better way.

The Acting Speaker: Thanks very much. It being close to 6 o'clock, this House stands adjourned until 1:30 p.m. next Monday.

The House adjourned at 1754.

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Scarborough–Rouge River	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement Curling, Hon. / L'hon. Alvin (L) Speaker / Président Dunlop, Garfield (PC)	Whitby–Ajax Willowdale Windsor West / Windsor-Ouest	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels Munro, Julia (PC)
Simcoe North / Simcoe-Nord Simcoe–Grey St. Catharines	Wilson, Jim (PC) Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Windsor–St. Clair	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce Sergio, Mario (L)
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique	York Centre / York-Centre York North / York-Nord York South–Weston / York-Sud–Weston York West / York-Ouest	

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

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

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