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(Hansard)**

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des débats
(Hansard)**

Monday 30 May 2005

Lundi 30 mai 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 30 May 2005

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 30 mai 2005

The House met at 1845.

ORDERS OF THE DAY

MANDATORY GUNSHOT WOUNDS
REPORTING ACT, 2005

LOI DE 2005 SUR LA DÉCLARATION
OBLIGATOIRE DES BLESSURES
PAR BALLE

Mr. Kwinter moved third reading of the following bill:

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 Acting Speaker (Mr. Michael Prue): Minister, you have the floor.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I'm pleased to rise on third reading of the Mandatory Gunshot Wounds Reporting Act, 2005. This legislation is an important part of the McGuinty government's ongoing commitment to deliver real, positive changes that are making Ontario communities safer.

Guns pose a unique threat to the safety of our communities. Until now, there has been no province-wide mechanism governing how and when health care facilities and professionals report gunshot wounds to police. Until now, policies for reporting gunshot wounds have varied from facility to facility and even among medical staff in the same facility. Police need to know when a gun has caused an injury, and health care professionals need a clear, straightforward requirement for reporting such injuries. This legislation provides just that requirement.

The legislation, if passed, would make it mandatory for public hospitals and prescribed health care facilities to report to police when they treat any person suffering from a gunshot wound. The reporting mechanism is unambiguous, simple and straightforward. The facility must notify the police as soon as is reasonable without interfering with the treatment of the patient or the normal operation of the facility. The report would be made orally and would require only the name of the patient, if known, and the location of the facility to be passed to police.

This legislation, if passed, would minimize the legal and ethical ambiguity that currently faces medical staff presented with a patient suffering from a gunshot wound. However, the legislation would not interfere with current reporting requirements such as in the case of suspected child abuse, contagious diseases, violent deaths or medical conditions related to unsafe driving. Nor would the legislation infringe on patient confidentiality by requiring the disclosure of a patient's previous medical history.

This legislation has received broad support from members on both sides of this House at second reading and in committee. The legislation has also attracted broad support from the policing community. For example, the Ontario Association of Chiefs of Police and the Toronto Police Service have asked for this legislation. The Ontario Association of Police Services Boards passed a resolution in favour of it. In the medical community, the Ontario Medical Association accepted mandatory reporting of gunshot wounds as official policy in May 2004.

The citizens of Ontario deserve to live in safe, strong communities. By passing this legislation, we can help make sure that they do.

The Acting Speaker: Questions and comments? Seeing none, further debate?

Mr. Garfield Dunlop (Simcoe North): I'm pleased to rise this evening on the third reading of Bill 110. I know it's going to be a short debate tonight, as we agreed in the House leaders' meeting.

First of all, I want to commend the minister for bringing forth this bill. It's not exactly the bill I'd like to see; however, as the minister said in his speech a few moments ago, it is a bill that was supported and was called for by groups like the Ontario Association of Chiefs of Police. Right after I took over the position of critic in the fall of 2003, I got a binder from the OACP, and it was right in there as a key priority in their mind. A bill similar to this one has been adopted, I believe, in 45 of the United States, and my understanding from the American models is that it has been fairly successful.

1850

I would have liked to have seen the bill include knife wounds. I tried to make a few amendments. I won't go into all the amendments right now, but I thought the resolution put forward in the House by former Solicitor General Bob Runciman made some sense, and I think we could have adopted maybe some of those recommendations or amendments.

However, as we move forward, I think this bill is positive, and it will be something the police community

can support. As the minister said, we've had some support from the medical community as well. These are all important issues for the government, for this House and for the province to move forward on.

While we're talking about police tonight, I wanted to acknowledge the fact that I made a statement earlier in the House this afternoon and talked a little bit about the Ride for Dad motorcycle ride that took place this past weekend out of the Ontario Provincial Police general headquarters in Orillia. I believe that over 500 people on high-powered motorcycles toured all across north Simcoe and raised substantial amounts of money for prostate awareness and for the Royal Victoria Hospital in Barrie for the Cancer Care Ontario unit that they hope to get in the future. I just wanted to say a special thank you in the House tonight to Deputy Commissioner John Carson and Chief Superintendent Dave Wall, because they led the parade and it was a huge success.

The police community should be thanked, not only for the work they do in keeping our communities safe, but for the fact that they get out there day in and day out and work with all kinds of community organizations to help bring awareness to special programs. While they're out there, they're also showing that they care about the community, and I think a lot of folks in the community see that.

That's really all I wanted to say tonight. Our caucus will be supporting this bill, and I commend the minister for bringing it forward. I thank the members of this House for the opportunity to say a few words tonight on third reading.

The Acting Speaker: Questions and comments? Further debate?

Mr. Peter Kormos (Niagara Centre): I regret, in view of the fact that I have great affection for the sponsor of the bill, that I have to dismiss the bill as the most meaningless, pathetic three or four pages that I've seen in this Legislature in a good chunk of time.

If this is Dalton McGuinty's idea about protecting us against bad guys and about controlling guns on the streets, then we are all in deep, deep trouble. Take a look at the bill. Read the darn thing. There is so very little here. Requirement to report gunshot wounds? Horse feathers. You see, if there is a requirement, then there is a consequence for not complying with that requirement. It's called a penalty section. If you go to page 1—no penalty section for failing to comply with the bill; page 2—no penalty section for failing to comply with the bill; page 3—no penalty section for failing to comply with the bill. Not a whole lot here, then, is there? Because nobody is required to report gunshot wounds—do you understand what I'm saying?—at least, not pursuant to this legislation.

This is a chimerical bill; it is but illusory. The government is building castles in the sky—imaginary ones, fantasy ones. They are conjuring these up in their very fertile imaginations. This bill does not create a requirement to report gunshot wounds—plain and simple.

During the course of brief committee hearings, I put to the legislative researcher—and I apologize to that person for having put that level of workload on them, but I wanted to know whether there was any example in Ontario—anybody, anywhere. I put to the parliamentary assistant, I put to any of the Liberal members who were awake in the committee, the question: Can you identify a single gunshot wound that the police failed to become aware of, ever, least of all as the result of a health personnel—doctor, nurse, hospital worker—failing to report it? No, not once. So not only is the bill useless, irrelevant, illusory, merely chimerical, but the bill purports to address a problem that doesn't exist because we also learned from doctors and nurses that their respective colleges permit them, and in fact require them, to report incidents where public safety is at risk.

What's going on here? Poor Mr. Bryant, the Attorney General, has been run ragged trying to get a bill regulating paralegals through this House, but he can't even get it here for first reading. Do you understand what I'm saying? That is, as everybody agrees, a very important and relevant issue. Poor Mr. Bryant. And I understand he's far junior to the Solicitor General, and the Solicitor General should be at the front of the line by virtue of his talent, his commitment to his job and his seniority.

But think about this for a minute. Here we are passing a bill that doesn't create any obligations on any health workers to report gunshot wounds, nor does it address any particular problem, because we weren't made aware of a single instance in the province of Ontario where a gunshot wound victim attended at a hospital and that gunshot wound was not in one way or another made available to the police as a factual thing.

But then we go one step further, because the problem is that the doctors are saying, "Oh no, I don't want to report gunshot wounds." Because you see, a doctor doesn't want to be cooling his or her heels for three or four days in a row as a witness sitting in that crummy, stinky courtroom out in Mimico. You know the one I'm talking about, don't you, Solicitor General? The one that should have been torn down years ago. They daren't peel back the wallpaper for fear they'll find mould like they did up in Newmarket. The doctor doesn't want to be cooling his or her heels for three or four days in the crummy, stinky hallways of that horrid Mimico courthouse as a witness called in by the prosecution or the defence. Let's assume it's a biker gang shooting, right? You don't want the big, beefy guys with big biceps and tattoos and piercings all over, gunning you down—not with a gun, but with their eyeballs—in the hallway. The doctors say that they don't want to report it: "Not me."

It flows downhill, right? So it tumbles down to the nurse and then to the poor lowly paid health professional support staff person, the OPSEU worker, the SEIU worker, the CUPE worker. The doctor doesn't want to report it, so they're the ones who are going to be ordered to report it. So they've got to spend three and four days at

a time in the stinky hallways of the crummy Mimico courthouse down there—well, it's in Mimico; at least I call it that. That just ages me, but it's in what used to be called Mimico.

The fact is, there isn't a problem in the first place. There's a problem about guns, oh yeah; you bet your boots there is. New Democrats have been very clear about the need, for instance, to beef up policing, to get cops out there on the street, those 1,000 new police officers; not 30-cent, 40-cent or even 50-cent cops, but 1,000 new, fully funded police officers so the communities across the province can actually afford to complement their police forces with these new police officers and do a heck of a lot more in getting these illegal guns off the street.

In fact, is it billions of dollars now on the gun registry in Ottawa? Billions—not millions with an “m,” but billions with a “b”—of dollars of taxpayer money spent on a crummy gun registry that common sense tells you is so grossly ineffective. You see, bad guys aren't about to go register their guns. Bank robbers don't register their guns, nor do they tend to rob banks with registered guns. Hit men for gangs don't register their guns. Drug dealers don't register their guns. Law-abiding citizens register their guns. By their very description, law-abiding citizens are disinclined to be out there robbing banks or shooting people down on our streets.

1900

We've got a problem. It's mostly young people shooting other young people, as everybody well knows, and it's especially handguns, not long-barrelled firearms. So the poor farmer down where I come from who's been using a .22-calibre rifle to shoot skunks and fox attacking his sheep or his chickens, this poor guy or gal has got to trudge down to the police station, pay the money—ba-boom, ba-boom—contribute to this billion-dollar gun registry, when all they're doing is shooting, literally, varmints. But the shooters on the streets of Toronto or in so much of Ontario, no, they're not going to go down to the police station and say, “Here, police officer, I'm a bad guy. I belong to a street gang and I intend to shoot some folks over the course of the next 10 days because I've got some rivals in the drug-trafficking business,” or whatever the reason is. “So by the way, can I register the gun, so if I do get caught for shooting somebody else, at least they don't charge me with possessing an unregistered firearm?” Please. If only a portion of those billions of dollars blown on that gun registry victimizing law-abiding citizens was spent on getting new cops on to the street, we'd be a lot further ahead.

So here is a bill that is, with great respect to its sponsor, a fraud on the people of Ontario. It purports to enhance public safety when it does nothing of the sort. It purports to create an obligation when it doesn't create

any obligation. It purports to give permission to health professionals like doctors and nurses to report a gunshot wound when in fact we learned that their disciplinary colleges already give them that permission.

There is something seriously wrong here in terms of priorities and perspective. New Democrats will not be party to a fraud. New Democrats will continue to insist on real, effective policing, so that folks are protected from the most dangerous people in our society. Bill 110 doesn't play a role in protecting the good folks of Ontario. We won't be supporting this legislation.

The Acting Speaker: Questions and comments? Further debate? Seeing no further debate, does the Minister of Community Safety and Correctional Services wish to respond?

Hon. Mr. Kwinter: I want to thank those people who have been supportive of this bill from its inception. Notwithstanding what the member from Welland–Thorold has to say, this is not a bill that I dreamt up. This is a bill that was requested by the medical profession, by the Ontario Association of Chiefs of Police, by the Ontario Association of Police Services Board and by the Ontario police service. They wanted this. They wanted it for a reason, and they are happy that this bill addresses those reasons. As a result, I'm delighted we are coming to the end of third reading. Again, I want to thank everyone who participated in the debate.

The Acting Speaker: Mr. Kwinter has moved third reading of Bill 110, An Act to require the disclosure of information to police respecting persons being treated for gunshot wounds. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please say “aye.”

All those opposed will please say “nay.”

In my opinion, the ayes have it.

There being five members or more standing, call in the members. There will be a 30-minute bell.

But maybe not. I have here a note to the Speaker of the Legislative Assembly dated May 30, 2005, that reads as follows:

“Pursuant to standing order 28(h), I request that the vote on the motion by Minister M. Kwinter for third reading vote on Bill 110, Mandatory Gunshot Wounds Reporting Act, 2005, be deferred until the time of deferred votes on May 31, 2005.” It's signed by Dave Levac, chief government whip.

That having been done, orders of the day?

Hon. Steve Peters (Minister of Agriculture and Food): I move adjournment of the House.

The Acting Speaker: We have a motion for adjournment of the House. All those in favour? Carried. This House is adjourned.

The House adjourned at 1905.

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

CONTENTS

Monday 30 May 2005

THIRD READINGS

Mandatory Gunshot Wounds

Reporting Act, 2005, Bill 110,

Mr. Kwinter

Mr. Kwinter.....7261, 7263

Mr. Dunlop..... 7261

Mr. Kormos..... 7262

Vote deferred..... 7263

TABLE DES MATIÈRES

Lundi 30 mai 2005

TROISIÈME LECTURE

Loi de 2005 sur la déclaration

obligatoire des blessures par balle,

projet de loi 110, *M. Kwinter*

Vote différé..... 7263