

No. 153A



N° 153A

ISSN 1180-2987

Legislative Assembly  
of Ontario

First Session, 38<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario

Première session, 38<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Thursday 2 June 2005**

**Jeudi 2 juin 2005**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

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Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY  
OF ONTARIO

Thursday 2 June 2005

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Jeudi 2 juin 2005

*The House met at 1000.*

*Prayers.*

PRIVATE MEMBERS'  
PUBLIC BUSINESS

MISSING PERSONS  
REPORTING ACT, 2005

LOI DE 2005 SUR LE SIGNALLEMENT  
DES PERSONNES DISPARUES

Mr. Racco moved second reading of the following bill:

Bill 198, An Act to amend various Acts in respect of the reporting of missing persons from care facilities /  
Projet de loi 198, Loi modifiant diverses lois à l'égard du signalement des personnes disparues d'établissements de soins.

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

**Mr. Mario G. Racco (Thornhill):** I stand before the House today to briefly outline Bill 198, a bill that amends the Charitable Institutions Act, the Developmental Services Act, the Homes for the Aged and Rest Homes Act and the Nursing Homes Act to ensure that police are immediately notified when a resident of a care facility operated under one of those acts goes missing.

Ontarians make difficult decisions every day. Some of these decisions involve placing their aged or ill parents into homes of the aged or nursing homes. Some have to decide whether or not to place their disabled children into a government-regulated facility. These are very difficult decisions which weigh heavily on family members. We as a government have a responsibility to ensure that those most vulnerable people in our society are secure in the place that they call home.

Our government has taken strides in the right direction in updating the Amber Alert when children go missing. We now need to upgrade our procedures when our vulnerable adult citizens go missing from care facilities as well.

In speaking to Chief Armand La Barge of the York Regional Police, he advised of the importance of notifying their agency forthwith in these circumstances, as it would only aid his officers, as time is a very sensitive matter when dealing with missing persons. Chief La Barge suggested that there be a lawful requirement for

registered seniors' homes or facilities and registered licensed group homes to report missing persons forthwith to the police, as soon as an absence is noticed. The reason for this would be to reduce the time to locate missing persons, to protect them from injury or death.

As I heard about some of the occurrences that have taken place over the last year involving adults wandering away from care facilities, I wondered what procedures were in place for the administration to follow. What I learned was that homes were required to comply with ministry standards, policies, criteria, legislation and regulations which state, "Report missing residents as it poses an immediate risk by means of unusual occurrences to the ministry compliance adviser that is responsible for each home." What, I thought, is an unusual circumstance? A missing person, to me, would be an unusual circumstance. The term "unusual occurrences" allows for a very large margin for the compliance adviser to work with—too large a margin. It does not on all occasions include circumstances which may be unusual to one patient and not to another.

A person wandering away, I believe, should be reported on all occasions so the police and the compliance adviser can have information that would lead them to believe which patients have a tendency to wander. This also leaves a tremendous amount of responsibility on the compliance adviser, as well as staff of the facility, to determine when and if police should be notified, as patients who suffer from a series of different illnesses can be unpredictable and can wander off even though they were not deemed to be wanderers. Having in place legislation making it mandatory for police to be notified, I believe, would benefit homes, as it will relieve staff from making a decision which could mean life or death for missing persons.

I found it very disturbing when I discovered all the administrative steps taken before police were called in, the timing of reporting an incident to police if the occurrence poses an immediate risk to residents: The reporting must occur by telephone by the next day, followed by a written report. The telephone and written report are to indicate an occurrence, what the home is doing to locate the resident, and any outcomes.

As we all know, time is the biggest factor when someone goes missing. The more quickly the police are notified, the sooner the search can start. The biggest impact on these cases should be police response time. Waiting until the facility staff perform an on-site inspection, which could take hours, is wasted valuable time. This time should be used by both the staff and police,

who could be searching the community either by foot or by driving in the vicinity, as patients who wander are usually found close to but not on the facility grounds.

Randy Mogridge, an autistic man who walked away from Oaklands Regional Centre in October 2004, wandered from the centre on four separate occasions that same day he went missing. The first three occasions were not reported to senior staff, as Mr. Mogridge was found. If the police and his family had been notified when he wandered off the first time, he may not have attempted to leave the facility again that day.

Wandering is a rising concern here in Canada and in the United States. According to US statistics, 75% of residents in long-term-care facilities suffer from dementia; 24% of them are deemed likely to wander. In January of this year, Indiana introduced a bill which will be enforceable on July 1, 2005, involving a missing senior citizen alert, which would allow law enforcement agencies to prepare and forward a report concerning the missing adult to other law enforcement agencies, the National Crime Information Center, news agencies and the data communications system.

#### 1010

Missing adults is a problem that is on the rise. According to a Nova Scotia study, we in Canada have 10,000 to 12,000 adults who are classified as wanderers. Forty-five per cent of those who wander and suffer from dementia will die of exposure. We need to ensure that we have done our best in helping to locate these people as quickly as possible. This can only be done if the police are notified as soon as an absence is noticed.

In Grimsby, a community policing committee was launched in 2003 to compile a registry of individuals in care facilities who were deemed wanderers to help police find them quickly, as the first 12 hours are the most important in finding the patient alive. The Alzheimer Society has had a registry since 1988. This project, launched in eastern Ontario, is aimed at streamlining searches for missing or wandering elderly patients by providing long-term-care homes with a standardized plan for quickly dealing with disappearances. Police are given photo-aerial maps of the area, along with a profile of the potential wanderer.

Even at a time when our government is moving forward and making changes to our long-term-care homes, we are still facing challenges. The Long-Term-Care Facility Program Manual states that homes are to have a contingency plan to maintain the health and safety of residents. As part of the contingency plan, homes are to address internal disasters, which would include missing residents. However, this plan is not submitted to the ministry for authorization. Making it mandatory for these disasters to be reported to the police would not only serve the missing person's and their family's best interests, but would also be a transparent regulation with no margin for error.

Will there be times when the police are notified and the resident is then found to be safe on the facility premises or just outside the grounds? Yes, but giving the

families the assurance that the police will be called forthwith if their loved one wanders away outweighs calls to the police which may be deemed to be premature. Time is a very big concern when searching for missing persons. It is always in the best interest of the person to be reported missing as soon as possible so that police can begin a search and can also judge what type of search is necessary when considering the amount of daylight left in the day.

On many occasions, patients who wander are easily recognized by citizens or police if they are made aware that the person is missing, as many of the wanderers are not dressed for the weather: They may be in pyjama pants, not wearing shoes, or many leave the premises without jackets. In one instance of which I have personal knowledge, the patient wandered off in pants and a T-shirt. When police interviewed people who worked in the area the next day, they remembered seeing the individual walking in the community the day before. "If I had known he had wandered from a care facility, I would have notified the police," was the response received. As the man was not dressed for the weather conditions, passers-by noticed him but did not think to call. The police, unaware that he had gone missing, not having been notified forthwith, did not begin their search until several hours after the man wandered. He was unfortunately found dead from exposure.

The passing of Bill 198 will allow administrative or ministry compliance advisers to perform their tasks without having to decide whether or not to contact the police. Legislation will require them to notify the police when a person goes missing, relieving them of making the decision about when or when not to call the authorities. Families will be comforted in knowing that if their loved one did wander, the police would be called forthwith upon their absence being noted.

Today I'm asking that this Legislature do the right thing, something that makes sense. We know the importance of time when it comes to a missing child; let's make that the same rule for adults who go missing from care facilities.

**The Deputy Speaker:** Further debate.

**Mr. Frank Klees (Oak Ridges):** I'm pleased to participate in the debate on Bill 198. The intention of the honourable member in bringing this bill forward is certainly honourable, and I think all of us in this House will support the concept of whatever safeguard is available to us.

My reservation in bringing forward an additional piece of legislation to address this issue is simply that it seems that every time there is an issue, honourable members seem to feel that the answer is to do more legislation and more regulation. I want to point out that we already have the provisions in the province of Ontario. In fact, I made my inquiries within the riding of Oak Ridges, which takes in the town of Richmond Hill, the town of Whitchurch-Stouffville and the northern part of Markham. We have a number of long-term-care facilities, homes for the aged and other facilities that will look after

and have the responsibility for the care of seniors and those in need of this kind of protection. What I hear from the professional caregivers, from those who have the responsibility for administering long-term-care facilities, is that they have reservations about yet one more regulation coming forward. They pointed me to the Long-Term-Care Facility Program Manual; if members are not familiar with it, they should make themselves familiar. I have a copy of it here.

Section 1011-01 refers to “Standards: Programs and Services.” It is in the facility organization and administration section, “standards and criteria.” I just want to share with honourable members some of the references in this particular manual that all long-term-care facilities are guided by and in fact have an obligation to comply with. It states very clearly under M3, “There shall be coordinated risk management activities designed to reduce and control actual or potential risks to the safety, security, welfare and health of individuals or to the safety and security of the facility.” Then it goes on, under M3.10, “There shall be written contingency plans for handling internal disasters (including missing residents, bomb threats, fires, loss of essential services, service disruption).”

There is a very specific reference to the requirement for contacting police in the same document. Under section A, it refers to “Unusual occurrences to be reported immediately by telephone and followed by a written report.” It goes on to say, in section 1:

“Agency contacted:

“(a) Police for occurrences of abuse and/or assault involving a resident” and a number of other categories, and then specifically refers to “missing person, according to the facility’s own disaster/search plan definition of when a person is ‘missing.’”

I wanted to read that information into the record to make the point that I’m not convinced that we need to legislate yet one more piece of legislation. What we simply need to do is ensure that the existing regulations we have, the existing guidelines, are in fact enforced. That, I suggest, is more a matter of compliance requirements, a matter of education. It doesn’t matter how many laws and regulations we put in place through this Legislature if, at the end of the day, the implementation isn’t what it should be and if there aren’t consequences for non-compliance. Then we can have truckloads of legislation and it will serve no purpose.

#### 1020

I want to point out as well, with regard to some of the specific contacts we made within the riding, that we spoke to Susan Hart, for example, who is a director of the Alzheimer Society of York Region. We also spoke with Donna Taylor, who is the administrator of Specialty Care Bloomington Cove. Susan Hart makes the point that they are in fact following these guidelines currently and that they take them very seriously. As a result, in her opinion, there are sufficient guidelines in place today that whether we pass this legislation or not won’t change how they conduct their business. They are already taking the initia-

tive to contact the police if there is a missing person they become aware of. From that standpoint, I want to say that we have very responsible people in the long-term-care business who take seriously the issue of their oversight responsibilities with regard to their residents.

The honourable member indicated in his remarks that he was alerted to this issue before us today or it came to his attention as a result of an unfortunate situation that we all read about and saw in the media. I want to make the point that just because of isolated circumstances—and I will not comment on whether the facility was somehow not diligent in their responsibilities—we have a tendency in this place to cover a multitude of sins with new regulations and new legislation, when I believe what we should be doing is spending much more time on trying to determine what it is we can do and what resources can be put in place to enforce the regulations that we currently have, to ensure that the appropriate inspections are taking place and to ensure that there are consequences for any facility, particularly a long-term-care facility, that does not comply with the very clear direction, the very clear guidelines that the Ministry of Health in this particular case has put forward.

Donna Taylor also indicated that her facility abides by the regulations in the Long-Term-Care Facility Program Manual. She indicated that any missing resident is immediately reported to the police, the resident’s family, the facility’s head office and the Ministry of Health. I make that point because I don’t want there to be a perception on the part of the public that somehow those charged with the responsibility of looking after residents in these facilities—that somehow there is a culture in this province of mishandling these circumstances and not giving due care.

Another facility within our riding, the riding of Oak Ridges, is Bloomington Cove. They also confirmed in discussions that they work with the Alzheimer Society missing person registry and provide updated photos and identifying information on an ongoing basis. I want to take this opportunity to commend the work of the Alzheimer Society. They do incredible work in our province, and, as you know, in large part, through volunteers within our communities.

I will, of course, cast my vote in favour of the intent. As we know, that’s what second reading is. It’s a matter of, do honourable members agree in principle with what is being put forward? So how could I vote against this? The intent is right. I do so, however, with reservations for the reasons I’ve shared with honourable members. I believe that, first of all, we should be giving credit, honour, respect and gratitude to the many responsible administrators and caregivers in our province who are working within these facilities. Second, I caution honourable members that every time we have a concern or see something in our communities that needs to be addressed, we not overlay that with another statute, thereby, I feel, often missing and sidestepping our responsibility for ensuring appropriate implementation of existing guidelines and existing regulations that we have already.

**Ms. Jennifer F. Mossop (Stoney Creek):** I'm very pleased to speak this morning in support of Bill 198. I did have some concerns about it that I'm going to address in a moment.

First of all, what we're dealing with is a very emotionally charged issue. When we consider the idea of a vulnerable child or a vulnerable adult going missing and the anguish for the loved ones, every second is torture. Time is of most importance in these situations. We have people who are wandering away and going missing from their homes, whether it's a long-term-care home or whatever, and for the family it's sheer anguish.

My experience as a reporter is that the police are experts in dealing with missing persons cases. They're pretty good at figuring out right away whether or not this is a situation where they have to pull out all the stops, or whether it's a regular thing and what they need is just to have a little bit extra vigilance around the situation to help find the person. I was worried at first about this bill because the workload of the police is tremendous. Now every time somebody wanders off and it's maybe a regular occurrence, given the condition of the person, we're going to try to involve them in this, as if they didn't have enough to look after and enough to do. However, they are experts in this area. I'm also cheered by the fact that Mr. Racco has talked to the police about this and has their support. It does make sense when you consider their expertise and also the need to notify the community at large.

I was just listening to the remarks of the member from Oak Ridges, who was saying that we should not be, and I agree with him, pointing any fingers at the administrators and staff of these places. They have a tremendous responsibility. Instead, I think what this bill does is provide wider community support for the administrators and staff at these places. That's what they need: They need our support. We can provide it to them, in one way, through the police, who have great expertise in helping to find these people in an efficient manner.

The other thing we have to do is talk about the network the police have that they can immediately put into place when somebody goes missing. If you notify the police, "So-and-so is missing and we've just discovered it," they can put in place a preliminary action plan that notifies the police cars, the cops on the beat and maybe some of their community leaders or neighbours to be on the lookout for this person. That could help save lives—let's face it—and that's what the intent is behind this bill. At least four people have wandered and gone missing and have died as a result, and really what we're trying to do here is prevent some deaths. It's being done in a considerate manner; as I said, he has talked to the police about this.

**1030**

The greater community: I just want to talk about that a little bit. It's not just up to the police to be helping people out in these situations. There is a small-town or an old-fashioned neighbourhood way of thinking, of making some connections with the other businesses or neigh-

hours who might be around these homes and institutions, to involve them in keeping an eye out for people, so that if they see somebody wandering around in the streets wearing pyjamas and all the rest, they don't just say, "Gee, that guy is wandering in his pyjamas." Maybe they'd take the extra thought and say, "That guy is wandering around in his pyjamas, and he just might be from the home down the street. Maybe I should call the home or call the police right away." That's also developing a network within the community. That's being good neighbours, taking things into a neighbourly hand, and involving the police can also help to do that.

The intent of the bill is very clear. We are trying to save lives here. We are trying to provide wider community support, through the police, through some ideas of developing working relationships for the administrators and staff of these homes because it is a tremendous responsibility. You can just imagine the sinking feeling in their stomach when they realize that somebody who is their charge has gone missing and they know that the person is having some difficulties with memory or whatever, which makes them vulnerable, and that if they can't locate this person quickly enough, they are now going to have to pick up the phone and call the family and notify them of the situation.

I don't think there is any harm. I think there is a tremendous amount of benefit to developing a relationship with the police, with the wider community around these homes, that will help in these searches and help to bring people back home safely, quickly, and not have to endure the anguish of having somebody go missing. I talk about it from a personal standpoint. I went through a situation where there was a person missing from my family. Every second is hours, and you do need the expertise of people, because there is a tendency to flail around and for everybody to run in the same direction and look in the same direction. My sense is that bringing the police and the wider community into this situation will help to make it a more orderly, quicker, supportive situation and prevent what Mr. Racco is first and foremost concerned about: the fact that these people wander off and never come back. I think Mr. Racco was indicating that three people had frozen to death because they had wandered off, weren't appropriately dressed and couldn't be found in time. They probably had huddled somewhere and then died. This is what we need to prevent, as best we possibly can.

I'm just going to sum up one more time. It's a very emotionally charged issue. I think it's great that this member has brought this forward. I think it's great that he has consulted the police on this matter. It's not pointing fingers at anybody in terms of the administration or staff of these institutions and homes; it's just taking a step, a legislative step, toward putting a framework in place to provide wider community support through the police, through more awareness of the situation. In so doing, I think we can go a long way to saving lives and supporting these institutions that are charged with looking after our loved ones, whom we want to give our full support.

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** I'm pleased to join in this debate. I think it's an important initiative and I want to compliment my colleague for bringing it forward. As one who had the privilege of working with Minister Gerretsen, the minister responsible for a number of municipal affairs issues as well as seniors, I was exposed in a rather dramatic way to a number of concerns and issues related to seniors, particularly in the area of the Alzheimer strategy, which the previous government initiated and which has served the people of Ontario very well. It has taken some changes over the years.

I want to, in the context of this bill, tell a true story. I was at an event in Burlington on advances in dementia research. I was there because I was interested in getting a bit of an education about what was happening. The fact that my late mom suffered from Alzheimer's was an additional incentive to learn what I additionally could. When I was there at the break, an older fellow came up to me and he said, "You're Mr. McMeekin, aren't you?" I said yes. He said, "I'm really pleased to see you here. It's really good to see some of our political people out to learn things." I said, "Who are you?" He told me who he was. I said, "Pleased to meet you." He said, "By the way, I've got something I want to say to you." I said, "What's that?" He said, "I'm not afraid to die." I said, "That's interesting," conjuring my old social-work skills, thinking, "How long have you felt this way?" or "What's happening?" So I spoke with him about it and it turns out, when I said to him, "What are you afraid of?" he said, "To tell you the truth, I'm really afraid I'm going to get one of those debilitating illness that's going to make me a burden on my family and end up in one of those blankety-blankety long-term-care facilities." And I said to him, "That's interesting. It's pretty dark. What's your hope?" He said, "My hope is I that get sick late and die quick." I thought, "Wow, isn't that the hope that many of us might articulate in a sober, reflective moment?"

As I got to talk to this fellow, he expressed something else, which was quite instructive for me at the time. He was 81. He was there for a break. This was his respite night. He had arranged to have somebody take care of his 84-year-old spouse who was home with Alzheimer's, as they'd made a pledge to each other they would, as long as they could, take care of each other. Why? Because he was afraid that if his beloved ended up in a long-term-care facility, they wouldn't be able to watch out for her, to take care of her, that she might wander away. He felt much more secure accepting that responsibility himself, as difficult as it was for him. As I say, that was instructive to me, and I suspect that if the mandatory regulation that the honourable member is proposing were in place, that would allay many of the fears that people like this gentleman have.

I also suspect that in many cases, folk who are really vulnerable are on kind of a watch list anyway, that if they disappear there's going to be some action taken by responsible caregivers to provide that. But do you know what? On the off chance that there are some out there—

and I believe there are—who wouldn't take those kinds of precautions or might feel embarrassed to have to report somebody missing, I think it would be profoundly helpful to have this kind of fallback position in place.

So I support this, based on my experience with seniors, and particularly with those who are at risk, and more specifically with dementia concerns. I do so enthusiastically and without reservation and hope that all members of the House will rally to support this very thoughtful resolution.

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** I'm pleased to join the debate on the motion that has been put forward by the member for Thornhill, Bill 198, An Act to amend various Acts in respect of the reporting of missing persons from care facilities. I certainly do appreciate the interest that the member has taken and the attempt that he has made to ensure that those individuals who are in care facilities and go missing are reported as quickly as possible in order that all effort can be made to locate them in order to prevent them from any harm that might befall them.

However, I think that my colleague from Oak Ridges has made some excellent comments about some of the procedures that are already in place, some of the guidelines that we have in the long-term-care manual.

**1040**

I think it's important that we recognize that much of the problem that we have today is because we probably don't put the effort into ensuring that there is compliance. There are already many regulations and there are many guidelines which certainly do offer the protection for persons within care facilities. I think we need to ensure that there is enforcement of those guidelines, that there is enforcement of all of the regulations and that there is compliance. Obviously there is a responsibility to make sure that happens, and part of that means that there need to be ongoing regular inspections of these facilities in order to ensure that the regulations and guidelines are being met.

I will support the intent of this particular bill. I recognize that we all share responsibility for the health and safety of people in the province of Ontario. However, if this were ever to go beyond second reading, there would be a need, I believe, for considerable consultation, because we simply cannot continue as legislators to pass regulations and increase the amount of red tape if we already have guidelines and regulations which would cover this type of situation. We need to deal with the care facilities, the people who would be impacted, families; that's extremely important. But I commend the member for the compassion and concern that he has shown for these individuals in care facilities, so I am prepared today to support this Bill 198.

**Mr. Michael Prue (Beaches–East York):** It is a privilege, as always, to stand and to debate private members' bills. I often think they are among the most interesting bills we have to deal with in this Legislature. This bill in particular is a small bill, as most private members' bills are. It contains only two pages, and most of them are very similar to that.

This bill will change four particular acts: the Charitable Institutions Act, the Developmental Services Act, the Homes for the Aged and Rest Homes Act, and the Nursing Homes Act. It will change them all in identical ways, and that is, quite clearly, it will result in the administrators of those homes having to inform the police immediately when someone goes missing. That's a good thing, and I'm going to be supporting the bill.

I don't think any of us in this House could ever not support such an idea. But I do have to be somewhat critical, not of the idea that is here today, but the fact that it takes a private member's bill to do what I believe this government should be doing on a much grander and greater scale, because what is being dealt with here today is one small aspect of what is going wrong in our care facilities.

I'd just like to go through what I think is going wrong and why we need to do a lot more than what is contained in this particular bill. The mover of the bill, the member from Thornhill, talked about the very tragic case at Oaklands, of Randy Mogridge. I want to deal for a few minutes about that very tragic case and what the recommendations that came out of that case had to say. The 11 recommendations from the coroner's inquest did not mention in particular that the police be notified immediately when someone went missing. There were 11 recommendations. That was not one of them. So I have to pause and think, what did the coroner think we should do when people wander away?

Among the 11 recommendations, there were three that I think are key, and I'd like to deal with each of them in turn. The first one is that the coroner, Dr. Bonita Porter, made a finding: "There has been a reduction in the complement of registered nurses at Oaklands Regional Centre. This reduction has led to increased reliance on non-health-care staff to identify and interpret the symptoms of potential health problems."

Her recommendation was, "a review of the complement and qualification of staff [including] careful consideration of an on-site, full-time, health care resource ... who has specific expertise."

The recommendation here, I think, goes to the very heart of the matter and what is wrong when individuals wander away. They are wandering away increasingly from these facilities because there are not the eyes and ears of trained professionals who can stop people from what is called eloping, from simply taking off, wandering in the day or night. The professionals know how to look into the symptoms and what is causing that, whether there was an upset with the person, whether wandering is a habit or an attitude, whether they are simply uncontrollable.

I would suggest that this is what this Legislature should be dealing with, this Legislature and the government in particular. Only the government can do it, because it will, of course, involve the expenditure of money, so I'm not for a moment suggesting that this can be part of a private member's bill. What this government should be doing is making sure that there are those

professional experts in the field in each one of the homes where we house our frail and most vulnerable people, where those who have a penchant to wander are housed, because, as in the case of Randy Mogridge, had there been somebody there, the coroner is quite convinced that was one of the key things that could have and would have stopped him from his wanderings. He didn't wander away once and die; he wandered away many times before he succumbed to a very tragic fate.

The coroner also talked about another finding, and I quote coroner Dr. Bonita Porter again. Finding: "a reduction in management and nursing support, reduction in resident programs and funding for infrastructure, such as security, might have impacted the quality of services to Oaklands residents." Her recommendation was a very simple one, that "an operational review [should] be conducted to ensure that adequate resources are made available." This is pretty simple. If you have a structure in a facility like Oaklands, or any of the hundreds or thousands of infrastructures across this province, it is very easy to institute a plan that will trigger something. When we walk into this Legislature, unless you're a member of this House, we all go through metal detecting devices. You go through security checks. You go through all kinds of things to walk into here. That same technology is available for people leaving facilities as well.

I remember my mother-in-law, who is now deceased, was in a home for the aged in East York. Although she never wandered away, she often threatened to. She would say, "I'm leaving here. I'm going back to Scotland." That was one of her famous phrases. She wouldn't do it, because she felt safe and secure within the building, but if they wouldn't give her what she wanted or if she was cantankerous that day, that's what she said. So they put a tiny bracelet on her wrist, and she couldn't take it off. What happened if she attempted to go outside the doors was the bells would ring. I thought it was a good thing. They asked me, because I had power of attorney for her care, whether I objected to that. Quite the contrary; I did not object to that. I thought that was an absolutely important thing for them to have. That was a tool and a disposal they could use. Each one of the doors was wired so that if a person who was known to wander left the building, the alarm would trigger. Immediately upon leaving the building or the confines of that property, the alarm would be triggered and go off. When she went outside for picnic days and things like that, they took the bracelet, they did whatever they had to do and then put it back on her outside, so if she attempted to go out of the gate, it would trigger again. It allowed her the freedom to have picnics and to do all the things with the other residents who lived in that facility.

I think we need to make sure that there are funds available to do that in all of the facilities, including Oaklands and in literally every other one. That technology exists. It's not enough to call the police, because by the time you've called the police, it's too late. The time that the staff should hear the ringing going off is if someone passes a certain point. They'll know that one of the resi-

dents has left and should not have, and they can actually go and get them themselves. Better to get them themselves than to call in the police when they're down the street, down the block, in the ravine, in the river or wherever else they're going to end up, or out on a cold night. Much better to find them while they're still on the property.

1050

The coroner made a third recommendation, the last one I want to deal with today. That was a finding that, "the confusion resulting from inconsistent messages regarding the future of Oaklands had an impact on the staff and the provision of services to its residents." Her recommendation was a very simple one: "Clarify the nature of services to be provided at Oaklands Regional Centre."

Our centres are, of course, multidimensional. They have people with a broad range of abilities and disabilities, and they have people in them who may be prone to wander or who may not be prone to wander. I think that we need to have specialized institutions. If people are prone to wander, that kind of provision should be made. Staff should be specially trained on how to deal with individuals who are like that, so they are able to stop the wandering and so the police do not need to be called.

The coroner, in making her recommendations, described the staff at Oaklands in three words. Her three words were: "dedicated, co-operative and professional." But they were dedicated, co-operative and professional without having the resources they needed to do their jobs. I'm sure that each one of those locations had a phone, and that each one of those locations, had they found out in time when a person went missing, as 10 did at Oaklands—as 10 did die at Oaklands—would have picked up the phone and called the police, the families and their fellow individuals who work there to conduct a search. But in fact, they didn't have that kind of thing.

The problem was set out by the coroner's report, which went on to say that (1) there's been a reduction in nursing staff and (2) there has been a reduction over the years in the funding of the infrastructure necessary to upgrade and make modern the facilities, which would allow the technology to better serve the individuals living there. There is a whole confusion around the closure of Oaklands.

This government has been sadly and hugely silent on what their plans are. I commend the member from Thornhill for at least coming forward with one plan, but this government has been sadly and hugely silent on where they're going with care facilities. In the past number of weeks and months, I would suggest that there have been at least 100 petitions read in this Legislature about the closing of our regional centres. A great many of them are read by my colleague the member of the Conservative caucus from Simcoe North. I don't know where he finds them all, but he seems to be able to find one or two every day emanating from someplace in the province. I have read a couple of them in myself.

These centres are amazing places. I can't speak for all of them because I have only visited one, and that is the Huronia Regional Centre in Orillia. I didn't know what to

expect when I went there, quite frankly. I had never been in such a centre before, and I went there with some trepidation as to what kind of institution I would find. My fears were quickly heightened, first of all, and then allayed. They were heightened when I was taken into a room full of what I would consider younger men—in their 20s, 30s and 40s—who have a rare and horrible condition called pica. I had never run into it before; I had no idea what it was. They wander and they incessantly eat things. They put everything they can find in their mouths. They had to be fitted with special gloves that could not be eaten so they wouldn't pick at things and put them in their mouths.

The people who work there showed me how one resident had been successful in peeling off the corner of a wall and had started to eat at the asbestos and other things that were contained within the wall, and was followed in very short succession by almost every other individual, who started to eat corners and pieces out of the wall. The staff who found it—luckily, in a very short time—put metal strips and fittings on the corners of all of the walls so that that could not happen. The beds had to be outfitted with blankets and the like, which, if eaten, would not cause harm to the individuals.

It was a horrible experience, I have to tell you, to be in there with these people and to see them and their lives.

But then they took me to the other rooms, where I saw other individuals who were not quite so profoundly disabled, and I saw the really excellent service that the staff tries to provide. I saw Snoezelen rooms, which are sensory rooms that help people to sense and to feel things that they may not otherwise be able to, with light and sound and warmth and heat and music. It was really quite remarkable to see the attempts that were being made within what was called a centre of excellence to provide this.

There is a report put out by OPSEU called Centres of Excellence, and it talks about these three facilities in Ontario. They have set out, I think quite clearly and succinctly, what needs to be done. They have argued three things: that there are no sector-wide standards on the basis of safety and wandering and that the best practices can be found within these centres of excellence, not in the many other places where people are housed within the community; that there are a variety of terms dealing with all of this and that there are no real definitions; and that there is no protocol once a resident is returned from elopement and there needs to be one.

If I had more time, I'd speak about more stuff. I'm supporting the bill, and I urge other members to do it as well.

**Hon. James J. Bradley (Minister of Tourism and Recreation):** Before I address the provisions of this bill, which I support very much—and I commend the member for bringing it forward—I would like to note that a former student of mine is in the gallery today. His daughter, Alexandra Edgar, is a page here. Warren Edgar was a student of mine, and I taught with his father, Maurice Edgar. Mr. and Mrs. Edgar are here today, so I just wanted to make mention of that. It's interesting how

time goes by and how a page who is here today is the child of somebody I actually taught a number of years ago when I was in the teaching profession.

Second, I would like to welcome St. Elizabeth School from Wallaceburg, on behalf of Maria Van Bommel, the member for Lambton–Kent–Middlesex. They are visiting Queen’s Park today.

On the bill itself, I think this bill is an essential one. There have been some tragic circumstances which have arisen as a result of people leaving an institutional setting, for whatever reason, and embarking upon a journey which on some occasions has ended up being a most unfortunate journey; that is, one that has ended up in a fatality or, in other circumstances, has simply caused great anguish to members of the family and, I’m sure, the people who work at that particular institutional setting.

The member for Kitchener–Waterloo, which used to be Waterloo North, Elizabeth Witmer, made reference to the fact that whenever we put new requirements or new regulations, there is an implication that there’s a need for enforcement, and of course there’s an additional cost. That’s an assessment that the Legislature has to make: whether that particular new regulation and new cost is one which can be sustained or is reasonable.

Mr. Racco has clearly indicated his concern about this matter; I think it’s shared by everybody. We’ve all seen the instances that have been raised in this House or in the news media, but there are many that are never raised.

We know that the people who work within the institutional setting are extremely dedicated to the individuals with whom they work, but there’s also an obligation for society as a whole to protect people who are in a very vulnerable circumstance. I think this bill aims in that particular direction, and that’s why I’m going to support my colleague enthusiastically in this bill.

**1100**

**The Deputy Speaker:** The member for Thornhill has two minutes to reply.

**Mr. Racco:** I want to thank all the members who spoke on Bill 198: the member from Oak Ridges, the member from Stoney Creek, the member from Ancaster–Dundas–Flamborough–Aldershot, the member from Kitchener–Waterloo, the member from Beaches–East York and the member from St. Catharines.

I am happy to hear all the positive comments that all members have made in regard to Bill 198. At the end of day, as all of us have been saying for the last half an hour or so, the objective is to save the lives of our seniors. We are here only because of our seniors. We should do everything we can for our parents, for our seniors. This bill, as has been said, will just do a little thing to make the lives of some of our seniors better. I am, again, very pleased for the positive comments. I thank all of them.

Hopefully, this bill will be able to pass as quickly as possible. I believe that some of the past occurrences may have had a better resolution if the police were notified forthwith. It is in the best interests of the individual who has gone missing, their families, our government and regulated institutions to notify the police as soon as a person goes missing. That is the basis of this bill. Again,

I heard positive comments from all three parties, and therefore I thank all of people who spoke in the House for, hopefully, supporting passing of this bill as soon as possible.

## BLIND PERSONS’ RIGHTS

### AMENDMENT ACT, 2005

#### LOI DE 2005 MODIFIANT LA LOI SUR LES DROITS DES AVEUGLES

Mr. Martiniuk moved second reading of the following bill:

Bill 103, An Act to amend the Blind Persons’ Rights Act / Projet de loi 103, Loi modifiant la Loi sur les droits des aveugles.

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

**Mr. Gerry Martiniuk (Cambridge):** I’m always somewhat surprised, because the bill seems such an obvious extension of the rights presently enjoyed by blind individuals to be accompanied by a guide dog wherever they might go, to public places or accommodation. For decades, the blind have had the right, and rightfully so, to be accompanied by a guide dog when visiting public places. During that time there has been a growth of, some would call them guide dogs but they are also called service or assistance dogs, used by other persons with physical disabilities of one kind or another. I will go into that, but I should deal with the mechanics of how the bill does amend the present act and what it seems to do.

Bill 103 simply gives to persons with a disability other than blindness the same rights of being accompanied by an assistance dog that a blind person presently enjoys. It is surely the least that we can do.

The Blind Persons’ Rights Amendment Act, Bill 103, would amend the Blind Persons’ Rights Act to provide the same rights of access to public places for persons with disabilities as defined in the Ontarians with Disabilities Act, including the physically disabled, hearing-impaired, deaf and autistic people with assistance dogs.

The Blind Persons’ Rights Act presently provides protection as follows:

“2.(1) No person, directly or indirectly, alone or with another, by himself, herself or itself or by the interposition of another, shall,

“(a) deny to any person the accommodation, services or facilities available in any place to which the public is customarily admitted; or

“(b) discriminate against any person with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted, or the charges for the use thereof,

“for the reason that he or she is a blind person accompanied by a guide dog.”

The act goes on, and subsection (2) states:

“No person, directly or indirectly, alone or with another, by himself, herself or itself or by the interposition of another, shall,

“(a) deny to any person occupancy of any self-contained dwelling unit; or

“(b) discriminate against any person with respect to any term or condition of occupancy of any self-contained dwelling unit,

“for the reason that he or she is a blind person keeping or customarily accompanied by a guide dog.”

The bill would afford these rights of obtaining occupancy and entry presently afforded the blind guide dogs to: service and assistance dogs that are trained to assist a disabled person in pulling a wheelchair, opening doors, pushing elevator buttons, retrieving objects, turning light switches on or off and other activities required by the individual; hearing alert dogs that are trained to assist a person who is deaf or hard-of-hearing; seizure alert dogs that are trained to alert a person when a seizure or diabetic episode is about to occur; and lastly, the most recent development of service dogs for autistic persons, primarily children. It was the last needful group of persons that came to my attention, though all are certainly important.

National Service Dogs of Cambridge is a non-profit charity specializing in the breeding and training and placing of Labradors and golden retrievers with children who have autism. The Web site of this organization is [www.nsd.on.ca](http://www.nsd.on.ca). This charity was initiated as a volunteer organization some 10 years ago by Heather Fowler, Chris Fowler and Danielle Forbes, all of whom are still working with the charity. Their offices are located in Cambridge in premises advantageously rented from Ron Woynarski, a long-time Cambridge lawyer who often quietly volunteers his expertise for charitable causes that better Cambridge.

I had the pleasure of attending National Service Dogs' annual meeting some weeks ago, and at that time met many of the autistic children and their families who presently enjoy many of the benefits of national assistance dogs. We at that time celebrated the graduation of 17 dogs and families for the year 2004. But it is the goal of the organization to graduate and place 40 dogs a year after their two-year training period.

There is presently a waiting list of 55 children and families across Canada that have been approved. Two foreign students, one from Japan and the other from Ireland, are presently training with the organization. The Bridgeway Foundation recently granted National Service Dogs the R.L. Petersen Award for Non-Profit Innovation, and in 2005 a National-trained golden retriever named Abby in Calgary was inducted into the Purina Hall of Fame.

Each dog and its training costs about \$12,000, and no family is refused because of the inability to pay. Many families, however, do initiate local fundraising activities to assist in the cost of the dogs, both before and after placement.

**1110**

As a matter of fact, what was interesting was that the brother of the younger autistic child was so impressed with the positive impact that one of the dogs that was placed in Calgary had made on his brother and his family

that he initiated a fundraising, after the dog had been with him for at least a year, for another family with an autistic child.

This bill is merely a natural extension of the use of dogs for disabilities other than blindness. I know that all members of this House will want to support Bill 103.

**The Deputy Speaker:** Further debate.

**Ms. Jennifer F. Mossop (Stoney Creek):** I'm happy to rise to give my support to private member's Bill 103, An Act to amend the Blind Persons' Rights Act, introduced on June 17, 2004, by the member for Cambridge.

I'm just going to cut to the chase. I'm going to support this because I support anything that supports dogs. I adore dogs; in fact, I think dogs are angels. They have an unconditional love and devotion that you will not find in the human world. Anything that gives dogs their due respect and rewards, I wholeheartedly support. So let's just get my prejudice on the table right away.

As has already been pointed out by the member for Cambridge, dogs have demonstrated an incredible range of talents and gifts that they have been able to provide to the human world throughout history, and now we have it honed to the point where dogs are able to be trained to deliver and perform specific duties and tasks for people in a very wide range, but also for people who need extra help. We're talking about people with a wide range of disabilities. There's a sensitivity that dogs have where they can attune themselves—the seizure-alert one is probably the most amazing. They know purely by their instincts when a seizure is coming. That life-saving mechanism is just astonishing, and it's something a human being cannot do. Some day, if we work really hard, we might be able to come up with some sort of computer, machine or whatever that will measure the body temperature, tremors and all the rest that will do this, but dogs just have that innate ability. We've been able to, not to use a great word, exploit that, capitalize on it to help save lives, and it's a very supportive thing.

I just want to go over some of the ground that has already been gone over. This is a bill that, first of all, is going to rename the Blind Persons' Rights Act the Persons with Disabilities Rights Act. This will have service dogs for all types of assistance, not just for people with vision impairment but also seizure response, autism and physical assistance dogs. There may be a couple of tiny housekeeping issues that could be dealt with to make sure that this can fly, is doable, enforceable and supportable, but I think only housekeeping issues might be at stake here.

This is something that I think we can all support. Anything we can do to give people with disabilities a better life is something that anybody in this House could support. I'm going to encourage everybody in here to support this.

I'm going to take the opportunity, just because I have the opportunity, to also point out that the Ontarians with Disabilities Act, 2005, has received third reading in this House. That is a tremendous piece of legislation brought forward by this government that will make Ontario a

leader in accessibility for the disabled. It is going to make all public institutions, and private sector businesses as well, accessible to people with a very wide range of disabilities. In my view, this bill that's being brought forward by the member for Cambridge is simply a natural extension of that, and I applaud him for his foresight in this.

I want to wrap up by once again paying tribute to the dogs. I know that's not directly what this is about, but they really are remarkable dogs. As you were pointing out some of the things they can do, it really warms the heart. We've heard about being able to press elevator buttons, and help them dress and undress. They can help them with their clothes, open refrigerator doors and do all sorts of things.

As I started out, they can provide an unconditional love and support and devotion that many of these people really require. It's an underlying emotional support that's probably greater and of more importance. We've all heard about therapy dogs. There are therapy dogs for senior citizens in homes. I confess that I have a therapy dog. It's the stressed-out-MPP therapy dog. Actually, I have two of them, and every night I go home to them and I adore them.

I support this bill wholeheartedly.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I am pleased to join the debate today on the private member's bill brought forward by my colleague from Cambridge, and to support the member from Stoney Creek in that dogs are great therapy, not just for MPPs who are stressed out, but they can be used for a lot of medicinal purposes.

It was kind of surprising when this came to my attention, because being new to the Legislature there are some matters that come up and you think, "There aren't laws or regulations?", or, "This hasn't been brought forward before?" It's quite surprising the topics we are discussing that you would think should have been in place already. The member has brought attention to something we need to move forward on.

I know we have some protections built into the Ontario Human Rights Code that people can turn to, but redress under the Human Rights Code is slow and indirect. If there is an alleged infringement of that code that would lead to an investigation and the Ontario Human Rights Commission would attempt to negotiate a change of behaviour and perhaps compensation on the part of the party infringing on the right, I think what the member from Cambridge is proposing is a solution that cuts through the convoluted process and puts protection for people who rely on service dogs into a piece of proven legislation that does a good job of protecting the rights of the blind, and would extend the rights of protection to all persons with disabilities who need the services of a guide dog.

Service dogs, guide dogs and hearing-ear dogs all perform vital functions for the people they are paired with. The dogs provide a lifeline for those who need seizure assistance or doors opened for them. They're

trained to push help buttons, to physically warn the deaf if there is a phone ringing or a baby crying, as we just heard. That was good background; I didn't bring that prop with me. The people who are teamed with these dogs rely on them to carry out the functions that most of us take for granted. But in order for that partnership to work, people have to be confident that their dogs will be able to go with them wherever they go, and this is not the case, as we've found out.

I wanted to take a few minutes to read some information into the record about the myriad tasks that service dogs can perform. This information comes from the International Association of Assistance Dog Partners. The tasks and duties have been grouped into three skill categories: obstacle avoidance, signalling changes in elevation, and locating objects.

Obstacle avoidance is navigating around obstacles, avoiding moving objects such as bicycles, people, strollers; leash-guiding around obstacles indoors or outdoors for a short distance; intelligent disobedience, as in refusing a command to go forward into the road if there is oncoming traffic or at intersections. Signalling changes in elevation: halt or sit to indicate every curb; halt to indicate descending stairs at the top of a flight of stairs. Intelligent disobedience: refusing a command to go forward if there is a drop-off. Other possible tasks are retrieving dropped objects and finding a desired object, like the morning paper on the porch.

The special-needs guide dog—and I know Gerry mentioned the National Service Dogs in Cambridge that train dogs to work with people with autism—is a good beginning.

Hearing-dog tasks—I don't know if anybody here has a chance to watch TV sometimes and see Sue Thomas: F.B. Eye, but she is an investigator who is hard of hearing and deaf, and she has a dog to assist her in her work. I think that is maybe the first show on TV where, if you've had a chance to watch, you can see how a dog can help people with disabilities—in her case, being hard of hearing and deaf—to function in our everyday lives.

**1120**

Some of my family members are deaf. I know that they didn't have professionally trained dogs, but the family dog was able to interpret sign language, which may be hard for some people to understand, but I actually saw it work. They saw the sign for walk or sit and even got to the finger-spelling stage, so that the dog could interpret the finger spelling for walk and sit. So there's a lot to be accomplished and discovered using dogs.

My second cousin, Rexana Mark, actually tried out and was accepted on to the show Sue Thomas: F.B. Eye. She is also deaf and worked with that show in the production. It was a great discovery and an opening of a world for her, that even though she is hearing-impaired, she can function in the world with certain devices and lead a normal life.

I know from experience that sometimes mechanical devices the deaf have set up don't work. If electricity goes out, the flashing light system they have to alert them

to fire detectors and their phones doesn't always work. With a dog, the system doesn't break down. The baby monitors, when they had their small child, were dysfunctional at the start, and they had to get one of our other hearing family members to sleep over till that system was straightened out.

I wanted to bring some practical experiences to the Legislature in which this bill, I think, will assist people with disabilities to access and have more of a normal life. I think all members of the Legislature—and I'm running out of time—should support this bill. The physically disabled, hearing-impaired, deaf and autistic people who rely on guide dogs deserve the same rights and access as blind people. I'm sure that we'll receive all-party support today.

**Mr. Mario G. Racco (Thornhill):** I want to start by thanking the member from Cambridge for bringing Bill 103. I think that the bill should be supported.

Of course, what Bill 103 does especially is add more to Bill 118, which has received third reading in this House already. I was pleased, when we went around the province of Ontario, to hear many comments—whether we were in Niagara Falls, London, Thunder Bay or anywhere we went with the committee that dealt with Bill 118—that people who have disabilities not only are people like any of us and deserve the same possibilities, but at the same time they are also a very strong economic power within our country. In fact, it is currently estimated that people with disabilities have control over \$25 billion in disposable income in Canada. So not only is there the human side, that we should strive to make the lives of all Ontarians as good as possible and allow people to work, socialize and play as much they want, but at the same time, it is also accepted or understood that it is healthy for the province of Ontario, because people with disabilities, just like anyone else in the province of Ontario, do have income, do spend money, do work and do participate in day-to-day activities. Therefore, it's important, not only from a social point of view but also from an economic point of view, to do whatever is possible to allow every Ontarian, regardless of their potential disability, to participate in daily life. This bill gets a step closer to making that happen, and therefore it deserves support. I again thank the member from Cambridge for bringing Bill 103.

**Mr. Kim Craitor (Niagara Falls):** I am pleased to have the opportunity to speak on the private member's Bill 103. I too want to commend the member from Cambridge for bringing this bill forward.

I can still remember, I think it was about six or seven months ago, that I received a phone call from a constituent—and I know she would not be offended if I mentioned her name: Brenda Howell—who called me one day and was quite upset that her son, who uses a service dog, was not allowed to have the dog with him when he was using the transit system in Niagara Falls. I asked her to come into the office so I could meet with her and her son Albert. I asked her to bring in the dog with her. The dog's name is Magic.

We sat there, and that was the first time, I must say, that I understood that there was an opportunity for service dogs to have some benefits to individuals or children with some different type of disabilities. I was quite surprised to learn that the service dog, Magic, that she brought in with her, was still in training and the cost to train the dog was \$22,000. In fact, I was so shocked that I made a few phone calls, and that is a normal price to train a dog to have those special abilities.

A few more phone calls and, much to my surprise, I found out that there was, in fact, no legislation that gave them the right to have the service dog allowed into stores, transit systems and other facilities in our community. The blind persons' act gave those individuals who needed a Seeing Eye dog that right, but other individuals with different types of disabilities didn't have that opportunity.

A couple of the things that we decided to do—and I am so pleased to support this bill because I had been working on bringing some legislation forward, probably quite identical to this. I had met with the CNIB on a number of occasions to talk to them about possibly amending their bill or including in their bill the right for service dogs to be recognized. So I was still working on that process. This bill certainly offers that opportunity.

I'm also pleased over the fact that when we passed Bill 118—and I was quite pleased that the committee took the time and came out to Niagara Falls and held a hearing there. In fact, we had a wonderful turnout. Many people from throughout the whole region and a number of people from my own riding came out and spoke in support of Bill 118. I know that there is an opportunity with Bill 118 to maybe include standards that might address this, but, in the meantime, this is a good bill, and I want to see it continue forward.

Some of the things that we've done, just in Brenda's case, for example: The Chippawa volunteer fire department has held a fundraiser along with other groups in the community to help support her financially to try to cover the costs for the training of this dog.

Brenda and Albert and Magic have been into my office quite often. They'll stop in and we'll have a coffee and chat.

There are some other projects that we are working on. For example, Brenda lives on a street that is extremely busy with traffic, and we have been trying to convince the local city council to put up a sign that would warn motorists that they should be slowing down or that there is a boy who has a disability and to be extra cautious. We haven't been successful yet, and I'm a little disappointed. I know that the matter was brought up at city council on Monday, and I wrote a letter of support asking the council to find some type of sign that they could put up. I indicated that I, as a member, would go forward on whatever I can do up here to see if there is some way in which, if there isn't a current sign, then we could, through the Minister of Transportation's office, look at developing a sign that could be used across all of Ontario in those kinds of situations.

The service dogs—it's very unique, because when you get a first-hand experience to meet a service dog in the family—the dog has such a calming effect on Albert. He has a unique disability, and when he is out and about and the dog is with him, he is very calm, he is able to enjoy himself, and the family just feels so much more comfortable. The fact that you spend \$22,000 to train a dog just shows you how significant a dog like that is.

**1130**

Some of the speakers before me mentioned some of the positive effects that a dog like this has. Having seen it myself, I can tell you that it is important to a family to be able to have that dog go out with Albert and be able to participate in all types of community events and use different services that we have in our community knowing that because the dog, Magic, is there with Albert, it allows him to be out and active in the community.

I hadn't intended to speak on this bill. I want to thank my two colleagues who gave up some of their time to allow me to say a few words. I am extremely pleased that this private member's bill is coming forward.

I too want to echo the comments I've heard before from other members that private members' bill time is really unique. I always say back home that many exciting and rewarding bills come out of private members' time. Just a couple of weeks ago, I had the pleasure of watching Bill 3 being passed here in this House. That originated out of private members' time. In my opinion, there are a lot of benefits and a lot of rewards that come out of private members' time bills, and this happens to be one of them. I am just so pleased that it's coming forward.

I do feel, though, that there will still be some opportunities with our bill, Bill 118, which is just as significant a bill, and maybe there will be an opportunity to incorporate the standards that we're talking about right now into that bill when the committees are formed and meet to develop those standards.

In conclusion, I just want to again thank the member from Cambridge for bringing forward the bill and thank the House for allowing me the opportunity to speak on this.

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I certainly rise in support of this bill brought by the member from Cambridge, An Act to amend the Blind Persons' Rights Act. The focus, as we all understand, is to extend rights to all persons with disabilities if they are dependent on a guide dog.

It is truly remarkable what these dogs can do. What we often don't see is what these dogs can do in the home and elsewhere to assist people who have disabilities. In fact, Mr. Martiniuk has pointed out that the dogs can help people who are suffering seizures, they help push help buttons, open doors and can physically alert the deaf people, for example, to an emergency situation, and there is assistance for autistic people. It really seems apparent to me that all of these people with impairments or disabilities who are relying on dogs deserve the same rights of access as we as a society have given to the blind. Probably most of the states in the United States

have legislation that does this. It's very important for all of us to realize that we do take our hearing for granted and we take our sight for granted. This is certainly something that we can do to help out.

There's another thing we can do to help out. On April 27 this year, the LCBO approved placement of donation boxes for Canadian Guide Dogs for the Blind. For those of who visit the LCBO, it's an opportunity to throw in some change or some paper money. It would be our way of directly helping some people who need it. The Canadian Guide Dogs for the Blind is one of 26 provincial and numerous local charities that benefit from these LCBO fundraising strategies. Hundreds of thousands of dollars are raised. I want to thank the LCBO for setting up these kinds of programs. LCBO customers are generous people, and I would like to extend my thanks to them for their donations in the near future, which will better assist.

I'm looking forward to continued progress in this legislation to assist people—not only blind people, but deaf people and other people with disabilities—who rely on these dogs to access ringing telephones, alarm clocks and smoke detectors and to hear automobiles or trucks that may be coming, in harm's way.

**Mr. Frank Klees (Oak Ridges):** I'm pleased to rise in support of Bill 103, brought forward by my colleague. I want to say at the outset that, as was previously mentioned, often there are things within legislation that one just assumes are already there. This happens to be one of those situations, where the extension of a definition or its re-definition is most appropriate, to allow for assistance dogs to have access and to be appropriately recognized for providing their support services.

I want to take this opportunity to make reference to the Bloomington Cove long-term-care facility in Stouffville. I had the opportunity to make a special presentation at Bloomington Cove in July of 2004. That presentation was to a dog by the name of Eneida and her master Ruth Love, who were part of the therapy dog program at Bloomington Cove. This past spring, Beverly Keith and her dog Pepper were recognized as well for the services they provide at Bloomington Cove. I noted with great interest the effect that these dogs have on the residents of this long-term-care facility. It's just one aspect of how important dogs can be in improving the quality of life of people in our province.

As was indicated before, the jurisdiction of the Human Rights Code already recognizes the important role of assisting dogs. The code's definition of "disability," as you know, includes "physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device." It's only appropriate that we extend the definition, as proposed under Bill 103 today. I believe that it's during private members' hour that we as members of the Legislature and the public have an opportunity to get insight into some of these areas that we otherwise might never become familiar with.

I want to take this opportunity, in the two minutes I have left, to call on the government. I know this bill will

be passed, but there is something so important that I want members opposite, members of the government, and members of this Legislature to consider, and that is the continuing inequity that exists in the kind of support and funding that is provided to many in our disabled community. I speak specifically of the deaf-blind. It was some time ago that I called on the Minister of Community and Social Services to address this inequity in funding. While at the time in discussions with them, she agreed to meet with members of the deaf-blind community who had visited Queen's Park, nothing has yet been done to rectify the inequity of funding. These are people who are both deaf and blind and who are not yet being recognized by this government appropriately for the kind of support services they need.

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We will, as I said before, no doubt pass this legislation, but what we can't do is lose sight of the many people within our communities who continue to make appeals to this government to recognize their very special circumstances, and it is our role as legislators not to forget that these are our priorities. As has been said before, society really is measured by how we treat the most vulnerable in our communities, and that is something that I trust all members of this House will keep in mind as we move forward.

**Mr. Gilles Bisson (Timmins–James Bay):** As the representative of the New Democratic caucus, I want to say that we will give support to this legislation. This is what I call a no-brainer. Why we're in this situation, in the year 2005, having to bring forward legislation to deal with this issue is, I think, somewhat reflective and says something about us as a Legislature and as a government overall, because this is an issue that you would think we would have dealt with some time ago.

We know that people in the province of Ontario are very progressive. People understand that properly trained dogs are an integral part of a person's life when it comes to not just people who use them as seeing-eye dogs but for all other people who use dogs. Why we accept this premise on behalf of blind people and not other people with disabilities is beyond me. I just think it's a bit sad that we find ourselves here in 2005 having to move forward on legislation.

I commend the member for bringing it forward and for recognizing the oversight in current legislation; I commend the member for having done that. But on the other hand, I say that a lot of us have been asleep at the switch, not having dealt with this before. I guess "better late than never" is the old adage that you could basically use on this particular issue.

I also want to say, however, that there's a lot more that can be done in regard to dealing with how to make life easier for people with disabilities. The government has come forward with legislation—I think it's Bill 118, the Ontarians with Disabilities Act. Certainly it goes forward and moves the yardstick forward when it comes to opening up access for people with disabilities but, my Lord, what a baby step we're taking.

There are some things we need to be doing that I think would be very positive as far as being able to assist people with disabilities. For example, we should be amending the building code in such a way that says that when we're planning and building all types of buildings in the province of Ontario, we have to take into account certain issues when it comes to making sure that these buildings are accessible, specifically public buildings, paid for by both the private and public sectors when it comes to any building that the public needs to enter for the purpose of doing business. We could very easily, by way of the building code, really move forward and deal with a lot of those issues.

The other approach we should also be taking when it comes to planning in municipalities is to include some amendments to the Planning Act so that all of these issues are dealt with. For example, when we pour a sidewalk a street during a road repair, why not cut down the curb so that people who are using wheelchairs and people who are having difficulty walking don't have to jump off the curb or fall and sometimes trip and hurt themselves or possibly get severely injured as a result of doing something as simple as not cutting the curb? There are a lot of things we could be doing under the Planning Act that would allow us to move forward.

Pour les personnes avec des «disabilités», c'est spécifiquement plus difficile d'être capable de vivre dans un endroit de l'Ontario qui se trouve hors des centres urbains comme Toronto, Ottawa et autres. Imagine-toi si tu demeures dans une petite communauté quelque part en Ontario, à l'est, dans le nord, dans le sud ou n'importe où. Quand ça vient à donner les services aux personnes avec des «disabilités», c'est beaucoup plus difficile d'aller les chercher.

Je vais raconter une histoire. On se rappelle M. Malkowski, un député de cette Assemblée de 1990 à 1995. Mon bon ami Gary Malkowski est une personne sourde. Je me rappelle toujours qu'il était avec moi sur le comité constitutionnel, où on a eu une chance d'aller écouter le monde de Sioux Lookout. J'ai trouvé ça très intéressant, et vraiment ça m'a ouvert les yeux quand il y a eu un monsieur qui est venu présenter. Il y avait tout d'un coup une excitation dans la salle. Je n'avais aucune idée de ce qui se passait, et finalement, ce qui est arrivé est qu'il y avait un homme qui demeurait à Sioux Lookout qui lui-même était sourd et qui parlait seulement en American Sign Language. Il n'y avait personne d'autre à Sioux Lookout qui parlait ASL; il se trouvait seul. Il était excité parce que c'était la première fois en 15 ans qu'il allait parler à quelqu'un.

Donc, imagine-toi les difficultés des personnes qui ont des «disabilités» dans nos communautés. Je regarde les réserves dans le nord de l'Ontario, par exemple à Kashewan, au nord de Fort Albany. Il y a un monsieur en chaise roulante. Écoute, ce n'est pas facile, les chaises roulantes à Fort Albany ou à Kashechewan. Il n'y a pas de pavés. On parle des chemins qui sont encore en gravier. On parle en hiver de chemins qui ne sont pas très bien entretenus parce que l'infrastructure n'est pas là.

C'est très difficile pour les personnes avec des « handicaps » de vivre dans ces communautés.

Je pense que c'est dire que, quand on ne fait pas assez comme province pour être capable de répondre aux besoins, il y a une rancune dans le système, quand ça vient à répondre aux problèmes qu'on a dans nos communautés pour s'assurer qu'une personne avec un « handicap » peut vivre d'une manière plus facile dans sa communauté. Parfois, avec la situation où une personne demeure dans une petite communauté quelque part en Ontario, même plus sévère, dans le nord de l'Ontario, cette personne a besoin de décider de déménager loin de sa famille ou de ses amis pour avoir des services en allant quelque part un peu plus central où ces services existent. Par exemple, dans la ville de Timmins, on trouve du monde de différentes parties du nord-est de l'Ontario ou de la Baie-James qui ont besoin de déménager à Timmins parce que c'est un centre urbain où on peut aller chercher des services qu'on ne peut pas avoir dans nos communautés.

On a une chance, avec ce projet de loi, de répondre à une partie du problème. Si une personne, autre qu'une personne qui est aveugle, a un chien, elle va avoir la permission d'emmener son chien avec elle pour entrer dans un espace public, prendre un autobus ou faire autre chose. Je pense que c'est un pas positif et quelque chose qu'on peut faire pour être capable d'assister ce monde.

Mais je vais encore dire, à travers ce débat, que c'est très important que nous autres retrouvions nos chances et regardions ce que nous pouvons faire, parce qu'il y a parfois des solutions à des problèmes qu'on pourrait faire ici à l'Assemblée qui ne coûtent pas d'argent. Par exemple, je pense qu'on a manqué une très bonne chance ici à l'Assemblée quand on a eu la loi 118 devant nous, où on a mis en place une loi pour assister les personnes avec un « handicap ». Je pense qu'il y a des affaires qu'on aurait pu faire qui auraient été vraiment extraordinaires pour aider la qualité de vie du monde qui n'auraient pas coûté d'argent, tel que j'ai annoncé un peu plus tôt en anglais.

L'autre partie du problème est qu'on a aussi besoin de regarder le support fiscal quand ça vient à la personne avec un « handicap ». On sait, par exemple, que si par malchance on a besoin de vivre sur une pension de « handicap » ici en l'Ontario, la vie n'est pas facile. On sait que l'argent qui est versé à ces individus mensuellement à travers le « Ontarians with disabilities support plan » n'est pas extraordinaire en vertu du montant. Moi, je le sais. Je rencontre beaucoup de monde, comme le font d'autres députés ici à l'Assemblée, dans notre communauté qui sont des personnes sur une pension de « handicap ». Écoute, il y a des choix pas mal difficiles à prendre : « Est-ce que je paie mon téléphone ce mois ou dois-je acheter un peu plus de groceries? » C'est rendu à ce point-là parce les loyers ont augmenté. Notre programme a eu de grosses augmentations dans l'ODSP ça fait assez longtemps. Il y en a eu une l'année passée. Je pense que c'était la première dans environ 10 ans qu'on en a eue. Tout a augmenté en prix, et là ils se trouvent

dans une situation sur leur pension de se dire, « Comment est-ce que je peux y arriver à la fin du mois? » C'est très difficile.

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Je pense toujours à M. et M<sup>me</sup> Pouliot, qui viennent régulièrement au bureau chez nous, au bureau du comté, et aussi quand je rends visite à l'Association for Community Living. Ce sont des membres très actifs. La première question est toujours, « Quand est-ce qu'on va voir une augmentation de notre pension? On trouve ça très difficile. » Une des affaires qu'on a besoin de regarder, c'est comment indexer ces pensions d'une manière réelle pour qu'au moins des moins on soit capable de garder le pas avec l'inflation pour s'assurer que ce monde ne se trouve pas dans une situation où chaque année le montant d'argent qu'ils ont est de moindre en moindre à cause de l'inflation. Je dis au gouvernement qu'une chance de faire quelque chose, ce serait de regarder la question d'indexer les pensions de l'ODSP pour s'assurer qu'au moins, le monde garde le pas avec l'inflation.

L'autre chose que je pense est importante, et c'est un débat qu'on a présentement à l'Assemblée : on sait que notre caucus, le caucus NPD—mon chef, M. Hampton, nos critiques, M<sup>me</sup> Horwath et M<sup>me</sup> Martel—ont soulevé dans cette Assemblée à beaucoup de reprises la question de comment on traite les jeunes dans cette société, spécifiquement ceux qui souffrent d'autisme. Il y a la situation présentement où, si l'enfant a six ans ou moins, on peut aller lui chercher des services pour être capable de gérer un peu mieux la condition de la personne. J'ai eu l'occasion, justement dans les dernières quelques semaines, de visiter la ligne de piquetage CAS à Timmins, où il y a des travailleurs sociaux qui sont présentement en grève qui m'ont parlé un peu de la situation qu'on a à Timmins quand ça vient à donner des services aux personnes autistiques. Le problème est qu'après l'âge de six ans, le jeune perd ces services, et quand il perd les services, l'enfant commence à prendre un peu de recul sur le bien qui avait été fait avec l'intervention qui a besoin d'être faite pour aider ce jeune. Ce gouvernement, pour une raison ou une autre, dans les dernières années refuse d'accepter de faire quelque chose de positif. À la place, ce qu'ils ont fait c'est d'amener les parents en cour, ce que je ne comprends pas. J'aurais pensé que le gouvernement libéral aurait été un peu plus sensible envers ces enfants, et c'est un peu triste de se trouver dans cette situation.

The legislation that's being brought forward is definitely a progressive step. We know there are many people in our society who use assistive dogs to do everything from, as was pointed out earlier, dealing with identifying a seizure at its onset, to not only seeing-eye dogs but hearing-ear dogs etc., and they are highly trained and very well behaved. Every dog I've run across that is a working dog is very well trained, and you never have to worry about how they handle themselves. On a separate note, it's interesting that most of the dogs are Labs. There's something about the character of a Labrador retriever that is interesting.

I've got to take this occasion to talk about Misty, the dog at home. We've had Misty for about three years now. She's a black Lab-retriever cross. I've got to say that these animals always amaze me because of their intelligence. I swear to God that you can talk to our particular dog, and if she could talk too, she'd talk back to us because she knows exactly what we're saying. When my wife or I talk to our dog, it's basically in French, and people say, "How come you talk to your dog in French?" I say, "Well, it's a French dog. What else would I do? If I talked to the dog in Italian, it would be an Italian dog. My dog is French." And people always say, "How can it understand French?" and I say, "Well, we've always talked to it in French. Of course our dog understands French." But I'm digressing.

The point is that there are extreme—

**Hon. James J. Bradley (Minister of Tourism and Recreation):** Is your dog in French immersion?

**Mr. Bisson:** Not French immersion; it's just in French, period. Ours is a francophone household.

The point I make here is that the intelligence of these animals always amazes me. I've got to tell you this story. People are going to think I'm a little bit anal, but it's kind of funny. I don't like bombshells in my backyard. So the very first thing I did when we brought Misty home was to build a pen. The idea was to put a couple of patio stones down and cage them in a chain-link fence, and then say to the dog, "This is where the bombshells go." It took a little while, but the dog got trained, and that's the only place she'll go. You never have to worry about picking up bombshells in your backyard. The funny story is that the first winter we had her, I took her up to the cottage—we're out at Kamiskotia Lake—and the dog jumped out of the truck. She was a pup about eight or nine months old and was all excited. She's at the lake and jumping in the snow. All of a sudden, I see her in the yard. I see her prancing around in the yard at the cottage, looking for her chain link fence. She couldn't find it. So what did I do? I told my dog in French, without even pointing, "Dummy, go out on the lake." So my dog ran out on to the lake and that's where she did it. To this day, whether it's summertime or wintertime, whenever my dog has to go and do a little bombshell, she runs out into the lake. It's the funniest thing you've ever seen. If you ever come to the cottage and you see a dog in a lake, you'll know why. That's what the story is.

I digress. I know I'm a bit anal—

**Hon. Mr. Bradley:** I'll tell the Minister of the Environment.

**Mr. Bisson:** Hey, listen: Birds, fish, everything else goes there. What the heck. Anyway, I can't stop her now; she's well trained. What am I going to do?

Anyway, I digress in my debate. I just say to the member, congratulations for bringing the bill forward. We will be supporting this legislation, and hopefully we can see this bill getting third reading passage—if not this spring, next fall—in order to accept this particular bill as reality in the province of Ontario.

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

**Mr. Martiniuk:** I'd like to take this opportunity to thank my colleagues for their support: the members for Oak Ridges, Haliburton–Victoria–Brock, Haldimand–Norfolk–Brant, Stoney Creek, Thornhill, Niagara Falls and Timmins–James Bay.

There have been tremendous strides in the use of assistance, guide or service dogs—whatever terminology you wish to use—during the last few years, as I mentioned in my previous talk. The last of those innovations is the use of dogs with autistic children, but I am sure there many more innovations to be brought forth in the future. I am so pleased that everyone in this House has recognized the need, and I urge you to support this bill.

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

#### MISSING PERSONS REPORTING ACT, 2005

#### LOI DE 2005 SUR LE SIGNALLEMENT DES PERSONNES DISPARUES

**The Deputy Speaker (Mr. Bruce Crozier):** We'll deal first with ballot item 71, standing in the name of Mr. Racco.

Is it the pleasure of the House that the motion carry? Carried.

**Mr. Mario G. Racco (Thornhill):** I would ask permission to have this bill brought to the standing committee on general government.

**The Deputy Speaker:** Mr. Racco has asked that the bill be sent to the standing committee on general government. Agreed? Agreed.

#### BLIND PERSONS' RIGHTS AMENDMENT ACT, 2005

#### LOI DE 2005 MODIFIANT LA LOI SUR LES DROITS DES AVEUGLES

**The Deputy Speaker (Mr. Bruce Crozier):** We shall now deal with ballot item 72, standing in the name of Mr. Martiniuk. Is it the pleasure of the House that the motion carry? Carried.

**Mr. Gerry Martiniuk (Cambridge):** I would ask that the bill be referred to the standing committee on general government.

**The Deputy Speaker:** The request has been made to have the bill referred to the standing committee on general government. Agreed? Agreed.

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

*The House recessed from 1158 to 1330.*

## MEMBERS' STATEMENTS

### KIDS' FISHING DAY

**Mr. Jerry J. Ouellette (Oshawa):** I'd like to take this opportunity to thank all those involved in our fifth annual kids' fishing day at Heber Down Conservation Area. The event, which was rewarding and fun-filled for both children and adults alike, attracted over 1,000 participants to come out and enjoy the great outdoors. Through the support of many outdoor organizations, children were invited to participate at no charge in a day filled with many events, including MNR demonstrations, lure-making, fly-tying, a casting competition, and natural history.

CLOCA; Ducks Unlimited; John O'Toole's office; Kids, Cops and Canadian Tire; Muskies Canada; the Ontario Deerhound Association; Ontario Ministry of Natural Resources; the Ontario Sporting Dogs Association; Oshawa Community Health; Oshawa Teen Council; the YWCA; Pickering Rod and Gun Club; Durham Fly Tying; Port Perry BassMasters; Simcoe Hall Settlement House; South Central Ontario Big Game Association; and the Westmount Kiwanis, to name them all, all contributed time, effort and volunteers to the success of the event.

I would like to give a special thanks to each of those, as well as to Walter Oster of the Toronto Sportsmen's Show, who once again contributed rods and reels for the event, as well as thanking Angelo Viola of Fish'n Canada and Italo Labignan of Canadian Sportfishing for being on hand for the day's activities. As well, of course, I thank the parents and kids who showed up to make the event the success it was. It was a great opportunity for children who usually don't have a chance to learn about fishing and nature to have fun discovering the outdoors at the same time. They caught more fish this year than ever before.

Sandra Sweet of Oshawa's Settlement House said it best: "On behalf of the children, please express our deep appreciation to the many people who made this memorable experience possible. The children's accounts of how 'huge' their fish were leads me to believe that there is a 'fish story' in all of us just waiting to get out. Thanks for giving our kids an opportunity to tell theirs."

Remember, there are still hundreds of fish in the pond, and we would like to invite everyone out to attend next year's event.

### FABRY'S DISEASE

**Ms. Shelley Martel (Nickel Belt):** Today, people who suffer from Fabry's disease have come to Queen's Park to lobby the Minister of Health to finally cover the cost of their enzyme replacement therapy.

I first wrote to the Minister of Health on February 16, 2004, to ask the government to cover the cost of the treatment. I wrote on behalf of an Ottawa woman who had been told she would have to pay for treatment herself: \$12,500 per infusion, twice a month. I wrote four

more letters, the most recent on March 31, 2005, and have never received a reply. More people have come forward since that time to ask the government to cover the costs. More delay; no reply.

What's most distressing is that the Minister of Health promised patients that this treatment would be covered, and he has failed to deliver. On April 19, 2004, he met with Donna and John Strauss here at Queen's Park, and he told them he expected to have an answer by June on whether or not the ministry would fund the treatment. John died some weeks later. On July 3, 2004, the minister sent a sympathy note to Donna and said, "As you struggle to deal with such huge loss, I wish to assure you that I will make certain of coverage for Fabry's. Don't let any stories about the drug's slow approval add to concern about coverage."

That was almost a year ago. Again today, people who suffer from Fabry's are here at Queen's Park asking for help. They should not have to beg for payment for life-saving treatment. This intolerable situation has gone on long enough. This minister and this government should agree to pay for treatment and do it now.

### ITALIAN NATIONAL DAY

**Mr. Mike Colle (Eglinton-Lawrence):** Today over 500,000 Ontarians of Italian origin, and Italians all over the world, are celebrating the birth of the Republic of Italy. On June 2, 1946, Italy was born out of the ashes and turmoil of World War II into a vibrant, free and democratic nation.

Today in my riding of Eglinton-Lawrence, thousands of Ontarians will be coming to the Columbus Centre, which is the cultural, educational and recreational mecca for Italian Canadians. Today they will eat, sing, dance, reminisce about their homeland, celebrate what is called la Festa della Repubblica, and reflect on how lucky they are to be proudly Italian and fiercely Canadian. Whether they are in Pembroke or in Puglia, whether they are in Melbourne, Australia, or in Montreal, whether they're in Woodbridge, Windsor, Venice, Sicily or Sudbury, today Italian Canadians and Italians across this world, and especially in Italy, will be thanking the creation of this wonderful democracy that is home to so many vibrant people who will celebrate the birth of the republic today on Italian Republic Day.

### FABRY'S DISEASE

**Mr. Frank Klees (Oak Ridges):** Today, outside the east door of the Legislature, Rick Sgroi of Richmond Hill and Darren Nesbit of Sarnia, both sufferers of Fabry disease, are handing out information packages to MPPs. Mr. Nesbit wrote and delivered a letter to Health Minister George Smitherman today. It reads as follows:

"Dear Mr. Smitherman:

"I know your time is valuable. If I leave you with nothing else, I would like you to know:

"(1) Enzyme replacement therapy works. It is effective.

“(2) While ERT may be expensive, this should not detract from the fact that it is effective.

“(3) I understand that ERT is provided in Ontario for non-lethal Gaucher disease.... Fabry’s is a lethal disease. Why is Ontario not willing to provide ERT for lethal cases of Fabry’s?”

“(4) I’m not ready to leave this world yet—I have too much to give. Just like the other Fabry’s sufferers.”

This government must reorder its priorities to ensure that the most vulnerable of our citizens receive the care they need to sustain their lives. I therefore urge members on the government side of this House to join with me and my colleagues in the Conservative caucus in supporting the funding of ERT for Fabry patients.

I have here the undertaking that these folks are asking MPPs to sign. It reads: “On my honour, I hereby undertake to sincerely use all of my abilities and best efforts to obtain full financing/bridge funding of ERT ... for all Fabry’s patients in Ontario.” I have signed it. I’m going to ask that it be passed along to every member of the Legislature for their signature.

#### FEDERAL-PROVINCIAL FISCAL POLICIES

##### **Mr. Lorenzo Berardinetti (Scarborough Southwest):**

Today our leader, Premier McGuinty, renewed this government’s campaign to narrow the \$23-billion gap. This fiscal gap is real and exists despite the recent Ontario-federal agreement.

Progress was made in the negotiation of the five-year agreement when Ottawa agreed that Ontario should receive a per-capita share of all new funding for post-secondary education. Ontario’s students and post-secondary institutions will benefit from an additional \$200 million in 2005-06, increasing to \$400 million in 2008-09 for a total investment of \$1.55 billion, but most of the monies flow after 2007-08 and expire after that.

We welcome our leadership role within Canada as a “have” province. We are proud to help pay for post-secondary education in places like Whitehorse and Moncton. But as our Premier reminded the audience at the Canadian Newspaper Association this morning in Ottawa, we believe this support should be confined to one accountable, transparent federal program, and that’s equalization. We believe fairness dictates that equalization by stealth be ended. Federal cash transfers for post-secondary education, among other cash-starved sectors, should be funded on a per-capita basis.

This campaign is about strengthening post-secondary education in Ontario so we can fulfill our responsibility to the education and prosperity of all Canadians. This campaign is about a strong Ontario for a strong Canada.

#### GREENBELT

**Mr. Tim Hudak (Erie-Lincoln):** What we in the chamber have seen since the greenbelt legislation was passed is that it is nothing but a massive public relations exercise.

*Applause.*

**Mr. Hudak:** The minister applauds his absence of action, I guess.

It has done nothing to help greenbelt municipalities, it has done nothing to help greenbelt farmers continue to farm, and, because it is not based on science and has no plan to make it work, it is not going to be successful in preserving environmentally sensitive land. In fact, they’ve neglected to take any action to support the greenbelt. The city of Pickering and Durham region are in full rebellion against the greenbelt plan and the minister’s leadership on this plan. Farmer Thomas Kuegler in Niagara-on-the-Lake wants to turn 22 acres of fallow land into grape production and has been prevented, because of the Greenbelt Act, from doing so.

The municipal funding formula has been a disaster for greenbelt municipalities like Niagara-on-the-Lake, St. Catharines, Thorold, Pelham, Grimsby and Lincoln. In fact, Lincoln Mayor Bill Hodgson says they’ve been double-whammied by the cuts in municipal funding to those communities and the Greenbelt Act.

I ask the minister to try to salvage some of the damage that has been done by a lack of action to support the greenbelt. Appoint a greenbelt advisory council. I ask him to do it in the next 20 minutes. Timing is everything in politics. As part of that, I also ask him to appoint advisory committees for the Niagara and Holland Marsh area specialty crops, as Bill 200, which I introduced as a private member’s bill, calls on him to do.

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#### PIERCE DUNDYS

**Mr. Shafiq Qaadri (Etobicoke North):** I rise today to pay tribute to a most extraordinary young man from my riding of Etobicoke North. He is here. Both the grandfather and the grandson are here, and I’d ask them to rise.

On December 15, 2003, five-year-old Pierce Dundys was sledding with his grandfather at Etobicoke’s Esther Lorrie Park. Their sled hit a patch of ice and flung the pair almost 20 feet, breaking Pierce’s grandfather’s leg, leaving them both stranded and out of sight.

All alone, Pierce was left with no choice but to climb the icy hillside to seek help for his immobilized grandfather. Out of his grandfather’s sight, he was forced to overcome his fear and seek strangers’ help. No one would wish his or her children into such a position, but Pierce was left with no choice. Thanks to his grandson’s bravery, an exemplary citizen of Etobicoke North, Peter Wood, the grandfather, was rushed to hospital and into surgery. As a physician, I can attest to the gravity and life-threatening nature of the injuries. Pierce’s bravery has certainly saved his grandfather’s life.

As I’ve mentioned, Pierce and his family are here with us today, and I’m certain all members will join me in congratulating our young hero on this exemplary behaviour.

RIDING OF ANCASTER-DUNDAS-  
FLAMBOROUGH-ALDERSHOT

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** The feedback has been terrific. Our spring budget, together with government successes over the past 18 months, is clearly benefiting the citizens of my riding. Resources are flowing back into my local schools; the Best Start program for our early years, coupled with our ambitious \$6.2-billion investment in post-secondary education, has put Ontario education back on track. Just ask former Premiers Bob Rae and Bill Davis.

In Dundas, collaborative efforts are now underway that may soon result in a new family health care team coming to fruition.

Our agricultural sector has become one of my greatest passions. Minister Peters has not only talked the talk but also walked where I walk, literally, by coming into Lynden, Rockton, Ancaster and, most recently, the Pasuta farm on Campbellville Road. He comes to listen and advise and to learn from the excellent feedback he receives.

Our local business community is also to be commended for their hard work. As a former business owner, proprietor of the original Chapters bookstore in Waterdown, I make it my business to support their businesses. The new provincial small business advisory council will assist all businesses, including those in my community.

I want to acknowledge ADFA's greatest asset: our people. Next week the Waterdown Rotary Club will celebrate their 50th anniversary. I'm proud of the service that they and so many other service groups provide, day in and day out. What a wonderful testimony their service is to their commitment to build a stronger, healthier and more caring community. It is indeed these people putting service before self who are Ontario's greatest resource.

BEEF FARMER AWARENESS DAY

**Mr. Lou Rinaldi (Northumberland):** I rise today to commemorate Beef Farmer Awareness Day and to congratulate the Ontario beef industry on their great work. I would like also to formally welcome members of the Ontario Cattlemen's Association to the Legislature. Today the Ontario Cattlemen's Association came to Queen's Park in order to thank the members of this chamber for their support of the beef industry through the years.

While I'm honoured by this gesture, I believe that the beef industry, which is comprised of approximately 21,000 farmers and their families, ought to be thanked by all Ontarians for providing us with top-quality, safe Ontario beef.

Since May 20, 2003, these 21,000 farmers and their families have been hit hard by the BSE crisis. While it has been a difficult time for the industry, they have been actively working with our government to alleviate the

immediate crisis and to look for solutions that will help us ensure a sustainable future for our beef industry.

These efforts have paid off. In the past two and a half years, our government has committed \$138.5 million in crisis relief. We have extended existing markets by investing in slaughter capacity and deadstock collection, and we are developing new, alternative markets.

Our government understands how vital the beef industry is to the well-being of our province. We will continue to work with them to make sure that all Ontario continues to have the pleasure of enjoying Ontario beef and Ontario corn-fed beef for years to come.

INTRODUCTION OF BILLS

SEXUAL HARASSMENT  
AWARENESS WEEK ACT, 2005  
LOI DE 2005 SUR LA SEMAINE  
DE LA SENSIBILISATION  
AU HARCÈLEMENT SEXUEL

Mr. Hoy moved first reading of the following bill:

Bill 207, An Act to proclaim Sexual Harassment Awareness Week / Projet de loi 207, Loi proclamant la Semaine de la sensibilisation au harcèlement sexuel.

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

**Mr. Pat Hoy (Chatham–Kent Essex):** If passed, Sexual Harassment Awareness Week would be proclaimed in memory of Theresa Vince, who was brutally murdered in Chatham by her workplace supervisor. For years, Theresa Vince was a victim of ongoing and persistent sexual harassment perpetrated by her supervisor. The first week of June has been chosen as Sexual Harassment Awareness Week because June 2 marks the anniversary of Theresa Vince's death.

The majority of women will experience sexual harassment at some point in their working lives. The objective of proclaiming Sexual Harassment Awareness Week is to raise and increase public awareness, to foster change in societal attitudes and behaviours surrounding sexual harassment, and to prevent other tragedies from occurring. Everyone has the right to full, equal and safe participation in the community.

PUBLIC TRANSPORTATION  
AND HIGHWAY IMPROVEMENT  
AMENDMENT ACT (ASSISTANCE TO  
MUNICIPALITIES), 2005  
LOI DE 2005 MODIFIANT LA LOI SUR  
L'AMÉNAGEMENT DES VOIES  
PUBLIQUES ET DES TRANSPORTS EN  
COMMUN (AIDE AUX MUNICIPALITÉS)

Mr Yakabuski moved first reading of the following bill:

Bill 208, An Act to amend the Public Transportation and Highway Improvement Act with respect to the assistance that the Minister provides to municipalities / Projet de loi 208, Loi modifiant la Loi sur l'aménagement des voies publiques et des transports en commun à l'égard de l'aide apportée aux municipalités par le ministre.

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

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** It is with great pleasure that I introduce this bill today. This bill will, if passed by this Legislature, ensure that if the Minister of Transportation enters into an agreement with a municipality to provide a rebate of tax under the Gasoline Tax Act to any municipality for the purpose of constructing, maintaining or operating a rapid transit or public transit transportation system, the minister could not refuse to enter into an agreement to provide a rebate of tax under that act on the same per-capita basis to any other municipality for the purpose of constructing, maintaining, or operating public highways in that municipality.

The roads, the highways and the bridges in rural Ontario are our public transportation system, and it is only fair that if our tax dollars are being used to subsidize urban transportation systems, the travel needs of rural Ontarians should also be supported. I hope the members of this Legislature from all political parties will support this important bill, which I believe stands for fairness and recognizes the significant economic and cultural contributions made by those people who live in rural Ontario.

## MOTIONS

### HOUSE SITTINGS

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. till 9:30 p.m. on Thursday, June 2, 2005, for the purpose of considering government business.

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

All those in favour, please say "aye."

All those against, please say "nay."

I think the ayes have it.

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

*The division bells rang from 1351 to 1356.*

**The Speaker:** The government House leader has moved government notice of motion 379.

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

Barrett, Toby	Hoy, Pat	Rinaldi, Lou
Bartolucci, Rick	Hudak, Tim	Runciman, Robert W.
Bentley, Christopher	Jeffrey, Linda	Ruprecht, Tony
Berardinetti, Lorenzo	Klees, Frank	Sandals, Liz
Bradley, James J.	Kwinter, Monte	Scott, Laurie
Brotten, Laurel C.	Lalonde, Jean-Marc	Smith, Monique
Bryant, Michael	Levac, Dave	Smitherman, George
Cansfield, Donna H.	McMeekin, Ted	Tascona, Joseph N.
Chambers, Mary Anne V.	McNeely, Phil	Tory, John
Colle, Mike	Meilleur, Madeleine	Watson, Jim
Craiton, Kim	Milloy, John	Wilson, Jim
Delaney, Bob	Munro, Julia	Witmer, Elizabeth
Dhillon, Vic	Ouellette, Jerry J.	Wong, Tony C.
Dombrowsky, Leona	Patten, Richard	Yakabuski, John
Duguid, Brad	Peters, Steve	Zimmer, David
Duncan, Dwight	Phillips, Gerry	
Flynn, Kevin Daniel	Pupatello, Sandra	

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

### Nays

Bisson, Gilles	Kormos, Peter	Martel, Shelley
Horwath, Andrea	Marchese, Rosario	Prue, Michael

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 55; the nays are 6.

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

## STATEMENTS BY THE MINISTRY AND RESPONSES

### GREENBELT COUNCIL

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):** When the Greenbelt Act, 2005, passed on February 24 of this year, historic legislation that will protect 1.8 million acres of green space around the Golden Horseshoe became law.

Ontario's greenbelt will preserve our watersheds, rivers and forests, protecting the water we drink and the air we breathe. It will promote recreation, sports and tourism by encouraging the development of a trail system, open spaces and parklands. It will protect thousands of acres of prime agricultural lands and tender fruit lands so that farmers can continue to grow the foods that we eat. It will also set strict limits on where urban boundaries can and cannot expand.

Today I'm proud to announce that the McGuinty government has taken the next step in its plan for the permanent protection of Ontario's greenbelt with the appointment of the Greenbelt Council. This council will provide invaluable advice and expertise on the administration of the greenbelt. The council will help guide our government on the implementation of the greenbelt plan and development of performance measures to monitor its effectiveness. It will also support our 10-year review and provide advice on any proposed amendments at that time to the greenbelt plan.

The nine members of the Greenbelt Council are experienced, knowledgeable and dedicated. They come from a variety of backgrounds and different ways of life,

### Ayes

Arnott, Ted	Gerretsen, John	Qaadri, Shafiq
Arthurs, Wayne	Hardeman, Ernie	Racco, Mario G.

but one thing they all share is a commitment to preserving the agricultural lands and the environmental areas within the greenbelt. I am honoured that such a group of distinguished and accomplished individuals has agreed to help us manage the greenbelt wisely.

I'm proud to announce that the chair of the Greenbelt Council is Dr. Robert Elgie. Dr. Elgie is a former MPP who held a number of cabinet posts, including community and social services and consumer and commercial relations, during the Davis government years. He was appointed a member of the Order of Canada in 2003, founded Dalhousie University's Health Law Institute, and just recently completed his term as chair of the Patented Medicine Prices Review Board. Dr. Elgie also served as a chair of the Workers' Compensation Board of Ontario for six years. His commitment to his community and dedication to serving Ontarians are truly remarkable. I am confident that he, along with the other eight dedicated members, will provide expert guidance as our government implements our greenbelt plan.

I will just quickly mention the other eight individuals who are on the council as well.

One of the eight individuals is Howie Herrema, who is a lifetime resident of Uxbridge. He has served on the Uxbridge township council since 2000 and has been a full-time farmer his entire life.

Donna Lailey has been a full-time grape grower in the Niagara-on-the-Lake area for over 20 years. She has previously served as a vice-chair of the Ontario Grape Growers Marketing Board, has served as a director of the Agricultural Research Institute of Ontario, and was at one time a Niagara Parks commissioner.

Dr. Virginia MacLaren is an associate professor in the department of geography at the University of Toronto, where she teaches environmental planning and environmental impact assessment.

Dr. John Middleton is a faculty member at the Centre for the Environment at Brock University. His focus is biodiversity conservation in the context of sustainable development.

Linda Pim is an environmental biologist who lives in the village of Inglewood in the town of Caledon. She has worked in the environmental policy field for over 25 years, both with the government of Ontario and with non-government organizations.

Russ Powell is a founding director of the Oak Ridges Moraine Foundation and currently sits as its chair. He served previously as the executive director of the Association of Conservation Authorities of Ontario.

Dr. Clay Switzer was raised on a farm in Middlesex county. He is a well-known professor at the University of Guelph and former dean of the Ontario Agricultural College. He was the deputy minister of the Ministry of Agriculture and Food during the 1980s.

Rebecca Wissenz, who is the past president of the Hamilton Chamber of Commerce, has been on the executive since the year 2000. She also sits as an elected member of the governing council of the Ontario Chamber

of Commerce and has worked with the Trillium Foundation.

I look forward to working with these nine individuals on our Greenbelt Council to build on the legacy that we have created for our children: a legacy of protecting green space, agricultural lands, environmental lands, and recreational and resource lands in the Golden Horseshoe. Working together, we will help ensure that our children will have parks to play in, clean air to breathe, fresh water to drink, and wholesome food to eat for many, many years to come.

**The Speaker (Hon. Alvin Curling):** Responses?

**Mr. Tim Hudak (Erie-Lincoln):** I'm pleased to respond to the minister and welcome the announcement of the greenbelt advisory council. Certainly Bob Elgie is somebody whom we admire, and we'll look forward to working with Dr. Elgie.

Bob Elgie, as a former cabinet minister in the Davis government, will know about the accomplishments of Progressive Conservatives in setting up the Niagara Escarpment Commission, for example. He'll know about our accomplishments as Progressive Conservatives in setting up the Bruce Trail system, linking Niagara-on-the-Lake all the way up to Tobermory. Dr. Elgie will know, under Mike Harris, about the biggest expansion in protected areas in the history of the entire country of Canada through Living Legacy. Dr. Elgie will know that when Progressive Conservatives bring in these initiatives, they do it based on good science and a plan to make sure it's successful. So we're encouraged to see some Conservative blood and sensibilities injected into what too much has been a greenbotch exercise instead of a greenbelt, and no doubt some strong individuals. We know many of these individuals. It might make the minister nervous. I know a number of these individuals personally. We're pleased to see them and look forward to working with them.

One aspect I would like to have seen: I think the minister knows that I brought forward Bill 200, my private member's bill, which would have guaranteed that at least half of the representatives on the advisory committee came from the agricultural sector. The minister has received a letter from the OFA, dated March 28, calling for exactly that. They say in the letter to the minister that because farmers are the largest group of landowners in the greenbelt area, a majority of members on the council should be farmers. I support that, and my private member's bill did. The minister does not hit that target with his council, and we hope to see that corrected. It is disappointing, I'll relate, from what I would expect would be the OFA's point of view, that they were not notified of today's announcement. There is no doubt they want this council to get moving, although they would have liked to have seen, as we would, a majority of representatives on the council.

I would also ask the minister to seriously consider the other aspects of Bill 200, which were to create a special Niagara advisory committee and one for the Holland Marsh area, the two specialty crop areas. Certainly, I

want to support regional chair Peter Partington in Niagara, who has already brought in his agricultural task force as their advisory committee. I would strongly advise the minister to do the same. I would like to see it in statute to guarantee that those committees do exist as well as for the other specialty crop area, the Holland Marsh.

I'd also like to add that, as the minister mentioned, Donna Lailey's vineyard of renown makes an outstanding wine. Her Canadian Oak, for example, is known throughout North America. I want to point out to the minister a bit of an irony here, though. In your own press release, you note that Donna Lailey's award-winning vineyard is 20 acres. Your greenbelt legislation and plan does not allow for a 20-acre farm to exist. Thomas Kuegler, a farmer in Niagara-on-the-Lake—I know my colleague has been working on this—wants to put a 22-acre parcel of land out of fallow use into productive grape production, and the greenbelt legislation prohibits him from doing that. You say that it's about protecting farmland, but your own plan and legislation does not allow Thomas Kuegler to move forward with putting that land into grape production. I think Donna Lailey is an outstanding individual, but I do note the irony to the minister that her farm is 20 acres, and you're prohibiting those types of farms in the greenbelt area.

There are other aspects. I do hope that Bob Elgie and the good people on the advisory council will prompt some action in bringing forward an agricultural support plan for the farmers. There is a bit of an arrogance to the government's statements that they are protecting all this farmland. The reality is, that farmland is protected by the hard work and the investment of the farmers across the greenbelt area. The minister needs to come forward with an agricultural support plan to support those farmers. Many greenbelt municipalities, the minister knows, will be frozen, their future growth frozen within the boundaries of the greenbelt area. We ask him to bring forward a support plan for those municipalities to ensure they can still remain vibrant communities, to invest in their infrastructure and to develop those communities. If he doesn't do so, I fear those communities will go backward. Certainly Mayor Bill Hodgson, the mayor of Lincoln, not known for blue stripes by far, is very upset with the cuts to funding to his municipality, with the greenbelt on top of that at the same time.

The other thing I'd add is that we want to see the science come forward in a public mechanism that has not come forward after months and months of these demands. Hopefully, this greenbelt advisory council, with Bob Elgie at the lead, will see progress on these very important issues.

1410

**Ms. Marilyn Churley (Toronto–Danforth):** First of all, I'd like to congratulate Dr. Elgie and all the others who were appointed to the advisory group today. They have a very important job ahead of them.

I'm going to point out some of the things I want them to take a look at right away, some of the questions that I've been raising—

*Interjection.*

**Ms. Churley:** Linda Pim is on there, and I'm very happy to see that—a good addition. In fact, I think it's a pretty good advisory group overall.

I've been saying to the minister time and time again, and I'll say it again, that this new group has got its work cut out for it. You see, the New Democrats supported the greenbelt, as you well know, but with great reservations, because one of the problems is that it's a floating greenbelt; it is not a permanent greenbelt. I've raised this issue time and time again.

I'm going to bring up three examples today of the things that we're going to be asking this advisory committee to advise the minister on, and the environment minister and the cabinet in general on. One of them we heard about today. The minister talks about the greenbelt as the cornerstone of the new regional plan to stop urban sprawl. Well, as it turns out, nothing can be further from the truth. And one of them is south Simcoe. That's one of the issues I raised, that the leapfrog development has already started there, and the minister knows it. It's the Wild West of land development and land speculation now. As you know, there are developers going behind closed doors and making deals with the municipality to fund infrastructure costs. So you know it's happening there, that that leapfrog development is happening and will in fact increase urban sprawl and increase the air quality problems that we have, and all of the other problems—the loss of agricultural land.

Another issue that I want the advisory committee to look at right away—Minister, I don't know if you made it to the breakfast this morning put on by Environmental Defence and the Save Boyd Park folks. They gave a very nice pancake breakfast this morning and gave us some information. I've raised the Boyd Park issue, as did the member for Niagara in this House before. There is a proposal put forward to build a highway extension right through a provincially designated ANSI and enter a sensitive source water area. And this is when the ink isn't even dry on the greenbelt plan yet, and there's already a major highway slated to go right through the middle of one of the finest forests, if not the finest, in the whole GTA, and an area of natural and scientific interest to boot. So much for the greenbelt preserving environmentally sensitive land.

I understand that it's now in the Minister of the Environment's hands, but the problem is, Minister—and this is what the group was telling us this morning—these lands, and this is a good thing, have been included in the greenbelt. So why would you even be looking at terms of reference for an EA now when this Boyd Park land, sensitive land, is in the greenbelt? There shouldn't even be an EA on this. There are alternatives. These alternatives were pointed out to us today, and it should be just completely taken off the table. So we will be looking out for the new advisory committee to advise you forthwith on that so that you can remove the Boyd Park area completely from having a highway go through it, not even allowing an EA to go along with that and to look at the alternatives.

The other thing I wanted to raise once again, so that the advisory committee can take a look at it, is the Duffins-Rouge Agricultural Preserve. That's a third piece that I've been raising in this Legislature, time and time again. I've questioned the Chair of Management Board, the Minister of the Environment, the Minister of Natural Resources and the Minister of Municipal Affairs about this, that this land that was supposed to be saved forever as farmland is now being, down the road, because it's not a permanent greenbelt and can be moved any time and any place—you can take out a very sensitive piece of land in the south and replace it with some land in the north, and that is the concern about the Duffins-Rouge agricultural land.

We're hoping that this advisory group will take into consideration some of the very serious problems we're already seeing with this so-called greenbelt. We have a green island, not a greenbelt. It can move around at will, and the developers know it. Otherwise, why would they be out there buying up all this land?

#### VISITORS

**Mr. Shafiq Qaadri (Etobicoke North):** On a point of order, Mr. Speaker: With your indulgence, I would like to welcome members of CAIR-Canada, an Islamic association, who join us in the west gallery.

**The Speaker (Hon. Alvin Curling):** You know that's not a point of order.

#### ORAL QUESTIONS

##### ADOPTION DISCLOSURE

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. We've been asking a series of questions, as the Premier will know, about the evolving adoption bill put forward by your government. In light of the fundamental privacy concerns raised by the privacy commissioner that remain unanswered, we know that there have also been serious legal and constitutional questions that have been raised.

A legal opinion prepared by the Attorney General's ministry—and I acknowledge it's one of several that have been prepared and shared with members of the committee looking into this matter—made reference to your government's bill possibly infringing on the rights of birth parents under the Charter of Rights and Freedoms.

Given this advice from your own in-house lawyers—at least at one point in time—stating that there are possible constitutional concerns with your government's bill, would you now agree to ask the minister or the Attorney General to refer this bill to the court for an independent legal opinion before the bill is passed and before the possible infringement on privacy rights?

**Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs):** To be very direct, to the leader of the official opposition: No, we will not do that. We have worked long and hard with all persons who have an interest in this particular issue.

Just so Ontarians better understand what we are talking about here: At present, there is no protection at all for birth parents or adoptees in the province of Ontario who are seeking to contact one another.

**Mr. Norman W. Sterling (Lanark-Carleton):** Sure there is.

**Hon. Mr. McGuinty:** There is not. The member opposite says, "Sure there is."

Just for the heck of it, today I entered into the advanced search system at Google the words "adoptees finding your birth parents in Ontario." It came back with 8,280 hits. Beyond that, there's an organization called Parent Finders of Canada. I found that at present they have 58,764 persons registered who are desperately trying to contact one another.

What our bill does, for the first time, is put in place a protection mechanism so that people can in fact register a non-contact request. That is something which is part of this bill that I hope the people of Ontario understand we're doing.

**Mr. Tory:** That's fine. What we've been asking you about is another group of people whom you don't seem to mention in your answers or take into consideration in your deliberations, namely those who have privacy rights.

I have acknowledged in my comments on this and in my questions that there are people you are trying to help. The principle of trying to help those people and to make it easier for them to find out more about their identities is something that I accept. I accept you're trying to do that, but there is another group of people out there whose privacy rights are being infringed by what you are trying to do, and you do not seem willing to acknowledge at all that there is a problem for those people, that they have rights that are worthy of protection and that there should be something done to address that.

Mr. Ruby, a lawyer representing someone who opposes this bill because of his own privacy concerns, was quoted in the Hamilton Spectator as saying, "We will challenge the constitutionality of the legislation unless a simple veto is part of it to preserve the privacy interest." Given that a legal challenge is a virtual certainty on behalf of Mr. Ruby and the client he represents, would you agree that there is a fundamental issue here of protecting people's privacy? As well as the one you talk about, which I have had the decency to acknowledge, will you agree that there is another issue that needs to be addressed and do something about addressing it? That's what we're asking.

**Hon. Mr. McGuinty:** As I indicated just a moment ago, birth parents and adoptees will have the right to register a no-contact notice. Unless the member opposite is aware of something which we are not, we have yet to learn of any breach of a similar kind of restriction

anywhere in the world. If he has some information that he'd like to bring to us, we would be delighted to receive it. If you breach a non-contact notice pursuant to this bill, should it become law, you can be fined up to \$50,000.

**Mr. Sterling:** That's a joke.

**Hon. Mr. McGuinty:** I think that's pretty significant. Maybe the member opposite doesn't think \$50,000 is a lot of money, but I happen to think it is.

Beyond that, we have also said that children's right to contact a birth parent is not an unqualified right, and for that reason you can make an application to the child and family services board to ensure that you are not contacted.

1420

**Mr. Tory:** The Premier in some respects misses the point in talking about the no-contact provision, because the point that these people are making—and I won't even deal with the more unusual cases, if we can call it that, but the more commonplace case of a woman who simply gave up a child for adoption many years ago who not only may not want to be contacted but doesn't want her personal information given out to somebody else. That is where, as the Premier knows, they have the perception, and I think it's the reality, that their privacy would be violated.

So I'm simply asking you to take into account, in formulating public policy, the concerns of the privacy commissioner, the concerns of people like Mr. Ruby, the concerns of many people, and, of course, most importantly, the concerns of this minority of people. I'm just trying to search for a way in which we can do this right by asking if you would submit the bill for an independent legal opinion. That's just a suggestion I'm making. I'm asking if you'll consider doing it. You've said no. I'll ask you one more time whether you would consider doing this.

**Hon. Mr. McGuinty:** Again, here's the reality. There are tens of thousands of people who are trying to contact either a birth parent or a child who was given up for adoption. That's happening at present. There is no protection for those children—none.

We are putting in place a provision which will enable either side to register a no-contact notice. We've said that if you breach a no-contact notice, you can be fined up to \$50,000. We've also said, beyond that, for example, if you are a birth parent and you don't want to disclose any information at all, you can make an application to the child and family services board. So while we attach a very high value to the right of a child to know about his or her background, we have said that it is not an unqualified right. We do recognize that there may be circumstances where parents should have a paramount right not to be contacted, not to disclose information of any kind. We've also made that provision within this bill. We think we've struck the right balance.

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

**Mr. Tory:** Again to the Premier. The Premier talks about this board. We have been asking questions about this, and of course the minister is unable to answer those

questions as to who the board will be—well, we know who it is, but what the criteria will be surrounding their meetings and what not. All of the details, we're told, will be sorted out later on by regulation. But the one thing the minister has been clear in saying is that the case of a birth mother who gave up her child for adoption many years ago, having been told that that would be maintained as secret, and who now is confronted by this legislation would not be covered. It's the one thing she has been able to tell us: That person wouldn't be covered and be able to make an application in front of this board.

Earlier today, the Information and Privacy Commissioner's office issued a brief statement that I want to read from:

"Let it be clear that Commissioner Cavoukian has repeatedly stated that she opposes ... the absence of a disclosure veto which would allow birth parents or adoptees to say 'no' to the disclosure of their personal information.

"The inclusion of such a disclosure veto would make Bill 183 consistent with the rest of Canada by allowing some form of consent.... No other province or territory ... has completely abolished the privacy rights of birth parents and adoptees, because to do so would fly in the face of the charter."

Premier, how do you respond to these concerns registered by an officer of the Legislature, the privacy commissioner of Ontario, today?

**Hon. Mr. McGuinty:** To the Minister of Community and Social Services.

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** I am happy to address this. We have said from the beginning that we wanted the advice from the privacy commissioner, while we acknowledge that she does not have jurisdiction for this area. However, we wanted to hear that, and we believe we have been better informed because of it.

We've also heard from many offices' experts whom I hope you will also consider to be experts: the Ontario children's aid societies, the office of the advocate for children, our own Attorney General, who deal with the most horrendous cases.

While we feel we've struck a balance in terms of those extreme cases, the Leader of the Opposition is talking about cases where people want a right to privacy. On the other side of that argument is adults who have a right to information about who they are. It is a very difficult decision, one that governments historically have refused to make. We, on the other hand, believe we finally have to make a decision, and we are landing on the side of the right of an adult adoptee to have a right to who they are, to their medical information, because it can become available when they know where they come from. Those things, we believe, are important. Many, many people agree with this. I acknowledge that it may be difficult. We do have to make a decision, finally, and we have to do it in a balanced way.

**Mr. Tory:** The minister implies that in arriving at that decision in a balanced way, somehow we have to do something. I think other provinces have been faced with

exactly the same choice and have decided to make what would really be a balanced decision that finds a way to respect the rights of what you have said and, I agree, is a minority of the cases. I think you said in previous statements here that it's in 5% of the cases that a veto is actually used. If it's 6%, I'm sorry, but it's a small number. Somebody said it here, and let's assume it's correct. You find a way to respect those rights while at the same time extending the rights for the vast majority of those who are seeking to find out more about their identity.

The privacy commissioner, regardless of what her jurisdiction is, is an officer of this Legislature. I think she is entitled to have her views respected, as she is someone who is assigned the responsibility of protecting privacy. By ignoring her office, we run the real risk of infringing on people's rights. She also said today, "It is precisely minority rights such as these that the charter, through its enshrined right of equality, seeks to protect."

I'm not asking much here, given the Information and Privacy Commissioner's comments. I was simply asking today whether you might, as a means of trying to resolve this, refer this bill for an independent judicial opinion so that we can see what someone in that position has to say about this balancing of rights that we're all talking about. Will you do that?

**Hon. Ms. Pupatello:** I think it's important that the Leader of the Opposition quote the balance of the comments that the privacy commissioner has made, and has made several times in writing to I think all members of this House, certainly to people involved in this issue in the past, which is, "This is ultimately a social policy decision that must be made by the government." That is very clear. That is extremely important to note. We heed the advice, often, and we seek the advice of this office because it is an expert office on matters of privacy. It is also an expert office in the area of information.

But you have to look at the other side: at every birth mother who is somewhat fearful of the idea of what they may find out or that someone may find them. Today they have no protection, and they will, with our bill. Secondly, there is the child, as an adult, who has the right to that information.

**Mr. Tory:** We're talking back and forth about the two groups. You talk about the one; I talk about the other. The decision is not one made by the government, ultimately; it's one made by the Legislature.

The privacy commissioner, an officer of the Legislature—I'm quite happy to have read into the record every word she said—has correctly pointed out that your adoption legislation, as it now stands, is the only legislation in Canada that is worded the way it is when it comes to the issue of privacy. We've raised a number of examples, letters from people desperately afraid of this information coming into the public domain. These range all the way, as you know, from victims of sexual abuse to the more commonplace cases that we've referred to today.

I ask you one more time: Do the right thing. It's one suggestion I'm trying to make: Get an opinion from

somebody who's independent with respect to the constitutionality of this. Won't you do this? I ask you one more time to agree to do it.

**Hon. Ms. Pupatello:** I think it's important to say publicly, as I have said to the Leader of the Opposition, what we are intending to do in regulation. If you would like to see this as an amendment so that you would know what we will be doing in regulation, so that we would deal with these extreme cases on both sides, I am perfectly prepared to do that. But I also have to say to the Leader of the Opposition that I understand that you have a split caucus on this issue, but your own House leader has tabled an amendment that would suggest that you would have a disclosure veto on all crown wards. So let's be clear on what that means: Most of the 250,000 adoption records in Ontario are made through children's aid—which are then made crown wards.

What you say as the Leader of the Opposition is not what your House leader is tabling for debate at the House leaders' meetings. You need to be clear, and we need to know where you are and how you might vote on our bill.

#### ONTARIO FARMERS

**Mr. Howard Hampton (Kenora–Rainy River):** I have a question for the Premier. The Ontario Cattlemen's Association is here today to remind your government of the serious impact the closed American border continues to have on Ontario's livestock farmers and their communities. Yet your recent budget offered no long-term plan for cattle and livestock farmers, and no commitment to provide matching provincial funding for the \$180 million the federal government has provided for Ontario's cattle and livestock producers. In fact, your budget cuts the Ministry of Agriculture's capacity by \$169 million. Premier, the federal government is assisting Ontario's livestock and beef producers. When will the McGuinty government provide your \$180 million of matching funding?

**Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs):** I know the Minister of Agriculture is going to want to speak to this, but let me say at the outset that we're proud of the assistance we have provided to our farmers. We're particularly proud of the assistance we've provided to our beef farmers. I personally have raised the issue with the US ambassador to Canada. I have travelled to Washington to speak to this issue on a couple of occasions. We are so strongly committed to our farmers that, notwithstanding that we had a budget last year of \$549 million, we in fact came up with an additional \$638 million in one-time assistance.

As I say, the Minister of Agriculture has more detail, but what I want to say to Ontario farmers is that we've been there in the past in times of need and we will be there in the future in times of need.

1430

**Mr. Hampton:** Premier, you're so committed to Ontario's farmers that you actually boast about the \$169-million cut in your budget, on page 29. Here it is:

“Spending Held in Check—15 Ministries’ Operating Budgets Flatlined” or cut. Then you look at the Ministry of Agriculture and Food, and it was cut by 23% or \$169 million. That’s how committed the McGuinty government is.

It’s not just the livestock sector. The commodity prices and commodity sector are also depressed. In fact, the grain and oilseed farmers are saying they need an investment strategy of \$300 million just to see them through this year. Premier, when are you going to come forward with a long-term plan and show some real commitment to Ontario’s farmers?

**Hon. Mr. McGuinty:** I just don’t understand how the leader of the NDP can continue to maintain what he knows in his heart of hearts is simply not factual. The budget has gone from \$549 million last year to \$564 million this year. If he would like a briefing with somebody over at finance or somebody over at the Ministry of Agriculture, we’ll be delighted to provide him with that opportunity so that we can make it perfectly clear to him what Ontario farmers know, that in addition to providing \$130 million in special assistance to help farmers who’ve been struggling with the BSE issue, we also found an additional \$79 million for our grain and oilseed producers.

Again, what I say to Ontario farmers is that we have been there in the past with special assistance and we will continue to be there in the future should we be called upon to help.

**Mr. Hampton:** Premier, I’m going to send a copy of your own budget across to you. On page 29, you actually boast that 15 ministries have had their budgets cut or flatlined. Then you look at the Ministry of Agriculture and Food—2004-05, \$733 million; 2005-06, \$564 million. It’s your budget, Premier; you ought to read it. Then it says beside that that there was a 23% cut. Let me tell you, that shows some dedication to Ontario’s farmers.

Premier, you were the one who promised during the election two years ago that the Ministry of Agriculture would become a lead ministry and that you would not do the kinds of things the former Conservative government did—and then there’s the 23% cut. I ask again, Premier: When are you going to start making the long-term investments Ontario farmers need instead of cutting \$169 million out of their budget?

**Hon. Mr. McGuinty:** This is fascinating fiction, but the truth, again, is that we’ve increased the budget for agriculture in Ontario. The last real cut that took place to the Ministry of Agriculture was effected by the Conservative government. There was a real cut of over \$100 million. The time before that, when the NDP were in power, there was a real cut of \$132 million.

We set out at the beginning of the year with a \$549-million budget. We came up with an additional \$630 million in special supports. This year, we’ve enhanced last year’s budget to \$564 million.

The member opposite may not know it, but I can tell you that Ontario farmers know it: If they need our help, we are there for them.

## HYDRO ONE LABOUR DISPUTE

**Mr. Howard Hampton (Kenora–Rainy River):** Premier, I’ll send you over a page out of your own budget. You can see for yourself that you’re boasting about a \$169-million cut to the Ministry of Agriculture.

I want to ask you about the Society of Energy Professionals, the engineers, the systems planners and maintenance schedulers who keep the lights on in Ontario. For the first time in 60 years, they’re off the job now. Yesterday some 200 workers were forced out of Hydro One’s Barrie transmission operation centre. Today we learned that another 800 could be off the job by Monday. Your fellow over at Hydro One, the \$1.2-million man, Tom Parkinson, wants these workers to take an 11% pay cut. Premier, do you support the hard-line bargaining position of your \$1.2-million man at Hydro One?

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

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** To put the pretext of the question into some context, the reason there was never a work action like this in the past is because it was the NDP government that gave them this ability to be in that place in the first instance. Second of all, there are negotiations going on between the employer and the employees. I would suggest that the place to resolve these disputes is at the bargaining table, not on the floor of this Legislature.

That member’s history, of course, is to go in and open up collective agreements and strip them. He very much has been advocating that we politically respond to this situation. I, of course, won’t do that because, unlike the member opposite, I believe in free and open collective bargaining and the processes as defined in the relevant legislation that governs those practices in Ontario.

**Mr. Hampton:** I think it speaks for itself. For the first time in 60 years, for these people who keep the electricity on and the lights on in Ontario, the McGuinty government has succeeded in pushing them out the door. That’s quite an accomplishment.

You are the sole shareholder, Premier, in Hydro One, and it appears as if you’ve endorsed this hard-line bargaining tactic of your \$1.2-million man, Mr. Parkinson. The reality for Ontarians, however, especially in the greater Toronto area, is that the transmission system is already very stressed. As the temperature gets hotter every day, it will become more stressed, which means there are some risks here for people’s electricity supply. I want to ask the Premier: What’s your plan to keep the lights on and what’s your plan to resolve this labour dispute created by your \$1.2-million man?

**Hon. Mr. Duncan:** The board of directors of Hydro One, including the former Premier of Ontario, Mr. Rae, have laid out an entire contingency plan in the event of a strike. My hope is, there won’t be a strike. The member opposite suggested some weeks ago that the employees would be locked out. That in fact never came to pass.

I would say this: My hope is that they will stay at the bargaining table. My hope is that there will not be a strike action, as the union indicated earlier today. In the event of a strike, there is a contingency plan to maintain full operations, and that contingency plan has been adopted and approved by the board of directors of Hydro One.

**Mr. Hampton:** What we saw at the Barrie transmission centre last week, when your executive management took over and pushed the engineers out the door, was a pretty serious blip in Ontario's electricity supply: 2,000 megawatts were lost in the transmission system. People may have noticed that at their computer. I can tell you, a lot of paper mills and some chemical plants noticed it because they lost production.

Is this what the McGuinty government calls a good plan while your \$1.2-million man tries his hard-line bargaining tactics? Is this what you call ensuring that the electricity stays on and the lights stay on, Minister: a 2,000-megawatt loss of electricity in the first day that you take over?

1440

**Hon. Mr. Duncan:** Even the society, Jim MacDonald, said two days ago right here, "I'm not willing to go so far as to say that it would have been avoided if we were there, because I believe that's an overstatement." I suggest that the member opposite tone down the overstatements.

Let's tell you what else Mr. Hampton said about these workers. Here's what he said right outside on March 31: "These people aren't concerned with providing a service to the people of Ontario. They are concerned about their own salaries." That's what he had to say in response to the salary disclosure.

I'll remind the member opposite that close to 50% of the workers who are going out on strike are in the \$100,000-plus club. We believe in free collective bargaining. We believe in their right to bargain with the employer. We won't insult them because of the amount of money they make, as you have done very publicly here. I'd urge you to tone down the rhetoric, get your facts straight and start to believe in free and open collective bargaining.

#### TEACHERS' CONTRACTS

**Mr. Frank Klees (Oak Ridges):** To the Premier: Earlier today, your Minister of Education made an announcement and an admission that his negotiation strategy failed with some 27 school boards. Thousands of students today are experiencing escalating work-to-rule: track meets are being cancelled, graduation ceremonies are being jeopardized, report cards will be incomplete. After billions of dollars of announcements on education, and after your pronouncement and your minister's pronouncement of peace and stability, how can you justify thousands of students being subject to increased work-to-rule in this province?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** I'm very pleased and proud to

announce that 80% of all contracts have now been finalized, covering 90% of Ontario students. In those contracts, we're talking about four years of peace and stability with improvements to the numbers of teachers, the availability of teachers to students, the number of specialty teachers and librarians, with a special focus on literacy, numeracy, arts, phys ed and music, so we've gone a long way toward achieving our goal. We think that is something worth celebrating.

Contrast that with, under the Tory regime, the 24 million lost learning days for Ontario children and the 430,000 high school students who were deprived of an entire year of extracurricular activity.

*Applause.*

**Mr. Klees:** I notice that some of the Liberal members were not applauding the Premier. It's probably because—

*Applause.*

*Interjection.*

**The Speaker (Hon. Alvin Curling):** If I depended on Mr. Phillips, we'd have order all the time. Supplementary.

**Mr. Klees:** I'm glad I gave the members an opportunity to redeem themselves in time for the next cabinet shuffle, which I understand is imminent. What I was referring to were those members who would represent students who belong to the Algoma district, the Avon Maitland District School Board, Bluewater, Halton, Kawartha Pine Ridge, Lakehead, Limestone, Renfrew, Thames Valley and the other 18 boards. These are boards that have been suspended. It's easy for the Premier to speak about those boards that indeed did comply, but after billions of dollars of investment, I ask the Premier, what do you say to the students and to the parents in those boards that are experiencing anything but peace and stability today?

**Hon. Mr. McGuinty:** Again, I think it is a significant accomplishment—and not to take away from the legitimacy of the question the member is raising, because I do feel for those parents and I particularly feel for those students in those boards where we have not yet found success, and we continue to work in that regard.

But I do want to say that we have reached 95 agreements. Eighteen more are still in the process of being negotiated, and it is true that we have special challenges in nine particular boards. We are continuing to work with those boards, and I urge everybody involved, on all sides, not to lose sight of the interest of our students. I urge them to get back to the bargaining table and to understand that, first and foremost, our shared responsibility is to advance the interests of our children through a strong public education system.

#### SERVICES FOR DISABLED CHILDREN

**Ms. Andrea Horwath (Hamilton East):** My question is for the Premier. The Ombudsman's report shows that hundreds of Ontario families are stuck "Between a Rock and a Hard Place," losing custody of their disabled children to children's aid societies because they can't

afford or can't access the proper care they need, or maybe both.

Yesterday, you finally acknowledged that these families were wronged, but, when asked for an apology, you refused to give one. You said, "If we determine that that is the right thing to do," it would be done right here in the Legislature. Now is your opportunity, Premier. Will you stand in this Legislature today and apologize to the families that you have wronged?

**Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs):** We're doing one heck of a lot more than just that. We're moving as quickly as we can to reunite these families. I would think that if you had the opportunity to speak with parents who have been affected by these circumstances, the thing they would want us to do most of all is to move as expeditiously as we can, as reasonably quickly as we can, to reunite those families, and that is what we are doing.

**Ms. Horwath:** If the government had only listened to the parents while they were trying to speak to them over the last couple of weeks, we wouldn't be in the situation we're in.

Nonetheless, Anne Larcade, the mother who is leading the class-action lawsuit, says, "It will give comfort to some of the families, but it is overdue.... I want to see it translated into action." That is her comment about the possibility—which she didn't get today—of an apology.

Her lawyer, Douglas Elliott, says you're giving mixed messages by expressing concern for the parents on the one hand, while on the other, you're dragging them through the courts.

Will you apologize today and then back up your apology with the services that these families need and are still—still—waiting for?

**Hon. Mr. McGuinty:** I know that Minister Bountrogianni is doing everything she possibly can. We have in fact filed, as of yesterday, a 10-step plan before the courts. We are hoping that the matter before the courts can be resolved as soon as possible so we can proceed with our plan.

This issue has been outstanding for a number of years. Our government has finally done the right thing, has chosen to do the right thing, has made the commitments, and in fact has gone so far as to file a specific plan with the courts. We look forward to acting on that as soon as we possibly can.

#### BEEF AND LIVESTOCK PRODUCERS

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** My question is for the Minister of Agriculture and Food. Today on the front lawn of the Legislature, the Ontario Cattlemen's Association hosted a barbecue. MPPs and staff had the great opportunity to feast on Texas-style barbecue. Minister, it sure wasn't Texas beef. We know by the taste that we were served real Ontario corn-fed beef.

Not only was it a great meal, but we also had the opportunity to hear the concerns of the livestock industry

as they continue to face the US border closure as a result of BSE. This barbecue was brought to Queen's Park today to raise awareness and remind all of us that the BSE crisis is not over.

Minister, what role has our government played in assisting our 21,000 farmers and their families?

1450

**Hon. Steve Peters (Minister of Agriculture and Food):** I would like to take this opportunity as well to welcome Ian McKillop and all the members of the Ontario Cattlemen's Association who are here today. I want to thank all those individuals who were here today to support this great barbecue and that great Ontario corn-fed beef.

We recognize that there are legal challenges taking place in the United States by a small group of protectionist forces. Certainly we have been doing our part. The Premier has been to the table as well. Every time we have had the opportunity to advocate on behalf not only of Ontario farmers but Canadian farmers, we have been there doing that with our American counterparts. We have made sure that we've included agricultural leaders on delegations that we've taken to the United States, including having the Ontario Cattlemen's Association represented with us in Washington as well.

We have been there not only for short-term immediate assistance, because we recognize the challenges that the industry faces, but we're also making strategic investments in the long term. That's where the answer is going to be, and I look forward to talking more about the long-term—

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

**Mr. Lalonde:** I know that the cattlemen's association appreciates our support, as we appreciate the ongoing difficult time they have been dealing with.

Minister, we understand that the present legal process in the American court system is preventing the reopening of the border. Can you please tell the House what our government is doing to address the long-term issues of the industry as a result of the BSE crisis and also what we are doing to support the future of the industry?

**Hon. Mr. Peters:** We are looking to the long term. As I said in my previous response, we have been there for short-term assistance, and, as the Premier reiterated earlier in a question, we will be there in the future.

At the same time, we recognize that we have to look forward and move ahead. We have invested in slaughter capacity: over \$7 million. When that capacity is ramped up we will be slaughtering an additional 2,000 animals a week in this province. We have invested in the Elora beef research station to look at the long term, and I want to thank my colleague in the Ministry of Public Infrastructure and Renewal for recognizing the importance there. We are investing in alternative energy—brown energy, as I like to call it—an investment of \$1.6 million in anaerobic digestion, because we recognize that agriculture can be part of the solution to many of the challenges we face.

We have been there in the past and we'll be there in the future, but we can't do it alone in Ontario. We need to work together with the federal government; we need a national strategy for this national issue that's facing us.

#### FABRY'S DISEASE

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** My question is for the Minister of Health. Today in the gallery we have people who suffer from Fabry's disease, their families and their friends. I know that you met today with one of these individuals, Darren Nesbit. Regrettably, you offered him no hope and no resolution and no treatment for Fabry's disease. However, I do understand that Dr. Couillard, the Minister of Health from Quebec, at the request of all the Ministers of Health, has provided you with the research protocol to treat Fabry patients and collect data while they are in treatment. I ask you today, Minister, will you follow through on the written commitment that you made to Donna Strauss last July and do the right thing today and put into place this protocol?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** A few points, I think, which are salient.

First, I did enjoy the opportunity to meet with Darren Nesbit today, who came from Sarnia, and I had a chance to say hi to some of the other people who are here related to the issue, most of whom I have had a chance to meet with previously.

It's an issue we've had a chance to debate on the floor of this House before, and the member will know of my position with respect to the Common Drug Review as the tool that has been developed in our country so far and the honourable member's very involvement in its formation. Recognizing, of course, that the Common Drug Review has said that the product is not one that meets the important efficacy tests we look to, our own Drug Quality and Therapeutics Committee will review the decision of the Common Drug Review, and that is something that's ongoing.

You referenced the work of Dr. Couillard. This is something that was made possible through our recent provincial and territorial meeting of Ministers of Health, where we collectively tasked Minister Couillard to work toward a resolution with the federal government that will see a procedure for orphaned drugs. We are working together toward an FPT meeting in September, and I continue to commit to Darren, as I did, that he and I have begun a conversation that we will work together. It's my hope that we're going to be able to make some progress on this issue by working together.

**Mrs. Witmer:** I would remind the minister that when I asked the question about Darren about four or five weeks ago, he said he was going to follow up. He has yet done no follow-up. I would also remind the minister that the people in the gallery today no longer have access to treatment for Fabry's disease—it has been discontinued by the hospitals in Ontario—and their quality of life is continuing to deteriorate day-to-day.

Minister, I don't know why you continue to hide behind a scientific evaluation process that you know yourself, and others ministers in BC and Alberta have acknowledged, is inappropriate for an orphan disease and an orphan drug. When are you going to take action, as other ministers have done in other provinces, and provide bridging financial support for these individuals who face premature death if they do not have treatment?

**Hon. Mr. Smitherman:** Regrettably, one minute does not allow me to address all of the inaccuracies in the honourable member's question; there were several. But I would want to point out to the honourable member that there is evidence of the work that we're doing nationally with other provincial ministries. Philippe Couillard's evidence is just one piece of the puzzle as we do seek to enhance the quality of our capacity to review orphan drugs as they become referred.

It is our obligation on this side of the House—and the honourable member exercised these responsibilities at one time but seems to have forgotten—that a Minister of Health must depend on some scientific basis that determines the clinical efficacy of a product.

Obviously, in my meeting with Darren, he made very, very certain to apprise me of his view that this was a treatment that was very essential to him. That was not lost on me. I enjoyed the opportunity to meet with him. I committed to continue to work alongside him and others, to be in conversation with him, a conversation that has begun today.

I will continue to work with my provincial, territorial and federal colleagues to help to develop an orphan drug strategy in our country that recognizes the particular challenges with drugs that offer hope and assistance to very, very small numbers of people. This does challenge the clinical efficacy standard, but we will not rest—

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

#### REFINERY CLOSURE

**Ms. Shelley Martel (Nickel Belt):** I have a question to the Premier. Last Thursday night the council of the city of Greater Sudbury passed a resolution requesting that the province prohibit unrefined copper from being sent out of the city for processing. In light of this unanimous decision by council, will you now intervene and tell Inco they'll have to continue to refine copper in our community?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The Minister of Northern Development and Mines.

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** I should tell the member opposite that the position of the government is very clear: We will not interfere in the business decisions of Inco or any other company. We do that after weighing all the options open to us. We have to make our decisions with the best interests of the workers, the best interests of the company, the best interests of the community and the best interests of the industry in mind. We believe that that

best interest is best served if we keep our hands out of the business decisions of any company.

**Ms. Martel:** I have a supplementary for the Premier. I'm interested in what's in the best interests of the community, and the best interests of the community are to keep 160 jobs at the refinery and keep refining this raw copper in our community.

City council was very clear. Their resolution states the following:

(1) The closure of the 75-year-old copper refinery will have a profound and ongoing effect on the Greater Sudbury community.

(2) The magnitude of spinoff job losses are significant to the economy of Greater Sudbury.

(3) The demolition of the refinery will weaken the city's assessment base by up to \$12.7 million so that the community will be left to bear, on an annual basis, a significant loss in tax revenue.

The resolution by council is very clear. Council wants you to stop Inco from sending raw copper to Quebec. I ask you again, Premier, will you do what is in the best interests of the community and stop this from going forward?

1500

**Hon. Mr. Bartolucci:** The best interests of this community are best served by ensuring that we allow business to make decisions. The fact of the matter is, there is no job loss from the closing of this refinery. The fact of the matter is that over the course of the last 16 months, Inco has hired 287 unionized workers at Local 6500. At staff level, they've hired 20 Local 2020 union workers, for a total of 81 hires at the staff level. The fact of the matter is, if we interfere with the business decisions of Inco, there is a job loss potential of between 300 and 500 jobs. We will always act in the best interests of the community—

*Interjection.*

**The Speaker (Hon. Alvin Curling):** Order, the member from Nickel Belt.

Minister, wrap up in 10 seconds, please.

**Hon. Mr. Bartolucci:** We will always act in the best interests of the community, the workers, the company and the—

*Interjection.*

**The Speaker:** Member from Nickel Belt, order.

Yesterday, they had an extensive debate about the decorum of the House. I can't believe that the same members are just acting in this awful manner still, when—

*Interjections.*

**The Speaker:** Order. The only way the House can conduct itself in a proper manner is to get the full cooperation of members. When I call members to order, I expect them to come to order. If not, they have to leave the chamber.

New question.

## MICROBREWERIES

**Mr. Kevin Daniel Flynn (Oakville):** My question today is for the Minister of Economic Development and Trade, and it's about Ontario beer. Minister, today you announced a \$5-million investment in Ontario's microbreweries. Many people don't realize the economic impact that microbreweries have on the Ontario economy. But as an industry, they face a number of challenges: The market is constantly changing, there are huge multinational breweries competing with them, and they face pressure to stay competitive while retaining the aspects that make their brand unique.

Minister, can you tell the House how the investment you announced today will help microbreweries deal with the challenges that they face?

**Hon. Joseph Cordiano (Minister of Economic Development and Trade):** I'd like to thank the member for the question. The McGuinty government is investing \$5 million over five years to help small brewers across this province be more successful in a very competitive marketplace. The funding is targeted toward specific areas: research and benchmarking; marketing funds for branding, advertising and promotions; and training and education, including quality and innovation.

Like Ontario wineries, small brewers form a very unique niche. They're homegrown companies that reside right here in Ontario. We feel that the brewers' growth strategy will result in world-class brewing standards here in Ontario, a culture of brewing excellence and award-winning beers. That's why we're happy to support them.

**Mr. Flynn:** That's wonderful news. My own riding of Oakville has three microbreweries: Cameron's, Trafalgar brewery and Black Oak Brewing. My question today is about Black Oak Brewing. They've established a unique brewing process, which results in a one-of-a-kind flavour. They have many fantastic products: Black Oak Pale Ale and Black Oak Nut Brown. One of the problems they have, like all microbreweries, is getting their product out to a wider market. Also, like other microbreweries, Black Oak is a small business, and as we know, small businesses are responsible for 50% of all the jobs in our province. Making sure these businesses thrive is vital to Ontario's long-term economic success.

Minister, can you please explain how this investment will benefit not only my riding of Oakville but the entire province's economy?

**Hon. Mr. Cordiano:** As it stands, Ontario craft brewers employ about 600 people today. We want to ensure that there are an additional 1,000 jobs created in this sector, and we'll bring it up to 1,600 high-quality jobs. I need to underline that, because this is important. Our strategy is all about investing in small business and helping small business to grow and expand in this province.

It's also going to bring tremendous spinoff benefits in terms of the tourist sector, because many of these small craft breweries attract tourists to their region, right across the province. That helps create additional jobs in every

region of this province, and that's why we are happy to support the small craft brewers in this province.

#### BEEF AND LIVESTOCK PRODUCERS

**Mr. Ernie Hardeman (Oxford):** My question is to the Minister of Agriculture and Food. At noon we all enjoyed a great barbecue, thanks to the Ontario Cattle-men's Association. I want to personally thank them for coming here, when we all know that the Ontario beef industry, with almost 21,000 farmers and their families, has suffered a tremendous financial loss since the BSE crisis in May 2003. I want to thank the minister for helping serve the great beef, which was produced and processed in Oxford county.

This industry has lost over \$624 million, and the money they got from the McGuinty Liberals last year doesn't even come close to helping these farmers. Your budget, passed just last week, suggests that you don't believe any further support is required this year. Minister, would you tell those hard-working beef producers how they can expect to meet their financial obligations and when they are going to get the support that you and the Premier have promised?

**Hon. Steve Peters (Minister of Agriculture and Food):** I thank the member for the question. I'm pleased that he was out there, too. His leader was there as well, serving some beef. It's very important that we do everything we can to promote Ontario product. That Ontario corn-fed that we ate today is probably the finest beef that you're going to find anywhere in Canada. Make sure that when you go to the grocery store, you ask for that Ontario corn-fed. If it's not there, ask why it's not there.

We have been there to support farmers. Last year alone, direct provincial assistance in support for farmers in this province was \$377 million. We recognize that there are challenges and there will be continuing challenges. That's why we've been there in the short term, and we will be there in the long term, as the Premier said earlier. We recognize the importance of this industry. That's why we're working so diligently to look to the long term. We're investing in slaughter and trying to find new markets, because we have to work to get away from reliance on the US market.

**Mr. Hardeman:** When farmers suffer, the spinoff industries that supply farmers suffer, the processing industry that adds value to agriculture products suffers and our whole rural community suffers. The borders are still closed to live cattle, and beef farmers are still suffering extreme financial hardship.

Premier McGuinty months ago committed to helping farmers, and they finally got a meeting with you, Minister, in the past few weeks, where you once again promised help. If your government is so serious about helping farmers, it would be logical to assume that your budget would have reflected that financial commitment. It doesn't. Is this just another Liberal broken promise? When can farmers expect the financial support that you and the Premier keep promising them?

**Hon. Mr. Peters:** It surprises me that a former Minister of Agriculture does not realize that within that \$549-million budget last year—it's \$564 million this year—there is a safety net component built in. I would have thought that a former minister would have known that that is there.

When there are exceptional circumstances that our farmers face, and there are ongoing challenges, we will be there. The Premier has said that. We have been there to support our farmers. I think we recognized and demonstrated that very clearly last year with unprecedented support for our industry.

But it's not just the short term; it is the long term. That's why we have made strategic investments in slaughter capacity. That's why we're making an investment of \$25 million to support our meat industry and our further processing industry, to make sure that not only do we have safe, healthy and nutritious food, but we have food that's going to be marketable not only to Ontarians and Canadians but to the world.

1510

#### OMERS PENSION FUND

**Mr. Howard Hampton (Kenora–Rainy River):** To the Minister of Municipal Affairs: Yesterday you said that the OMERS governance legislation that you introduced was based on the proposed OMERS board model of 2002. Then you stated that the model was overwhelmingly endorsed by employer and employee groups. In fact, many employee groups—CUPE, police, fire, CAW, OSSTF, OPSEU and retirees—rejected the 2002 model. In fact, 85% of employee groups rejected your proposed governance model when it was presented in 2002, and many employer groups, including AMO, had reservations as well.

Minister, this is very important legislation. It's important that you get it right. Will you commit that, as it goes forward from here, you will consider other governance models and that all stakeholders will be listened to?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):** Let me first of all say that we're very proud of the legislation we introduced here yesterday. We're the first government in 10 to 15 years to actually deal with the issue of OMERS autonomy. This is something that has been endorsed by everyone around the House, including the member opposite, who as a matter of fact stated on November 26, 2002, that the New Democratic Party fully supported OMERS autonomy. That is the principal thing we're trying to accomplish with this bill. We have also included in the bill a dispute resolution mechanism that is similar to the Ontario teachers' plan model. That's also been endorsed by everyone.

As I stated yesterday when I introduced the bill, we intend to refer this bill to committee after first reading so that a lot of the issues, a lot of the different positions people may have, can be discussed in an open and

consultative fashion so that we can come up with the best kind of OMERS model at the end of the day.

**Mr. Hampton:** I think the minister knows that New Democrats support full, joint trusteeship in the OMERS governance structure. That's not the issue.

My question is, the governance model you've put forward was rejected by a majority of employee groups in 2002, and they continue to have problems with it. They want to know that you are not going to ignore the concerns of a majority of plan members, including CUPE, OSSTF, CAW and other employee groups. That's an issue. You relied on a model that was firmly rejected by a majority of plan members, and had variable support even from employer groups. I repeat, will you commit that as this legislation moves through the Legislature, all models will be on the table for consideration and all stakeholders will be listened to? Simple question: Will you commit to that?

**Hon. Mr. Gerretsen:** Certainly the whole intent of referring this legislation to a legislative committee after first reading is so that there can be full and very open and very frank discussions between all the stakeholders, whether they're employers or employees. We intend to do that through the legislative process. We are very proud of the bill we introduced. We're the first government, again, to do something about this issue in 10 years. We want to give OMERS full autonomy, just like all the other public pension plans in Ontario. We intend to do that, and the legislative process has been set up to, in effect, allow that to happen.

#### NIAGARA AMBULANCE COMMUNICATIONS SERVICE

**Mr. Kim Craiton (Niagara Falls):** My question is to the Minister of Health and Long-Term Care. My riding of Niagara Falls, and in fact all of the Niagara region, is the benefactor of a new ambulance dispatch centre, a commitment our government made prior to the election. On behalf of them, I want to thank you and commend our government for delivering the ambulance dispatch centre to the people of Niagara. Minister, can you tell us when this new state-of-the-art dispatch centre will be operational?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** To speak on the issue of the Niagara ambulance dispatch centre, it's an issue, of course, that has been of concern to all members in Niagara. The Niagara community was very excited to see it come to light. I'm pleased to be able to announce to all members of the House that the Niagara Ambulance Communications Service became operational as of yesterday at 7 a.m.

**Mr. Craiton:** Minister, this is fantastic news. I know my community will benefit from this. No one ever wants to be in a position to need emergency services, but we need them. When your health and safety are at risk, it's important that these services are reliable. To the people of Niagara, it's comforting to know that the new state-of-the-art centre is now up and running.

Finally, Minister, can you tell this House and the people of Ontario about the new kind of technology we have in Niagara, and what our plan is in moving this type of dispatch centre forward?

**Hon. Mr. Smitherman:** I appreciate the opportunity to give a one-word answer. No, I want to say—

**Hon. Greg Sorbara (Minister of Finance):** That will be a first.

**Hon. Mr. Smitherman:** It was a reference to the time.

The state-of-the-art technology in use at the dispatch centre includes new computer-aided dispatch and medical decision-making tools tied to digital mapping. "State-of-the-art" is a phrase that rings very true here. It's an advanced medical priority dispatch system which is combined with the most up-to-date automatic vehicle location at the dispatch centre, and this, in turn, is tied to digital mapping in ambulance-based laptop computers.

This ambulance communications service is a five-year pilot project that will help us in the province to serve as a benchmark for future decisions on how to provide the best land ambulance service possible all across the breadth of this vast and beautiful province.

## PETITIONS

### HIGHWAY 26

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

"Whereas the redevelopment of Highway 26 was approved by MPP Jim Wilson and the previous PC government in 2000; and

"Whereas a number of horrific fatalities and accidents have occurred on the old stretch of Highway 26; and

"Whereas the redevelopment of Highway 26 is critical to economic development and job creation in Simcoe-Grey;

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

"That the Liberal government stop the delay of the Highway 26 redevelopment and act immediately to ensure that the project is finished on schedule, to improve safety for area residents and provide economic development opportunities and job creation in Simcoe-Grey."

Obviously, I agree with the petition. I have signed it.

### SENIORS' TRANSIT PASS

**The Speaker (Hon. Alvin Curling):** The member from Davenport.

*Applause.*

**Mr. Tony Ruprecht (Davenport):** Thank you very much, Mr. Speaker, and thank you to those members who are presently applauding. I have a petition to the Parliament of Ontario and also to the minister responsible for senior citizens.

“Whereas most seniors live on fixed incomes which are eroding every year due to inflation ... and other necessary expenses;

“Whereas most seniors have their freedom severely restricted when unable to go about their daily business, which includes public transit;

“Whereas most seniors should be encouraged to live active, healthy lives—visiting friends, relatives, going shopping etc.;

“Whereas other jurisdictions already provide free local transit passes to seniors, namely, many cities in the United States of America;

“Therefore we, the undersigned, strongly urge the Minister of Municipal Affairs and Housing, and responsible for seniors to ensure that seniors be granted a free TTC pass, and/or introduce legislation that will force the local Toronto Transit Commission to issue free TTC passes.”

Since I agree with this petition 100%, I’m very happy to sign it for you.

#### RIGHT TO LIFE

**Mr. Frank Klees (Oak Ridges):** This petition is to the Legislature of Ontario, and it reads as follows:

“Whereas the right to life is guaranteed unless limits to it are prescribed by law (Canadian Charter of Rights and Freedoms, sections 7 and 1);

“Whereas the Canadian Charter of Rights and Freedoms applies to the government of Ontario, the Legislature of Ontario and all matters within the authority of the Legislature of Ontario (section 32.1), including the regulation of the practice of professional engineering (Professional Engineers Act, Bill 123, chapter 13, Statutes of Ontario, 1984);

“Whereas the right to life is limitless in that neither case law nor statute law prescribes limits to the right to life;

“Whereas products are made under the direction of professional engineers in industrial establishments in Ontario of a chemical nature, or medical devices whose purpose is the limitation of the right to life;

“Whereas honouring the guarantee of the rights and freedoms of the Canadian Charter of Rights and Freedoms is in the public interest,

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

“To call on the government of Ontario to request, in the public interest, the Council of Professional Engineers of Ontario (Professional Engineers Act, Bill 123, section 6[b]) to make a regulation to prohibit professional engineers directing the manufacturing of chemical entities or medical devices intended for the limiting of the right to life unless appropriate limits to the right to life are prescribed by law.”

1520

#### REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

**Ms. Shelley Martel (Nickel Belt):** This petition has been sent to me by Eve Kendel of Sudbury. It reads as follows:

“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 Rideau Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

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

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

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

I’ve affixed my signature to this.

#### CREDIT VALLEY HOSPITAL

**Mr. Bob Delaney (Mississauga West):** I have a petition from Natalie Griffiths of Cornell Crescent and Lesley Wilton and Stewart Ogilvie of Miller’s Grove in Mississauga. They’re supporting capital improvements at the Credit Valley Hospital. The petition reads as follows:

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

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

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

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

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

This is my home hospital. I'm pleased to sign it and to ask page Alexandra to carry it for me.

#### BROCK COMMUNITY HEALTH CENTRE

**Ms. Laurie Scott (Haliburton–Victoria–Brock):**

"To the Legislative Assembly of Ontario:

"Whereas Brock township has been declared an underserved area by the Ministry of Health with respect to physician services since 1996;

"Whereas the Ontario government announced the creation of 150 family health teams, just like the community health centre in the spring budget;

"Whereas a CHC in Brock township could provide a range of community-based health and social services provided by a multidisciplinary team including physicians, nurse practitioners, nutritionists, health promotion coordinators, social workers, counsellors and other health professionals needed in our local community;

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

"That the Brock CHC proposal submitted on February 27, 2003, be funded as recommended by the district health council."

This is signed by many people within my riding, whom I support. I hand it over to page Luke.

#### HOSPITAL SERVICES

**Ms. Shelley Martel (Nickel Belt):** I have a petition that has been signed by 4,300 people, sent to me by the Ontario Health Coalition. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas all hospitals since the inception of public medicare in Canada have been non-profit;

"Whereas 'public-private partnership' (P3) hospitals turn over democratic community control to international investors, making a public service into a commodity sold for profit;

"Whereas worldwide evidence is that private (P3) hospitals lead to doctor, nurse, staff and bed cuts in hospitals in order to make room for profit taking, consultant fees, higher borrowing costs and outrageous executive salaries;

"Whereas private (P3) hospitals hide information about the use of tax dollars by claiming 'commercial secrecy' when they privatize public institutions;

"Whereas the higher costs, user fees, two-tier services and culture of private (P3) hospitals risk the future sustainability of our public medicare system;

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

"We call on the government of Ontario to stop all current and future 'public-private partnership' (P3) hospital deals and return full ownership, operation, management and delivery of hospital services to non-profit hands, and develop a plan to fund new hospitals through public finance, clearly excluding the privatization of hospital services."

I agree with the petitioners, and I've affixed my signature to this.

#### TENANT PROTECTION

**Mr. Tony Ruprecht (Davenport):** I have a petition from the Doversquare tenants of Toronto. It is addressed to the Parliament of Ontario, and it reads as follows:

"Whereas the so-called Tenant Protection Act of the defeated Harris-Eves Tories has allowed landlords to increase rents well above the rate of inflation for new and old tenants alike;

"Whereas the Ontario Rental Housing Tribunal (ORHT) created by this act regularly awards major and permanent additional rent increases to landlords to pay for required one-time improvements and temporary increases in utility costs and this same act has given landlords wide-ranging powers to evict tenants; and

"Whereas our landlord, Sterling Karamar Property Management, has applied to the Ontario Municipal Board (OMB) to add a fourth high-rise unit to our compound in order to circumvent city of Toronto restrictions on density and the city's opposition to its project;

"Whereas this project would lead to overcrowding in our densely populated community, reduce our precious green space, further drive up rents and do nothing to solve the crisis in affordable rental housing;

"Whereas this project will drive away longer-term tenants partially shielded from the post-1998 Harris-Eves rent increases, thereby further reducing the number of relatively affordable units in the city core; and

"Whereas, before the October 2003 elections," the government "promised 'real protection for tenants at all times' and a radical overhaul of the pro-developer OMB; and

"Whereas our own MPP, Liberal Tony Ruprecht, called for a rent rollback ... at a public event in June 2003 and spoke out against the proposed fourth high-rise at a community meeting in November 2004"—

*Interjections.*

**Mr. Ruprecht:** Mr. Speaker, I'm not making this up. This is in the petition. I didn't write the petition.

"We, the undersigned residents of Doversquare Apartments in Toronto, petition the Parliament of Ontario as follows:

"To institute a rent freeze until the exorbitant Tory guideline and above-guideline rent increases are wiped out by inflation;

"To abrogate the Harris-Eves Tenant Protection Act and draw up new landlord-tenant legislation which shuts down the notoriously pro-landlord ORHT and reinstates real rent control, including an elimination of the Tory policy of 'vacancy decontrol';

"To keep the McGuinty government to its promise of real changes at the OMB, eliminating its bias toward wealthy developers and enhancing the power of groups promoting affordable housing, sustainable neighbourhoods and tenant rights."

I will sign this document.

### CHIROPRACTIC SERVICES

**Ms. Laurie Scott (Haliburton–Victoria–Brock):**

"To: Legislative Assembly of Ontario

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

"Whereas,

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

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

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

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

"We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province."

It's signed by many people in my riding, including Mary Hamilton from Bobcaygeon. I'm handing it over to Luke.

1530

### CREDIT VALLEY HOSPITAL

**Mr. Kevin Daniel Flynn (Oakville):** I have a petition today signed by some people from Oakville, including Nigel Saunders of Lees Lane, which reads as follows:

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

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

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

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

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

### ORDERS OF THE DAY

#### ENVIRONMENTAL ENFORCEMENT STATUTE LAW AMENDMENT ACT, 2005

#### LOI DE 2005 MODIFIANT DES LOIS SUR L'ENVIRONNEMENT EN CE QUI CONCERNE L'EXÉCUTION

Mrs. Dombrowsky moved second reading of the following bill:

Bill 133, An Act to amend the Environmental Protection Act and the Ontario Water Resources Act in respect of enforcement and other matters / Projet de loi 133, Loi modifiant la Loi sur la protection de l'environnement et la Loi sur les ressources en eau de l'Ontario en ce qui a trait à l'exécution et à d'autres questions.

**The Speaker (Hon. Alvin Curling):** Minister?

**Hon. Leona Dombrowsky (Minister of the Environment):** I'm proud to say that Bill 133 is before the House for second reading. Today this Legislature has an opportunity to take an important step to ensure that this and future generations have clean water, which is the lifeblood of our communities.

Last October, the Premier announced our intention to introduce legislation to create environmental penalties for polluters, to enshrine in law an important principle: If you spill, you pay. We have delivered on that promise with Bill 133.

The government has one objective: We want to protect Ontario's air, land and water from toxins spilled by

industrial activities. We know that this goal is shared by people across Ontario. We should all be proud of this legislation because it represents the result of extensive consultation. Bill 133 addresses the need for a cleaner and safer environment and responds to concerns and issues that have been raised during both the consultation period and at committee hearings.

Our government remains committed to the fundamental principles of Bill 133. We need environmental penalties to encourage and improve industry compliance with environmental laws and their certificates of approval. We need a community fund to ensure that money collected from environmental penalties must be available to help communities deal with the impact of spills. These elements are essential.

We have a bill before us that has received amendments from an all-party committee. We now have a bill that has incorporated the suggestions of environmentalists, health professionals, community leaders, industry associations and opposition parties. Bill 133 will bring Ontario in line with other jurisdictions in North America. Having tools in place to encourage compliance will help make Ontario a cleaner, healthier, more competitive province.

On Tuesday, I attended a number of events in Walkerton that were held to mark the fifth anniversary of the water tragedy and to celebrate that community's strong effort to move forward. The day culminated with a speech by Robert F. Kennedy Jr. that touched on the heart of this legislation. "Good environmental policy," he said, "is identical to good economic policy," and I agree with that statement wholeheartedly. Mr. Kennedy also said that government's role, above all else, is to protect the commons on behalf of the people. That is exactly what this legislation will accomplish. The message we are delivering by passing this bill is that environmental degradation will no longer be tolerated.

Before I go any further, let me explain how we arrived at this point and why Bill 133 is so necessary. Some people ask, why not use the existing laws? We do have laws that require polluters to report spills, clean up spills and compensate for losses caused by spills. In many cases, the existing law goes a long way to providing sufficient reason for many companies to take the necessary steps to prevent spills. However, given the number of spills that still occur each year, it is also clear that it is not always enough.

In 2004, there were more than 1,000 industrial spills. The facilities that the government plans to apply environmental penalties to account for almost 40% of those spills. However, these facilities accounted for nearly 98% by volume of all reported liquid industrial spills in 2004. That is why the regulations under Bill 133 will focus on these 139 facilities covered by the municipal industrial strategy for abatement.

I want to thank the members of the standing committee for their hard work. They have helped to steer this important piece of legislation in the right direction. Bill 133 has been improved and strengthened by the amend-

ments put forward by this committee. The committee heard from a number of eloquent speakers who discussed the effects of environmental degradation on human health. The best perspective came from the people who are most affected by spills: the people who live downstream from industrial spills.

Dr. David Colby, acting medical officer of health for the municipality of Chatham-Kent, told the committee that he strongly supported the bill: "We believe that this legislation is essential to improving the health and safety of our communities by providing a disincentive to acts of pollution."

"We can't turn a blind eye to what's been happening," Dr. Colby said. "Spills are continuing. They're not the cost of doing business. We can't tolerate anything less than zero spills into drinking water in Wallaceburg, Chatham-Kent or any place in Ontario."

Mr. Jim Hasson of the Wallaceburg Advisory Team for a Cleaner Habitat—or WATCH, as they are known locally—told the committee, "Our team was formed in the wake of yet another industrial spill into our source of drinking water, when hundreds of kilograms of a ... carcinogen were released into the St. Clair River in August 2003. Most infuriating to our community was that this spill was not reported for five days." In urging the committee and this Legislature to support the bill, Mr. Hasson concluded, "Bill 133 is all about protecting communities."

Our government has a good environmental story to tell, one that I believe is similar to a trilogy. The first volume is our work to clean up the air that we breathe. We are committed to replacing coal-fired generation stations, as seen by the closure of Lakeview earlier this year. We know that these stations are killing hundreds of Ontarians each year, and they're making thousands of people ill. That was another point made by Robert F. Kennedy in his remarks in Walkerton this week. The coal-fired generators in the United States are killing 18,000 people in that country every year. So he was very happy to endorse the initiative of this government to replace coal-fired generation. We are introducing tough new rules for industrial pollution that will impose stricter limits on smog-causing pollutants and establish new standards for 29 cancer-causing chemicals.

#### 1540

The second volume in our work, our environmental story, is the good work we're doing to protect our land resources. We have introduced a greenbelt that will save productive farmland from development, curb urban sprawl and ensure future generations that they can have natural space to enjoy. With the Niagara Escarpment and the Oak Ridges moraine, we have now protected 1.8 million acres of green space.

We are encouraging greater diversion of waste from landfills, and we have ensured that the municipal blue box program remains sustainable. Our government was the first government to flow dollars to municipalities to assist them with their costs in their blue box program. When I came to my role as Minister of the Environment,

there were municipalities that were threatening to collapse that program because they were not able to sustain the costs. Now our government has provided them, through the Waste Diversion Ontario plan, an avenue for resources that keep the blue box program alive.

The third part of our environment story relates to our efforts to protect our water. We are protecting Ontario's drinking water with unprecedented safeguards at every stage, from source to tap. We are developing legislation that will require source water protection plans for watersheds across Ontario. We have also strengthened the testing, monitoring, and treatment of drinking water.

Underlying all three of these volumes is the need for effective compliance and enforcement of our province's environmental laws. Bill 133 will increase the tools available to us to bring companies into compliance. Environmental penalties complement our ongoing abatement, investigation and prosecution work. Environmental penalties will encourage companies to take action to prevent spills and to clean up a spill right away. Environmental penalties are administrative penalties, not fines. This is why there will be absolute liability for a spill, should one occur.

Environmental penalties are not a new concept. Civil or administrative penalties are part of the law in the United States under federal environmental protection laws like the Clean Air Act, and under state laws, and they exist in other Canadian jurisdictions as well.

If Bill 133 is passed, the government intends to introduce regulations that will ensure that environmental penalties apply to the Ontario facilities covered by the municipal-industrial strategy for abatement, or MISA, regulations. Presently there are 139 MISA facilities in Ontario.

Since environmental penalties are administrative, if a company decides to appeal the penalty, the onus of proof will be on the company to show that the spill did not have the potential to harm the environment. There are those who claim that the reverse-onus provision is a new principle. Clearly it is not. One of the most common features of environmental protection laws is that when a company experiences an incident that may endanger public health or the environment, it must report to government authorities. The bill's proposal for reverse onus during appeals of environmental penalty orders is the next logical step.

Let me outline the changes we have made to Bill 133, as agreed to by members of this Legislature. These changes emerged from our consultation with stakeholders, our own review of the bill, standing committee hearings, and discussions with opposition members.

Some amendments add clarity that the industry sector was looking for. Now it is clear in Bill 133 that only a ministry director can impose an environmental penalty, not an environmental officer. We have also clarified that environmental penalties shall only be imposed against the company and not company officials or ordinary company employees. The objective is to promote spill prevention and to ensure fast cleanup of spills, not to penalize

individuals. It is now clear that a company that receives an environmental penalty will not have that penalty taken as an admission of guilt in a subsequent prosecution. Once Bill 133 has passed, we intend to draft regulations to ensure that a company's efforts to prevent, minimize or clean up a spill will be taken into account for assessing penalty amounts. The bill already strengthens the ministry's authority to order spill prevention plans and spill contingency plans. Now the bill has been amended to require that those industries specified in regulations prepare spill contingency and prevention plans.

Recent court decisions have highlighted the disparities between the tests in the Fisheries Act and the Ontario Water Resources Act. Bill 133 addresses those court decisions, but we are ensuring that determinations of impairment are made on the basis of science. The bill now clarifies that the "may cause an adverse effect" standard will apply only to environmental penalties and specified preventive measures order powers.

Our objective is to raise the bar on environmental protection, to have a law that will work better, be fair and, above all, be effective. We have achieved a rare feat in Ontario. We have created a piece of legislation that provides, I think, an ideal balance. We are creating much-needed compliance tools that will improve environmental compliance in Ontario. Bill 133 will encourage companies to reduce the likelihood of a future spill. This legislation enables industry to remain competitive. In fact, by better protecting the communities in which these industries operate, we are reducing risks, protecting human health and the environment, and increasing Ontario's competitiveness.

On Tuesday, I met with students at Mother Teresa School in Walkerton and talked about our efforts to protect our water supplies for them and for their children. I urge members of this House to think about those students and thousands like them in your own ridings, and to vote to support Bill 133 to protect our communities and our environment.

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

**Mr. Kevin Daniel Flynn (Oakville):** It's a pleasure to join the debate in the Legislature on second reading of Bill 133. I'm especially proud of the way this bill has been amended. I am especially proud of the process, because if you talked to Ontarians they would expect that their government would be availing themselves of the right to pass environmental legislation that is at least the equal of other states and other jurisdictions in North America.

This brings us up to date. This brings us in line with many of the economic entities that we compete with on a regular basis. If it's passed, Bill 133 would not deny any industrial facility that spills to have a hearing before the Environmental Review Tribunal. It does not apply to municipalities, farms or small businesses, but it does apply to facilities regulated by the municipal-industrial strategy for abatement, or MISA.

If you look back at the volume of the spills in 2003 and 2004, you'll find that in 2003 the MISA-regulated

facilities accounted for 84% of those spills, and in 2004 they accounted for 98% of the spills.

As I say, this brings us into line with similar penalties that are used in just about every state in the US, in Mexico, Australia, nine European countries. Even here at home, it brings us in line with the province of Alberta. So it really does make sense. The reason for this is quite evident. In 2004 alone, there were six industrial spills in the St. Clair River, resulting in the closures of water intakes on that river. Some of the things that were emitted were MEK, methyl ethyl ketone; ethylene oxide; caustic waste water; benzene and toluene—all things that average Ontarians would expect to be kept out of their drinking water supply. This bill, I believe, goes a long way to ensuring that we do have a clean drinking water supply in this province.

1550

**Ms. Andrea Horwath (Hamilton East):** It's going to be my pleasure to speak more thoroughly to the bill a little bit later on today, and our critic, Marilyn Churley, will be having the opportunity to do so as well.

In general terms, we're pleased that there has been some movement on this particular issue, some movement on environmental protection. We all know that it's a huge issue and that there's a great number of things we need to do as a society, as communities, as a province, to really address some of the what I would call environmental crises that we are facing. This starts down the road to achieving some of those goals. As I'll get into greater detail about a little later on, we of course believe there are more things that need to be done.

Having come from the city of Hamilton, I'm sure people will appreciate that environmental concerns are always on my mind. In Hamilton East, the community that has the greatest amount of industrial manufacturing in it, the environment is a huge concern of mine. Of course, Hamilton Harbour is a remedial action plan hot spot and one that's of serious concern not only to the provincial government, the municipal government and the national government, but internationally that particular area is of environmental concern.

Again, I'm pleased to see that we have a spills bill and pleased to see that there is a process that is giving it a great deal of scrutiny, but I believe there are some things we need to do to strengthen and tighten it and to make sure that it is effective not only in protecting the environment but for preventing spills as well.

**Mr. Dave Levac (Brant):** I wanted to rise for just a few moments to talk about the good work that the Minister of the Environment is doing. Since grabbing this portfolio, she just dove right into the understanding of how our planet operates, as long as we understand that this is a web that we're dealing with. The school kids out there know this very well, that we're talking about a web and the connectedness of our Mother Earth. Being right beside the Six Nations, I've continually been given lessons about how to take care of the environment.

I also want to take a moment to mention what we're doing in this piece of legislation in co-operating with the

philosophy of the Grand River Conservation Authority. My riding is along the beautiful Grand, a Canadian heritage river. There are many, many communities along the Grand River that are affected by this. Unfortunately, we have experienced some serious spills. The minister's staff and the minister herself are very concerned about this type of problem along the river because it affects all of the communities that are affected on that spill down the river. We've got a wonderful co-operative agreement with the Six Nations that deals with alerting them, in a co-operative way, that there is something happening environmentally along the Grand River.

I want to commend the minister for bringing this legislation forward. I also want to make sure that everyone here in the House realizes that this is an evolution, this is an ongoing development, and hopefully, along with all members from all parties, we'll co-operate in making sure that we get the best possible legislation. I'm sure the minister will be very satisfied at the end of the day that we're putting forward legislation that's effective for all of our communities. And it's not just about the communities themselves; it's about the earth and our respect for Mother Earth and making sure that we're there for the next generation.

We've gone from negative to stable-based, sound economic planning, as a result, earlier than expected. I just wanted to make sure that we're sound economically as well.

Thank you very much for that opportunity.

**Mr. Frank Klees (Oak Ridges):** I too will be speaking in more depth to this bill, but I do want to respond to the minister's introductory comments.

There's no doubt that a great deal of flurry has happened around this bill since it was initially introduced. The fact that there already have been, I believe, more than 70 amendments proposed as a result of reaction from stakeholders indicates one of two things: Either there wasn't sufficient consultation with stakeholders before the minister tabled the bill for first reading and, as a result, she has had to scramble to at least begin to make things right that were so very flawed in this bill, or, for one reason or another, the minister just wasn't prepared to see some of the logic that stakeholders, in the short consultation that did take place before the bill was tabled—to incorporate those recommendations. It wasn't that the minister wasn't given the information; it was that she either intentionally ignored it or this government felt that somehow it was able to charge ahead and expect stakeholders simply to sit passively by.

I can tell you that we of course are supportive. Who wouldn't be supportive of strengthening environmental regulations and framework? But we also have to ensure that there is fairness and that the industry is a partner in that process.

**The Acting Speaker:** In response, the Chair recognizes the minister.

**Hon. Mrs. Dombrowsky:** In the final two minutes, I would like to take this opportunity to share with the members of the House some comments that were made

by industry partners and by other people whose opinions on environmental protection are very valued.

The first endorsement that our government received for this bill was from Robert F. Kennedy Jr. He said, "This announcement signals a renewed commitment to enforcing Canada's environmental laws and an end to the race to the bottom for lower standards in North America."

I'd also like to share with you an endorsement from the Ontario Forest Industries Association, one of our industry stakeholders. This was presented at committee:

"We completely agree that there's a spills issue, a spills problem in Ontario, we completely agree that the status quo is not acceptable, and we completely agree that improvement is absolutely necessary.

"We applaud the enthusiasm and dedication that the Minister of the Environment has brought to bear to minimize or eliminate spills and to get compensation quickly to municipalities. The identification of the problems, the setting of improvement objectives, the IPAT process, the SWAT team working hard in southern Ontario—all commendable."

That's from Craig Gammie of the Ontario Forest Industries Association.

I also have a quote from Mark Mattson of Lake Ontario Waterkeeper, who said, "We've seen an epidemic of spills in Ontario. In Toronto, the Don River turns red and the Humber River bright blue, and both rivers are sometimes covered with mountains of foam.

"In Sarnia ... the Canadians and Americans living on the St. Clair River have suffered from the effects of more than 800 spills in the last 20 years.

"Lake Ontario Waterkeeper believes that Bill 133 is about protecting communities, not about punishing polluters. It is the best possible remedy for the epidemic of spills."

I think that these endorsements speak to this bill and why it would be appropriate for this Legislature to see its passage.

**The Acting Speaker:** Further debate?

**Mr. Klees:** Speaker, I would seek unanimous consent to defer our leadoff until later this afternoon.

**The Acting Speaker:** Is there unanimous consent for that motion? Agreed.

The Chair recognizes the member from Oak Ridges.

**Mr. Klees:** In that case, I will address a number of issues that I believe are important for the Legislature to consider and for stakeholders to consider as we continue to deliberate on this legislation.

Perhaps to set the context, I want to, for the record, place before honourable members the fact that in November 2000, the Ontario government passed legislation giving this province the highest fines and the longest jail terms in Canada for major environmental offences. I was proud to be part of a government that took that initiative. It sent a very strong signal to stakeholders, to industry in this province that the government of Ontario takes very seriously their responsibility as stewards of the environment. At that time, that was Bill 124. Speaker, you will

recall it well, I'm sure. That bill carried unanimously. It had the support of the current member—in fact, the current minister. Ms. Dombrowsky was present when that vote took place. Other members of the government, front-benchers—Ms. Pupatello, Mr. Smitherman, Mr. Bartolucci, Mr. Bryant, Mr. Caplan—and some of the backbenchers—Mr. Colle, Mr. Cordiano, who is a minister of course, Mr. Crozier, Mr. Curling, now the Speaker of the Legislature, Mr. Duncan, Mr. Kennedy, Mr. Kwinter, who is here, Mr. Phillips and Mr. Ruprecht—all supported Bill 124.

**1600**

I say that because I believe that industry is fully aware that the government of Ontario, regardless of political stripe, is in fact concerned with the protection of the environment and has in the past taken steps to ensure that the environment is protected and will continue to do so. The key to any legislation of course is enforcement. Making laws is relatively easy—sometimes more difficult than others. But it's one thing to draft legislation, bring it to the House, have it debated, take it to committee and then have it entrenched; it is yet another thing to have that implemented and to have it enforced and to ensure that it serves its purpose in the final analysis.

I think this is where this government and this minister, through Bill 133, have missed the focal point of what environmental legislation should do. I believe this government, through this bill, has effectively polarized the community. It's polarized stakeholders who really should be partners in implementing and ensuring that the end result, the objective of a bill such as this can be achieved, yet it seems as though this government has declared war on the very stakeholders who, the minister will admit, they need to ensure that the principles of this bill are finally implemented.

The minister read with some interest quotations from some people who are in support of this bill. With all respect, it's one thing to quote an American who has no background in industry and I think is in very little touch with the real world. The minister refers to Mr. Kennedy as someone who gives her comfort in endorsing this legislation. I want the minister to hear from some of her major stakeholders in the province of Ontario, people who are creating jobs here, who are generating billions of dollars in tax revenue, who are contributing to the quality of life for literally hundreds of thousands of Ontarians. These are stakeholders who are very concerned with the attitude of this legislation.

I want to point out to her what Mr. Jeffrey Lipton has to say. This is the president of NOVA Chemicals. He makes some very interesting points, and at some risk, no doubt, but obviously feels compelled to challenge this government with regard to the nature of this legislation. I'm going to quote here from an article: "Lipton charges the Ontario Liberals are openly hostile to the chemical industry, treating them like an enemy through visits by flak-jacket-clad SWAT team members and spills legislation that presumes industry guilty until they are proven innocent."

This is a fundamental issue that this House will have to deal with, and I'm hoping—I trust—that when this legislation goes back out to committee, this fundamental flaw with this legislation will, in fact, be addressed. At no other time, I know of no other piece of legislation, no other act, that contains this bizarre principle of assuming and presuming guilt before there is any opportunity for either the individual or the corporation to bring forward their evidence. It's one thing to be charged and then we have due process; it's yet another thing to say, "We're going to presume that you're guilty, and now you have to prove that you're innocent." That's a principle that is foreign to the jurisdiction of Ontario, to any province or territory in this country.

You know, I find it very difficult that members opposite can take that position, defend it, and do so without any concern. You can justify it in 20 different ways if you like, gentlemen and ladies, but it doesn't fly in the real world. So my contention is that, while the intent may be good here—no doubt the minister wants to do the right thing; I'm not going to doubt the minister's intent—I do believe that she has received poor advice with regard to structuring some of the details of this bill.

I also am going to presume—and I assume—that she has come to realize, as a result of the reaction by stakeholders over the last number of weeks since this bill has had the attention of stakeholders, as a result of the some 70 amendments that the minister has already agreed to that must be incorporated, that there is yet considerable work to be done. I look forward to participating in the next phase of public hearings, and we're hoping that we will see some major changes to this bill, starting, as I said, with this important principle of presumption of innocence and that there is due process in place.

I want to take the opportunity of speaking to another issue that relates to the Ministry of the Environment and speaks to the importance of the Ministry of the Environment making its decisions, making its recommendations, drafting legislation, drafting regulations based on factual information, because there are far-reaching effects when this ministry rolls out regulations. It's not just a matter of saying, "Well, you know, if we got it wrong, we can always make it right." There has to be a consideration before an announcement of a regulation as to what the impact is going to be on industry, on businesses that are directly affected. I believe that there is an opportunity for the minister to set things right here with regard to this legislation. We trust that she will, and we look forward to moving on to the next phase of public hearings, where we will have an opportunity to address that.

1610

**The Acting Speaker (Mr. Mario Sergio):** Questions and comments?

**Ms. Horwath:** I look forward to having an opportunity to speak to this bill myself a little later on.

I don't agree very much with much of what the previous speaker had to say. I think there are serious problems with the way the bill not only arrived and was dealt with by the government thus far, but also in the way it has

been dealt with at committee, insofar as the proposed amendments are concerned that water down an already moderate attempt to address this problem of spills. Although I heard what the previous speaker was saying, coming from a community that has often been devastated—devastated for a century—when it comes to industrial pollution, in fact having the moniker or label of being one of the most polluted areas in the whole country, I have to say that anything that would strengthen this bill, that would make this bill actually be so strong that it would prevent spills from occurring, is where I think this province should be going.

I will be getting into a little bit more detail about that in my remarks, but I think that in this day and age all players have to recognize that there are no winners and losers. We're all losers if we don't address the degradation of our environment that continues to occur, even though we know full well what that does to the viability of our planet and of our human race, quite frankly. So I think that as we move forward in the process, this bill needs to become more strong, not less strong.

**Hon. Mrs. Dombrowsky:** I want to comment on the honourable member from Oak Ridges's reference to Bill 124, which, yes, as a member of the opposition, I did support. As a member of the opposition we presumed that when a government goes to the trouble of introducing a bill and working it through the legislative process, it will become law, but the Conservative government never proclaimed Bill 124 into law. It is not effective in the province of Ontario. So I would suggest the honourable member might do his homework if he's going to present that the previous government introduced legislation. They did and it was passed. The good members of this Legislature, in good faith, voted on it, expecting it to become law, and it was never proclaimed. That's why this government is taking action to ensure that people in our communities are protected, and that when you spill in Ontario, you have the responsibility to pay for that spill.

With respect to consultation with stakeholders, this is a very controversial piece of legislation. There are pieces of legislation of this type in many other jurisdictions around the world. This is not precedent-setting. This is really very consistent with some of the more progressive jurisdictions that understand why it is important we have these kinds of laws in place to ensure that the people in our communities and our environment are protected.

He also referenced the relationship with stakeholders, particularly industry stakeholders. Yes, there are industry stakeholders. We thank them very much for the participation to date in the committee process. That's what the legislative process is all about.

I want to read a quote from one of our industry stakeholders, Chris Hodgson, a former minister of the previous government, who now represents the Ontario Mining Association. Mr. Hodgson said, "The Ontario Mining Association feels there have been improvements made to the bill during the committee process. The minister went out of her way to hear our concerns and through

amendments has addressed the most offensive aspects of the original bill.”

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** It’s my pleasure to have a few moments to speak on this bill, Bill 133. I think what the government’s trying to do here is strike a balance between what people in the economic or business community want and what environmentalists and the public want to see. I think this bill does that. We are definitely cracking down on spills; I think that’s very important to do. But at the same time, we’re doing it in a way that is not going to scare or deter businesses from trying to conduct themselves in the best possible way. As the minister said earlier in her speech, quoting the remarks of Mr. Kennedy—he said basically that the economic interests of a country should be the same as the environmental interests of the country; that the two flow together. Clearly, the bill in front of us today is in line with that.

Further on that same point to do with the economy, just hours ago it was reported on CP24, a television station here in Toronto, that the government’s financial rating has gone from a negative to a stable basing. That’s sound economic planning, with results earlier than expected. That’s really good news, coming earlier than expected and showing that this government is using a balanced approach in addressing the environment, the economy and those other important issues that need to be dealt with.

This bill reflects the values of the Liberal government. We are on course and, in fact, ahead of schedule in fulfilling the many commitments that we made to the people of Ontario.

**The Acting Speaker:** Questions or comments? The minister, I believe, has two minutes to respond.

*Interjection.*

**The Acting Speaker:** Oh, I’m sorry. Yes, indeed. The member from the wonderful riding of Oak Ridges—Aurora, Newmarket; wonderful country—has two minutes.

**Mr. Klees:** I’m pleased to respond to the responses. I didn’t expect the minister to be quite so defensive. I was not suggesting that the intent of the government isn’t honourable; in fact, I made the statement, I am sure, that the minister’s intentions are. I’m simply calling for that balance of environmental protection and ensuring that whatever regulations are implemented are implemented fairly, in a way that does not presume guilt but that provides for due process and that whatever penalties are there would be fair.

I refer once again to a comment by the president of NOVA Chemicals. He warns that the chemical industry is looking at investments elsewhere, given the hostile political environment. This is sad. It shouldn’t have to be that way. We should be able to achieve our stewardship responsibilities as a government, working in co-operation with not only environmental stakeholders but industrial stakeholders and the business community. Because at the end of the day, if we don’t have jobs, and if businesses decide that because of an over-regulated environment,

they will go elsewhere—and in today’s environment, it doesn’t take much for a company to say, “I will make my investment in Michigan, Ohio, Quebec, Manitoba, BC or somewhere else.” It is easily done. I appeal to this government, as they seek to bring forward responsible legislation, that they keep in mind that important balance between the economic realities and the environmental needs.

**The Acting Speaker:** Further debate? The member for Hamilton East.

**Ms. Horwath:** First of all, before I start, Mr. Speaker, I seek unanimous consent to stand down my critic’s lead. She’ll be here in a little while and would like to do it then.

**The Acting Speaker:** Agreed? Agreed.

**Ms. Horwath:** Thanks very much. My critic, Marilyn Churley, the member for Toronto—Danforth, will be here in a little while to make some remarks on the bill, her lead speech.

In the meantime, I thought that what I would do was to put a bit of a framework or context around some of our concerns about the way that the bill came to be and how it got here. I have to say quite bluntly that it’s good to see that there are some movements occurring, that there is some environmental protection, at least thoughts in the mind of the government, and this bill, Bill 133, is a modest step in the right direction.

1620

But I say that also within the context, again, of my community and, ironically, two days after we had a spill of coal tar in Hamilton Harbour. It is unfortunate. It wasn’t that much, it was about 225 litres, but it is ironic that that’s the very kind of activity, the very kind of occurrence that this bill is meant to prevent, which is spills that negatively affect the environment, spills of an industrial nature.

On that note, it is concerning to us that the process, thus far, has led to a dilution of the initial bill that was tabled here in the House. I did allude to, during some of my questions and comments, the fact that there is going to be some more from me on that particular process.

What I think is important to raise or to mention is that those objectives that were initially set out in the bill were watered down in committee already, and that watering down took place within the context of the committee before members of this Legislature even had a chance to speak to the bill. The input and the public discussion was taking place before anybody in this House even had a chance to debate this bill. It was prior to second reading that this bill went out to committee and, interestingly enough, after industry lobbyists had an opportunity to secure concessions from the government, such as the removal of responsibility for bills of directors and officers of companies that were charged with spills—again, one of the most important deterrents, which is the ability to ensure that the people responsible are held accountable. That was removed. Only after that concession was reached, only after the industry lobbyists got what they needed, then do we have the bill come back to

be debated in this House. So it really speaks to the kind of perverse history that this bill has had in terms of its life thus far in the House. It speaks also to the problems that the government has had in trying to get the bill past its Bay Street corporate friends and into the House.

I have quite a history that we've put together that shows, step by step, what has happened to this bill. I'm going to do a quick retracing of that history, because I think it really sheds some light on the odd way that this whole thing was pulled together.

The bill was announced with much fanfare. It wasn't announced here; it was announced at the Ontario Science Centre on October 8 by the minister. At that time, the Premier stated, "The proposed legislation would also hold corporate officers and directors more accountable. A conviction could result in sentences ranging from fines against a company to up to five years of jail time for its directors and officers." Of course, government amendments have now reduced the accountability of officers and directors under the act.

So the bill was introduced back in October—the original bill, the bill that used to hold people accountable—with all that fanfare, but then nothing; complete silence. Nothing happened. Six months later, lo and behold, the Minister of the Environment suddenly announced that Bill 133 wasn't going to be coming here. They weren't bringing it here for second reading. The government wasn't going to put forward the second reading of the bill so that we could have it debated here. Instead, it side-doored the bill. The minister took the bill right from under our noses over to a committee process before second reading for this apparent public consultation process.

At the time, the minister said in response to my leader, the leader of the NDP, Howard Hampton, "I would just like the honourable member to explain how it is that using a very legitimate process of this Legislature—a committee hearing that will invite input from the public of Ontario—is somehow a perversion or is slipping something out the side door." These were the minister's words.

But we know, and we have since found out, that the Premier's close associate and election strategist Warren Kinsella, a good Liberal and still a testifier at this point in time at the Gomery inquiry, and his sustainable development coalition—a coalition, by chance, of the biggest polluters in all of Ontario, the biggest polluters in the country—arrived on the scene, mysteriously, coincidentally, just before Bill 133 landed in that committee. I don't know: coincidence? Some might say so. It's highly unlikely, though. I'm sure that Ontarians have a very difficult time seeing that it's a coincidence and in fact smell a bit of a rat, the way most of us did.

Not only that, but the reason it's getting shuffled over there is that there is a huge division, from what we hear, within the internal caucus of the Liberals themselves. They're divided; they're divided over what Kinsella is trying to push for. Do Kinsella and the band of polluters that he represents get all the attention? Are they the ones

who should be listened to, and should the bill be watered down or even withdrawn? Who knows?

Then, the first day the bill was in committee, waiting for the input of the Ontario public, yet another strange occurrence happened. The minister, who had cited the reason for sending the bill to committee prior to second reading, was for this public input, but she arrived on the scene to state that she was going to be making a series of amendments to Bill 133, briefly described a couple of those amendments and then hightailed it out. So we were there for the public meetings at committee, all of a sudden amendments were plunked on the table, the minister took off, and then, after the minister's visit to the committee, the committee members did spend time hearing deputation after deputation that dealt with many aspects related to the minister's proposed amendments, without any idea of whether or not the concerns they were raising would be addressed by the government.

Public consultations? Well, some would say that, but clearly the government had done all the consulting it had wanted prior to the committee hearings and had based their amendments to the bill on the interests of that one small group that was led by Mr. Kinsella, the group that wants to make sure the bill doesn't do what it needs to do: to prevent the spills. In fact, what it does is kowtow to the interests of the big Bay Street polluters and lawyers. It's a very unfortunate situation and one that we are extremely, extremely disappointed with.

In closing—I'll leave some time for my critic to give her speech—I am going to make just another observation: If the minister were really serious about consulting the public on Bill 133, she should have introduced her amendments prior to the committee process, had the bill reprinted and allowed the public to comment on the actual Bill 133, not on the one that didn't even exist when the committee process started.

It has been, as you can see, an extremely ludicrous process. The bill has been moved around, tossed around, amended and then has come back, and the government, although it introduced it to great fanfare and great cheers, all of a sudden got very cold feet, joined up with the big lobbyists under the wing of Warren Kinsella, their good friend, and lo and behold, the next thing we see is a severely watered down bill.

I want to return to the minister's own words at the end, which were, "I would just like the honourable member to explain how it is that using a very legitimate process of this Legislature—a committee hearing that will invite input from the public of Ontario—is somehow a perversion or is slipping something out the side door."

Now that we've seen what the process really was—we've seen that we've been through a substandard committee process, with the public providing deputation on a bill that by the minister's own admission had already been amended—we can only conclude that, yes, the process was a perversion, as it was accused by Howard Hampton.

1630

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

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I'm pleased to have a couple of minutes to enter into the debate. I believe that the function and outcomes of the committee hearing are quite appropriate. The government has listened to a variety of stakeholders and as a result of that has brought forward amendments for the committee's consideration that ultimately will reflect in whether this House accepts a better piece of legislation at the end of the debate.

The need is to ensure that those in industry who create degradation to the environment, particularly through spills, will be held accountable for that. I think it serves two purposes. First, it creates a high degree of accountability by imposing fines on polluters in a fashion that makes it very real to them. It also encourages industry to reach beyond, not to reach a modest threshold of environmental responsibility but to reach for a higher level than might be the modest compliance required. If industry sees that it's good business for them to have environmental protection strategies, to do the necessary training of their staff, to do the necessary work on their equipment to avert spills in the environment, they not only avoid the costs that come with fines, they avoid the costs that come with shutdowns in their operations, they avoid the costs that result from the review and legal activities—but they also end up with an environment where those they do business with understand what their responsibilities are and understand that they are intensely interested in doing good business in Ontario. I think the bill and the amendments will reach multiple goals, not only to ensure that those who spill, pay, but also to ensure that those who are—

**The Acting Speaker:** Thank you. Further questions and comments.

**Hon. Mrs. Dombrowsky:** I'm very happy to have the opportunity to respond to the comments that have been made around the process of this bill. Perhaps the honourable member for Hamilton East might want to do a little bit of homework or study on the standing orders, on how this place works and how laws are made.

It's very appropriate that the bill is introduced for first reading, that it would be sent to committee after first reading to hear from stakeholders so that we can build a better piece of legislation, so that we can come back, as we have today, for second reading debate, having had the opportunity to listen to what the stakeholders have told us, to take that into account, to introduce amendments that have come from stakeholders. Those amendments have been supported by an all-party committee of this Legislature. They've now been incorporated into the second reading version of this bill. We now have an opportunity. I think it's very appropriate; obviously there will continue to be comments from all sides of this House about where the bill has strength and where it can be improved. We pay very close attention to that.

I think, when we consider the process that has been employed thus far in carrying this bill through the Legislature, it has been open. It has been transparent. I think that stakeholders feel they've had the opportunity to have

their issues and their concerns brought forward. We heard that from stakeholders after the bill was introduced, so we acted to accommodate stakeholders on both sides of the issue. The honourable member would suggest that maybe this government, with amendments of the bill, has lightened it somewhat, and yet we have the honourable member from Oak Ridges suggesting that there continue to be stakeholder who say that we're being too harsh. I believe that the bill we are discussing now is a very fair balance. We encourage people to continue to bring us their ideas before third reading debate.

**The Acting Speaker:** The Chair recognizes the member for Hamilton East in response.

**Ms. Horwath:** Notwithstanding the minister's protestations and insinuations, hindsight is 20:20, and we did observe the way this process, which she protests is so normal—but we also have watched how process can sometimes be used to the advantage of people who are trying to achieve a certain end. In this case, that end was to fiddle around with the bill. It's interesting, because in her remarks she talks about all of these commendations that were received for the bill. I'd like to know whether those commendations came before it was watered down and before the process was gerrymandered with or if they came after. I know what my suspicions are.

Nonetheless, the bottom line is that there was a unique process that was used, or at least one that's not very often used, but for a specific end, and that end was to make sure that their friend Warren Kinsella and his new band of industry polluters that they were interested in hearing and interested in placating and interested in giving plums to got their licks in before anybody else could. That's the reality.

How do we know that? We know that because, before the committee could even debate the bill, the minister was bringing all of the amendments that those very lobbyists wanted. So if that's not an abuse of the process, or at least if that's not a way of using a process to get an end that you are trying to achieve without having the scrutiny of this Legislature and this House in a way that should have been done through the members of this Legislature debating the bill, then I don't know what is.

The bottom line is, we are going back to committee very soon with this bill, and New Democrats are certainly hopeful that the government will have a change of heart and make sure that polluters are dissuaded from polluting our environment.

**The Acting Speaker:** Further debate?

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** We are debating Bill 133, known as the spills bill. Much of this legislation is in reaction to a number of incidents on the St. Clair River a year and a half ago, as we know.

I just received the bill this afternoon at my desk in the Legislature. It's now something like 80 pages long. I know it was 40 pages when it was introduced. I can understand that, because there have been, at this point, well over 70 government amendments, and of course amendments from the opposition and from the third party. At one point during committee, we were given

about 130 pages of amendments, and during clause-by-clause—let's assume for good reason—we were handed a number of amendments. The clause-by-clause took two days to get through the 70 amendments. On the second day of clause-by-clause, amendments were being sprung on us, if you will, that were seven pages long.

Obviously, the government and other stakeholders are doing an awful lot of work in trying to get this piece of legislation in order. It does require more work. I think most people agree that it should go back to committee for more hearings and more deliberation. Sometimes this happens when there is a reactive approach, in this case to the spills on the St. Clair River.

Let's go downstream to Detroit. I've got a copy of the Detroit Free Press here. There's an article concerning a spill on the Rouge River in Detroit. This was a 2002 oil spill. Much of the estimated 255,000 gallons was believed to have been swept downstream by the Detroit River into Lake Erie. I live on Lake Erie. That's something that obviously bothers me. I own land out on Long Point, which actually stretches almost halfway across Lake Erie. They checked the bottom of the Detroit River where it enters Lake Erie. They couldn't find any oil but, again, it has gone somewhere. This is a concern. The monitoring is a concern. I don't see that addressed in this particular piece of legislation. They were obviously able to measure some of the damage. Ten birds were killed; two turtles died. Obviously, you can measure that kind of damage.

The Coast Guard came in with booms and cleaned up some of the surface residue, so again some remediation was attempted, and some attempt to prevent additional damage, albeit after the spill. Again, it's an ominous reminder of what can still occur in spite of our best efforts.

**1640**

There's a long history of problems on the Rouge River. That's a river that caught on fire a number of years ago. You know, years ago—this would be in 1948—a number of very angry duck hunters and other sportsmen who would hunt in the marshes on the Detroit River showed up in Lansing, at the Michigan state Capitol. They dumped truckloads of dead ducks in front of the state Capitol. That went a long way to changing attitudes in Michigan and elsewhere across North America, especially when a river catches on fire.

So we do have other allies out there beyond lawyers and environmentalists. We have duck hunters. I used to hunt ducks on Lake Erie—again, I guess I have a vested interest. The dive community: underwater divers are exposed to this kind of pollution that occurs so often. In a sense, they're the canary in the coal mine. They're our early identifiers out there who can essentially serve as an early warning system. Firefighters: I think there's a lot more that municipal firefighters could do if they were given the training and the equipment to come in—they are oftentimes the first on the scene—and to be there to assist with rapid response.

I mentioned the Rouge River catching on fire. In Cleveland many may recall the Cuyahoga River caught

on fire twice, in 1969 and in 1952. That's an awful lot of pollution in a river, when it catches on fire. I understand that fire was something like 50 stories high. It pretty well destroyed two railway bridges. The August 1, 1969, issue of Time magazine describes it: "Chocolate brown, oily, bubbling with subsurface gases, it oozes rather than flows. 'Anyone who falls into the Cuyahoga does not drown,' people joke grimly, 'they decay.'" The Federal Water Pollution Control Administration described, "the lower Cuyahoga has no visible life, not even low forms such as leeches and sludge worms"—and I'm not referring to anyone across the way.

When people think of oil spills, it's like garbage: We don't think about it once it's been put out on the curb. Much of the media focuses on oil spills on the high seas. I travelled in England in 1967 just after the Torrey Canyon went down. That was 38 million gallons of crude oil off the Scilly Islands. That became a tourist attraction that summer. It was a media attraction. I found that quite regrettable. In 1978, the Amoco Cadiz went down off the coast of France—68 million gallons of oil. The next year there was a blowout in the Gulf of Mexico. That was the oil well Ixtoc. It blew out and spilled an estimated 140 million gallons of crude oil. I know they indicated there wasn't much environmental damage. Again, who knows? I guess it just disappeared. In 1989, we all recall when the Exxon Valdez hit an undersea reef. That was the largest oil spill, at that point, in US history: 10 million US gallons. In 1991, the Gulf war—a number of people in my riding fought in the Gulf war. In fact, I lost a cousin who I'd never met. He was one of the first ones killed in the Persian Gulf war. As that war was being won, Iraq deliberately released, the estimates are, somewhere between 240 and 460 million gallons of crude oil into the Persian Gulf. Again, at that time, during the Gulf war, US warplanes bombed the pipe systems to try and stop the flow of oil into the gulf. I'm not suggesting by any means that the US military bombs facilities in Sarnia, but that was obviously the remedial effects that were taken during the Gulf.

So many other spills, the river spills that have generated this kind of legislation: In the year 2000, in the Mississippi River south of New Orleans, an oil tanker, Westchester, went down at Port Sulphur, Louisiana. This now became the largest spill in US waters since the Exxon Valdez went down.

Even as horrendous as these statistics appear, oil spills account for only about 5% of the oil entering the oceans. There are other, bigger problems. Sewage treatment plants discharge twice as much as any of these oil tanker spills.

Other products: At this point now in North America, 65,000 chemicals are used commercially. Every year there are about 1,000 new chemicals added to the list. The most frequently found item in cleanups: pieces of plastic. The second most frequent item: plastic foam, plastic utensils, pieces of glass and cigarette butts.

I wish to use that to set the stage, if you will, with respect to our deliberations this afternoon on spills. I

have tried to make the point clearly that this legislation should go back for hearings, that it should go back to the drawing board. Perhaps we shouldn't even be debating it right now, because I detect in the phone calls and letters and faxes I receive that there is a tremendous amount of confusion among all our stakeholders with respect to those 70 government resolutions, and counting, for this particular bill.

As we know, it was introduced October 27, 2004. It focuses on penalties, not fines: administrative penalties or environmental penalties for individuals and companies responsible for illegal spills. Bill 133, the spill bill, to my mind really, even at this point, with a plethora of amendments, seems only useful after the fact and after the spill. In some quarters it's known as the "spill and get a bill" approach, an approach I feel is limited in its effectiveness as a virtual standalone method of deterrence.

I raise the question, where is the coordinated, proactive approach to prevention? There has been a modicum of attempt in the amendments. The PC Party certainly put forward amendments with respect to prevention. We ask for that same coordinated, proactive approach that was called for in the government's own study, its own IPAT report. That is the Industrial Pollution Action Team that was formed by this government. It provided advice and recommendations, which to my reading, and I've read that report a number of times, have all but been ignored by the present government.

The minister responded on receiving the IPAT report. It came out in early August of last year: "We will be developing an action plan on industrial pollution that will be like nothing my ministry has ever developed before." So we all stay tuned. If Bill 133 is anything to judge by, this government's approach really sounds like it's pretty well going down the same old road, the old-school approach, the command-and-control approach: keep fining and fining and administering penalties after the damage has been done. This legislation is reactive. Very clearly, as was mentioned earlier this afternoon, it is adversarial. It's stuck in the command-and-control school in dealing with environmental issues, and obviously this minister and this government have decided to kick at old-school on this one.

**1650**

The minister's news release on the IPAT report: "The Ontario government will act on the recommendations in the final report of the Industrial Pollution Action Team," a team led by the highly regarded Dr. Isobel Heathcote, University of Guelph. In looking at the IPAT report and reviewing the recommendations, I do not see that reflected in the amended legislation before us today.

There were a few small lines in that final report about penalties. The government picked up on that. There was no discussion of penalties at all in the executive summary of that report. We have a piece of legislation, I think we all agree, that focuses on penalties. I remain concerned, after seeing 70-plus government amendments, after seeing several seven-page amendments that arrived at the 11th hour.

What goal do I see in this legislation? In my view, clearly there will be an enhanced ability to subtract more money from the private sector by very simply just sitting back and waiting for the next spill. Again, take a look at the executive summary and there is no mention of penalties there.

I will quote some sections from the IPAT report, from the executive summary.

"We believe that a long-term solution will require a multi-pronged approach including:

"—Introduction of regulatory requirements for pollution prevention plans, spill prevention plans including multiple barriers, and spill contingency plans....

"—A legislative framework that incorporates economic or other incentives to go beyond compliance.

"—Regulatory requirements for operator training....

"—Improved spills notification and routine communication systems, including resolution of jurisdictional confusion."

In the bill we were handed there was no mention of spills prevention, no mention of contingency planning, no mention of jurisdictional coordination, no incentives, no training, nothing even approaching a multi-pronged approach, as was called for by the government's own report. I will note there is not one mention in the executive summary of tougher penalties for industrial polluters.

What I doubt, given the report and other findings, is that penalties can be effective without legislating improvements to prevention. You also have to bring in improvements to monitoring. You have to bring in a better system of jurisdictional coordination. The St. Clair River is bounded by the state of Michigan and the province of Ontario. You need much more work on enforcement, which was mentioned by the member for Oak Ridges, and obviously prevention. What is lacking are those carrot incentives that were advocated by the government's own report.

All that said, I find it curious we are debating a bill that in the last week has gone through such a large list of amendments, well over 130 pages of amendments. It does beg the question, at what point and after how many amendments should this whole process actually be scrapped altogether? Barring that, should it be sent back to the drawing board? Is one day of committee hearings enough? I asked that question in the Legislature when I first received that hefty package of amendments.

The minister may recall my pointing out 70 amendments that will leave Bill 133 unrecognizable—it's actually 70 and counting—70 amendments that suggest this bill is seriously flawed, 70 amendments that essentially say, "Minister, go back to the drawing board."

I again ask, at what I still consider this early juncture—we're just an hour and a half into second reading; I note that this legislation has been on the books since last year, and only now are we beginning second reading debate—should we consider what some stakeholders consider a bit of a charade? Where does it go from here? Will this be left to the minister's successor to get it right?

Of course, that's not what the minister has done. She's continued on what we consider a curious path with this legislation, a path that included no consultation with stakeholders before the bill's introduction. It was followed by months of silence over this past winter, and then, lo and behold, there were a couple of days for stakeholder consultation—I attended one of those days—and another month of silence, during which I get the feeling this government was getting its ear bent by one or two of its old lobbyist friends.

Then we had a short two days of committee hearings, followed by that epic novel, that War and Peace, of amendment packages. They arrived the day before clause-by-clause, really not enough time to go through them adequately in order for opposition to comment. Once those amendments went through, we had a book of legislation that's twice as big as it was a few months ago. I consider it unrecognizable. In fact, as I've mentioned during clause-by-clause, some of those additional amendments, on top of the original 70, were seven pages long. We would receive them just before we were to vote on them. I find it bizarre, and I know that in some of the testimony in hearings it was described as bizarre.

I'd like to read in a motion that I discussed during those hearings. I quote:

"Bill 133 is now so far off course it needs to be scrapped to make a fresh start and get it right. There have been so many amendments proposed—over 70 from the government alone—in such a short time frame that it's difficult to assess whether the amendments will truly address the fundamental flaws contained in Bill 133. I urge the government and this committee to find a way to instruct the ministry"—maybe I should have said "to advise the ministry"—"to immediately begin working on effective spills prevention legislation, using the sound work of IPAT and stakeholder consultation as a foundation."

I had presented a similar motion previously. This may give you a bit of a flavour for the convoluted process to date, and I think it will continue this afternoon and perhaps next Monday and Tuesday:

"Given that to get Bill 133 to an effective yet fair and balanced state would require almost total amendment; and

"Given that an amended version of the bill already exists, but we are all using up valuable time working on an obsolete draft"—this is during committee—"and

"Given that it would be an unfortunate waste of good resources to find ourselves working on clauses of the bill that have already been removed by the minister's office,

"I recommend that we finish the hearing, drop the bill completely and instruct the ministry to immediately begin working on spills prevention regulations, using the sound work of IPAT as a foundation."

I will point out that as of this afternoon, we are debating a piece of legislation and 70-plus amendments not knowing what other amendments may show up on Monday. We're debating a piece of legislation where we have no idea what else is going on. Are we halfway? Are

stakeholders only happy with maybe half of the 70 or 72 or 73 amendments made? Are we looking forward to another 70 amendments?

I appreciate the members opposite bearing with my reading of the motions. You know, we were there listening to public submissions on clauses to a bill that had already been removed by the minister. Many considered that process a colossal waste of time, and hence I think we will see that process repeated, perhaps not to the extent that it was before, but I anticipate at least one more day of hearings. We'll find out what changes have been made in the backrooms on Monday.

**1700**

It was very confusing for all involved. Many in the environmental community are balking at more amendments. They are concerned that this government is bending to pressure. I also get faxes and phone calls from people in industry who feel we're only halfway on this, and I regret that uncertainty in this case reigns supreme.

When the Minister of the Environment kicked off debate this afternoon, she made reference, she used some endorsements—I think she used the term "endorsements" from a number of organizations that have communicated with the minister. She used an endorsement from the Ontario Forest Industries Association. I also would like to pass on some of the testimony during the hearings from Craig Gammie, who, on May 16, addressed hearings on behalf of the Ontario Forest Industries Association, and I will quote.

"On Thursday, I think, Mr. Marchese called it odd that we were making deputations on a November 2004 version of the bill while the minister's draft 2, with many amendments, is sitting in her office. We've heard about them but we haven't seen them. I'd describe it as bizarre. What it means is that in the clause-by-clause analysis, you might spend two or three hours looking at a particular clause on Thursday that doesn't even appear in the draft on the minister's desk. This, to me, is a waste of legislators' time and it's a waste of our time"—that would be the time of the Ontario Forest Industries Association—"time we should all be spending on solving the problem, time we should all be spending on spills prevention regulations."

Mr. Gammie of the Ontario Forest Industries Association—I know the minister has been quoting the association today—went on to say, "I hope you have the courage to recognize what a huge mistake Bill 133 is, and has been, and what a huge mistake it would be to throw good resources after bad. I hope you will drop Bill 133 completely so we can get on with the spills prevention regulations and then address instant municipal compensation. We're ready to help," he said. That was from the Ontario Forest Industries Association. I know that the minister brought some of their information forward this afternoon by way of endorsement.

Mr. Gammie was right. Mr. Marchese did point out some of the oddities of this government's approach on May 15. I'll quote Mr. Marchese, if I may; he's not here this afternoon:

“Normally we have second reading debate in the Legislature. It gives the critic and others an opportunity to speak to the bill: both its strengths and weaknesses. Then we come and listen to the various participants who are in favour of the bill or opposed to it. On the basis of that, we make amendments—the opposition and the government—and we move forward on the basis of what we hear.

“The strangeness of this procedure is that the minister comes here and indicates that there will be a number of amendments in some areas. Of course, we don’t have a clue to what it is that we are responding to—and I find that particularly odd. I’m assuming that others in the public do, too. We don’t have the amendments. We don’t know what they are. We haven’t heard from the deputies about their views on this bill and the possible amendments that may be coming. I just want to say for the record that I find it odd. I’m assuming the public finds it equally strange. Why the government has pursued this course versus the normal course is beyond my comprehension.”

Now, Mr. Marchese—and I don’t necessarily always agree with everything Mr. Marchese says, but I must say that this process also is a little beyond my comprehension. Again, 70-plus amendments, more amendments on the way, perhaps over the weekend. All told, all three parties submitted 123 pages of amendments, additional amendments arrived that were seven pages each and more are on their way.

All that said, the minister has yet to do the right thing and take this back to the drawing board. So I guess at this point we are left to continue this bizarre charade.

I will point out a letter I received from CELA, the Canadian Environmental Law Association. Again, at the time of writing, they supported that bill, but they don’t want any more amendments. I just quote in part, “Please be advised, however, that our support is contingent on there being no further government amendments to the bill that weaken any of its provisions or reduce its applicability to business operations in Ontario.” So obviously we’re getting a plethora of messages, and we’re getting mixed messages on this particular bill.

I have here information received from Michigan Senator Carl Levin on the spills bill. This was a news release he sent out last September, and in this he indicates—and again this was the Michigan state and US federal legislators’ reaction to those spills on the St. Clair River. He indicates:

“US Senators Debbie Stabenow”—Democrat, Michigan—“and Carl Levin”—Democrat, Michigan—“and Representative Sander Levin”—Democrat, Royal Oak—“are urging Secretary of State Colin Powell to coordinate with the Canadian government in developing and implementing a plan that would prevent future chemical spills into the St. Clair River.” He’s obviously making reference to spills coming from us guys, coming from Ontario.

“The letter, which calls for swift action”—this is the letter to Colin Powell last fall—“to head off future

spills,”—in other words, prevention—“follows a letter the Michigan lawmakers sent Powell earlier this year, which detailed several major spills of contaminants into the Great Lakes waterway from Canadian companies. Responding to the Michigan lawmakers’ initial call for action, the Canadian government studied the problem”—why are we not surprised?—“and issued a report”—that would be in keeping as well—and they made a proposal for a “cleanup timetable, but the lawmakers are urging the Bush administration to ensure that the Canadian government follows through on the report’s recommendations.”

What report is he referring to? He’s referring to the report by Dr. Isobel Heathcote, the IPAT report, the Industrial Pollution Action Team, a team that was put together by this government. Michigan legislators are asking our Minister of the Environment to follow the recommendations of her own report.

There is a bit of a succinct summary, again, from the office of this United States senator, of what happened on the St. Clair River in March of last year. This is in the letter to Colin Powell: “As you know, we also wrote you on March 10, 2004 regarding the numerous chemical spills by Canadian industry into the St. Clair River. Over the past year, Canadian industry has spilled 650 pounds of vinyl chloride monomer, and 42,000 gallons”—that would be US gallons—“of methyl ethyl ketone and methyl isobutyl ketone, polluting the drinking water supply and posing serious health concerns to downstream communities in southeast Michigan.”

#### 1710

When I think of a downstream community in southeast Michigan, I think of Detroit. An awful lot of people live in Detroit. There are probably as many people living in the greater Detroit area as in the province of Ontario. Where does their drinking water come from? It comes downstream from the St. Clair River and the Detroit River.

Senator Levin goes on: “The Ontario Ministry of Environment has taken action to prevent future spills. The Industrial Pollution Action Team’s report and recommendations call for a timetable and development of an action plan in five main areas: spill prevention, spill detection on- and off-site; spill response and notification; human and ecosystem health impacts; and communications.”

Again, obviously, Michigan lawmakers support the IPAT recommendations. Why would our Ontario government members not support the recommendations of their own report as well?

I have not really had a chance to address the IPAT report itself. I’ll begin, in much the same place the report does, by examining the first of their concerns, that being the lack of preventive, proactive measures to ensure that this province is protected from spills before they happen, not after they happen.

I think everyone would agree that rather than simply being judicious in quickly and thoroughly cleaning up spills, it would be much better if we ensured that spills

didn't happen in the first place. Unfortunately, I don't see that direction in Bill 133.

The IPAT report was quite clear in stating that prevention is currently being overlooked. It seems that this government has had a hard time finding the section or has ignored that section. It does not seem to be reflected in the original legislation. We will see what kind of amendments come forward over the weekend.

The members can certainly read along, if they take a look at the IPAT report, under the heading "Finding 1: It appeared to us that there was no regulatory requirement for pollution prevention or spill prevention under Ontario environmental legislation. Generally speaking, we found no preventive regulatory framework at all. Instead, existing systems appear almost entirely reactive rather than preventive."

The government had a chance to change all this with their new law. I feel they blew it even before it got to second reading.

I quote further: "We found no mention of required pollution prevention plans, nor of positive incentives to go beyond compliance levels."

Again, that brings us to that carrot-and-stick approach as opposed to what I see as the current spill-and-bill approach. This is referenced in their next line.

The quote from the government's report continues: "Rather, our perception was of a system heavily focused on punishing offenders"—so that's where we are now—"rather than supporting and rewarding companies with excellent compliance records and those that attempt environmentally protective innovations."

Again, this came from the government's own committee of experts.

That system of punishment, with no reward, is the same system being advocated and enhanced by the legislation we are debating today.

The report later points out in finding number 4, "Fines are not a sufficient deterrent," as they "may be perceived as simply the 'cost of doing business.'" I know that has been raised in this Legislature; I know the NDP opposite have raised that issue. It further states that "there is little or no incentive" to participate in "existing voluntary pollution prevention opportunities." Maybe this is the lesson we can learn from that series of occurrences that happened on the St. Clair River a year and a half ago.

It's interesting that this came forward at the time it did: a year after a subsidiary of a company that Finance Minister Greg Sorbara was a director of was responsible for three spills into the St. Clair River, spills that the ministry was not notified of for several days. The original Bill 133 has legal provisions for board directors. I'll quote from the bill's explanatory note: "The bill expands the duty of directors and officers of corporations so that they must take all reasonable care to prevent the corporation from contravening any provision of the legislation. The bill also provides that a person charged with the offence of failing to carry out that duty has the onus of proving that the duty was carried out."

In 2003, Royal Polymers, a Royal Group subsidiary, was responsible for three chemical spills—two in August 2003 and one in November—and the company failed to notify the Ministry of the Environment or anybody on the American side of the river. No one was notified of these spills for a number of days. In fact, the Ministry of the Environment launched an investigation into why it was not notified for so many days about two separate spills of what's considered a deadly chemical into the St. Clair River. Municipalities like Chatham-Kent and Windsor were only advised about the spills four days after the second spill. This was a vinyl chloride spill. It's used in the polymer-making process. This is the spill from Royal Polymers that entered the water system almost a week after an initial spill during the power blackout at that time.

I guess my point here is that despite the existence of "tough environmental penalties," the spills were not stopped and, in fact, were allowed to travel further downstream with no action, while people in the greater municipality of Chatham-Kent, the Windsor area, Detroit and native communities, and within the Ministry of the Environment itself, remained completely in the dark, even well after that infamous electrical blackout had ended.

A few short months later, yet another incident at Royal Polymers again underlined the need for prevention. It underlined the need for a more proactive approach, rather than simply having punishing penalties that only kick in after the damage has been done and, as we see in the context of the existing proposed bill we have before us now, focusing on penalties. Existing legislation, existing fines, failed to prevent a third spill, estimated at 828 kilograms of toxic vinyl chloride.

**1720**

I don't mean to pick on Royal Polymers. The fact is that industrial spills of this type occur all too often—I think the minister made reference to that earlier this afternoon—spills that could be prevented in the future if this province would embrace a more incentive-based, preventive approach rather than going down that old road, the old-school, command-and-control approach of ever-higher penalties, ever-higher fines. Again, as the NDP have indicated, many of these penalties can be written off as a business expense. So my point is that fines, penalties alone, didn't stop spills in the St. Clair River, and I do indicate that the Royal Polymers spills were really the tip of the iceberg when it comes to the poor old St. Clair River.

On February 1, 2004, there was a spill from Imperial. About 42,000 gallons of methyl ethyl ketone and methyl isobutyl ketone spilled into the St. Clair River. Those two products were mentioned in the concern by Michigan lawmakers in their communications with Colin Powell. Low-toxicity solvents are used in the manufacture of lubricants, but fines didn't stop those spills.

On February 16, Dow detected an unknown chemical in its water intakes from the St. Clair River. Officials on our side never were able to determine where that chem-

ical originated, although we do know where it was. It was in the St. Clair River. Again, the system of fines, the existing fines in place, were not enough to prevent that particular chemical from getting there.

In March 2004 the OPG plant, the Lambton generating station: 3,989 gallons of wastewater ended up in the St. Clair.

On April 29, 2004, Suncor had a spill. An undetermined amount of both benzene and toluene went into the river.

My point is that fines for spills have proven ineffective as a stand-alone approach in stopping industrial spills into the St. Clair River, into the St. Lawrence River, into Lake Erie or Lake Simcoe. You can't hang your hat on a piece of legislation that focuses just on fining people after the fact. It's an ineffective approach, and my concern is that the penalties being discussed today are also stand-alone—the new administrative penalties, or the environmental penalties, as they are labelled. I consider it a continuation, tipping toward the heavy-handed method in this case of filling government coffers, while doing very little to stem the amount of product going into the water in the first place. It does little to stem the number of spills in this province.

Here we are debating the Liberal government's answer to the problem of industrial spills, and all we have before us is a revised version—an enhanced version, if you will—of what I consider fairly unilinear, myopic spill-and-bill legislation. We know in so many cases that both myself and the Minister of the Environment identified today that it failed to prevent it, failed to put an end to it in past years.

I again remind this government of the number one finding of its own Industrial Pollution Action Team, and I will quote that finding: "It appeared to us that there was no regulatory requirement for pollution prevention or spill prevention under Ontario environmental legislation." So we were told; we knew what was coming, coming into this creation of legislation. "Generally speaking, we found no preventive regulatory framework at all. Instead, existing systems appear almost entirely reactive rather than preventive."

I want to reiterate that it mystifies me why this government would step up, set up an action team, put months of work into a study and report development, and then essentially turn around and ignore 90% of the report's recommendations, essentially doing nothing but announcing tough penalty legislation and stating, "We're transforming our approach to industrial polluters." The minister indicated earlier this afternoon, "We should all be proud of this legislation." I am suggesting that we have fallen short. It's a bit of a disappointment. We haven't gone far enough with respect to prevention, with respect to providing incentives for compliance. We've ignored issues of jurisdictional coordination, the need for better training, the need for remediation and cleanup.

So as far as "transforming our approach to industrial polluters" is concerned, nothing could be further from the truth. This is the same command-and-control approach

we have seen for many years through the Ministry of the Environment. There has been no transformation. I consider this someone's myopic obsession. It will subtract more money from the private sector; I give the legislation that. I'm not suggesting that's a good idea and I'm afraid that, given this province's recent industrial spills history and the recommendations of this government's own Industrial Pollution Action Team, their own report, this unilinear approach is just not good enough. Old school does not cut it any more.

What surprises me is that the findings of the IPAT report were so broadly ignored, despite a series of 33 recommendations that provided the government with a very clearly well-marked road map for a comprehensive, preventive, coordinated approach. It is a road map that begins with recommendation 1, calling for "the development of regulatory requirements for pollution prevention." Part of that, according to the report, would include the legislative requirement for spills control plans and what the IPAT team refers to as "a less adversarial, more collaborative relationship with dischargers than is currently the case."

Now, what do we find in the way of planning provisions in Bill 133? The new version of the bill—which will over the weekend become the old version or the second old version of the bill—after over 70 government amendments now holds that regulations will define cases for which plans will be required. I really wonder, given what some describe as the sham of this entire process to date, whether we can count on the regulations relating to the concerns that are before us coming from the government's IPAT report.

#### 1730

That was one reason I made an attempt to remind this government where they were supposed to be heading by introducing an amendment. During clause-by-clause, a motion was put forward. It was titled "Pollution prevention, spill prevention and spill contingency plans." This was a PC motion—bear with me. It read:

"18.1 Every person to whom Ontario regulation 537/93, 760/93, 560/94, 561/94, 562/94, 63/95, 64/95, 214/95 or 215/95 applies shall, within six months after this section comes into force, develop and implement plans described in paragraph 7 of subsection 18."

I appreciate you bearing with that, Speaker. That was probably one of the shortest amendments. I think you may understand why we tried to move along as quickly as we could. It took us two days to read in the amendments to this legislation. You can imagine 130 pages of amendments; this is about five lines.

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** That's what happens when you listen.

**Mr. Barrett:** Someone across the way just said, "This is what happens when you listen." Maybe the government will listen over the weekend and maybe we will see a piece of legislation on Monday—again, to use the Minister of Environment's words this afternoon—that we should all be proud of. I'm hopeful. The environment is that important; the St. Clair River is that important. Close

to half the people in Michigan drink out of that river. We're talking about Detroit; they have a concern. The US federal government has a concern. They already had a concern with hundreds of truckloads of garbage that have been shipped to that state. There are concerns over there. This bill has no measure to deal with any of these cross-jurisdictional issues. I guess we just have to pick up the Detroit newspapers to find out what they think of us.

I will refer to finding 4 of the action team report. Finding 4 further touches on the need for a change in thinking with regard to Ontario's industrial spills, and a change of thinking is required with respect to a spill strategy in this province. I will quote the government report:

"Existing voluntary pollution prevention opportunities are limited and there is little or no incentive to participate in them.

"Many economic incentive models are in use elsewhere in the world, and could be adapted for use in Ontario."

Yes, this is, for this government, the elusive carrot to accompany the ever-present stick that the government intends on wielding through this legislation, a stick that is used to extract money from corporations. Specifically, the government's report—this is the IPAT report—makes reference to Sweden, Denmark and Germany as countries with a reputation for environmental stewardship that employ other approaches that are currently not in use in Ontario. The report goes on to point out, "It would be worth examining these alternatives. Ontario's current system specifies benchmarks and punishes offenders, but may not provide sufficient positive incentives to go beyond compliance levels."

Again, I think of companies in my riding; I think of an oil refinery. Before being elected, I served as a consultant to this oil refinery with respect to staff training. This refinery is relatively new. It's probably the newest refinery in the province of Ontario. I consider it state-of-the-art. Millions and millions of dollars have gone in over the last 15 or 20 years to continue to upgrade this refinery. They do everything they can to ensure that they don't have spills. I would use the term "due diligence"; they could not be accused of not practising due diligence. This refinery has experienced a couple of spills. I was visiting the site this winter where one occurred. These things do happen, in spite of the best intentions and the best work that is done. Again, I've been in and out of that facility, oh, 12 or 14 times, and that company does its best, in my view, to go beyond compliance levels.

While the present government may not be interested in examining the alternatives presented in their own government's report, I can tell you that in my research, I came up with a very interesting report, actually, on environmental incentive-based programs that are being conducted in Sweden. If anyone wants to look this up, the title is Financial Incentives to Improve Environmental Performance. The article states, "On the basis of economic analysis, it has been argued that supporting environmental R&D, technological innovation and diffusion

provides firms with very appropriate means to avoid damaging the environment, and that it ultimately has a positive effect on economic growth." This report on the situation in Sweden goes on to indicate that, "Three main forms of environmental incentive are utilized by European governments. These comprise grants, soft loans (offered at below-market rates of interest or with repayment holidays) and tax concessions through accelerated depreciation allowances."

Going back to the first one, "Grants tend to dominate, particularly amongst environmental technology schemes—"

**The Acting Speaker:** Thanks very much. It's time for questions and comments.

**Ms. Horwath:** Unfortunately, my critic wasn't able to get back, and so there were a couple of things I thought I should get on the record. One is that the NDP did put a few amendments forward during the process of the committee hearings, one which we thought was important, and that was to be able to ensure that there is an annual report filed on March 31 of each year that would document environmental penalties, with all of the details, including the settlement agreements and how effective those were, the point being the second amendment, which was that then every five years there would be an opportunity to review environmental penalties.

I know my critic was extremely concerned about some of the government amendments, not only the technical ones that industry was able to gain as a result of their huge lobby, but also specific wording of ones that in effect water down the effectiveness of this bill, changing some of the language, words like "likely" and "may," which sound like legal jargon but in fact do have an effect because they create problems in thresholds of ability for experts to be able to participate and put their opinions on the record. The difference in the thresholds represented by "likely" and "may" is a very important distinction from a legal standpoint, because it's much easier to get an expert to state that there is a potential for harm than it is to get an expert to state that there is a likelihood of harm. Unfortunately, the government decided on the threshold that doesn't provide the protections we need.

There are also a number of other problems that we had with the bill. One of those I already mentioned was the removal of the responsibility for high-level decision-makers. Meaningful legislation is needed that requires pollution prevention planning, which this does not do. We need higher standards for air and water emissions, which unfortunately this does not do, including an updating of all MISA regulations. We need increased enforcement. This does not do that. That's all the time I have, so thank you very much.

**Hon. Mrs. Dombrowsky:** It provides me with an opportunity to speak to the remarks made by the critic for the official opposition, and I really thank him for basically making the case why we are debating this bill today. He gave a litany of spills that have occurred recently, particularly into the St. Clair River, and it is precisely for

that reason we believe it's important to introduce a bill that will require those companies that spill to compensate communities immediately. When those spills happen, there are costs within communities. The honourable member said, "This is obviously designed to take money out of the private sector." We believe that if the private sector spills, they should pay for its cleanup, not the taxpayers of Ontario. Obviously, the opposition is in favour of polluters. We're in favour of protecting the people.

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He went on at great length about what was contained in the Industrial Pollution Action Team report, the IPAT report. I'm very happy to share with the members of this Legislature what Dr. Isobel Heathcote, the co-chair of the IPAT team and a professor at the University of Guelph, has had to say about Bill 133. She would say, "I am delighted to see the McGuinty government taking prompt action to manage spills in Ontario's environment. The proposed actions are substantive and groundbreaking and will go a long way toward improving the quality of Ontario's lakes and streams."

Finally, I would just like to invite the honourable member to review the copy of the second reading report that we are debating in the Legislature today. Section 13.1 indicates, "The act is amended by adding the following section: Spill prevention and spill contingency plans," and the section goes on to describe that companies will be required to have spill prevention and spill contingency plans, which was the point that I thought the honourable member—

**Hon. David Caplan (Minister of Public Infrastructure Renewal):** He should have read the bill.

**Hon. Mrs. Dombrowsky:** He should have read the bill.

**Mr. Mario Sergio (York West):** I want to congratulate the Minister of the Environment for bringing forth this bill. If we heard one thing very loud and very clear in the House today, it is that indeed this is a very important piece of legislation. Of course, some members may say, "It is, but it is not perfect." I think that's one of the reasons why the minister decided to forward the bill for public hearings and consultations, and we did.

I am one of the fortunate members in that I sit on this particular committee. We have heard a number of deputations from various people who have shown concern in addressing the content of the bill, and other people who say, "It's about time that the government gets serious with respect to the environment."

This is a strong message that both the minister and the government are sending to our business and industrial community out there. We have to take into consideration that in Ontario alone, we have had over 1,000 spills per year. We must send a message that we have to hold those people accountable because our environment is a major concern and the government takes it very seriously. I'm sure that the members on the opposition side also take it seriously.

The minister, rightfully today, has introduced a number of amendments which allay some of the fears both

from the opposition side and from some of those various agencies and industries that have said, "We have some concerns."

This is one step closer to bringing some accountability. Let's move it on. Let's approve this for second reading and let's make it better.

**Mr. Levac:** I appreciate the opportunity to make a few comments. I want to come back to something I said a little earlier in my first two-minuter and reinforce exactly what we are trying to accomplish with this piece of legislation, reminding us of a couple of things.

First of all, one individual piece of legislation is not going to change the environmental world. But successive pieces of legislation that we've been building on the shoulders of previous legislators, and the things that we're going to be accomplishing in the future, are something that we're pointing ourselves—it's like turning that big Queen Mary around and moving things toward a better world.

Two things: I know that the member for Haldimand–Norfolk–Brant appreciates this very much because it's in his very riding that I've learned an awful lot about what the environment means, and that is through the Six Nations. Our First Nations people have taught us about seven generations. Seven generations simply says, "Don't do anything to the planet that you wouldn't want to have happen seven generations from now so that those great-great-grandchildren will inherit something that's cleaner and better than when you left it." That's about 10,000 years old in terms of a philosophy of seven generations. So to the First Nations people I say thank you for those lessons that we've learned.

Second, I also want to suggest to you that we've created a situation called conservation authorities that have for the longest time hired experts in the field, and in our shared riding—I know for the members from Wellington, Haldimand–Norfolk–Brant, Cambridge and others—we have the Grand River Conservation Authority. That is an amazing organization that doesn't look at boundaries. They look at it as a watershed that needs protection. I know the member opposite is looking at me and saying, "You know what? We're right," because we both have that. I know the member from Haldimand–Norfolk–Brant feels the same way. It's an extremely talented Grand River Conservation Authority that is doing a superb job of exactly what we're trying to accomplish in this legislation, and I encourage us all to support this legislation.

**The Acting Speaker:** In response, the Chair recognizes the member from Haldimand–Norfolk–Brant.

**Mr. Barrett:** The response from the member from Hamilton East is appreciated. I was looking forward to Marilyn Churley from Toronto–Danforth presenting. She has done so much work on this issue. I also notice the member for Trinity–Spadina was thrown into the fray at the 11th hour and I thought he did an admirable job.

We received some excellent input from both the environmental community and the businesses and companies that are directly affected by this. I would encourage

anyone to take a look at that Hansard testimony. Most importantly, the minister made mention of Dr. Isobel Heathcote, University of Guelph, the lead on the Industrial Pollution Action Team report. I encourage all of us to take a look at that report. There are some excellent recommendations that obviously have been ignored. I've read it many times over. I think it provides a recipe book for this government, for future governments. I was very impressed.

I will let Mr. Levac know that, as I recall, the native community was represented there. I have an interest in this. My hometown is Port Dover. As well, I represent a long stretch of the Grand River as it flows through the Six Nations territory, downstream from Brantford, downstream from Kitchener-Waterloo. We don't need any kind of Ohio River or Mississippi spill in our ridings.

**The Acting Speaker:** Further debate? Any reply from the Minister of the Environment?

**Hon. Mrs. Dombrowsky:** I want to thank everyone. I very much appreciate the opportunity that we've had this afternoon to debate the issues that relate to Bill 133.

**The Acting Speaker:** The Minister of the Environment has moved second reading of Bill 133.

Is it the pleasure of the House that the motion carry? The motion is carried.

Shall the bill be ordered for third reading?

**Hon. Mrs. Dombrowsky:** I would ask that the bill be referred to the standing committee on the Legislative Assembly, please.

**The Acting Speaker:** Agreed? So ordered.

## COMMITTEE SITTINGS

**Hon. David Caplan (Minister of Public Infrastructure Renewal):** On a point of order, Mr. Speaker: I seek unanimous consent to move a motion without notice respecting the standing committee on the Legislative Assembly.

**The Acting Speaker (Mr. Joseph N. Tascona):** Is there unanimous consent for this motion? Agreed.

**Hon. Mr. Caplan:** I move that, in addition to its regularly scheduled meeting times, the standing committee on the Legislative Assembly be authorized to meet on Monday, June 6, 2005, to consider Bill 133 as follows:

In the morning, the committee may conduct public hearings on the bill, and in the afternoon the committee shall meet for clause-by-clause consideration of the bill; and that the committee be further authorized to meet beyond 6 p.m. if required for completion of clause-by-clause consideration.

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

Is there anything further?

**Hon. Mr. Caplan:** I was going to move adjournment of the House.

**The Acting Speaker:** There's a motion to move adjournment of the House until 6:45 tonight. Is it the pleasure of the House that the motion carry? So carried.

The House stands adjourned until 6:45 p.m.

*The House adjourned at 1750.*

*Evening meeting reported in volume B.*

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