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**Official Report  
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(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 24 October 2005**

**Lundi 24 octobre 2005**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 24 October 2005

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 24 octobre 2005

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### THOMAS TSUBOUCHI

**Mr. Jim Wilson (Simcoe–Grey):** I rise today on behalf of all members of this House to express our heartfelt sympathies to the Honourable David Tsubouchi, his sister Lynne, his brother Dan and their families concerning the tragic death of their 83-year-old father, Thomas, on Friday morning.

Thomas Tsubouchi was crossing Huntingwood Drive at Dibgate Boulevard on Friday when he was struck by a motor vehicle. What makes this incident so horrible is that the driver failed to stop. I understand that Mr. Tsubouchi was still alive after he was hit, but the driver left the scene and failed to administer any type of aid.

In spite of this horrible crime, David Tsubouchi has been particularly thoughtful in his public comments and has been careful not to be too harsh on the driver. As such, we would ask anyone who knows anything about this terrible tragedy to come forward, do the right thing and call your local police.

I spoke with David earlier today to express our sympathies. He served with distinction in this Legislature from 1995 to 2003 as the MPP for Markham and as Minister of Community and Social Services, Minister of Consumer and Commercial Relations, Solicitor General, Minister of Culture and Chair of the Management Board of Cabinet.

As John Tory said, Mr. Tsubouchi was a hero: "He was one of many Japanese Canadians who were wrongly interned during the Second World War. He persevered and was an excellent mentor, father and friend."

Again, our sympathies are with the Tsubouchi family today during this difficult time in their lives.

#### LUPUS DISEASE

**Mr. Kim Craiton (Niagara Falls):** October is Lupus Awareness Month, and I'm pleased to make the following comments on behalf of the Lupus Foundation of Ontario.

Lupus is a chronic autoimmune disease that affects one out of every 185 people. It can affect people of different races and ages, and it can affect men, women

and children of all ages. Simply put, we can all be affected by lupus.

Lupus is different for everyone who has it. It can involve the joints, skin, kidneys, lungs, heart, brain, central nervous system, blood and more. Common signs of lupus are rashes, swollen joints, fever, chest pains, swollen glands, extreme fatigue, hair loss, sun sensitivity, low blood count, memory problems, seizures and kidney problems. There is no definitive cause for lupus and there is no cure. In extreme cases, the disease may become fatal.

Mr. Speaker and members of the House, I invite you to join with communities throughout Ontario, throughout Canada and indeed throughout all the world to recognize that October is Lupus Awareness Month, in order to help bring awareness to a little-known disease that affects so many of our citizens.

#### VOLUNTEER SERVICE AWARDS

**Mr. Norm Miller (Parry Sound–Muskoka):** I rise today to recognize some special residents who volunteer their time in my beautiful riding of Parry Sound–Muskoka.

Mr. Gord Dawes was recognized as Ontario's snowmobile trail officer patrol Officer of the Year. Gord Dawes has served 10 years as a volunteer patrolling the 4,000 kilometres of snowmobile trails in Muskoka. The award was presented by the Ontario Federation of Snowmobile Clubs. Without Gord Dawes, there wouldn't be a STOP program in Muskoka region. He is responsible for organizing meetings, patrolling trails and assisting with training for the other STOP officers. STOP volunteers are sworn in as special constables by the OPP and help to make sure that riders respect the laws of the trail and make trails safer in general for all those who enjoy riding. Congratulations, Gord.

I would also like to recognize a few local volunteers from the United Senior Citizens of Ontario Inc. who last week were presented with the Ontario Volunteer Service Award: Mrs. May Snell for 15 years, Mrs. Grace Gibson for her 20 years of service, Mr. John McNicoll for 20 years, Mrs. Lorene Ross for 25 years and Mrs. Gwen McCormack for 25 years of service. Also recognized was Mr. Gordon Snell for his 25 years of volunteerism. Sadly, Mr. Snell died before he could receive this honour. Mr. Snell was also a former mayor of the town of Huntsville.

Congratulations to these and to all the other volunteers in the communities of Parry Sound–Muskoka. I thank all of you for your dedication and service to others.

### BY-ELECTION IN SCARBOROUGH-ROUGE RIVER

**Ms. Andrea Horwath (Hamilton East):** I wanted to rise today to talk about a mystery that's worthy of Sherlock Holmes. In fact, people might ask, "What is that mystery?" That mystery is the frequently asked question that's coming at the door as our candidate in Scarborough-Rouge River, Sheila White, is knocking—and she's receiving phenomenal support there. The question that she keeps getting as she knocks on those doors in Scarborough-Rouge River is, "When will the McGuinty Liberals call the Scarborough-Rouge River by-election, and why is there such a delay?"

Before the last election, Dalton McGuinty said, "Elections used to be designed to foster public participation. Now the timing and rules are cynically manipulated to reduce turnout and minimize exposure of the government's record.... It's time to put the silly guessing game behind us once and for all."

Premier, put the guessing behind us now and announce the date of the by-election for Scarborough-Rouge River. You promised to end the "silly guessing game." Now the people of Scarborough-Rouge River are guessing that you're too scared to call the election. Meanwhile, they are very enthusiastic about our NDP candidate, Sheila White. She was endorsed, in fact, by Alvin Curling when he was an MPP, and the voters of Scarborough-Rouge River are ready to give her a similar strong endorsement.

The McGuinty Liberals have lost the public trust, and the people of Scarborough-Rouge River want to elect Sheila White to send them a message. Stop breaking your promises; stop taking the voters of Scarborough-Rouge River for granted. Dalton, call the by-election and have the courage to face the voters in Scarborough-Rouge River.

### FOIRE D'INFORMATION D'EMBRUN

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Le 4 octobre dernier, j'ai eu le grand plaisir d'assister à la foire d'information d'Embrun intitulée La vie active... C'est pour la vie. Parrainée par la FAFO, la fédération des aînés franco-ontariens, c'était une première pour la région de Prescott-Russell qui fut grandement appréciée par plus de 350 francophones présents.

Il s'agissait d'une journée entièrement axée sur des informations pour les personnes de 50 ans et plus. Il y a eu des ateliers, des kiosques d'information et des conférences sur tous les sujets susceptibles d'intéresser les gens de 50 ans et plus, tels que des informations d'ordre légal comme les procurations, ainsi que l'importance de la forme physique et l'utilisation sécuritaire des médicaments.

Je félicite les organisateurs pour leur bel esprit d'équipe et de partenariat qui ont fait de l'événement un franc succès. Je tiens à remercier tous les partenaires de cette foire : la FAFO régionale de l'est, présidée par

Fleurette Lalonde et son secrétaire, Edgar Pommerville; le Secrétariat aux affaires des personnes âgées; le Club Joie de Vivre 50+ d'Embrun, sous la présidence de Cécile Desjardins; et le Bureau de santé de l'est de l'Ontario. Félicitations à tous les organisateurs. J'attends avec anticipation la foire d'information des années à venir.

1340

### PROPOSED WOODSTOCK HOSPITAL

**Mr. Ernie Hardeman (Oxford):** Last week I had the pleasure of showing our leader around my riding of Oxford. Not only did we have the pleasure of introducing John to the great people of Oxford, but he was invited to speak to the members of the Woodstock Chamber of Commerce at lunch.

After lunch, I drove John to the site where the new Woodstock hospital is supposed to be located—a hospital that the McGuinty Liberals continue to ignore; a hospital for which the McGuinty Liberals won't put pen to paper and give final approval.

In December 2000, former Minister of Health Elizabeth Witmer announced that a new hospital would be built to serve Oxford county. In October 2001, the Woodstock Hospital Foundation submitted the functional program and, upon its approval, began the master planning. Working drawings, including pre-tender cost estimates, were submitted to the ministry for approval in December 2003. Now, almost two years later, the project is still waiting for permission from the provincial government to go to tender.

In June 2005, it was announced that a new Toyota assembly plant would be locating in Woodstock. The addition of the new Toyota plant will increase demand on the already strained resources of the current hospital in Woodstock.

It's time for the McGuinty Liberals to stop stalling and get shovels in the ground soon for the sake of the patients and health care in Oxford county. It is unacceptable that a project that was first announced five years ago has yet to get permission from the McGuinty Liberal government to go to tender.

Community leaders, hospital officials and volunteers have worked hard to meet their end of the deal. When is this government going to honour their end of the deal?

### ANAPHYLACTIC SHOCK

**Mr. Dave Levac (Brant):** I was very fortunate and honoured to be in Barrie on Saturday at the Allergy/Asthma Information Association expo to talk about the bill we passed unanimously in the House last May, called Sabrina's Law. When we passed the bill, there were parents, schoolchildren and champions of anaphylactic students here to watch us enshrine much-needed protection into law.

In Barrie I met with parents, teachers and, most importantly, tons of students who spend a great deal of

time worrying about exposure to allergens. It was a very moving experience, and I saw and heard first-hand the impression and the impact we have had in this House for all of the people around Ontario. I saw the good that government can do when we act in the best interests of our children, and people pointed that out to us.

As you know, I've championed issues that help protect students, and Sabrina's Law does just that. We have asked school boards, principals, school staff and parents to be prepared for emergency situations involving anaphylactic students. Thanks to Sabrina's Law, they would, and should be, in every school across the province.

The people I saw on Saturday live with the worry that even the smallest amount of a food particle could harm or even kill a loved one. Although parents and students still must be vigilant, we have all helped to make our schools safe for anaphylactic students.

One of the biggest comments that was made in that one-day event was how proud they were of the legislators that unanimous consent was given in first, second and third readings. We should all be very proud.

#### EVENTS IN HAMILTON

#### ÉVÉNEMENTS DIVERS À HAMILTON

**Ms. Judy Marsales (Hamilton West):** I rise in the House today to announce some great news for Hamilton West. This past Friday, the Ministry of the Attorney General provided grants to three separate organizations in downtown Hamilton through the community grants program. These funds will go toward projects that assist and support victims of crime.

Last week, I had the pleasure of announcing funding of \$31,934 to the Planned Parenthood Society of Hamilton to help launch a community outreach project to assist victims of sexual-orientation hate crimes. Planned Parenthood is a wonderful organization that supports healthy sexual activity and reproduction by providing confidential assistance to youth on a walk-in basis.

Wesley Urban Ministries Inc., which celebrated their 50th anniversary on Sunday, is an organization that provides shelter and services for street youth, the homeless and the unemployed in downtown Hamilton. They will receive \$21,673 for a counselling program for homeless female youth across our city.

Finalement, le Centre de santé communautaire Hamilton-Wentworth-Niagara va recevoir 50 000 \$ pour développer un programme pour les enfants qui ont eu l'expérience de la violence domestique dans la communauté francophone à Hamilton. Le programme va assister à l'éducation des enfants au sujet de la violence ainsi qu'offrir des conseils pour les petites victimes.

We in Hamilton West are so proud of our city, and our priority is ensuring the safety of the people in our community. These grants will help to provide assistance for the homeless, for victims of abuse and crime—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### HURRICANE RELIEF

**Mr. Ernie Parsons (Prince Edward–Hastings):** I rise to tell the members of this House about a tremendous achievement accomplished through communal effort by the citizens in my riding.

As you know, less than two months ago Hurricane Katrina devastated the coastal regions of Louisiana and Mississippi. While many of us were talking about the damage and wondering what could be done, communities and businesses in the Bay of Quinte area began to act. It started with Max Haggarty donating a transport and driver to carry a load of relief supplies to the coast, and it snowballed. In total, the people of Prince Edward–Hastings donated almost \$30,000 and shipped 150,000 bottles of water to Red Cross kitchen number 19 in Slidell, Louisiana.

I would especially like to thank ITS Transportation, Gary Cooney of Cooney Transport, Canadian Tire and CN Rail for donating equipment and drivers to take our donations south, and the brewers' alliance for financial assistance toward transportation costs. I would like to thank Sheila Barry and John Considine at the US embassy in Ottawa for their assistance with all the paperwork. Chief Inspector Gary Musser and Superintendent Al Mason were extraordinarily helpful with border crossings. And Paula Burke at Culligan was patient, accommodating our ever-increasing need for water from Culligan. Thanks to the Royal Bank in Belleville for administering the money, and thanks to Laura, Dave and Brian of my staff for their commitment, energy and enthusiasm for this project.

Businesses donated pallets of water, and senior citizens' groups held euchre parties to raise money. Churches took up special collections. Municipalities, school boards, Loyalist College, local unions—donations came from every part of our community. I'm proud of the hundreds of people who came together to help our neighbours to the south, and I thank them on behalf of this Legislature.

#### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

**Mr. Ernie Hardeman (Oxford):** I beg leave to present a report from the standing committee on the Legislative Assembly, pursuant to standing order 109(b).

**The Speaker (Hon. Michael A. Brown):** Mr. Hardeman presents the committee's report. Does the member wish to make a brief statement?

**Mr. Hardeman:** No, thank you, Mr. Speaker.

**The Speaker:** Pursuant to standing order 109(b), the report is deemed to be adopted by the House.

## INTRODUCTION OF BILLS

### GAS PRICE WATCHDOG ACT, 2005 LOI DE 2005 SUR L'AGENT DE SURVEILLANCE DES PRIX DU CARBURANT

Mr. Gravelle moved first reading of the following bill:

Bill 10, An Act respecting the price of motor vehicle fuel and the appointment of a Gas Price Watchdog /  
Projet de loi 10, Loi concernant le prix du carburant pour véhicules automobiles et la nomination d'un agent de surveillance des prix du carburant.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

Does the member have a brief statement?

**Mr. Michael Gravelle (Thunder Bay–Superior North):** I believe strongly that consumers deserve to know what is a fair and justifiable price to pay for gasoline at the pump. Indeed, I'm convinced that if consumers knew what that fair price was, they would accept it. Today, that situation does not exist. This legislation would change that.

The establishment of a gas price watchdog with legislative bite would ensure that companies would have to justify their price structure and would no longer be able to gouge the public.

This is reasonable legislation that I hope secures the support of this House and, more specifically, the support of our government as we strive to eliminate the discrepancies that exist now, such as the price in Toronto of 86 cents a litre yesterday compared with \$1.02 a litre in Thunder Bay, a discrepancy that should not exist.

## VISITORS

**Mr. Kim Craitor (Niagara Falls):** On a point of order, Mr. Speaker: I would like to recognize that we have some very special guests from Niagara Falls: Professor Rick Gay from Kingston College and a number of students from China who are studying political science and have taken the time to be here in the House. They are Mike, Randy, Nick, Bill and John.

On behalf of everyone here in the House, I'd like to compliment you for taking the time to come to Queen's Park.

**The Speaker (Hon. Michael A. Brown):** That, of course, was not a point of order.

We welcome you very much to our proceedings.

## MOTIONS

### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Mr. Speaker, I seek unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker (Hon. Michael A. Brown):** Is it agreed? Agreed.

**Hon. Mr. Bradley:** I move that, notwithstanding order 96(d), the following changes be made to the ballot list of private members' public business: Mr. Kormos and Ms. Churley exchange places in order of precedence such that Mr. Kormos assumes ballot item 61 and Ms. Churley assumes ballot item 4; Mr. Ouellette and Mr. Wilson exchange places in order of precedence such that Mr. Ouellette assumes ballot item 62 and Mr. Wilson assumes ballot item 7; and Ms. Munro and Mr. Baird exchange places in order of precedence such that Ms. Munro assumes ballot item 44 and Mr. Baird assumes ballot item 14.

**The Speaker:** Mr. Bradley has moved that, notwithstanding standing order 96(d), the following changes be made to the ballot list of private members' public business: Mr. Kormos and Ms. Churley exchange places in order of precedence such that Mr. Kormos assumes ballot item 61—

**Interjection:** Dispense.

**The Speaker:** Dispense? Dispensed.  
Shall the motion carry? Carried.

## HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, October 24, 2005, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has moved government notice of motion number 8. Shall the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1353 to 1358.*

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

### Ayes

Arthurs, Wayne	Gerretsen, John	Racco, Mario G.
Baird, John R.	Gravelle, Michael	Ramal, Khalil
Bartolucci, Rick	Hardeman, Ernie	Ramsay, David
Bentley, Christopher	Hoy, Pat	Rinaldi, Lou
Berardinetti, Lorenzo	Hudak, Tim	Runciman, Robert W.
Bountrogianni, Marie	Jackson, Cameron	Ruprecht, Tony
Bradley, James J.	Kwinter, Monte	Sandals, Liz
Bryant, Michael	Lalonde, Jean-Marc	Smith, Monique
Cansfield, Donna H.	Leal, Jeff	Smitherman, George
Caplan, David	Levac, Dave	Sorbara, Gregory S.
Chambers, Mary Anne V.	Marsales, Judy	Sterling, Norman W.
Colle, Mike	Mauro, Bill	Takhar, Harinder S.
Craitor, Kim	McMeekin, Ted	Tory, John
Crozier, Bruce	McNeely, Phil	Van Bommel, Maria
Delaney, Bob	Meilleur, Madeleine	Wilkinson, John
Di Cocco, Caroline	Miller, Norm	Witmer, Elizabeth
Dombrowsky, Leona	Munro, Julia	Wong, Tony C.
Duguid, Brad	Parsons, Ernie	Wynne, Kathleen O.
Duncan, Dwight	Peters, Steve	Yakabuski, John
Flynn, Kevin Daniel	Phillips, Gerry	Zimmer, David
Fonseca, Peter	Pupatello, Sandra	

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

#### Nays

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

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 62; the nays are 10.

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

## STATEMENTS BY THE MINISTRY AND RESPONSES

### HOSPITAL SERVICES

**Hon. George Smitherman (Minister of Health and Long-Term Care):** Once again, I have the pleasure of rising in this House to share more good news. Earlier today, the Premier and I had the privilege of being part of a remarkable and important event: the launch of the government of Ontario's wait times Web site. Here in this chamber we often hear calls for greater accountability and greater transparency. We often hear calls for reliable, up-to-date information. Well, we've delivered. The Web site which the Premier and I helped launch today does all of this and more.

As we all know, wait times are one of the crucial yardsticks by which we measure how well our health care system is performing, but until now we did not have accurate information on wait times. I know this will come as something of a shock to members of this assembly, because it came as a shock to me, but when we took office just over two years ago, the health care system we inherited did not compile this data. If you wanted to know what the waiting time was for a certain procedure at your local hospital, you just could not find out. Obviously, this made it very difficult to make intelligent decisions about your care or the care of a loved one, because the information simply didn't exist. We knew wait times were bad, but no one knew, not even hospitals, just how bad. I'm not sure how things slipped to such a state. Some other members may have some insight into this. Instead of pointing fingers and dishing out blame, we rolled up our sleeves and we set out to fix it, and fix it we did.

As you know, our government set out to shorten wait times in five critical areas. We've already funded almost 240,000 additional procedures—nearly a quarter of a million. Just one example: Since we launched our wait times strategy, 42% more MRI procedures have been delivered in Ontario. These investments, these additional procedures, are contributing to shorter wait times and are making an enormous difference in the lives of thousands of Ontarians.

But in order to shorten wait times, we knew that we had to do more than just fund additional procedures.

That's not the whole answer. We also have to work smarter. We have to identify problems and bottlenecks in the system. We have to make decisions based on the most reliable, up-to-date information. And we have to allow patients and their families to do the same: to make decisions based on accurate and timely information.

This Web site, available to all Ontarians, does exactly that. It provides all Ontarians, patients and physicians, with information about actual wait times in their communities at the local hospital, broken down by procedure and broken down by local health integration network.

We know that some of the most stressful decisions we make are about the health care of our loved ones and ourselves, and this Web site helps to remove some of the guesswork. For others in the health care system, whether they be doctors, hospital administrators or ministry staff, the data on this Web site is equally instructive and valuable. We can manage the wait times more effectively because we have accurate information to work with. By making this information public, we're introducing a degree of transparency and accountability that will have an immediate and positive effect on the entire health care system. Because this information is broken down by local health integration network, hospitals within each LHIN will be able to better share the wait times burden. This is precisely what local health integration networks are designed to foster.

I'd also like to take a moment to remind all members that on the issue of wait times, this government is way, way ahead of the field. We didn't sit here and have someone tell us that wait times were a problem; we identified this as a problem long before the last election campaign, and our leader ran on a promise to shorten wait times.

Today, Ontario is a leader on the issue of wait times. I had the opportunity to meet with my federal, provincial and territorial colleagues this past weekend, and I can tell you that every one of them has seen the progress that we've made in Ontario as a model for how to get things done.

The launch of this Web site is both an important milestone and a crucial turning point for health care in Ontario, and I am very proud to rise in my place to congratulate and to thank our Premier for helping to make it a reality.

**The Speaker (Hon. Michael A. Brown):** Responses?

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** The much-publicized launch of the Web site list today was a major disappointment to people in the province of Ontario, who thought that it would actually reduce wait times. This announcement today was a blatant attempt by the Liberal government to divert attention from the fact that they have no plan and that they have broken their election promise to reduce wait times. Rather than improving access to care and reducing wait times, this government is simply looking at new ways to fool people into thinking that change is happening. The Web site highlights a problem that we all know exists, but doesn't offer even as much as a band-aid solution.

Providing access to wait lists does not equal improving access to care, nor does it improve care or provide one more space for treatment. In reality, we all know that people are waiting longer and they are paying more in taxes. The longer wait times were confirmed last week by the Fraser Institute, which stated that median wait times for the province increased from 7.1 weeks in 2003 to 8.7 weeks in 2005. In fact, Ontarians suffered one of the largest jumps in wait times in Canada, with an average five-and-a-half days longer to receive needed care than in the previous year, despite the fact that other provinces were showing improvements.

Today's announcement does not take into account that many of the individuals in need of this information are seniors who do not have access to a computer or the Internet, or who understand how to use them. This information also does not help the person who does not have access to a family physician.

Indeed, let's deal with the issue of access to family doctors: When I looked at the Ministry of Health Web site today, I noticed that the number of communities that were designated as underserviced has actually increased from June of 2003. Instead of 34 communities being underserviced, we now have 37 in the north; instead of 92 in the south, we now have 102. What use is this Web site to patients in Ontario who cannot access a family doctor?

This decrease in the number of doctors and increase in underserviced areas has all come about during the Liberal watch. Furthermore, without a plan to address the shortage of doctors and nurses who can perform the procedures as well as the necessary follow-up, and capital investments in hospitals for additional operating rooms, these wait times will continue to increase.

I was disappointed to see that the data on the Web site is incomplete, and I was surprised that not all hospitals had provided the data. Furthermore, this data provides only a part of the picture; it fails to show the wait time from the time you go to your family physician to the procedure. Today's announcement provides no hope for goals or access targets to indicate how quickly the wait times are going to be reduced. In fact, I want to quote from the OMA this morning, who were also expressing some disappointment. Dr. Flynn said, "I'm concerned about my members"—meaning the doctors—"and the extra onus that's going to be placing on family doctors to hunt for a place that's acceptable for all parties to have the work done."

**1410**

This announcement today offers no process as to how people can access these procedures in other communities. However, it does add to the workload of family physicians and specialists instead of allowing them that time to provide care for their patients. In fact, he also said that if you're not one of the priority areas—I mean, we're still in a constrained system. Nothing that has happened today or yesterday has made for more anaesthetists. Nothing that has happened today or yesterday has created more diagnostic radiologists.

I think we can see that the announcement today is not going to decrease wait times. In fact, they have increased by five and a half days in the last year. It is not going to improve access unless we have more doctors and nurses, and we now know that under the Liberal watch the number of underserviced areas has actually increased.

**Ms. Shelley Martel (Nickel Belt):** The government announcement today was more about spin than substance, and you only have to look the Web site to see that. The OHA reports that there are 211 hospitals in the province, but only 74 are specifically required to list their wait times. It seems that those 74 were chosen because they got some additional money this year to do additional procedures, which is interesting, as there are other Ontario hospitals that carry out these procedures too. But since they didn't get any additional funding, they're not required to be on the Web site. You have to ask the government, why aren't they included? Don't they have wait lists too? If the purpose of the exercise—and the government seems to suggest that it is—is that you're trying to get to the hospital with the shortest wait time to get your procedure done, why don't these hospitals factor into the equation too?

Secondly, of those required that were required to report this morning, a number failed to do so on one or more wait times. Those hospitals included London Health Sciences Centre, Lakeridge, South Muskoka and Princess Margaret. It's hard to imagine why this wasn't done before the grand unveiling. It's interesting to ask what the government is going to do when some of these hospitals that should have reported by the grand unveiling of the Web site didn't even report on those wait times that they were required to.

Thirdly, the Web site is only accessible or searchable not by hospital; you have to do it by postal code or by city or town. It's not very user friendly either for consumers or for doctors. I think the reality is that most people aren't going to bother to get on it.

Let's deal with some of the issues regarding wait times themselves.

First, the government wants to leave the impression that people are going to get on the Web site, look for the hospital with the shortest wait list, go the doctor to get a referral and go to that hospital, and they're going to get it done no matter where it is in Ontario. It's highly unlikely that most patients are even going to bother to take a look at it. Most of those people very much trust their family doctor. They have an intimate relationship with their family doctor, and they believe that if a serious medical situation exists, their family doctor will do something about that. If there's a serious problem, their family doctor is going to refer them to the place where they can get that procedure done in the quickest time. I don't think you're going to see a lot of change. Because so many people are so comfortable with that relationship, they're not going to question it.

Secondly, for those who do take a look to see that there might be a short time somewhere else, they're going to approach their family doctor for an opinion. A lot of family physicians already have a relationship with

specialists in their own community whom they are very comfortable with. I think many of them are going to be concerned about referring their patient, perhaps an elderly, frail patient, to a specialist they don't know, in a community they know nothing about, to a hospital they know nothing about. I don't think that most family doctors are going to do that. They're going to want to be sure that they themselves have some kind of relationship with the specialist they're going to refer their patients to. It was Dr. Flynn who raised that concern this morning, and I think it's a legitimate one.

Thirdly, for those who go on-site, discuss it with their family doctor, get a referral and then decide to go somewhere else, it's interesting that the government has very clearly said that they're not going to pay for people to travel somewhere else to get their procedure done more quickly; the minister's own political staff said that. You need to know, Speaker, that that also includes northern Ontario. Even if the northern Ontario travel grant is in existence, if there is a doctor in your community who can undertake that procedure, you can't qualify to go somewhere else either in the north, or out of the north to the south. I think that if people have to pay out of their own pocket to travel, for accommodation, for family to be there with them and there's no government funding for that, they're not going to go.

Finally, I think Dr. Rachlis said it correctly when he told the Toronto Star on October 17 that "the 'biggest problem' is the shortage of doctors and nurses to handle patients, not so much where they're doing the treatment. 'We just don't have enough of the specialists or the nursing people that are involved in the system,' Rachlis told the Toronto Star.

"And with the aging population and the aging health caregivers in our population, things are going to get worse."

It's interesting that the minister had nothing to say about the serious problem that this province, like so many others, is not going to meet the commitment it made to establish benchmarks for wait times by December 2005. It's very clear that the federal government gave \$41 billion to the provinces on condition that some of them would meet some of the commitments they had signed on to. One of those commitments was to have scientifically based benchmarks in place for a number of procedures by this December. You only have to read the paper and see the weasel words of the federal minister and our very own minister to know that this government is not going to meet its commitment. You've got the money; why don't you meet the promise that you set when you signed on to the accord last September?

## ORAL QUESTIONS

### MINISTERS' EXPENSES

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Given your admission on

Friday that your Minister of Finance broke the rules by funnelling his expenses through the civil service, what canvass have you and your staff done so that you can guarantee that no other members of your cabinet have broken these rules?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm pleased to have the question and to inform the House that, further to my opportunity to speak with members of the media on Friday last, I had the opportunity to speak with our Minister of Government Services, Gerry Phillips, and we have, under his auspices, sent a clarification to all of our ministers to improve the system that is already in place and to make it perfectly clear that if it's not practical for a minister to file a claim on his or her own and somebody else ends up paying for it, then it's important that that be brought to the attention of the Integrity Commissioner. That's the point of clarification that was made by the Minister of Government Services, and I think that was the fair and reasonable thing to do in the circumstances.

**Mr. Tory:** I say to the Premier, this is a fairly basic issue about your standards, about following the rules and about respect for the taxpayers' money. I can't imagine what would make it impractical for a minister to pay for an event that that minister is hosting. It's fairly commonplace in the private sector that the most senior person present at an event would pay, precisely so that you can't have people who are putting expenses through who are not then captured by the system.

Information that we already have shows that another minister, your Minister of Economic Development, had a \$1,000 dinner in Stuttgart and a \$1,300 lunch in Milan which were put through a civil servant expense account, which is against the rules and escapes the examination of those expenses by the Integrity Commissioner.

We have today filed freedom of information requests for all expenses related to all trips taken by your ministers. Since we know the rules were broken and we have the right to know how broadly, will you save us the trouble of going through that seven-month process and simply make all those expense returns public right now?

**Hon. Mr. McGuinty:** I've made it clear, and we've formalized that now by a point of clarification that has been distributed to all ministers and their staff. I'll read that so that the leader of the official opposition understands exactly what we've done. It says:

"Ministers will disclose an allowable expense incurred by them or on their behalf with the Integrity Commissioner.

"While it is preferable, wherever possible, for ministers to pay allowable expenses themselves, if it is not practical for a minister to pay for an allowable expense, the minister shall note the expense on his or her claim form and shall include a copy of the receipt indicating that the expense has been claimed by another individual."

I think that is what is fair and reasonable. The member opposite may indicate that somehow he wouldn't otherwise have found out about this expense, but the fact is you did find out about it. All expenses connected with

that particular lunch became apparent through your FOI request, so it was there. What we're really talking about is making sure it's properly noted.

1420

**Mr. Tory:** The Premier's last comment is actually very helpful, because we did have to make the FOI request and we did have to wait, in the case of your Minister of Finance, seven months to get the information in question. So since today is the day for Web sites, I would like to ask you if you would agree to go one step further than this clarification that you've put in place and agree to meet the standard they've had in Ottawa for some time, which is that all ministers' expenses are posted online every three months. Will you agree to meet that standard and move to that level of transparency and disclosure so we don't have to ask for this stuff and wait seven months for it?

**Hon. Mr. McGuinty:** What we're talking about here is a Conservative government bill: the Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002. It's a fairly fresh piece of legislation. It has become apparent to me that it required further clarification. That is exactly what we have done. We are building on a foundation which is relatively recent. We think it makes good sense to move forward with this clarification, and that's what I've done.

#### HOSPITAL SERVICES

**Mr. John Tory (Leader of the Opposition):** I don't know why we couldn't take the technology we're using for Web sites, which I'm going to ask about now, and use it for expenses.

My question is for the Premier. In your last election platform, you made the following promise, one of many: "We will begin by setting and meeting standards for cardiac care, cancer care, total joint replacement and MRI/CT scans."

On what date can we expect those goals or standards, as you promised, to ensure that patients are receiving timely care?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'll just take the opportunity at the outset to congratulate the Minister of Health and everybody involved in our public health care system for helping us to collect information which has never been collected before in our province and to make that information public for all Ontarians. It has never been collected before.

In keeping with an agreement reached this weekend at a meeting attended by the Minister of Health, benchmarks will be established in common by all the Ministers of Health by year-end. Then, beyond that, individual provinces and territories will establish their own particular targets, which will be milestones along the way to achieving those benchmarks. I expect all of that will happen before year-end.

**Mr. Tory:** In fact, the Cardiac Care Network, Cancer Care Ontario and the Ontario joint replacement registry,

which you shut down, were already measuring wait times independently. Premier, the Ontario Medical Association president, Dr. Gregory Flynn, said your announcement today, while an attempt to provide information, does little to address patient care. In fact, he said that the wait times Web site "tells us there are wide variations between institutions, wide variations in wait lists. And it's surprising that there are some fairly significant institutions that have not reported their wait list data. Having the information [doesn't create] another anaesthesiologist; [it] doesn't open another operating room."

My question is this: What process did you announce this morning so people could act on the information they see on the Web site and actually go somewhere and get a procedure done in a shorter time, which then might actually go an inch toward meeting your promise of reducing wait times? That's what you said you would do.

**Hon. Mr. McGuinty:** I can tell you, and I know the leader of the official opposition knows this, that you can't manage what you can't measure. For the first time, we are collecting this information. Beyond that—it's been said so often that it verges on the trite, but the fact of the matter is, it's true—information is power. Doctors and patients now have access to reliable, recent data. ICES, for example, produces data. The last round of data they collected predates our government. That's how old that was.

This comes from July of this year. We intend to update this on a bi-monthly basis. This enables patients and, in particular, their family doctors to sit down together and make an informed decision about where they want to proceed with a further procedure that requires the assistance of a specialist. It's the beginning. We expect, and we know for a fact, that we'll be able to make marked improvement as we move forward, and we're very much looking forward to the next rollout of new data.

**Mr. Tory:** The Premier's government shut down the independent wait times registry that monitored joint replacements, including hips and knees. You changed the wait time definitions for a lot of these procedures by cutting out the time that it takes for a patient to see a specialist in the first place, and this is often the longest time of all.

I'm informed there is absolutely no process in place to make use of this wait time information, and furthermore, that with the exception of what are called unlikely instances of professional courtesy, someone calling from one city to another after that chat with their family doctor won't be able to get the procedure done in the time stated on the Web site.

Mr. Premier, you had the words "Reduce wait times" behind you this morning; those were the words that were behind you this morning. What specifically will this Web site do to help patients to reduce their wait times? What process will they follow?

**Hon. Mr. McGuinty:** Let me tell you that we've already funded 240,000 more procedures in those five targeted areas. What we're going to demonstrate over

time—and it's something that no other government was prepared to take on, because they were, frankly, afraid of linking themselves directly to measurable progress. Nobody over there ever even suggested that they should take that on before, and we've embraced that.

Let me tell you about some of the things that have already been said in terms of wait times:

From Dr. Robert Bell of Princess Margaret Hospital: "What would have been an eight- to 10-week wait for cancer surgery, wait for MRI scan and wait for an initial consultation and diagnosis has been reduced to less than three weeks."

"The current waiting time of three months for outpatient elective scans will be eliminated"—that from Julia Dumanian, CEO of Cambridge Memorial Hospital.

We are now running MRIs at times of the day when they were never, ever run before. It's remarkable what you can do when you commit yourself to getting the job done, and we're doing it.

### WATER QUALITY

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier, and it concerns the health of a remote First Nations community. I think the situation is a disgrace, but I want to know what the Premier thinks. This is an Ontario community where the drinking water contains sewer water, where the tap water is giving children skin and stomach diseases, and where their water quality problems have become so desperate that residents are forced to beg for assistance. That's the situation today at Kashechewan, which is a remote First Nation in northern Ontario. Two years ago, the Ontario Clean Water Agency issued this report warning that the situation there is a Walkerton in waiting.

Premier, can you explain what your government did with this report from the Ontario Clean Water Agency? And have you done anything to address the water quality problems in this community?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The leader of the NDP raises an important issue, and I fully support the sentiment expressed in that. We have a real challenge on our hands. More importantly, the people in that community have some real challenges that they are grappling with.

I can say that the Minister of the Environment, Laurel Broten, as did her predecessor, Leona Dombrowsky, has written to the federal government saying that we stand at the ready, that we are prepared to assist in whatever capacity we might be called upon to do so. The leader of the NDP knows that the reserve is the subject of federal jurisdiction. I can say that the Minister of Natural Resources was also in touch with his counterpart on Parliament Hill earlier today.

Again, I will repeat this government's commitment in this House, one that's been made directly to the federal government: We stand at the ready and we're willing to assist in whatever way we're called upon to do so.

**Mr. Hampton:** Premier, the citizens of this First Nation are citizens of Ontario. This is a report of your

agency, the Ontario Clean Water Agency, which says that this is another Walkerton in waiting. It says that the water is drawn from ditches and sewage lagoons. It says that they are forced to patch equipment that doesn't work with electrical tape, that they have meters and gauges that are broken. We know that there's E. coli in the water so bad that doctors are urging total evacuation of the community. You're saying that the sum total of your government's response was to write a letter to the federal government?

**Hon. Mr. McGuinty:** To the Minister of Natural Resources.

1430

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I would remind the member that even Justice O'Connor, when this particular segment came up under those deliberations in the Walkerton inquiry, had stated that water is a federal jurisdiction when it comes to reserves. But we are very concerned, and no Ontarian should have to put up with such Third World conditions. Quite frankly, I am personally disgusted by the situation in that community, as is this government.

I have been in contact with Andy Scott, the federal Minister of Indian and Native Affairs. I've told him of my concern about this and have asked him to take immediate action, and that if Health Canada declares this an emergency, Ontario is prepared to carry out an evacuation immediately.

**Mr. Hampton:** I want to point out that the school is now closed in the community because the water is so contaminated. A physician who has visited there found skin lesions on children because of skin infections related to how bad the water is. Your government has had no trouble visiting the community: A year ago, the Minister of Health was there to visit. He saw how bad it was. He was there long enough to make some promises, none of which have been fulfilled. Six months ago, your Minister of Community Safety was there. He said that the situation was deplorable. But I want to know, Premier: Has your government done anything—done one thing—other than write a letter to your federal cousins?

**Hon. Mr. Ramsay:** We have a big interest in this. In fact, ministers of the crown visited the community over this year. Again, I want to reiterate what the Premier has said, that the Ministry of the Environment has stepped up and said, "We are offering all the technical assistance that we have at our disposal in Ontario." It is up to INAC to authorize that and work in partnership with us, as it is under federal jurisdiction—and that's the problem here—but we are prepared to step up to the plate. I said to the minister, "I want you to make a decision as soon as possible on this, because we're prepared to act," and we need that authority from the federal government to do that.

### GOVERNMENT ADVERTISING

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. I think we know the story:

You've written a letter to the federal government; that's about it.

Premier, before the last election, you railed against governments using partisan self-promotion paid for with tax dollars. But today, with much fanfare, you launched a wait times Web site already being described as "virtually useless" for people. Doctors say, "It won't work."

Premier, how is a virtually useless Web site that won't work for people anything but government using public money for partisan self-promotion?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Well, the leader of the NDP may want to dismiss the historic collection of wait time information and its availability for all Ontarians to access by means of the World Wide Web as not being particularly useful, but I'm eager to see how many hits we get on that Web site; I'm eager to see how many Ontarians are actually interested in wait times at their local hospital and throughout the province of Ontario. I think Ontarians are very interested in knowing what wait times are in their community; I think Ontarians are very interested in knowing what kind of progress their government is making at getting wait times down.

The member opposite may not be interested in visiting the Web site, but something tells me that thousands of Ontarians will be visiting that Web site.

**Mr. Hampton:** I'm interested in what physicians had to say: that this Web site will be of no use to patients because it's physicians who make the referrals, not patients.

But Premier, you said that banning partisan, taxpayer-funded promotion was a very high priority. In fact, your minister, Mr. Phillips, said, "This legislation is the central part of our democratic renewal initiative. It's a priority of this government and, if I may say, it's a high priority of our Premier." He said that when the Government Advertising Act was passed by this Legislature over a year ago.

Premier, it was passed a year ago by this Legislature. Can you tell me why, if it was such a high priority for your government, it hasn't been proclaimed into law yet by the McGuinty cabinet?

**Hon. Mr. McGuinty:** The Minister of Government Services.

**Hon. Gerry Phillips (Minister of Government Services):** I'll say two things: One is that the government is acting in everything it does as if the act was fully proclaimed.

*Interjections.*

**Hon. Mr. Phillips:** No, no; but the Auditor General has said this: He needs to make sure that he recruits staff, who are able to implement this act.

Recognize that this is the first time in the world an act like this has been proclaimed. We are plowing new ground here. The Auditor General wants make sure he has the staff on hand to implement it. We are probably only a few weeks away from doing it now, but we've been working carefully with the Auditor General to make sure that when he begins to have his staff on board, we do this thing completely well, because we are plowing

ground for the rest of the world on this particular legislation.

**Mr. Hampton:** I say to the Premier that this is not the responsibility of the Auditor General. This was supposed to be your high priority, Premier, and a year after the legislation was passed, you still haven't proclaimed it into law.

This is part of their continuing theme, however. You promised to combat the cynicism that people were feeling about politics. You promised to end the junketing by cabinet ministers, but your cabinet ministers have been caught billing Twix bars, \$9 Cokes and \$70 steaks to the public. You promised to clean up political fund-raising, but tonight you'll be raising money with a cabinet minister who uses taxpayer-subsidized funds to buy everything from tuxedos to theatre tickets. You promised to ban partisan, self-promotional ads, but to date you haven't done that either. Premier, why should people—

**The Speaker (Hon. Michael A. Brown):** Response?

**Hon. Mr. Phillips:** You lose credibility with me when you say something in here that you know is frankly not true on the Twix bar. I would just say—

*Interjections.*

**The Speaker:** You might want to rethink that.

**Hon. Mr. Phillips:** I withdraw that.

I just say to the public, recognize what we're doing with this advertising act. No other jurisdiction in the world has legislation like this. The Auditor General wants to make absolutely certain he has the staff and proper procedures in place to implement it properly. Other jurisdictions are watching this. We are going to do it right. We, as a government, are acting as if the legislation has been proclaimed. The Auditor General is getting the staff on board, doing the necessary training, and in the weeks ahead we will proclaim it.

I will just say to the public that we are plowing new ground here with legislation that the rest of the world is watching, and we are going to do it right. We are going to do it properly, and we will lead the world on it.

*Interjections.*

**The Speaker:** The member for Niagara Centre knows that that wasn't appropriate. New question.

## VIOLENT CRIME

**Mr. Garfield Dunlop (Simcoe North):** My question today is for the Minister of Community Safety and Correctional Services. As the minister responsible for public safety in Ontario, exactly what have you done under your watch to eliminate gun and gang violence in the province?

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** We as a government—and this isn't just a one-ministry initiative; it's an initiative between the Ministry of Community Safety and Correctional Services and the Ministry of the Attorney General—have done many things. We have brought together on the Attorney General's side a whole range of

initiatives. In my particular ministry, we have brought forward legislation that mandates the reporting of gunshot wounds. We have put together a plan, I'm sure you know, to bring forward 1,000 new officers who will help with that particular initiative. And we are working on a whole other area of getting rid of the causes of some of these things. Legislation is before the House right now on marijuana grow-ops, the proceeds of which go to bring guns into this province. These are all part of our plan to be tough not only on crime but on the causes of crime.

1440

**Mr. Dunlop:** Of course, we haven't hired any of those 1,000 new officers yet, and it won't be even in this year.

Minister, under your watch we lost our 44th victim to yet another gun slaying last night. On December 21 last year, our leader, John Tory, called on the McGuinty government to hold an emergency summit on youth violence, and in the first two months of the new year to appoint an all-party select committee to travel the province to listen to parents and community leaders.

On June 28, Mr. Tory hosted the violence affecting youth summit, attended by various stakeholders from across the GTA. On July 13, John Tory called on Premier McGuinty to appoint a committee made up of one caucus member from each party to review the Safe Schools Act. Since last January, John Tory has called on the McGuinty government over 20 times to take action on guns and gun violence.

Minister, Ontarians are demanding leadership on this issue. How many more lives will be lost under your watch before we begin to take serious action on this critical matter? When can we expect real leadership on this critical issue?

**Hon. Mr. Kwinter:** I find it interesting that last Friday both the leader of the official opposition and I attended a press conference prepared by UMOVE, United Mothers Opposing Violence Everywhere, in which they told us a heart-rending story of all these young members of our community who have been shot. Their message was not police, not banning of guns; it was working within the community, working within their families.

This is something that both of us spoke to; both of us were made aware of the situation. That isn't the first time that has happened. I have been to several forums with members of the community who have been the victims of these particular horrible offences, and they all say the same thing: There isn't one solution; it's a combined solution, where we have to get the police, the community and law enforcement regulations in place to be able to deal with this.

#### HEALTH SERVICES

**Ms. Shelley Martel (Nickel Belt):** I have a question for the Minister of Health. This weekend patients suffering from rare diseases told you they'd waited long enough. Their wait for treatments for disorders like MPS

and Fabry's is infinite in Ontario because you don't have a plan to fund treatment for these rare disorders.

One eight-year-old with MPS said, "If we don't get treatment we'll get sick, and if we get sick we'll die. We need treatment available so we can live and be part of the Canadian family."

Minister, you promised a plan for rare disorders at last year's health summit. Where is the plan?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I do wish to thank the honourable member for the question, and particularly for the opportunity to highlight the progress that was made by first ministers related to the provision of product for these two very rare diseases.

We do have a challenge, which has been well identified, of having an appropriate regulatory response in the case of rare diseases, because it's so difficult to have the research to identify the benefits being provided by the product. As a result, the FPT ministers this past weekend came together, with support from the federal government, on a plan to be able to move forward with a time-limited research proposal that will include advancing product to these individuals.

We are going to move forward very expeditiously, but it is necessary to engage the companies on a risk-sharing basis and to have an appropriate research proposal, and it will be timely.

**Ms. Martel:** The question was, how long do these folks have to wait? The minister made a similar promise over a year ago. We're here a year later and there's nothing in place for Ontarians who have rare disorders—Ontarians like Darren Nesbit, who suffers from Fabry's and has been to this Legislature on more than one occasion to urge this minister to do something; Ontarians like Donna Strauss, whose husband, John, died from complications of Fabry's disease. The minister wrote to Donna on July 3, 2004, after John died, "As you struggle to deal with such a huge loss I wish to assure you that I will make certain of coverage for Fabry. Don't let any stories about the drug's slow approval add to concern about coverage." That was over a year ago—and still nothing for patients who suffer from Fabry's in this province.

I say to the minister again, people have heard your promises. They've heard them for over a year now. Where's the plan to provide coverage for people with rare disorders in Ontario?

**Hon. Mr. Smitherman:** Well, I'd say this too: People have heard a lot from that member, but the one thing they remember well is that she is a member of a political party that when in government in the province of Ontario actually reduced the amount of money available in the Ontario drug benefit, and she has the audacity to ask a question like that.

This past weekend, federal, provincial and territorial ministers came together. I looked Darren Nesbit in the eye, I looked Donna Strauss in the eye, this weekend and on several other occasions. I have told Darren Nesbit every day in the days since I met him that I have worked toward a resolution on that. We made significant progress

this weekend to create a research capacity that will provide product for rare diseases for people in this country. To hear a question from that member who has such an awful record related to the provision of product is a little galling. To these patients, I send them the message of progress and that it is the desire of ministers to move forward expeditiously on a risk-shared basis—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

#### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** I have a question for the Minister of Government Services on the—

*Interjection.*

**Mr. Ruprecht:** You know what's going to happen when you keep teasing a bulldog. One of these days, you're going to get bitten, OK?

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. Questions should be placed through the Speaker.

**Mr. Ruprecht:** Mr. Minister, you already know the statistics that were released by First Data Corp. in their report. It found that 6.8% of adults have been victimized by identity theft and a striking 43.4% of adults have received a phishing contact. This survey was released only days after two large US banks were targets of thieves who stole 700,000 financial records of consumers.

Closer to home, the Toronto Star and W-Five reported a number of privacy breaches by our banks. We strongly believe that Canadians should not sit back and wait for another security breach. Therefore, I ask the minister the following questions: What is our government—

**The Speaker:** I think there was a question there somewhere. Minister?

**Hon. Gerry Phillips (Minister of Government Services):** If I'm not mistaken, the question was, what is our government doing to protect against identity theft?

Let me just say that it is a very serious issue and the member from Davenport has been actively involved in this. In early July, we issued a discussion paper, and all the ministers across the country, and the territories and the federal government, issued the same discussion paper. It identifies, I think, the 10 key issues around identity theft. It asked for input by the middle of September. That input is now in. We're analyzing that. It is our hope that the ministers will meet in the winter of 2006, in the next few months, to review that and to look at possible legislation for the fall of 2006. So we are moving on it. It is a very serious problem that the member has identified. As I say, I think we've identified the 10 key issues and we're looking for long-term, solid solutions.

**Mr. Ruprecht:** Thank you, Mr. Minister. In my own case, the Toronto-Dominion Bank and CIBC wrote to me explaining that my security may have been breached regarding my own account. I'm sure that I'm not alone and not the only one to whom they wrote this letter.

More importantly, W-Five reported two days ago that the Secret Service and the FBI took down a ring of cyber criminals known as Shadowcrew. Just one lone member of this gang had a Web site where he was selling half a million stolen credit cards. Interestingly, the Secret Service approached the RCMP about the Canadian connection to Shadowcrew, but the Mounties passed on the case, handing it over to local city police, saying they had limited investigative resources. In other words, this is not a priority for them.

If the RCMP can't protect consumers, what can ordinary Ontario residents do to protect themselves?

**Hon. Mr. Phillips:** Again, I say to the member, the long-term solutions will rest in that paper I talked about. In the short term, my advice to Ontarians is that one thing you can do is look on our Web site. The Ministry of Government Services has a Web site and we have several practical areas that they can look at: "Protecting your identity", "How can I reduce my risk?", "How do I know if my identity has been stolen?", "What if I am a victim of identity theft?", etc.—some good practical suggestions there. My predecessor, Mr. Watson, last year issued an instruction guide on how you can protect your personal identity. He also did the same thing for businesses, as an assistance to business.

My advice to the member from Davenport in the short term is: Take a look on our Web site. I think there are very good, practical suggestions that would help the people of Ontario protect their identity, and we're dealing Canada-wide with some long-term solutions to the major issues there.

1450

#### ADOPTION DISCLOSURE

**Mr. Norman W. Sterling (Lanark-Carleton):** My question is to the Minister of Community and Social Services regarding Bill 183, the adoption disclosure bill. You have claimed that a no-contact provision will protect those who do not wish to reunite. You cite the state of New South Wales in Australia as your example of the success of a no-contact provision. In committee on September 15, according to your staff, there has never been a prosecution for the past 15 years, all the time that this legislation was in place in New South Wales. Further, on September 15 in committee, your staff promised to supply the members of the committee with the sources of information they had in New South Wales regarding this issue within seven days. It's now a month and we haven't heard anything; the committee hasn't heard anything from your staff.

This bill is a mess. Your staff is not keeping its word. Will you postpone the debate on this bill, which is to be called tomorrow night, until the committee is satisfied—

**The Speaker (Hon. Michael A. Brown):** Thank you. The question has been asked.

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** Thank you very much for the question. I hope

that we will go forward and have a very successful debate, perhaps this week in this House—as early as tomorrow.

I will say to the member opposite, in discussion about Australia and their experience, that what we did and have been doing for several months is simply picking up the phone and calling people who were active at the time to see how they changed their laws in Australia and how it has worked. We have been on the phone repeatedly.

Moreover, a point that I think members of this House will be interested in is that they passed, some time ago, their review of legislation that they brought in five years ago that didn't have a disclosure veto. With all of the naysayers who may have been around in that time, they had such an open opportunity to change and strengthen the legislation and in fact they didn't because what they found was that the sky didn't fall. What they found were tremendous examples of people being reunited, in many cases, and being contacted when it was appropriate. So in fact it has worked quite well in Australia.

We're happy to pass along those numbers to the member opposite, and perhaps he should have gotten them sooner.

**Mr. Sterling:** But you see, this is specifically the problem. In fact, her staff did indicate that there was some discontent with the no-contact provision in New South Wales, and we asked for that information.

At first reading, you proposed to give open access to adoption records to men who had raped women and to people who had abused their own children. Now you make those affected people plead in front of a tribunal in order to keep their privacy from these criminals.

At the last minute, your ministry discovered it had inadvertently shut down all disclosures under the existing system for the 18-month period of time between the new and the old legislation.

This legislation is a mess. Why don't you follow Alberta, BC and Newfoundland and pass a bill that can be implemented successfully—

**The Speaker:** Thank you. The question has been asked.

**Hon. Ms. Pupatello:** I appreciate that second question, but I think that in this debate we do have to stick with the facts, and the facts are these. As we expressed on first reading of this bill, a number of items around protections for people who may come of harm were always going to be built into the regulations of the bill—something that doesn't happen until after that bill is passed. We can't speak to what those regulations would be, or that would be considered in contempt of the House.

What we did in response to questions, mostly from the Leader of the Opposition, was that we said, "So that you will understand what our intent is during the regulatory process after the bill is passed, we will amend the bill and put those protections in the bill," which we did.

This member asking the question chooses to characterize it in that way. I have to say that we simply disagree. The truth is that we will have, I hope, after third reading,

a balanced approach so that people have a right to know and people have a right to their privacy.

## VIOLENT CRIME

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. At 2 a.m. this morning, a 21-year-old man was shot dead in Toronto. At 9 a.m., seven hours later, two men shot at each other through rush-hour traffic at Bloor and Sherbourne. Day after day, the gun violence continues in the largest city in Ontario, and your government's response has been to hold press conferences. Premier, when is the McGuinty government going to take action and make the significant social and community investments that are needed to address gun violence issues in this city?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Attorney General.

**Hon. Michael Bryant (Attorney General):** In terms of investments in the community, which is something the member referred to, since our government took office we have been funding a youth-at-risk summer jobs initiative, which created 300 jobs for youth at risk. Those are 300 lives, 300 people, who were given an alternative to sharing their lives with a gun and bringing human misery upon a community.

That's why we invested \$20 million, in annualized funding, to reduce user fees for and increase access to community-based schools. Every hour that those schools are open is an alternative and another opportunity for these young people.

That's why we invested in five projects so that approximately 100 at-risk youth can train to become apprentices for skilled trades.

We have, we are and we will continue to do all that we can to address not only this horrific gun crime but the causes of it.

**Mr. Hampton:** I say to the Premier, people are being shot on the streets of Toronto in record numbers, and what your minister recites are pilot projects that community representatives have told your government are inadequate, and also that the funding runs out on.

Where, they ask, are the after-school programs that have been cut and need to be restored? Where is the money for adequate youth employment strategies? Where is the strategy to deal with the hundreds of young people who are being expelled from school and simply being put on the street?

I say again, people have heard the platitudes, they have heard the speeches from your government; where is the funding and where are the strategies to take on a gun violence problem that becomes more serious every week?

**Hon. Mr. Bryant:** It is very serious, and there's no question about it. These people who have lost their lives in the past few days—it's totally, totally unacceptable. We have been and we will continue to make progress as we do provide community programs.

I'll just give you one example, I say to the member. Ilene Watt, the executive director of Basketball Ontario,

wrote to the Honourable Jim Watson saying this: "It has made an incredible difference to the delivery of basketball programs by our member clubs across the province"—what we have done. "The seven years of cutbacks in funding to the school system by the previous government actually eroded the number of children playing house league by an estimated 10,000" people "as gym fees continued to rise." When we came into government, we took action to reverse that, to change that and to give those kids that opportunity that they never had before.

There is much, much more to come.

#### HOSPICE CARE

**Mr. Mario G. Racco (Thornhill):** My question is for the Minister of Health and Long-Term Care. Minister, your announcement earlier this month about end-of-life care for Ontarians struck a chord with my constituents of Thornhill and Concord. The end of our lives can be some of the most touching and spiritual moments we experience. Part of our announcement was about allowing more Ontarians to spend these final months and days in the comfort of their homes, surrounded by the love of family and friends. Minister, can you tell the House about how more end-of-life services will be provided to Ontarians in their homes?

1500

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I think all families struggle with the challenge related to the provision of appropriate care for loved ones at the final stages of their lives. I'm proud of our government and our province's ability to move forward with the expansion of end-of-life care through a \$115-million investment over three years. The first phase of this in this fiscal year involves \$39 million to expand the support that is offered through community care access centres by \$27 million, to provide \$6 million for those organizations that are providing hospice services to people in their own homes. What I'm most excited to remind members of is that we've begun to build a network of residential hospices, 30 of them, across our province. They'll be developed and funded over the course of the next three years, with the first nine of those receiving support already. That's in places like Brantford, Hamilton, Burlington and Etobicoke. All across the province we're moving forward to provide better care.

**Mr. Racco:** I also understand that part of the expansion of end-of-life care is expanding the availability of residential hospices in the province. I believe that this kind of care and, most importantly, the options for this kind of care, will provide returns that cannot be calculated by dollars and cents.

I saw from your announcement that York region is one of the four communities encouraged to initiate planning for a residential hospice. I believe that my constituents deserve the options that a residential hospice can offer. Can you tell me how York region can organize a proposal that will see my constituents have access to this new hospice?

**Hon. Mr. Smitherman:** I said a moment ago that a strong element of our plan is the development of 30 residential hospices across the province. We are very, very proud that many communities in Ontario have taken up this initiative. Of course, there is a tremendous degree of love and community support involved in the provision of this kind of care.

We did, in analyzing it, though, note that some communities—I can remember three of the four at top of mind: Sarnia, Kingston and York region—stood as places where we did feel that there was a necessity of the development of residential hospices. Accordingly, we have held a spot in line and intend to work with communities for such a model to evolve. We think it's important to be able to evolve it, to have end-of-life care, to care for people at home, in hospitals and, of course, in residential hospices. I appreciate the capacity to move forward based on the strength of the volunteer component, which in hospice is so enormous.

#### PROPERTY TAXATION

**Mr. Tim Hudak (Erie–Lincoln):** A question to the Minister of Finance: Over the past few weeks Ontario homeowners have been receiving their property assessments from MPAC. Let me give you a bit of a list: in Toronto, assessments are up an average of 12%; in Brantford, almost 16%; in the Hamilton area, almost 16%; in communities in Huron and Bruce counties, upwards of 20%.

Minister, will you commit today to lower the education property tax rate so that taxpayers in these communities are not faced with massive tax increases?

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** I will remind the member opposite that the legislation which his government proposed and passed created this system—and still supports it, I presume, unless we're doing an about-face.

Higher assessments do not necessarily lead to higher taxes. Indeed, across most communities there will be some up, and there will be some down. If reassessment results in an overall increase in property values, those municipalities can reduce the tax rate effect and offset the increase, given the way the assessment process works.

The Ombudsman is looking at this system. We'll see what the results are once we get them in, but I remind the member opposite again, the changes in property value assessments don't necessarily lead to property tax increases, and I'm surprised he doesn't know that, because it was his government that voted for and passed this particular legislation.

**Mr. Hudak:** I think the minister very well knows that he has the ability to set the education property tax rate. That's set provincially. We've heard your answer to municipalities. It's not, Minister—with all due respect, what I asked you about. I'm asking you to do your part. You are part of a government that has increased taxes substantially on working families, part of a government

that has increased hydro rates substantially on working families—new user fees. Minister, people in Ontario are finding it harder and harder to make ends meet under Dalton McGuinty. Just tell me one thing today and assure residents across the province that you will lower the provincial education tax rate and not have a massive stealth property tax increase going into your coffers.

**Hon. Mr. Duncan:** Unlike the previous government, this government has heard the public's concerns and responded. Let me remind him, we have increased the property tax credit for seniors from \$500 to \$625, an increase of 25%. We've altered timelines by amending the Assessment Act itself.

MPAC has responded to some of our recommendations in terms of improving their level of customer service.

This government's priorities are health care and education. We're reducing wait times in health care. We've provided \$6 billion to reinvest in post-secondary education, in a way that that government never did. We have increased funding for municipal infrastructure investment and begun to undo the damage you created when you downloaded services on to municipalities. This was your legislation—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

#### BY-ELECTION IN SCARBOROUGH–ROUGE RIVER

**Mr. Michael Prue (Beaches–East York):** My question is to the Premier. Some six weeks ago, the member for Scarborough–Rouge River resigned, and for the last six weeks the people of that constituency have not had someone to speak for them in this Legislature. You must be ready, because you bypassed the democratic process of your own party by appointing your Liberal candidate. Surely, you must be ready. When can the people of Scarborough–Rouge River expect to have a representative in this House?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I can appreciate the member opposite's impatience. I want to take this opportunity to congratulate our new ambassador to the Dominican Republic for the wonderful work he has done for some 20 years on behalf of his constituents.

I can tell the member opposite that we will be making an announcement in due course.

**Mr. Prue:** Mr. Premier, I'd like to remind you of what you said before the last election. You said, "Elections used to be designed to foster public participation. Now the timing and rules are cynically manipulated to reduce turnout and minimize exposure of the government's record." Then you went on to say, "It is time to put the "silly guessing game" behind us once and for all." That is my question to you today. When are you going to put the silly guessing game behind us? When are you going to call the by-election?

**Hon. Mr. McGuinty:** Had I known I was keeping the member opposite up nights, when he's so obsessed about this issue—I can tell you that we have now, for the first time in Ontario, fixed election dates. The member opposite knows that a by-election must be called within six months. I would simply ask that he stay tuned and be ready.

#### PATIENT TRANSFERS

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** My question is for the Attorney General. I've been hearing the concerns of my constituents in Lambton–Kent–Middlesex regarding the transfer of a patient from the Penetanguishene Mental Health Centre to the Centre for Addiction and Mental Health in Toronto. My constituents are expressing public safety concerns based on their history with this patient. Minister, can you tell us and my constituents, what is the ministry's position on this transfer?

**Hon. Michael Bryant (Attorney General):** As the member knows, the matter is before the court, so the purpose of the discussion here in the Legislature needs to be as much about sharing information as anything else. The crown attorney has got to be in a position to make an independent judgment on matters such as this, and that's exactly what happened. The crown attorney opposed the transfer request at the hearing before the Ontario Review Board. The Penetanguishene Mental Health Centre has appealed the review board decision, and the ministry has joined the appeal. A date for the hearing has not yet been scheduled. That's as much information, I think, as I can share with you and this House.

1510

**Mrs. Van Bommel:** What steps have been taken to ensure that the victims and their families are kept informed about the Ontario Review Board's decision to transfer the patient to a medium-security facility in Toronto?

**Hon. Mr. Bryant:** I'm informed by crown counsel that the crown has contacted some of the victims' families and that all efforts are being made to reach the remaining victims and their families. I understand that the appeal process has been explained and discussed with the victims' families and that crown counsel will continue to receive input from the victims and their families and keep them apprised of the progress. This is a very important principle, generally speaking, obviously: that victims be kept informed as best as possible and in the most timely fashion possible. That's certainly a principle that we always pursue. It will be a requirement that, come January, will be entrenched in our laws in Canada, but for some time now, it has been the position of the Ministry of the Attorney General that we have to make all efforts to inform victims and their families of any changes in circumstances with respect to this person, and we will continue to do so as this matter is before the Ontario Court of Appeal.

## KARLA HOMOLKA

**Mr. Robert W. Runciman (Leeds–Grenville):** I also have a question for the Attorney General. The minister will know that Karla Homolka has a hearing today in Montreal with respect to the 810 conditions that were placed on her following her release. According to press reports, Ontario will not be represented at that hearing. The families will be represented. Their lawyer has indicated—I'm quoting from a story in today's National Post—that the French and Mahaffy families “feel to not be involved in the process at all would be to abandon their daughters.”

Mr. Minister, why did you not feel it was necessary to have representation at this hearing today?

**Hon. Michael Bryant (Attorney General):** As the member knows, or ought to know, as he is a former Solicitor General, in the province of Quebec, jurisdiction goes to that province. So it was in their capacity as Quebec crown attorneys that our Ontario crowns appeared before a provincial court in Joliette to seek conditions upon the release of Homolka under section 810.2. The purpose of having the local crowns was to ensure that we had appropriate information and a direct funnel between victims and the local crown. We also had a crown who had significant familiarity with the facts, the offender and the offence. I can tell the member that that very crown, Mr. Ramsay, is in court today with our Quebec crowns providing all the assistance that they seek from him.

**Mr. Runciman:** According to the press, they're not interveners and not actively participating, as the families are through affidavits.

My supplementary deals with press reports surrounding the fact that the French and Mahaffy families were unable to attend the hearing because of the expenses involved. In fact, Tim Danson, their lawyer, has indicated that there was no assistance, that the families couldn't afford to pay for his services, so he himself, because of his interest and concern, is paying the costs of being in attendance today.

According to the latest reports, you have at least \$40 million in the victims' justice fund. I ask you today, why in the world would you not be paying the expenses of the French and Mahaffy families so they can be there today? Why are you not doing that?

**Hon. Mr. Bryant:** The member is making a suggestion that is quite inaccurate. Every single week, and in some cases every single day, there has been contact between our counsel, Mr. Danson and the families. I have personally met with the families on several occasions. We have at every moment ensured that their every thought and every opportunity for input was taken into account. There has been extensive consultation. We have been working with these victims every single step of the way. That is the position of Mr. Danson, that is the position of those families, and if there is any suggestion by the member otherwise, he's quite mistaken.

## LOBBYISTS

**Mr. Peter Kormos (Niagara Centre):** Premier, Patrick Dion is a registered lobbyist. One of the reasons why lobbyists are required to register is so that people here are put on notice that they are, in fact, lobbyists. Why would you find it acceptable that Mr. Dion, as a registered lobbyist here at Queen's Park, organized a substantial fundraiser for one of your cabinet ministers, specifically the minister of fitness? Mr. Dion should have to have something akin to an arm's-length relationship with the government if indeed he's going to be calling upon the government to give his client particular business contracts and wheelings and dealings.

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The member opposite will know that we have introduced real-time disclosure legislation by means of a bill in this House that's going to provide real-time disclosure of donations of \$100 or more to Ontario political parties. Beyond that, we are establishing a citizens' jury to look at electoral finance reform, which might encompass things that go outside of real-time disclosure.

If the member opposite is aware of a rule that has been broken, then I would ask that he bring that to my attention or to the Integrity Commissioner's attention.

Again, we are the first government that has decided, in a practical, real and meaningful way, to introduce legislation that would mandate real-time disclosure, and beyond that, we're asking a citizens' jury to take a look at the broader issues of electoral finance reform.

## MEMBER'S BIRTHDAY

**Mr. Peter Kormos (Niagara Centre):** On a point of order, Mr. Speaker: I know that members of this assembly would want to join me in wishing Ms. Andrea Horwath a happy birthday.

*Applause.*

**The Speaker (Hon. Michael A. Brown):** Happy 29th, Andrea.

## PETITIONS

SERVICES FOR THE  
DEVELOPMENTALLY DISABLED

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** I have a petition to the Legislative Assembly of Ontario.

“Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

“Whereas quality supports are dependent upon the ability to attract and retain qualified workers; and

“Whereas the salaries of workers who provide community-based supports and services are up to 25%

less than salaries paid to those doing the same work in government-operated services and other sectors;

“We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector, to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community.”

I've also signed this.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Further petitions—but first, can we have a little order here? I'm having difficulty hearing the petitions.

#### CANCER TREATMENT

**Ms. Andrea Horwath (Hamilton East):** I'm very proud to present these petitions that were brought to me today by Catherine Jordan, Jennifer Harwood and Lori Borsos from Hamilton, and they read as follows:

“To the Legislative Assembly of Ontario:

“Whereas we are asking for funding for Velcade to be available in Ontario. Ontario is the only province in Canada not currently making funding available for this drug, even though approximately 40% of people diagnosed with multiple myeloma in Canada are from Ontario;

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

“To push the approval of Velcade through the review process and make funding available for patients in Ontario immediately, as it is in every other province of Canada.”

I proudly sign my name to this petition, because it has names on it from every community across this province, including Hamilton, Barrie, Toronto, Sudbury, Welland, Niagara Falls, Burlington, Brantford, Grimsby—the list goes on and on.

#### AFFORDABLE HOUSING

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition which was delivered to me by Mr. Sonny Sansone, a community activist in my riding. It's addressed to the Legislative Assembly of Ontario, and it reads as follows:

“Whereas the McGuinty government has contributed \$301 million to the Canada-Ontario affordable housing program;

“Whereas this program will produce 5,320 new units of affordable housing and provide rent subsidies for up to 5,000 low-income households;

“Whereas the \$116 million allocated to the city of Toronto will assist several hundred families across the city;

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

“To support the McGuinty government's commitment to affordable housing and to urge the government to keep affordable housing on the provincial agenda.”

I'll affix my signature to this as I agree with this petition.

1520

#### SERVICES FOR THE DEVELOPMENTALLY DISABLED

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

“Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

“Whereas quality supports are dependent upon the ability to attract and retain qualified workers; and

“Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

“We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector, to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community.”

I affix my signature.

#### MUNICIPAL RESTRUCTURING

**Mr. Michael Prue (Beaches–East York):** I have a petition that reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas, in the interest of true democracy, the Minister of Municipal Affairs put the following question to the voters of the city of Kawartha Lakes: ‘Are you in favour of a return to the previous municipal model of government with an upper-tier and 16 lower-tier municipalities?’; and

“Whereas the voters, by a clear majority on a provincially mandated ballot, answered in the affirmative;

“The undersigned demand that the Legislative Assembly of Ontario act to respect the will of the people as expressed in a democratic vote, and restore the former municipal structure as stated in the minister's question.”

I'm in agreement and would affix my signature thereto.

#### GO TRANSIT TUNNEL

**Mr. Tony Ruprecht (Davenport):** I keep getting petitions about the dilapidated conditions on the St. Clair Avenue bridge near Keele Street. The petition reads as follows:

“To the Parliament of Ontario, the minister of infrastructure services and the Minister of Transportation:

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

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

“Whereas this bridge (underpass) will be: (1) too narrow for the planned TTC right-of-way, since it will have only one lane for traffic; (2) it is not safe for pedestrians (it’s about 50 metres long). It’s dark and slopes on both east and west sides creating high banks for 300 metres; and (3) it creates a divide, a no man’s land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

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

Since I agree with this petition, I am delighted to sign it.

#### FREDERICK BANTING HOMESTEAD

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

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

“Whereas this great Canadian’s original homestead, located in the town of New Tecumseth, is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth, under the leadership of Mayor Mike MacEachern and former Mayor Larry Keogh, has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

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

“That the Minister of Culture and the Liberal government step in to ensure that the Banting homestead is kept in good repair and preserved for generations to come.”

I agree with the petition, and I’ve signed it.

#### HALTON RECYCLING PLANT

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

*Interjection.*

**The Deputy Speaker:** Go ahead. That was my mistake. I’ll get to the member for Beaches–East York next.

**Mrs. Julia Munro (York North):** “To the Legislative Assembly of Ontario:

“Whereas noxious odours from the Halton Recycling plant in Newmarket are adversely affecting the health and quality of life of residents and working people in Newmarket; and

“Whereas local families have lost the enjoyment of their properties for themselves and their children, face threats to their health and well-being, and risk a decline in the value of their homes; and

“Whereas for the 300 members of the nearby main RCMP detachment, as well as other workers in the area, the odours are making their working conditions intolerable;

“Therefore we, the undersigned, demand that the Minister of the Environment take immediate action to halt all noxious emissions and odours from the Halton Recycling plant, and take all steps necessary to force Halton Recycling to comply with environmental rules, including closing the plant if the odour problems continue.”

As I am in agreement, I will sign it

#### MUNICIPAL RESTRUCTURING

**The Deputy Speaker (Mr. Bruce Crozier):** Now that you are in my line of sight, the member for Beaches–East York.

**Mr. Michael Prue (Beaches–East York):** I have a petition that is slightly different from the one that I read a few minutes ago, and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty, MPP, as leader of the official opposition, made the following commitment: ‘I have committed that a Liberal government will ensure a binding referendum is held to allow local citizens to determine whether or not to dismantle the amalgamated city’; and

“Whereas, in the interest of true democracy, the Minister of Municipal Affairs put the following question to the voters of the city of Kawartha Lakes: ‘Are you in favour of a return to the previous municipal model of government with an upper-tier and 16 lower-tier municipalities?’; and

“Whereas the voters, by a clear majority on a provincially mandated ballot, answered in the affirmative; and

“Whereas the council of the city of Kawartha Lakes has demanded that the province of Ontario honour the results of the 2003 election as it pertains to the minister’s question;

“The undersigned demand that the Legislative Assembly of Ontario act to honour the commitment made by Dalton McGuinty and to respect the will of the people as expressed in a democratic vote, and restore the former municipal structure as stated in the minister’s question.”

I am in agreement and will affix my signature thereto.

## HEALTH SERVICES

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition addressed to the Legislative Assembly of Ontario, and it reads as follows:

“Whereas the McGuinty government is investing \$24 billion more on our health between 2003-04 and 2007-08;

“Whereas the McGuinty government is increasing the number of family health teams to 150 by 2007-08 so that each Ontarian can have access to primary care within their own community;

“Whereas waiting times are being reduced for cancer surgeries, cataract surgeries, cardiac procedures and MRI exams; and

“Whereas the McGuinty government has banned for-profit, pay-your-way-to-the-front health care, and is ensuring publicly owned, publicly funded and publicly controlled health care in Ontario;

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

“To support the McGuinty government’s commitment to public health care, including improved access, increased funding and greater accountability.”

I agree with the contents of this petition. It’s signed by Sonny Sansone and others from my community, and I affix my signature to it.

## QUEENSWAY CARLETON HOSPITAL

**Mr. John R. Baird (Nepean–Carleton):** A petition to the Legislative Assembly of Ontario:

“Whereas the Queensway Carleton Hospital is one of the most efficient hospitals in the country;

“Whereas the Queensway Carleton Hospital’s priority should be providing excellent patient care, not money for Paul Martin’s Liberal government;

“Whereas the number of senior citizens served by the Queensway Carleton Hospital is growing rapidly in the west end of Ottawa and Nepean;

“Whereas the federal Liberal government led by Paul Martin has a surplus potentially as high as \$10 billion;

“Whereas all provincial political parties in Ontario have acknowledged the significant fiscal imbalance;

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

“The Ontario Legislature call upon the federal Liberal government to immediately cancel its plans to dramatically increase the rent for the land now being used by the Queensway Carleton Hospital, and that the hospital be charged only \$1 rent per year.”

I have signed this because I am in complete agreement. I am pleased that the NDP health critic and the Minister of Health have also signed it.

## CANCER TREATMENT

**Ms. Shelley Martel (Nickel Belt):** I have a petition that is signed by hundreds of people who are worried that Velcade is not covered in Ontario. It reads as follows:

“Whereas we are asking for funding for Velcade to be available in Ontario. Ontario is not currently making funding available for this drug, even though approximately 40% of people diagnosed with multiple myeloma in Canada are from Ontario,

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

“To push approval of Velcade through the review process and make funding available for patients in Ontario immediately.”

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

## TENANT PROTECTION

**Mr. Tony Ruprecht (Davenport):** I have a petition addressed to the Parliament of Ontario. It reads as follows:

Whereas the so-called Tenant Protection Act ... 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 ... rent increases, thereby further reducing the number of relatively affordable units in the city core; and ...

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

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

“To institute a rent freeze ... and ... rent increases are wiped out by inflation;

“To abrogate” the existing “‘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.’”

Since I agree with this, I affix my signature to it.

1530

SERVICES FOR THE  
DEVELOPMENTALLY DISABLED

**Mr. Jim Flaherty (Whitby–Ajax):** This is a petition from people in Whitby and Brooklin.

“To the Legislative Assembly of Ontario:

“Whereas without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

“Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

“Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

“We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community.”

I support the petition. I’ve signed my name.

**The Deputy Speaker (Mr. Bruce Crozier):** That is all of the time allowed for petitions. I would say that when members have lengthy petitions, it would be expedient and in fact courteous if you were to paraphrase those petitions so that we can get as many as possible in in the allotted time.

ORDERS OF THE DAY

ENDING MANDATORY RETIREMENT  
STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS  
POUR ÉLIMINER LA RETRAITE  
OBLIGATOIRE

Resuming the debate adjourned on October 19, 2005, on the motion for second reading of Bill 211, An Act to amend the Human Rights Code and certain other Acts to end mandatory retirement/ Projet de loi 211, Loi modifiant le Code des droits de la personne et d’autres lois pour éliminer la retraite obligatoire.

**The Deputy Speaker (Mr. Bruce Crozier):** The member for Niagara Centre.

**Mr. Peter Kormos (Niagara Centre):** I’m pleased to—

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** With his new haircut.

**Mr. Kormos:** Mr. Bradley notices the new haircut. Yes, indeed. I was at Slavko Baltich’s barber shop on Saturday morning down in Welland South. Slavko has

raised his prices after Lord knows how many years. It’s now \$9 for a haircut rather than \$8. So figure it out: \$9 plus a \$2 tip, and you’re done for a good month and a half. So I tell all of you, it’s worth the drive to Welland to have your hair cut by Slavko—Steve—Baltich, who’s been doing it for many, many years and who took over the shop from his uncle, as a matter of fact. That family is a family that’s played a prominent role in the history of Welland and Welland South and Crowland. I’m proud of the opportunity to have my hair cut by Slavko Baltich, not as regularly as I should, perhaps, but I tell you, it’ll be a couple of weeks before I need one again. I’m just so pleased that the government House leader has noticed the grooming effort on my part.

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** I did too.

**Mr. Kormos:** And in fact the Minister of Intergovernmental Affairs noticed it as well. I was flattered.

**Mr. Tony Ruprecht (Davenport):** Hey, how about me? I noticed it.

**Mr. Kormos:** Tony Ruprecht noticed it as well. Is there anybody else who wants to get their interjection recorded on Hansard?

The remarkable thing that I found—and I’ve asked Steve Baltich about this. I said, “Steve, when I came to Queen’s Park, I had colour in my hair, and over the course of 16 or 17 years now it’s gone very, very grey. How is it that other members, men, have come to Queen’s Park with grey hair and acquired colour over their years of service?” I find that a remarkable biological phenomenon. All I know is that you’ve got access to a gene pool that I’ve never heard of down where we come from. Isn’t that remarkable?

You remember that I was skinny as well as having colour in my hair, and now I’m not so skinny and I’m very, very grey. Others came here with grey hair, and through the course of parliamentary process, I presume—I don’t know which standing order applies—they’ve acquired colour. And not only have they acquired colour, but some of these male members have colour that changes from time to time; there are nuances to it. I congratulate them and I’d just make that observation. Steve Baltich, my barber, can’t figure it out either, and he’s been cutting hair for a good chunk of time. Steve Baltich—Slavko—Welland South, \$9, and it’s well worth a \$2 tip. You catch up on what’s going on in the neighbourhood. He knows everything that’s worth knowing. If you want something told, you can leave it with Steve and Slavko will make sure that it gets—

*Interjection.*

**Mr. Kormos:** Look, that’s work.

The government, I know, really wants to frame the bill in terms of retirement, but let’s, rather, address it in terms of work. I am extremely grateful to Kathleen Wynne, the member for Don Valley West. I’m hoping she has a chance to speak to the bill. She spoke to it briefly when she talked about the position that many women have, and I’ll speak to that again. But Ms. Kathleen Wynne, the

member for Don Valley West, reminded me of the comment made by the American politician Paul Tsongas, a Democrat. Paul Tsongas is noted for, among other things, having said this: "Nobody on his deathbed ever said, 'I wish I had spent more time at the office.'" I was more than pleased that Ms. Wynne recalled that comment because, really, it addresses the issue here in a very specific way.

Most of us—you are, Speaker—as baby boomers after the Second World War, recall that period of growth of technology, growth of prosperity, as one in which working women and men dared to think about, contemplate and anticipate a world in Canada where people could work less rather than more, where people could retire earlier rather than later or not at all. They dared, working women and men, to dream about, contemplate and fight for a five-day workweek. Oh, the economy was going to go to hell in a handbasket when workers only had to work five days a week, and it wasn't too long before that that, really, the eight-hour day became a reality.

Where do you think the phrase "freedom" whatever—"freedom 55", my foot. The phrase "freedom" acquired some incredible currency. People talk about being free when they don't have to work any more, because there's work and then there's work.

**1540**

The last time we talked to this, we talked about the huge gulf between, for instance, any one of us—look, we are that smallest and, yes, elite portion of people whose work is stuff that I'm sure every one of us truly enjoys, that we're enthusiastic about and that we like doing, and, notwithstanding everything, if the truth be known, we'd probably do it for half the salary because we like doing it. Many professionals, white collar workers, are in the same position. They like doing what they do. But the vast majority of people who work—who labour—do it because they have to.

Again, for a member of the Legislative Assembly, if it's particularly cold and you don't feel that well on a Tuesday morning, it's not the biggest deal to call your staff at Queen's Park and say, "Tell the whip's office I won't be at the caucus meeting today because I'm not coming in until 10:30 or 11." I'm sure it's been done from time to time. You call your constituency office staff and say, "Look, we've only got those two appointments on Friday afternoon. Can you reschedule them for next week and that way I can get a clear day?" I'm sure it has been done from time to time.

But most labourers, most working women and men, don't say to their partner or their spouse, their husband or their wife, "Honey, call the plant and tell them I won't be in until 10 this morning because I've got to get the snow tires put on the car," or "Heck, I just don't feel like it," or "Hey, it would be nice to have a clear Friday, so call the mine site and tell them I won't be in today," or "Call the construction company and tell them that I won't be laying brick today or assembling wall frames, nailing two-by-fours out in cold, bitter January or February weather." Most working people can't do that.

I appreciate that tradespeople have perhaps a leg up on the vast majority of workers who are, well, workers. You know that much has been written about the alienating effect of labour when it is wage labour. Over the course of not just decades but centuries, much has been written about how artisans and artists, who have control over what they are producing and the climate they produce it in, are prepared to do it in even less-than-satisfactory conditions because there's the joy that they take with the things they create or build, and most workers don't have that.

Think about the so-called work ethic. I'm not sure—well, I do know. Again, much has been written about the history and growth—and you can read any number of sources that talked about the growth of the so-called Protestant work ethic. I'm not sure that it was exclusive. By no means was it exclusively Protestant, but the fact that somehow if you don't work, if you don't work hard and if you don't work to the point where it hurts, it's got to be bad for you; in other words, pleasure is bad. Leisure: For centuries the elite classes, the ruling classes, the nobility, the very wealthy—heck, working folks were perceived to be dangerous if they had leisure time. After all, why would working people need leisure time anyway, because they don't know about the finer things in life.

Why are we talking about this legislation in the context of telling people that they should be working longer when—what was it, Mr. Dunlop? Was it Vanity Fair? Was that the magazine where Paris Hilton was featured on the front cover of this last issue? Here's a woman who is extremely wealthy, and she's celebrated because she hasn't worked a day in her life. She's a folk hero; she's an icon. She's on the front cover of glamorous magazines, the slick glossies like Vanity Fair. She's not a model, she's not an entertainer, she's not a performer; she's just rich and idle.

Why isn't anybody focusing on the rich and idle class and saying, "Heck, never mind about making working-class people work longer; let's get some of those rich people to work even a little bit"? Why aren't we telling these high rollers, the Rolls-Royce/Maserati set, to start working even a little bit, to try working a couple of hours a day, for starters? Let's do it maybe in a drop forge, because you visit a drop forge—that's work, trust me. You're shackled to your machine, so you can't escape, although I'm sure there are people doing the routine, repetitious jobs at a lateral hammer or at a drop hammer who would want to run away and escape. The imagery, as they're doing this repeated procedure over and over again, a countless number of times each hour, must translate the shackles into something other than the safety device they genuinely are. The shackles, you see, can't travel any further, so they can't get caught in the hammer.

None of these workers—I've talked to them; so have you—are writing letters, signing petitions, calling up radio talk shows, saying, "I want the right to work in that foundry longer. Oh boy, if the vibration from the shaft of

the hammer hitting the forge or the ringing in my ears of the persistent—I'm just going to miss that so much, come time to retire, that I don't know what I'll do with myself. If you don't let me get up at 5 every morning to come into this foundry, this forge, I just don't know what I'll do with myself."

Talk to underground miners who even now, in the year 2005, work in an environment where there is the constant risk and inevitable fear of tragedy. I defy anyone on the government benches, Mr. Zimmer or anybody, to come up with a single letter they've received from an underground miner, saying, "I want to work longer. I want to work well past the age of 65; maybe 70, 75." I defy a government backbencher to produce a letter from a miner who wants to work underground longer and longer, rather than who wants to have a pension that's adequate, that's thoroughly and sufficiently funded enough so that worker, woman or man, can retire at an early enough age to enjoy that retirement.

Ms. Wynne, the member for Don Valley West, to her credit spoke in the brief opportunity she's had so far about the phenomenon inevitably of women, although not necessarily, who removed themselves from the wage workforce to raise kids—to have children and to care for them. Look, there's nobody in this chamber downright stupid enough to suggest that that isn't work. It's incredibly hard work. Women in the home work incredibly hard. Again, most of those tasks still fall to women, however unfortunate and regrettable that is in terms of how we perceive roles. But you watch women, women having kids and then raising them. Again, the strength and the tireless days I'm sure are fatiguing. But of women working at home—and Ms. Wynne spoke about women who remove themselves from the wage/salary workforce and then re-enter it once their kids are perhaps teenagers or high school age or out of the house, and how they then have some serious catch-up to do when it comes to getting pension eligibility, if they get any of any significance at all. And I agree, but surely to goodness that means we should be talking about giving value as a society, giving value as a culture, identifying the work that parents do, parenting—and if it's women, then women; if it's not, then it's a father—raising those children, and attributing some monetary value to it so it can be pensionable work as well. It's not hard to design. It's not overly complex. It's far from impossible. Why aren't we debating that issue? Why is it that we're debating people retiring at a later and later age?

**1550**

A similar circumstance to the one that Ms. Wynne described with respect to, in her case, a mother, a woman, is the case of new Canadians, people who come to this country from any number of places in the world—and they come here from everywhere in the world—who begin working here at an age 10, 20 or 30 years older than most Canadian or Ontario workers who begin their working careers. Once again, they'll have to work longer to acquire even minimal levels of pension eligibility or they may not be able to retire at all. Again, there's

validity to that observation. But I say once again, it shouldn't be about telling these people they've got to work until they die in the workplace. If you tell someone who comes to this country as an immigrant who's old enough and who's never going to get a decent pension, that's what you're saying: You've got to work all of your life, literally.

Why aren't we talking about, however historic it is now, things like guaranteed annual incomes for people in this province and in this country, recognizing that not everybody has the opportunity to work sufficiently long in the wage workplace to acquire pension eligibility? Surely the solution isn't to simply tell them to work until you drop and to tell them that we're a provincial community and a national community of tiers, of those with pensions and those without pensions, of those with sufficient pensions and those without sufficient pensions or those who are just downright dirty wealthy enough, dirty rich enough, that they don't care anyway. Bill Gates—he's an American, not a Canadian, but he doesn't have to worry about a pension. He's rich enough. He doesn't have to care about it. Conrad Black doesn't have to worry about a pension; he has to worry about getting parole at a sufficiently early age so he can enjoy his senior years.

It's interesting to see where the impetus has come from around the elimination of a retirement age. It has come from professors at the college and university level and some high school teachers. But you talk to high school teachers, and most high school teachers I know have got their time calculated to the final minute of when it's, "So long, been good to know you, and I'll see you at reunions from time to time if my busy itinerary permits it." We shouldn't begrudge a worker retirement with a sufficient level of pension at a sufficiently early age so they can do things like travel, help raise grandkids or do volunteer work, whether it's in their community, in their province or in their country or beyond, that during their working lives they simply didn't have the time to do.

In fact, firefighters and police officers have asked to be exempted from Bill 211. The government exempts some of its own people to whom it pays salaries: judges, masters and justices of the peace. So it is peculiar for the government in its opening comments on this issue to say, "This is all about rights," but then to say, "But we agree that it's not a right that firefighters should have, it's not a right that police officers should have, it's not a right that judges or JPs or masters should have"—judicial officers in the county court, district court, Superior Court system. That's dated language, "county court."

In fact, there is no mandatory retirement age. There is no legislation that creates mandatory retirement. This bill—if indeed it passes, and I fear that it will—is going to change the culture around retirement significantly in much the same way that the introduction of Sunday as a wide open shopping day and workday has. Did the sky fall when so-called Sunday shopping was introduced? No, but the culture sure changed, didn't it? Sunday was just another day.

Look, it's not a matter of the religious observance of Sunday. People are entitled to that if their religious faith

tells them that. But it was a matter of a common pause day, a day of rest, a day that's set apart, a day where, by and large—we understand police officers work on Sundays, and always have, and firefighters do; a whole lot of people have because they have to—most workers can expect and live with the expectation and organize their lives and their families can focus and organize themselves around the reality that Sunday was going to be a positive. Whether you used it for religious worship—and I understand that not all religions regard Sunday as their Sabbath—or whether you just used it to spend time with your family to do leisure things, maybe to do nothing more than put your feet up and have a ginger ale or a beer and watch the football game, what's wrong with that? Nothing. But as you well know—and all of us, I think everybody in this chamber, has probably been in this province since the introduction of Sunday shopping—Sunday has become a far different day. It's just like a Saturday, just like a Monday, Tuesday, Wednesday, Thursday or Friday. And I tell you, family life has changed significantly, community life has changed significantly since we secularized Sunday. So while the sky didn't fall, it sure changed the culture.

I put to you that the implications, the consequences, the effect of Bill 211 is going to go far beyond that. It will change the attitude around retirement ages. The right to work? I talk about the right to retire. This bill will begin the rapid erosion of 65 as the target for retirement age, the highest target, because the struggle over the years has been to do it earlier and earlier. Like more than a few members in this room, I am of the age where, rather than attending our friends' parents' funerals, we're attending our friends' funerals. Those of us baby boomers, once again, who are in the middle ages of life—however, at the beginning point—are understanding that, yes, time is fleeting and there's a whole lot to be done. Nobody on his deathbed ever said, "I wish I had spent more time at the office."

We are reinforcing that old and entrenched and fixed value system wherein people are valued for the work that they do rather than for who or what they are. If there are people who think it's a good thing to entrench that further, I say, God bless, I disagree.

#### 1600

The 21st century was supposed to be a century wherein people enjoyed the benefits of technology, wherein people worked less—fewer hours a day, fewer days a week—and wherein even the working classes spent time on leisure activity, not just the horse set, the equestrian set, not just the country club set, not just the huge mansion on Georgian Bay set or the wintertime in Palm Beach set or the Jaguar and Mercedes-Benz set, but where working class people had a chance to engage in leisure activity too.

I read an essay written by Bertrand Russell in 1936. Bertrand Russell reflected on work and, among other things, the fact that the concept of work gives you dignity and to work is good, that if you're idle it's no good, that hard work makes you a better person. It wasn't working

people who thought those things up; it was the rich people who thought those things up. It was the people who wanted wage labour, wage slaves, to produce their wealth for them instead of going out and producing it for themselves. It was that wealthiest and richest and most powerful of classes that cultivated the language around work and hard work making you a better person.

Even today there is the myth in North America that if you work really, really, really hard, then you can be just like those people on those soap operas—Dallas and what have you—on television. If you work really hard and you invest your money—oh yeah, this is good—if you invest your money in the stock market, you can be just like those rich people. You can have freedom. Look, the Ontario Lottery and Gaming Corp. doesn't sell lottery tickets so that people can keep working; it says, "Buy the lottery ticket, and if you're a winner, you won't have to work any more. Winners don't work." You understand what I'm saying? If you don't have to work any more, you're a winner.

Those New York City sets and the Hollywood rich sets, they're winners, because they don't have to work because they're rich. Nobody tells them, "That's not good. You shouldn't be idle like that. You shouldn't be travelling around on your cruise ship or on your private plane, because if you're not working hard, you're not a good person." No, they get on the front page of magazines. They're treated as icons; some by young people, others by their parents. The idle rich are heroes because they're rich and they don't have to work.

The government wants to change the culture around 65 as a retirement age. What will the impact be? I'm convinced that the impact will be that employers, bosses, the corporate world, will see this as the excuse to contribute even less to pension plans, because if 65 is no longer the target age—think about it—every additional year before retirement will save the corporate world huge amounts of money in terms of what it has to pay into pension plans.

For that matter, understand that only a portion of people in this province and in this country have pensions. Huge, huge numbers of workers, working women and men, have no pension; the hardest workers have no pension.

Almost inevitably, the better your job and the more money you make, the more likely you are to have a pension. It really should be just the other way around, shouldn't it? It should be the poorest workers, the ones for whom an RSP is irrelevant because they don't have enough money to contribute to it—and besides, you can save \$500 a year at compound interest for a thousand years and you're still not going to have enough to retire on. That's why it really frosts your glasses when you see the federal government pounding its chest about increasing RSP contribution rates up to \$18,000 or \$18,500. It doesn't do working folks very much good, because you've got to make a good chunk of money to be able to put \$18,000-plus a year—that's not where it's at, but that's the target—into your RRSP. You need quite a bit of income to qualify. It does nothing for low-wage work-

ers, who are the vast majority of workers and the hardest-working workers. It is just criminal that the people who work hardest and at some of the most dangerous jobs earn the lowest of pay and have the least likelihood of ever collecting a pension.

And the myth of mandatory retirement—there are folks over 65 working all over Ontario. Oh, yes. There are university professors who at that age, it seems, acquire the title “emeritus.” There are doctors. There are lawyers. There are politicians, although I’m surprised that no government member has suggested that we look to our left and to our right. Maybe they are implicitly suggesting that we look to our left and our right, because if term limits were being considered by the government, it might be a far more—I mean, mandatory retirement for politicians: Read Jeffrey Simpson’s column of a couple of weeks ago in the *Globe and Mail*.

Yes, it has been pointed out that MPPs at Queen’s Park don’t have a pension. The decision was made, and I was here when the Conservative government introduced legislation that repealed the MPP pension plan. I was here. I was sitting in my seat when I heard Conservatives, Liberals and New Democrats hail that as real progress. The understanding was that we make sufficiently high incomes. That was implicit in the argument.

*Interjection.*

**Mr. Kormos:** I’m sorry; read the Hansards. The Liberals were onside, the New Democrats were onside, and the implicit current throughout the argument was that MPPs make enough money that we don’t need a pension because, after all, we could just put money in RSPs every year, that our pensions were going to be private pensions. Remember that, Mr. Dunlop?

**Mr. Garfield Dunlop (Simcoe North):** I wasn’t here then.

**Mr. Kormos:** Dunlop wasn’t here. Mr. Jackson was here.

**Mr. Dunlop:** I wouldn’t have voted for it.

**Mr. Kormos:** Mr. Dunlop says he wouldn’t have voted for it. Oh, please, Mr. Dunlop. Mr. Dunlop says—

*Interjections.*

**Mr. Kormos:** He would have defied his leader, all right. He would have taken his leader on; he would have told Mike, “Go pound salt, Mike. You can’t tell me what to do.”

So MPPs don’t have pensions, but they decided themselves that MPPs make enough money and are of a sufficiently high income bracket that they don’t need a pension plan.

But once again, the myth of mandatory retirement: There are people working all over the place. There are people working in Wal-Marts. There are people working in fast-food joints. There are people working as security guards. There are people working as school crossing guards. The vast majority of them are working because they need the extra money, because they’ve got to top up already meagre or depreciating pensions—pensions that are being eroded by the passage of time, that don’t have sufficient or adequate inflation protection.

**1610**

It seems to me that this debate should have been about ensuring that people who have fewer years than others in the workforce have pension eligibility as well, like parents, or I suppose caregivers, who stay home. I know a whole lot of people—we all do—who stay home to care for a family member who needs care. It could be a sibling; it could be a parent. These people remove themselves from the workplace and then enter it at the age of 40, 45, and heck, they’re not going to accumulate very much by way of so-called pension credits. Instead of telling these people to work until they’re 80, if they live that long, why aren’t we talking about devising a means whereby these people can have their non-traditional workplace work, their labour, whether they’re raising a kid or caring for a family member—why can’t we talk about giving this some value so we can create pension credits there too? It has value. The parent who raises his or her child has contributed great value to a society. The family member who cares for another family member who is ailing, who needs home care, is saving the community a great deal of money. It’s not hard, nor is it inappropriate, to give that monetary value for the purpose of pension eligibility. That’s number one.

Number two, new Canadians, immigrants: Why aren’t we talking about schemes whereby once again we can ensure that every person in this province enjoys a retirement with dignity? You folks want to talk about the dignity of being able to keep working; I want to talk about the dignity of retirement. Why aren’t we talking about a scheme whereby we can ensure that every worker in this province has pension eligibility, (1) by making it mandatory for employers to provide it, and (2) by assisting small employers—the one-, two- or three-person workplace—by creating a collaborative effort with government to provide for a group, co-operative type of pension fund? It could be done. It’s been done in other places. New Democrats have suggested that any number of times and they’ve been quite prepared to talk about it. Indeed, when Andrea Horwath gets the floor on this debate she’s going to have a whole lot to say about pension eligibility and the inadequacy of pension funding.

Why aren’t we talking about—because there’s been so much debate since 1995—the attack on the 40-hour workweek? Why aren’t we talking about really restoring the 40-hour workweek? Why aren’t we talking about the right of working people to engage in leisure activity too? Why aren’t we talking about the value of things that people do outside of the workplace, the sorts of things that Bertrand Russell was talking about in 1936, and the sort of observation that Paul Tsongas made when he said, “Nobody on his deathbed ever said, ‘I wish I had spent more time at the office’”?

New Democrats won’t be supporting this legislation. Oh, I understand that the academic community—university professors, college professors—have advocated for this bill. I understand that many of them are quite eager and prepared to work beyond 65, but also let’s understand that many of them do. Let’s also understand the

universities' perspective, that with the phenomenon of tenure, universities are scared witless of the prospect—think about it—of university professors not leaving the workplace at some point. There are many qualified, competent people who are kept on, but there's some point at which, with the phenomenon of tenure, the university wants to exercise a little bit of modest control over who strolls its hallways and occupies its academic offices.

But the vast majority of Ontarians want fair pensions and, again, the freedom of not having to work, because most people work because they have to, and the fact that not having to work means there are so many other things you can do in your community that make contributions to that community as well, sometimes even greater contributions.

You've been to a Ford, GM or Chrysler assembly line, Mr. Ramal? You watch those workers. The line's moving past, and it's the pneumatic drill, right? And there it goes. You can hear the zip and the burst of air, zip and the burst of air, zip and the burst of air, zip and the burst, zip and the burst, zip—watching it for 15 minutes drives me nuts. And, well, workers have to do it not just for 15 years but for 20 and 25. Let me tell you, every time they do that repeated action and the zip of the air gun with a little burst of air, every time they feel that muscle tear on their shoulder joint or their wrist joint with carpal tunnel, they don't look forward to extending their retirement age; they're scheming and thinking of every possible means there is, and they're telling Buzz Hargrove, "When you negotiate the next contract, negotiate an early retirement age." Bill 211 is going to have a significant impact on the right of workers and their trade unions to collectively bargain retirement ages; make no mistake about it.

So this bill once again ends up being very much—it's not a liberating bill. I have no doubt that the corporate world, the bosses, endorse this legislation. They just can't wait to get their hands on that money that will no longer have to be invested in pension funds because they can, instead, call upon workers to work longer and harder. Of course, every year a worker works beyond the age of 65 there's a greater likelihood of him or her dying before they ever collect the pension anyway—yet another saving for the pension plans.

I just think it's wrong-headed. It's the wrong debate, it's the wrong direction, and the debate is being held for all the wrong reasons. It doesn't provide a solution but rolls back the clock. This doesn't take us into the 21st century; it takes us back to the 19th century. This undoes, it unravels, it rolls back, it repeals all those hard-earned gains by working people over the course of generations and decades through the late part of the 19th century, through the 20th century. Here are the grandchildren, great-grandchildren, great-great-grandchildren of some of those people who struggled so hard, and rather than enjoying the fruits of those grandparents' struggles, they have to look forward to a lifestyle that's more akin to their great-grandparents' than what ought to have been their rightful legacy.

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

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** I'm pleased to have a couple of minutes this afternoon to speak on the bill and follow the remarks of the member from Niagara Centre.

I know the member from Niagara Centre made comments and references to Paris Hilton, Bill Gates, the Hollywood rich and soap opera stars. I'm not going to refer to the rich and famous today. I'm going to refer to a paper mill labourer who, in 1972, because of his desire to continue working—he was being forced to retire at this paper mill—because of his interest in continuing to work, did just that and made application to work at a place in my constituency; in fact, it was Upper Canada Village. I'm speaking of my dad. I certainly dedicate the few remarks I'm making today to him. He did not want to retire. He was a labourer and did not want to retire. He had applied in 1972 before his retirement to find work. He had applied and had been accepted to work. Unfortunately—and the member for Niagara Centre, when he hears that he passed away a month before his retirement from the paper mill, will say that he died in the saddle and he probably worked himself to death. That's not the case. He wanted to work. He loved work. He loved being with people and he, as do many Ontarians today, wanted to have that right to choose when he retired. I use that as an example. He set an example for his seven sons and five daughters that we have, in our lives, continued.

I had an opportunity of retiring from the teaching profession, and it was not, "So long, it's been good to know you." I would have stayed there forever if it hadn't been for a young man whom I passed the torch to. So I'm glad to make these remarks.

**1620**

**Mr. Cameron Jackson (Burlington):** As always, I find the comments from my colleague in the NDP, the member for Niagara Centre, to be rather informative and provocative. I share his concerns in some respects, but I welcome this legislation a little more openly and I do so for some slightly different reasons.

The member from Niagara has indicated that this may form complications for collective agreements and create certain adverse trend lines, but not everybody has collective agreement protection in this province, not everybody has a defined pension fund—not only, as he's established, members like ourselves, but there's a whole group of seniors who have had a hard time finding work and finding employment. I look at the statistics that show that a disproportionate number of women are widowed without any means of pension support. This will provide them an opportunity to extend their work environment and not force them out into what we generally refer to as the underground market. Hopefully, this legislation will trigger access to extended benefits and other opportunities for older workers that have heretofore not evolved sufficiently in this province either through the collective agreement process or through the consent, through legislation, by any given government.

I, for one, am anxious to embrace this legislation and certainly see opportunities here for seniors. I just wanted

to put on the record that I appreciate the concerns that have been raised by my colleague from Niagara Centre. Quite frankly, I think this legislation could go slightly further, but I will be supporting it.

**Mr. Kevin Daniel Flynn (Oakville):** It's always a pleasure to respond to the member for Niagara Centre. His fascination with Paris Hilton and Miss Ellie from Dallas is something I never knew about the man and certainly something I think we should all take into account.

Really, this is about ending discrimination and it's about providing choice. Ontario workers who are over 65 and who choose to work, in the opinion of this government, deserve the same treatment and human rights as older workers in New Zealand, Australia and the United States, and in provinces like Quebec, Manitoba, New Brunswick, Nova Scotia, Prince Edward Island, Northwest Territories, Nunavut and Yukon. All provide employment protection to workers in those provinces over the age of 65. Ontario currently does not. This proposed legislation would extend those employment rights and human rights to those people.

What we are saying is that when you turn 65, we, as a party and as a government, don't think you should be forced to quit. If you choose to quit work earlier, that's fine with us as well. But we think that you should have that choice. Nobody should be telling you when you should leave work. That's a personal decision and that's a decision that we believe is best made by the workers themselves.

I personally chaired meetings all over Ontario: northern Ontario, Thunder Bay, Sudbury, Kingston, Hamilton, London, Windsor, Ottawa, and in the city of Toronto twice. What those hearings did for me was dispel many myths about the aging process. It made me understand that older workers in the province of Ontario want to make choices, want to be able to determine their own lives and want to be able to determine their own employment. Why anybody could oppose that choice, I don't know.

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to respond to the leadoff speech by the member from Niagara Centre. He began his speech by talking about his new haircut and the barber who performed it. I've been assured that even though he's getting close to retirement age, this legislation, Bill 211, won't affect Mr. Kormos's barber, because he's an artisan, which is evident from Mr. Kormos's haircut, obviously.

I support this legislation. I support choice. Some people want to retire early and, more importantly, are able to retire early, but others, either because they want to or because they have to, want to keep on working. Unfortunately, under this Liberal government, we're seeing a situation where more and more people have to keep on working because they have less money in their pockets so they can't afford to retire.

We're seeing increased taxes. Of course, the biggest increase has been the \$900 health tax the government brought in, which is money directly out of the pocket-book of average Canadians. We're seeing Canadians having to pay for chiropractic services, physiotherapy

services and eye tests. We're seeing increased gas prices, and now, of course, increased home heating and natural gas costs, which will directly affect a lot of people in this province, and we're seeing no energy plan to deal with these increased prices.

The big question is, will you still have a job? In the last year, we've seen 42,000 fewer manufacturing jobs in the province. Every week across northern Ontario, there's another mill shutting down; we had a debate last week having to do with that. That is the real question: Will you still have a job to go to?

But I do support the choice to keep on working beyond 65 if you so desire.

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

**Mr. Kormos:** I saw a brief analysis, and I want to read it. I don't have an author to attribute it to because no author was indicated, but it talks about workers' alienation, their estrangement from the process of their work. It points out that an artist, "unlike an industrial worker, typically works under his or her own direction; artists are in total control of their work.... Even the typical medieval artisan, although more closely motivated by economic needs, usually worked as an independent person—owning his own shop and more or less choosing his own projects.

"In modern industry, however, workers typically do not work under their own direction. They are assembled in large factories or offices, and they work under the close supervision of a hierarchy of managers who do most of the important thinking for them. Planners and managers also divide complex work processes into simple, repetitive tasks which workers can perform in machine-like fashion.... The rhythm of work is dictated by the quasi-military discipline of assembly lines or other regimented production systems, and by the requirements of the machines to which the workers are assigned. Workers become mere extensions of their machines, rather than machines the extension of workers.... Thus, even though workers have to exert themselves in serving their machines, in an important sense they are passive—mere objects. Modern factory work, although highly productive compared to medieval craftsmanship, has become dehumanized drudgery work."

I'm more interested in finding means of freeing people from the dehumanized drudgery work that most workers are compelled to perform to put food on their tables, to pay their mortgages. This bill does doesn't talk about freeing those workers from the drudgery of their work lives. It's not legislation that addresses the issues that are prevalent in the year 2005.

**The Deputy Speaker:** Further debate?

*Interjection.*

**Mr. Khalil Ramal (London–Fanshawe):** Yes, a haircut like Mr. Kormos.

Mr. Speaker, I'm sharing my time with my colleague from Mississauga West.

I'm standing up today and speaking in support of Bill 211, not because the bill is being introduced by my

colleague the Minister of Labour and not because our government is the sponsor of the bill, but because it's the right thing to do. That's why we are speaking in support of it today.

**1630**

I was listening carefully to my colleague from Niagara Centre as he was detailing the negative impact on people if the bill passes. We're talking about dignity. We're talking about restoring dignity for a great segment of the population in Ontario. We're talking about choice. The Minister of Labour, when he was talking last week, when he introduced the bill for the second time in this House, was talking about creating choices for the people. If you choose to continue working, you should have that choice. You shouldn't be forced to leave work if you have the desire, if you have the capacity, if you have the ability to continue working.

As I mentioned, I was listening to the member from Niagara Centre when he was talking about how no one across the province of Ontario wants to continue working past the age of 65. I want to give you a life example. In the last couple of weeks, when many constituents heard about this bill in the House being debated, they came to my office and told me, "We're supporting this bill because it's the right thing to do, because many people want to work." They feel they have the ability to contribute, that they have the ability to give. Certainly, at this time, with the progress in health care, our life is being extended beyond 65. Many people have gathered a lot of experience and a lot of ability over the years. They want to keep investing this ability and this experience into the workforce and they want to continue to give to their community.

It's not about the choice the member from Niagara Centre was talking about: forcing people to continue working; that's not correct. It's not the intent of the bill to force people to keep working after the age of 65. It's about giving them the choice to continue or not to continue.

In the meantime, it's not going to affect their pension. As a matter of fact, when they turn 65, the pension is going to kick in from the federal government, whether they work or they don't work, because the pension is based on their work before the age of 65, whatever they put into the workforce and workplaces. This bill will give the choice and the chance to many people across the province of Ontario who have reached or passed 65 to give to their communities, to continue working in many places, if they choose to do so.

I have a constituent who came to my office last week. She was so upset because she worked all her life with a taxation department. I would say her name, but I didn't get her permission to say it. She said, "I'm willing to sign a petition. I'm willing to go from door-to-door to talk about many people of my age who support this bill." She went to Wal-Mart, I believe, and her application was rejected because, according to the law we have right now, she's above the age of 65. What about the rights of that person who wants to work, who wants to continue to

work? What about many females across the province of Ontario who decided in their early ages to raise a family, to have kids, and then want to enter the workforce when they are 30 or 40 years of age and want to continue to work after their kids go to school and they have enough time?

I think this bill is very important. It's the right thing to do. It's about creating choices for many people who want to continue to contribute to our community and to our economy and want to continue to contribute to our society. That's why I'm speaking today in support of this bill. I'm happy to hear many members of the Conservative Party are in great support of the bill because they believe, like us, that it's a good thing to do. I also hope many members of the New Democratic Party believe in the cause and will in the end support it, because it's the right thing to do.

**Mr. Bob Delaney (Mississauga West):** Today's baby boomers are the healthiest generation in history. That baby boom bulge, both around the waist these days and in demographic terms, can look forward to many more years of healthy and productive life after 60 than their parents and their grandparents did. That's why ending mandatory retirement is the right thing to do.

This is a bill to enable Canadians in many walks of life to do what actor William Hutt has done in Stratford: perform at his peak into his 80s. This is a bill to enable working Ontarians to do what our Mississauga mayor, Hazel McCallion, continues to do: serve our community through their work long past the age of 65. May Mayor Hazel remain in office and in good health as long as she has the energy and the vision to keep building our great city of Mississauga.

We want Ontario workers to have the freedom to choose when they want to retire. More importantly, Ontarians want to end mandatory retirement in a manner that is fair and balanced, a manner that won't undermine existing rights and benefits.

My constituents in Mississauga West come from a fairly prosperous corner of Ontario. Some of the people in our area welcome this bill. They look forward to working past the age of 65. In most cases, their work is not physically demanding and their minds, stamina and work ethic are matched by their experience, their judgment and their insight and the wisdom they bring to their work. Other people have done well in their careers. They have invested wisely and look forward to an early retirement, and not a late exit, from the workforce. Young people welcome the new legislation, but some have asked me if having people able to work past 65 will harm their own career chances to move up in the workplace. And finally, some people have asked me if this legislation means Ontario can expect, for example, 70-year-old firefighters. Let me address these concerns in the balance of my time today.

To those near retirement age, the new law comes into effect one year after royal assent. This means, for example, if Bill 211 is passed by the end of this year, 2005, then it would come into effect on or about the

beginning of the year 2007. So if you're in your early 60s now, then Bill 211 would be in effect if you wished to work past your 65th birthday. One question asked to me is that if someone is facing mandatory retirement within the next year or two or they've already gone past mandatory retirement, will Bill 211 enable them to get their job back? The short answer is no. But it is an interesting choice both ways.

Perhaps a policy or a collective agreement may now require that a person retire at the age of 65. This gives a company a choice if it doesn't want to lose an employee with perhaps years or decades of skills and experience. If your company doesn't want you back or won't find a way around the rules, then you know where you stand now or where you may have stood for a number of years. And so with many baby boomers stepping out of the workforce, a late career change may reinvigorate your working life and it may lend it new profitability and new meaning. If you're planning an early exit from the workforce, nothing in Bill 211 will prevent you or affect you in any way.

For young people, every occupation and profession is facing the inevitable demographic reality of aging baby boomers. Whether you're a bricklayer or an accountant, a computer technician or a corporate manager, the simple fact is that the baby boomers will retire. Most baby boomers will exit the workforce around the age of 65, perhaps one in 10 will go before 65 and perhaps a slightly greater percentage will work a few years past 65. At this point, it is a bit of a guessing game.

If we recall our bell curve in academics, a bell curve that has its origin in statistical theory, we can expect that the average retirement age will remain at or close to 65. Perhaps two thirds of all workers will retire somewhere between 62 and 68, and likely 90% to 95% of all workers will retire during the decade of their 60s. With that many baby boomers all obeying their body's calling or the actuarial tables, I say to young people getting their education that the career sound you now hear is the vacuum of skills drawing you up the career ladder.

1640

Finally, there are exceptions in Bill 211 that deal with physical requirements in specific classes of work. Just as you do not now see too many grey-haired front-line firefighters or lifeguards, a legitimate physical requirement will ensure that safety and good sense govern who gets to do demanding types of work.

Bill 211 looks forward to the needs of the 21st century, and I urge its passage.

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

**Mr. Norman W. Sterling (Lanark–Carleton):** I don't know if anyone in this Legislature is against the thrust and the policy of this bill. Actually, there was a bill introduced by the former government which we would have carried forward and which I believe carried greater protections for those people approaching the age of 65 than the present bill does.

One of the things we did identify when we were in government was that—while this bill holds out the hope

for people who are 65 and over continuing in the workforce, it doesn't deal with a very, very touchy issue. That issue is this: As some people approach the age of 65, they become less capable of carrying on their particular function, or some of them would require a less stressful job and that kind of thing. So it's very difficult to deal with that issue without having an arbitrary age. If you have an arbitrary age, everybody is treated the same way and, therefore, that person retires at the age of 65. Once you go beyond that and say that people can work forever and that you're not allowed to have this arbitrary age, then you have to deal with the other issues. Unfortunately, this piece of legislation doesn't do as good a job as did the former piece of legislation introduced by our government to deal with leeway with mandatory retirement.

I am in favour of this. I think every constituent in my riding is in favour of it, but the trick is how to deal with those touchy issues about people who are approaching or are at retirement age and being able to have them have a soft landing as they leave the workforce and say goodbye to their service to the people of Ontario.

**Mr. Peter Fonseca (Mississauga East):** Listening to the comments from the member for Lanark–Carleton, I would have to say—and often it's been mentioned in here, as with the member for St. Catharines, as deans of the House—that as our population ages, many workers exceed the age of 65. They have great knowledge, great experience and many of those workers would be, for an enterprise, a terrific asset that should not be lost. They are an asset who will help mentor, help coach many of the younger workers. That experience today is being lost in workplaces where they're being asked to leave just because they have attained the age of 65.

Also, many people get a great deal of meaning and joy out of their work. The member for Niagara Centre and the NDP often feel that people should have to leave their jobs. We feel that the NDP should not be able to throw people out of their jobs and ask them to leave their jobs just because they've reached the age of 65.

I have to commend Minister Bentley, the previous Minister of Labour; Minister Peters, the now labour minister; and, of course, the parliamentary assistant, my seatmate, the member for Oakville, Kevin Flynn, who actually travelled around this province and listened to the people of Ontario who have said that they do not want this discriminatory practice in place and they want to make sure that Bill 211 passes and stops mandatory retirement.

This is a good thing for the people of Ontario, a good thing for our productivity, a good thing for our future, and I support it wholeheartedly.

**Mr. Jackson:** I also wish to comment on the comments made by the members from Mississauga West and from London–Fanshawe.

I found it interesting that the member for London–Fanshawe made a reference to one of his constituents who was concerned that she may have been the victim of discrimination because at age 67 she couldn't get in to work at a major department store.

It should be noted for that constituent and for others that this legislation isn't going to fix that. There's nothing in this legislation that says that an 80- or a 90-year-old can walk in and seek employment and then if they are not successful with that application, that they will be able to successfully sue the company or cause an action with the Human Rights Commission. In fact, Keith Norton quite eloquently raised concerns about the legislation, saying that there are more new questions that have been raised that will require human rights appeals and applications, and there is no recognition that this budget should be increased or additional guidelines or protection within the legislation given to the commissioner.

In many respects, we do support this legislation, but this legislation falls short in areas that deal with worker protection. This simply says that if you're currently employed and you would like to continue with your employment, your employer would need the kinds of reasons that the member from Mississauga East referenced in order to not renew that employment or extend that employment. But nowhere in this legislation does it protect people who are currently unemployed and would like to seek employment at age 67, 69 or 90, for that matter. So we hope that the government will consider that before final passage.

**The Deputy Speaker:** Questions and comments? The member for Ottawa West and Minister of Health Promotion.

**Hon. Jim Watson (Minister of Health Promotion):** Ottawa West–Nepean. Never forget Nepean, Mr. Speaker.

It's my pleasure to speak just for a moment or two in support of this legislation ending mandatory retirement in the province of Ontario. This is a very progressive piece of legislation.

I want to tell you one story. I received a call a couple of months ago from a female professor at Algonquin College, which is in my riding. It's a wonderful post-secondary institution. This individual had started her academic career late in life, and she really only started to teach at Algonquin when she was about 57 or 58 years of age. She was full of vim and vigour and wanted to continue teaching, yet under previous legislation, she was going to have to retire, despite the fact that not only did she want to teach but her pension would be virtually non-existent. So what this piece of legislation, Bill 211, does is it give hope for those individuals, particularly females, who often enter the workforce later in life because, in many cases, they're raising families.

It's also rather hypocritical, as usual of the New Democrats, to oppose this legislation, because of course as—

**The Deputy Speaker:** Minister, perhaps another word would be appropriate. If you could withdraw that.

**Hon. Mr. Watson:** Mr. Speaker, perhaps the word "inconsistent" is more appropriate.

Of course, members of provincial Parliament can stay here as long as the people keep electing them. You can keep getting re-elected and re-elected. Look at Norm

Sterling; he's a young-looking 90-year-old over there. He's done well for himself.

**Mr. John Wilkinson (Perth–Middlesex):** He's well preserved.

**Hon. Mr. Watson:** He's well preserved.

Since we're allowed to stay here, why not give the right to every member of this community, every citizen of Ontario, to work until they decide themselves that they want to retire?

**The Deputy Speaker:** The member for London–Fanshawe.

**Mr. Ramal:** First of all, I want to thank the members for Lanark–Carleton, Mississauga East, Burlington and Ottawa West–Nepean for their comments about what we said earlier.

It's very important that we mention it's about creating choices. I was listening to the minister talking about choices and why that choice has been given to some people and some segments of our society, and some others aren't being given that chance or the choice.

Also, I want to comment on the comment of the member for Burlington. I think he brought up a very important and significant element to the bill, and hopefully it will be included in the regulations: to eliminate the discrimination against people who want to work past age 65—it's very important—and not just force them into retirement when they reach 65. Hopefully, it would be eliminated and would give a chance to people, regardless of age, to be eligible, to be able to apply to for a job and get it, and not be discriminated against because of their age.

**1650**

It's very important to work on that bill and the details of that bill, but I believe it's a very important step. Hopefully, we can continue to work out the details that will eliminate discrimination across the board and give the chance to many people across Ontario who reach 65 and beyond to apply for a job and get the job. I believe that many people who reach 65, 67 or whatever age have a lot to offer: They have a lot of experience, a lot of knowledge; some of them have physical abilities or mental abilities to give us, to give to the community. That's why, hopefully, this bill will go to a vote and pass after this debate. Many Ontarians want the bill passed not a year from now or tomorrow; they wanted it passed yesterday and the year before, because it's long overdue.

**The Deputy Speaker:** Further debate?

**Mr. Jackson:** I'm very pleased to be able to stand in the House this afternoon and offer my personal support of Bill 211, An Act to amend the Human Rights Code and certain other Acts to end mandatory retirement.

Having been in this House for many years, this is an issue that I have had occasion to look at various times. I was very pleased when the Honourable Keith Norton, the Ontario Human Rights Commissioner, recommended that Ontario amend its Human Rights Code and remove the upper age limit, and that has been in our legislation since 1977.

This was done by the honourable commissioner in 2001, and he specifically issued a paper after he had researched it. This is what he said in one of his conclusions: "Making a decision solely on the basis of age and not on the basis of a person's ability to perform the essential duties of the job is a form of unequal treatment." I agreed with the minister at the time. In fact, I was his minister at the time that the Human Rights Commission was under the Ministry of Citizenship and I supported his findings. I took them forward to cabinet, and we began a consultation process and it had my full support. I was also minister responsible for seniors in those days, and it was eminently appropriate that we'd be bringing it forward. I was pleased that immediately after a cabinet shuffle, the gentleman who followed me, Carl DeFaria, actually tabled the legislation after we had worked on it.

For the record, the current legislation, as tabled by the Liberal government, is an extension of the work that was done by the previous government. However, it falls short in a couple of areas where I believe it's worthy of comparison that the previous legislation did move in a couple of other areas. It's also interesting to note that that legislation was tabled in May 2003 and would have become law on January 1 of this year, 2005.

Everyone who has been concerned about this issue has asked why it has taken the government two years to come to the point of tabling the legislation. Again, it may be a year and a half before this is proclaimed, so as much as four years will have been lost in the process. As the member for Nepean-Carleton indicated just a few moments ago, this will affect quite a few Ontarians just on the issue of putting in sufficient time in order to get their pensions.

Our legislation to end mandatory retirement was our response to the issue of age discrimination, especially as raised in a letter by the commissioner, as I've said. This was done back on April 30, 2003, in our throne speech. It was contained in this promise: "The government will also introduce legislation to allow more seniors to remain active in the workforce—retiring at a time of their own choosing, not an arbitrary, government-appointed time."

As I say, we were very pleased that it had the full support of the commissioner. It had the support of a lot of editorial comment around the province. According to the *Toronto Star*, they said, "'I think there will be widespread support for it.' ... 'More and more these days, people are having families later in life ... they may very well still have children at home when they turn 65.'" That was an editorial in the *Toronto Star* on April 6, 2003.

So I really don't think we needed to take two and a half years to discuss this issue. Not to suggest that the consultations didn't bear some fruit, but this legislation is barely a page and a half long, so I don't think the widespread consultation resulted in any difference of opinion on the central question about whether or not we should end mandatory retirement. But the legislation really has no meat on the bones of a very important public policy decision and it will, as I will state later on in my com-

ments, raise some concerns and questions for workers and employers both.

If passed, the current legislation would amend the Human Rights Code to ensure that people 65 years of age and older could not be forced to retire, while providing a one-year transition period to allow workplaces to prepare for these kinds of changes. It would also prohibit collective agreements from including mandatory retirement and would override existing collective agreements. I suspect that's one of the reasons my colleague from Niagara Centre is concerned. I also have a concern about overriding collective agreements. I don't think it's all that terribly appropriate in this day and age. Those collective agreements are binding, and I have a little bit of difficulty, as I know he has as well.

The bona fide occupational requirement provisions permitted under the code would continue, and this is to mean employment requirements or qualifications that are necessary for the performance of essential job duties. Currently in Ontario, there is no legislation that requires workers to retire by a certain age, but neither does it contravene any legislation for employers to develop their own retirement age rules and enforce them, either through individual or collective agreements with employees or unilaterally where no such contract exists. This is due to the fact that Ontario's Human Rights Code prohibits age discrimination in employment only for the under-65 age group. Of Canada's 10 provinces, five of them—New Brunswick, PEI, Quebec, Alberta and Manitoba—have already abrogated mandatory retirement. In addition, federal employees cannot be subject to mandatory retirement—unless you're David Dingwall, I guess.

The notion of ending one's working days with a period of leisure called retirement goes back many, many years. In fact, if we check history, the very first one we can find was German Chancellor Otto von Bismarck—Mr. Speaker, I thought you'd find this interesting—in the 1880s. He decided to reward workers who reached the age of 65 with a state pension. Those are the very first ones that were recorded. But back then, most Germans would have expected to live to the age of 45, so it was a wonderful gesture.

If you look at our own history of pensions, our national pension plan, when they determined Canada's national pension age at 65, the average life expectancy of an Ontario worker or a Canadian, predominantly male, worker during the 1920s was 57 years of age. Clearly, the government of the day felt that it wasn't a great risk to offer pensions at 65 when a third of eligible workers would never, ever reach it. So that's important to note.

#### 1700

Statistics Canada reports that 18% of middle-aged workers in Canada today expect to never retire for fear of inadequate pensions, no employee pension or insufficient private savings. These are the three main reasons that are stated. There's also a shift among older workers who prefer to continue working past the usual retirement age as a result of a desire for a more active, involved

lifestyle, and for many, it's maintaining their friendships in the work environment as well.

In terms of the idea that forced retirement helps to provide more opportunities to younger workers and allows for a younger and more skilled workforce, the situation has also changed. Often former high-ranking workers are asked to stay to act as mentors, and many are hired as consultants past the age of 65 to remain in that same workplace. There are also concerns noted by some that with the current aging population there will be an inadequate number of young workers to support the population of retirement age. Statistics have now shown that clearly we are going to have more and more dependence on older workers since we are not producing enough young persons either through our birthrate or through our immigration policies in order to tip the balance. The baby boomers are aging out. They are looking at their retirement, they're looking at their pensions, they are looking at social security, they are looking at government-supported benefits that will extend past their retirement, when they're not protected, and that is going to put immense pressure on our system.

In Canada, the average retirement age bottomed out in the late 1990s, as downsizing and cutbacks hit both private and public payrolls. A recent study by TD Waterhouse found that two thirds of people polled who have not retired are stressed about retirement investing, mainly because of uncertainty or a lack of money.

The uncertainty has been fuelled, as well, by recent decisions by the Dalton McGuinty Liberal government of Ontario, where their government policies have compounded the costs and impacted seniors in a negative way more than any government in my 21 years in this Legislature. The average senior on a fixed income is looking at an additional \$1,000 a year of costs. When you consider that most seniors on a fixed income, as individuals, are barely making it on \$10,000 or \$11,000 a year, an additional \$1,000 of costs after tax is a huge burden for a senior to take; and, as has been mentioned, the delisting of chiropractic services and physio services, the delisting of chiropractic services for all ages of individuals. The property tax rebate for seniors that the Conservative government passed and was ready to implement and the Liberals pulled back retroactively: That tax rebate for seniors who are renting and for property owners would have given them a minimum, on average, of \$450 back into their pockets. If you were renting at \$700, \$800, \$900 or \$1,000 a month, that rebate cheque was going to rise to something like \$700, and for property owners it could have gone up as high, in my riding—some of my seniors would have seen cheques for \$1,400, \$1,500.

We also know that the health tax, the \$700 additionally in the first year and more in the second year, is affecting seniors adversely. We know that affordable housing availability is lower in our province, especially for seniors, since the preferred clients are older seniors and new Canadians over the disabled community in terms of preferential access to subsidized or affordable housing.

We know that there are many seniors who today have a spouse going into a nursing home, so they're paying rent into a nursing home and they're having to pay rent or taxes on their property, and for them, having access to extended employment is a great concern because the state or the government seizes half the assets of the family in order to calculate the nursing home cost. Incidentally, for the first time in Ontario's history, persons in nursing homes and seniors over the age of 65 are paying their OHIP premiums. This has never occurred in our province's history, and for the life of me, I can't understand why the government brought in such a draconian tax and argues that it's equitable when in fact it very much discriminates against seniors, and specifically low-income seniors, because it's not really properly income-tested. It's a threshold; it's a double threshold. I could go on with other cost implications—the income tax rebate that the Liberal government cancelled retroactively. These all impacted negatively on seniors and give greater concern for their desire to find some source of income in order to survive in their older years.

As I mentioned earlier in the House, probably the most vulnerable of this group are women, and older women in particular, because, on average, they do not have access to pensions. I haven't seen statistics for quite some time, but it is not uncommon for some men in our society who served in the Second World War to have two and, in some cases, three pensions. But the norm for women is that they are very fortunate if they have access to one pension, so they are solely living on social security, and that is just too tight a way to live your life. They certainly deserve better access to some of these extended benefits, where this bill only speaks to the issue of extending their employment.

I think it's fair to say that the old arguments about not proceeding with this legislation really don't hold as much weight as they should. The business community has come out in support of this legislation because they see the value under many circumstances, but not all circumstances. It has been referenced that it may not be as appropriate for certain jobs, such as firefighting, police work, ambulance attendants and so on, but again, those can be dealt with in terms of strong guidelines.

The Canadian Association of Retired Persons, CARP, which is Canada's Association for the Fifty Plus, with its 400,000 members in every province across Canada, has come out strongly in support of this. I have worked with its founder and its current executive, including Lillian Morgenthau, who has been on record with this issue for many, many years. She has applauded both the legislation tabled by the Conservatives and the legislation tabled by the government. This legislation gets rid of ageism, which is an issue very close to Lillian's heart. In her comments, she made the following statement:

"Ageism is rampant in our society. Getting rid of mandatory retirement is a major step in the positive direction of combating age discrimination in all sectors of our country. It is very significant today when Canadians are living longer, healthier and more active lives.

Turning 65 does not mean bringing out the proverbial rocking chair. To think otherwise is to be out of touch with today's reality."

Again, CARP was a great pioneer in this area, but even CARP has put on the record that the issue isn't simply eliminating the age of retirement. CARP is extremely concerned on behalf of seniors, as I have stated as well, that they have extended benefits, that they have opportunities and access to continue to contribute to pension plans. This legislation doesn't clarify any of this, and it is a concern, because they do want that protection. There is nothing in this legislation that protects the shifting nature of benefits packages.

For those who feel that maintaining a career is what challenges them and keeps them alert and alive, they should have that choice based on their ability, not on their age; this was something that the commissioner mentioned as well. But he also raised some concerns about the procedures that may have to be followed. I'm quoting Keith Norton again: "Although we requested procedural amendments to the code to help the commission handle this anticipated increase and the already growing number of new complaints filed each year, I am disappointed to see that the new legislation does not address this issue. In the absence of such amendments, additional resources may be required to cope with the increased demand" for the services of the Human Rights Commission. There is concern that there will be a major influx of these claims without proper guidelines in place.

**1710**

The chief commissioner also noted, "There is concern that employees age 65 and older may not be entitled to other workplace benefits including disability, medical, dental or life insurance benefits, again solely based on their age." Again, the Liberal legislation is silent, and yet there is compelling evidence about the increase in health costs and the lack of access to health benefits in our province.

I support the concerns raised by CARP and by our chief commissioner. I will, however, be supporting the legislation and will work with the government to ensure that its regulatory framework rises to the occasion of meeting the needs of these important seniors in our society.

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

**Mr. Gilles Bisson (Timmins-James Bay):** Mr. Speaker, I know you want to hear this. Stay tuned. In about another 10 minutes it will be my turn and I'll get a chance to talk about this in more detail.

I just want to say up front that I have a problem with this legislation for a number of reasons, which I'll get into a little bit later in the debate. But I have to say up front that one of the basic issues that I'm really worried about on this particular one is that if you eliminate this altogether, what you end up with is a situation where there is going to be more and more pressure, I believe, over the longer run for employers to basically negotiate pensions with the workers that go beyond 65. Most people around here, and a lot of people walking outside,

would know that how much a pension costs is very much based on how long you're a contributing member in that pension plan and what your retirement age is.

As someone who has had to negotiate—I've actually negotiated from both sides of the table. I've negotiated both as an employer and as a union representative. I can tell you there would be a fair number of employers in this province, given the opportunity, who would love to go to the negotiating table and tell their workers, "Well, you know, this company is having a really tough time, and what we would like to do is negotiate a pension that has a retirement factor of—" rather than working out to be age 65, 66, 67, 68 etc., which I believe would put us out of step with the rest of the industrial world. The last time I checked, where I come from, out of industry—I'm an electrician by trade—most people want to get out. They want to retire before age 65.

I think this legislation puts us out of step with all other developed countries and puts us in a position where, quite frankly, we could end up in a system where people would end up having to work far longer than they want to. I don't see this as a choice where people should have the right to work past 65, because we already have that right. If a person working somewhere wants to continue working, and they want to go get a job somewhere else, nothing prevents them from doing that. They can work until age 90 if they want. No law says that you can't. The real effect is going to be on people's pensions and the ability to negotiate fair pensions that allow people to retire at an earlier age.

Monsieur le Président, je sais que vous allez être très excité de savoir que je vais parler un peu plus quand j'ai ma chance dans environ huit minutes.

**The Deputy Speaker:** The member for Bramalea-Malton—no, Gore-Malton-Springdale.

**Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale):** Bramalea-Gore-Malton-Springdale. Thank you, Mr. Speaker.

I'm pleased and honoured to speak and participate in the debate on Bill 211, An Act to amend the Human Rights Code and certain other Acts to end mandatory retirement. I want to commend and thank the Honourable Chris Bentley for bringing this progressive legislation forward.

Prior to my election in October 2003, I worked as a family doctor for about 25 years. I had been seeing a lot of senior men and women aged 65. I always questioned them about their lifestyle. At the age of 65, most of them live an active, healthy lifestyle. If you asked them to retire, they would feel useless. They don't want to retire at that age; they want to be active members of society and keep on working.

I support this legislation because, being a family doctor and a politician, I want to serve my constituents from Bramalea-Gore-Malton-Springdale who have given me the privilege to serve and represent them in this House. I'm 57 now. If at the age of 65 I'm suddenly told to go and sit at home, that would be discrimination. I definitely would like to work if the constituents of my riding keep on electing me.

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

I'm going to have an opportunity to speak at a little more length on this bill at a future date—possibly even today.

Yes, of course, we are in support of this bill in principle, because it is similar to a bill that was proposed by the previous government more than two years ago. I guess it's another question of what this government has been doing for the past two years. They've had an opportunity to bring this legislation forward for some time.

Ours is a party that believes in people having the right to choose what they are going to do with their lives, whether they are going to continue working or whether they are going to take advantage of a pension plan or whatever they may be entitled to. But this gives them the option of continuing to work after age 65.

One of the concerns I have in this province is whether people are going to have the ability to work at any age under this government. Maybe the mandatory retirement act should be applicable only to the people on the other side of this House. That may be what's required in this province to ensure that for those who want to work, whether they are in their 20s, 30s, 40s, 50s, 60s or beyond, you have to offer them opportunities.

In this province right now we're seeing the door being closed to so many opportunities because of the policies of this government. With respect to manufacturing, what affects manufacturing more than the cost of energy, and not only the cost but the availability of energy? Those are some of the things that this government should be marshalling its resources, its time and its attention to instead of dilly-dallying with a lot of silly legislation that we see in this House. They are not focusing on the key issues, and I think they need to do that.

**The Deputy Speaker:** The member for Perth–Middlesex.

**Mr. Wilkinson:** Thank you, Mr. Speaker. It's good to see you in the chair yet again.

There is a great Canadian, William Hutt, who is a remarkable Shakespearean actor. On Friday night he will give his last public performance at the Stratford Festival. He is Prospero in *The Tempest*. "All the world's a stage" and we are but players upon it, and to think that 20 years ago we could have been denied all the great performances of William Hutt if he had been forced to retire. He is a remarkable Canadian. People of my generation—I'm 46 and I remember watching *The National Dream*. He played Sir John A. Macdonald—to a T, I might add. He is a great Canadian, a recipient of the Order of Ontario and a recipient of the Order of Canada.

I agree with the member from up the Ottawa Valley that this bill is all about choice. As the first certified financial planner ever to be elected to this House, I have dealt with seniors my entire professional career. I know the great resource they are for our communities, and I know many seniors who are in a position of mandatory retirement who felt that somehow society was passing them by when they had so much to contribute. They need to have the ability to do that.

**1720**

I say to the people who are concerned about pensions: This bill does not make someone not able to retire early if they have the means and they have the ability to make that pension agreement, but for those who want to move beyond that, they have a right—a right that's in many other places. In this province we don't discriminate against people based on their gender or their sexuality or their religion or the colour of the skin, and with this bill we ensure that we do not discriminate against people based on their age.

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

**Mr. Jackson:** First of all, I'd like to thank those who commented.

I just want to say to my colleague from Timmins—James Bay that I too underscore the importance of pension protection. I hate to bring this up, but I am still talking to many of my Stelco pensioners in Burlington and the Hamilton area who are still quite concerned that their pensions have been put at risk because of decisions made by the previous NDP government of Bob Rae to allow companies to have a holiday from making their pension contributions. The government's doing something good with this legislation, but there have been occasions when governments have put pensions at risk, like in that case, and I pray to God that that never, ever happens again.

I want to thank the members from Bramalea–Gore–Malton–Springdale, from Perth–Middlesex and from Renfrew–Nipissing–Pembroke for their comments and their contribution.

I simply wish to reinforce the fact that this is not a magic panacea with this legislation. I have many, many constituents who at the age of 57, 59, come to my office emotionally distraught. They've applied to 30 or 40 different employers and are deemed not to be the appropriate age—so much so that increasingly employers are not allowed to ask what your age is, in order to avoid this kind of discrimination. We are going to have to, as a society, start to understand the importance of eliminating ageism because so many fine Ontarians who are in their late 50s and their 60s can continue to contribute. This legislation is one small step forward in eliminating that ageism in our province.

**The Deputy Speaker:** Further debate?

**Mr. Bisson:** I'm so glad to be here to speak on this bill. I want to show you my notes. They're right over here. I just wrote down a couple of things. This is a bit of a no-brainer debate, from my perspective. I will try to be as to the point as best I can.

First of all, I want to say that I'm opposed to this bill. Surprise, surprise. I do believe the Conservatives were in favour—looking at the opposition whip. Obviously the government is in favour of moving in this direction. I think it's the wrong reason, and I want to give you some of the reasons why I believe that is the case.

First of all, I want to put on the record: Is any member in this House opposed to eliminating age discrimination?

The answer is no. I think that every member of this House believes that discrimination at all levels and all forms needs to be dealt with. I don't have an argument with the fact that we need to do everything we can to make sure that people are not being discriminated against. But I would argue, is mandatory retirement really discrimination? Some people will argue, yes, and they will cite some interesting judgments, both on human rights and others, that speak to that. I want to really try to put on the record where I think this particular issue is going.

First of all, anybody in the province of Ontario who wants to work past age 65: Welcome to it. Nothing stops you from doing that. If you want to work until you're 101, until you drop, you can do that. You can do that anywhere you want once you've decided to take your retirement.

I heard one member earlier say, "I don't want to be in a position where the members from my constituency prevent me from representing them here in the Legislature past age 65." What nonsense. We have members in this assembly now who are past the age of 65. We certainly have senators in this country at the federal level who are past the age of 65. Quite frankly, anybody who chooses to represent somebody at a municipal, provincial or federal level of government can go past age 65. Can a person be prevented from working past age 65? Obviously not. There are people that decide to work for different reasons: They can't afford to retire, which is normally the case, or, in some cases, some people just don't know what to do with themselves and will choose to work as a way of giving themselves a sense of worth and a sense of, "I belong, I'm able to participate, and I don't just sit there and do nothing. I get out the door every morning and go to work."

What does happen in this province, and which is, I believe, a good thing, is that we have a law that says that the retirement age is 65. The reason we have that is, very simply put, for a couple of reasons, in my view. The biggest one is, it's the way we calculate our pension benefits. If an employer chooses to have a pension benefit in negotiations that allows people to retire prior to age 65, nothing prevents them from doing that. You would know that a number of institutions and a number of companies in the province of Ontario have pension plans that allow people to retire as early as age 50. I know, for example, a particular person, Donna, who worked at the phone company for Northern Telephone and who retired. I believe she's only about 50 or 51. She had worked for 30 years. Her pension benefits said that if you worked for 30 years, you're entitled to your pension, and off she went; she took her retirement. Now, is she retired? No. She's retired from active employment, but she is now putting back in the community what she feels she owes the community by volunteering and, yes, working part time once she'll be ready to do that. A lot of people choose to do that.

The point is, an employer cannot have a pension in place that forces somebody to not be able to collect their

pension by age 65. That's the point I want to speak to. What happens currently is that the bare minimum by which you calculate a pension for retirement is based on age 65. So if, for example, an employer decides that he or she wants to give a pension that is the least expensive model possible, aside from monthly benefits, they must, at the very least, calculate that pension based on the person being 65 when retiring.

The big problem I see with this legislation over the longer term is, if you allow employers to say, "Oh, well, 65 no longer counts. It could be 66, it could be 70, or it could be 103," I can guarantee you, there will be employers out there who will go to the bargaining table and say to the bargaining agents across the way on the union side, "We're having a tough time, and we would like to be able to negotiate a concession on your pension." Employees can negotiate a number of things at the table, but one of the things that the employer can't strip from them and take away is the age-65 provision, because that's what's currently in the law. So at least your pensions are calculated so that you can leave at age 65. Here's the scenario: You have mining company X, forestry company Y, auto plant C—whatever it might be. They go to the bargaining table over the next couple of years. Let's say that the mandatory retirement age is eliminated. There could be a situation where the employer tries to negotiate with the union a pension that pushes the retirement age past 65. I think that's very dangerous. I don't think that is a good idea.

I think that, at the very least, what we should have as a goal is for people to retire at 65, and we should also look at trying to get people out early. This, I think, is going to turn it the other way. Rather than trying to encourage people to retire early, this legislation will have the effect over the longer term of putting pressure on employers, especially those in financial difficulty, to try to negotiate with employees a pension that allows them to go past 65. Why? Because, if you figure out the actuarial calculations to a pension, it's based on how long you've been working there; and if you can extend the work cycle into age 66 and 67, there's a savings for the overall amount of money that I have to have in the pension plan by the retirement age. If the retirement age is 65, the pot is this big; if the retirement age is 66, 67, 68 or 69, they don't have to have as much money secured for retirement. So they end up saving money on the actuarial calculation and the amount of money that they also have to guarantee that they have on hand in the pension plan to guarantee the person's retirement.

There has been, as most members would know, a lot of work done, especially in Europe—not so much in North America, which I find quite sad—to try to do everything that is possible to allow people to get out of the workplace sooner. We know, for example, in a number of countries, like Germany, Sweden, Norway, Switzerland, France, England—and the list goes on—they have been working toward legislation that treats the work cycle differently than in North America. For example, there are longer holidays up front. If you're in

France, I believe it is, you automatically are entitled to five weeks' holiday on the first day that you go to work for your new employer. There is a rationale behind that: If the employee has time off, is able to relax and recharge their batteries, they're more productive for the employer. Over the long run, accident rates go down, morale goes up, and productivity goes up, and the effect that has had on the workforce has been measured in Europe quite successfully.

**1730**

At the other end as well, they've negotiated and put in place—I wouldn't even say negotiated, because that's obviously been done, but by way of legislation, they have been able to reduce the retirement age. I think that's a goal that we should be working for: People who have the chance and want to retire before age 65 should be given the opportunity.

For example, I come out of the industrial sector. I'm an electrician by trade. I worked underground as an electrician and I also worked in the mills, in the mines, having to do with maintaining electrical equipment. Whenever we went to the bargaining table, one of the things that we always put on the table was to try to give our members an opportunity to leave early. Why? Working in mining, forestry or most industrial sectors is a pretty risky business. It takes a toll on your body. For example, where I worked underground, you're inhaling fumes that over the long run are not good for your health, so if you can get out early, there is a better chance of living longer. We've proven that in studies that were done, the overall wear and tear on a person's body working hard physically every day in the industrial sector. We know that if we can get people out earlier, they will live longer and have a much more productive life in retirement.

So one of the things we've tried to do—and we have been somewhat successful as various unions—is to negotiate pensions that allow people to retire early. For example, in the pulp and paper industry, retirement age is about 57 years of age; most people who work in that sector can go at age 57. We've managed to negotiate pensions that allow people to retire at an earlier age. In mining, depending on the mine you work at, it's a bit of a mix; it's anywhere from 55 to 65. But I guarantee you, if you get rid of this legislation, that 65 will become 66, 67, 68.

What we should be doing is, rather than introducing elimination of the mandatory retirement age, we should be working on the Pension Benefits Act, and we should be saying, "What can we do to put in place a pension regime in the province of Ontario that allows people to get out early?"

If the government wants to eliminate the mandatory retirement age, there should be a companion bill that deals with mechanisms to allow people to get pensions so they can get out if they choose. I would argue that that could be done in a number of ways:

(1) We should automatically vest all employees on day one when they go to work somewhere so that when you

walk in to a plant or you walk in to your employer, you should be automatically vested so that if you work three months or 30 years, the time you worked there counts toward your pension.

(2) All pensions should be portable. If I work two years or 16 years in the Legislative Assembly of Ontario in a minority Parliament, if I work at the Stelco plant in Hamilton, if I work absolutely anywhere where there is a pension plan, it should be totally portable so that whatever your accumulation is in your time that you worked, you're able to credit it toward a retirement pension so that you can leave as early as possible. So I would argue here that the next thing we have to do is to make all pensions completely portable.

(3) The government needs to be able to create, in my view, what are called MEPs, multiple employer plans, so that those who don't have pensions have a plan, that they can at least lobby their employer if there's no union, or they can negotiate if they have a union, to have the employer enter a multiple employer plan so that they're able to get pensions, especially for the smaller employers who have five, 10, 15, 20 employees.

I was talking to a friend of mine who was in the forestry business as a contractor. He had about 10 employees working for him. He looked to get a pension plan for his employees because he believed that would be a good thing to do. It was very difficult for him to do. Finally he did it, but it took about three years. He had to hire a consultant. It was very, very complicated. And only because this is a pretty progressive person was it done. In most cases, it wouldn't be done.

What you have to do to encourage employers to create pension plans for their employees is create multiple employer plans so that they can find the plan that works for them. For example, if you're in the service sector, you would go into a multiple employer plan that deals with the service sector. If you're industrial, manufacturing, farming, whatever it might be, find a plan out there that you're able to opt in to, to be able to provide pensions.

If you had vesting at day one, total portability and you had the mechanism to create multiple employer plans so that employers who currently don't have pension plans can create one, we would be able to add to the rolls of possible pension benefits many, many people who are currently not retired. But if you did it, the net effect would be this: People would retire early. I argue that the majority of people in Ontario want to retire early. They don't want to retire later; they want to retire earlier. The reason they have to work longer is because they don't have pensions. I'll talk about lowly little old MPPs a little bit later, but the point is that people don't have pensions and so have to work for a longer period in order to survive.

What do you do, for example, as is the case now, when many people, unlike when I was having our family—I'm not 50 years old, and both my kids are gone from home. My oldest daughter is 28 years old; I said she was 29 the other day and she almost shot me. The youngest is 23. Basically, I'll be able to build myself some type

of retirement over, I would hope, the next number of years so I can retire on my own by age 55 or 57. That's my goal. That's where I would like to be. But many people have their kids a lot later. So what do you do if you're having children who are college or university age and you're 60 years old? You can't afford to retire. Who can afford to put their kids through university and college on basically a CPP pension? You can't do it. They're forced to work longer. A lot of people are having to work past age 65 to do just the basic things for their kids and later on for themselves as far as their ability to survive.

I will argue that the government is wrong-headed in their approach. If you want to eliminate discrimination because of age, that's quite one thing, but what we need to be doing is giving people an opportunity to get pensions so that they leave earlier.

Most people are probably not going to do this because people don't like talking about MPPs, but I'll talk about the situation we are in in the Legislature. Currently as MPPs in the province of Ontario, we don't have a pension, period. That means anybody who comes and works in this place for one year, 10 years, 20 years, will leave at the end of the cycle with absolutely no pension. We get \$4,300 per year, I think, in RRSPs. Who here has made any real money in the market? Put up your hand. I don't see too many. I've been in the market for a long time. If you're making money, you're investing somewhere else, I'll tell you. The pension—we have London Life here in the Legislature of Ontario. We had Buetel Goodman before that. I have never made money with any of them. If this is an advertisement against them, fine. My point is, with \$4,300 a year in RRSPs, people can't afford to retire from this place, as they can't afford to retire if they are in another occupation, be it electrical, mechanical or whatever it is they do.

I would argue that members should also have pensions. Members shouldn't have a gold-plated pension. I don't believe we should have a pension like we had before, but I think members of the assembly—and I don't understand why, because I'll tell you what you have to do. You take members and put them into the OPS pension plan and you say, "If you work for the civil service of Ontario, you are automatically entitled to an OPS pension." Why don't we do that for MPPs? It's not a big leap of faith. It means that we would get 2% to 2.5% for every year of service.

*Interjection.*

**Mr. Bisson:** If you agree, go tell your caucus some more. You're the government.

We're being told that you guys are scared of this stuff. I want to put on the record that I have no difficulty, as a New Democrat, saying that members should have a form of pension. I don't believe that members—

**Hon. Mrs. Bountrogiani:** What does Peter Kormos say?

**Mr. Bisson:** That's exactly what Peter Kormos was saying. I don't believe members should have an exorbitant pension. I don't believe we should have the situation that existed before, that people were able to work for five

or six years, get 25% of their salary and retire at age 32. That doesn't make a lot of sense. But I think that to have a pension plan such as our clerks have, our staff have, our civil servants have is not a wrong thing to do. I think most of the public would agree that anybody who works should be entitled to a pension.

However, I will say this: If we're dealing with that issue, we should be using the opportunity to look at how we provide pensions for other workers. I'm a worker here in the Legislature of Ontario. I believe there are many workers out there who don't have pensions and who would like to have one because they would love to retire before age 65.

I would argue that what this government should be doing—and you will have the full support of the New Democratic caucus—is to look at pension reform not only for MPPs but for everybody in the province of Ontario so that we're able to look at how we can provide an opportunity for people to get into a pension so they are able to retire at an earlier age. Eliminating the mandatory retirement—what we're doing there is saying to people, "Fine, you can continue to work," something that they can hardly do, but it quite frankly doesn't do anything to advance the need to develop incentives for employers to have pensions on behalf of their employees.

**1740**

I want to say one last thing in the time that I've got. One of the issues we also have to take a look at on the question of the pensions is pension insurance. I was a member of a group plan, Pamour Mines, for 10 years, and lost everything because of the bankruptcy. There are a whole bunch of arguments. When I went to trade school, they said, "Because you went to trade school as an electrician every two years, you didn't get vested," because at the time, the vesting provisions were more than two years. Every time you'd go to trade school, they'd say, "Oh, you're not employee any more," and then you'd go back to trade school, "Oh, you're not an employee any more," so a whole bunch of people in the trades sector ended up losing all of their pension because they were apprentices for a period of five years. My point is this: We need to have pension legislation that fixes those kinds of gaps so that people are not—I can't use the word that comes to mind but I think you know what I want to say—done wrong by their employers because they're going off to trade school and not qualifying as pensionable for the time that they worked for their employer by way of actively working for an employer. One of the things we have to look at is the cracks that currently exist within the Ontario Pension Benefits Act that allow employers to take away from employees the ability to utilize their pension because of those particular rules.

The second thing—I said it first and I went to it last—is the whole issue of insurance. The employees at Pamour who were fortunate enough to get their pensions were discounted to 75% of face value because there wasn't enough money in the plan to cover what was supposed to be there, guaranteed by law. So now they've

had to go to the insurance to get some of that back. They got some of it back, but not all.

My argument would be that if we do a revision of the Ontario Pension Benefits Act, we need to look at the insurance to make sure that if somebody has a pension benefit, it's guaranteed. If the employer goes under, no matter what the situation, you get entitlement to 100% of what you're entitled to in your pension benefits, so that at the end of the day you're not in a position of having worked all your life and then losing your pension. I know a number of people in the communities that I represent where that happened because they happened to work for employers who went under and the pension benefit couldn't be fully guaranteed. Those people ended up losing a good part of the money they were banking on in order to go into retirement.

I know that the government House leader is here only because he wanted to hear what I was going to say about MPP pensions. As I said, Jim, bring in the civil service pension for MPPs and I'll be a happy guy.

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

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** I have to congratulate the former Minister of Labour, Chris Bentley, for having introduced this legislation, and I also thank our present minister, Steve Peters, for proceeding so quickly with second reading.

I recognize that the member from Burlington does support this bill. He also recognized the importance of the bill, and that for any people reaching the age of 65 it does not mean, like we say in French, *la personne est finie ou n'est plus capable de travailler*. Donc, à 65 ans, souvent nous avons la capacité de continuer à rendre de grands services à la communauté.

This bill will give Ontarians the choice to choose if they want to continue working or retire. If a person feels that she has the physical strength or the health, she should be able to continue working.

With the cost of living today, and I don't know if the member from Timmins–James Bay recognized that, a person who has reached the age of 65 and is the only one with an income in a family of two, if the spouse is not 65—the only amount of money that person receives is a total of \$1,093.08 a month. How can you live on this income? This is why today we see more and more people aged 65 and over going out to work in grocery stores. Do you know what this is doing? It's taking jobs away from our students, but this is the only way seniors can guarantee an additional income because their spouses are not entitled to that supplement or the old age security pension.

I just hope that the whole House, the three parties of this House, will support this legislation. It's very, very important for our seniors.

**Mr. Sterling:** Notwithstanding that the member from Timmins–James Bay is opposed to this, he makes a lot of sense in some of the comments he brings forward.

Part of our problem here in the province and in our country is that we really haven't adequately structured our system so that people can retire with some degree of

comfort. While we would like to say that we're much more socially aware and we're much better in terms of our social structure than the United States, in fact, in the United States they take care of their elderly people much better than we do. Their social security system actually gives to people who retire and who do not have a pension outside of what the government provides a much greater income than we get here in Canada.

Our CPP, or Canada pension plan, was an unfunded liability that we had here in Canada. The Premiers and the Prime Minister of the day about two or three years ago got together and said, "We've got to start increasing the premiums for CPP or there will not be enough money to meet our future demand." That partially resulted from the fact that we started paying out full CPP benefits about a year after we created the program, a year after people started to pay into it. Of course, it wasn't at that time contingent on how much you were earning from other sources of income—for instance, private pensions.

We really have messed up in the past, so I agree with the member that this is not only a case of saying to those who would like to continue to work, "You can"; it's also acknowledging a failure on the part of our not being able to adequately provide for those who would like to retire in dignity.

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** I just want to take a couple of minutes to speak in favour of this particular piece of legislation. I think most of us recognize that this is a very changing world, that not everyone is ready to retire at 65. I certainly know that those people who are self-employed have the option of continuing. They are not going to say to themselves, "I'm suddenly 65; I may need to stop."

There was also mention made of the fact that sometimes in the situation of a couple where one is 65 but the other one isn't, maybe they want to continue to work until both can retire together. That should be an option that's available to them. They need to have that as a choice.

The member for Timmins–James Bay also brought up things such as a review of the Pension Benefits Act, and I have to agree. I think all legislation should be reviewed periodically to see that it is still applicable in the day and age that we are still working under those regulations. Certainly in my own office I've had people come in and there have been a number of crises in certain pension plans. I think it behooves us to have a look at what's happening in pensions and what people are expecting to be able to retire with and what they are actually getting. Those things are a real worry. But as a consequence to that, people should also have the option of being able to say, "I want to continue to work. I need to continue to work," for whatever reason.

Certainly in the agricultural community, I can go up and down my concession and find lots of farmers who are over 65. They don't want to quit. They enjoy the work they're doing. They have lived by the soil and want to die on the soil. That's where they want to be. The fact that they don't have to—we have that choice. We don't

have to retire at 65; I think everyone should have that choice.

**Mr. Wilkinson:** I just wanted to enter into the debate specifically with the member for Timmins–James Bay and some of the assertions he made. I know that his response was well-thought-out, but as someone with direct experience in regard to helping seniors and middle-aged people get ready for retirement, my concern is that your fear that employers will try to diminish or take away retirement at 65—that the company will have some type of struggle financially and they'll go to the union, I guess, in this situation and say, “We really want to push that date back.” In my experience of over 20 years of doing this, I can tell you that employers pay employees who are 65 a lot more than employees who are 35. They pay more because they have more experience; they pay more because their benefit costs are higher, because those people claim more on the benefits.

I don't think that companies, just using the regular rules of economics about how we pay for our workforce, would automatically go to the assumption that they would try to save money by pushing the retirement side off, though I can see the point that perhaps the actuaries would say that they would save some money on the pension side. In my opinion, they would be far more offset by the fact that their labour and benefits costs would be much higher.

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I think what's more likely in this province is that we need to adopt the thinking that we do not discriminate against people based on their age, that we don't pick an arbitrary line. It does not diminish the ability of a union and employers to negotiate an agreement in good faith as to what is the age of retirement. Plans that have an age of retirement today would remain at 65. But from an actuarial point of view, I don't see where that would be much of a threat, in my opinion. I'd be more than happy to hear from the member on it.

**The Deputy Speaker:** The member for Timmins–James Bay.

**Mr. Bisson:** I just want to thank the various members who spoke kindly to what I had to say. I would only say this: I've been at the bargaining table, and to my good friend across the way, I know the pressure employers are under in order to do what they can to stay afloat. Some industries are in deep trouble and, given the opportunity, will put concession demands on the table; you see that happening across this province. If they're able to put on the table a concession demand on pensions, it might even be accepted.

I'll give you a little story. The first set of bargaining I ever went to in my own local union—and at that time I would have been maybe in my late 20s—I tried to push our membership toward negotiating for benefits and pension rather than negotiating for dollars. I remember that we had a very young workforce; I think the average age was in the mid-30s. They voted overwhelmingly to not put money into the pension and overwhelmingly to put money into dollars. Listen, if you have an employer

out there who has a younger workforce, it will be pretty easy to sell taking money away from the ability to build a pension.

To my good friend Monsieur Lalonde, whom I have a lot of respect for, I'm not saying for one second that people should not have the right to work past age 65. I recognize that many hundreds of thousands of people do, and that's their choice. My point is, if you're going to do that, you have to have at the very least an offset where you give people an opportunity to get pensions so they can retire if they so choose. Saying that we're giving people the right to work past 65 is not really what this is all about, in my mind. I'm saying people can now work past 65; nothing prevents them from doing that.

Here's a good point: I have two employees. I have one who is now 67. She chooses to continue working. The government of Ontario is not kicking her out the door, and I told her that as long as she wants to stay, she can. I have one who is turning 65 in March. So that, to me, is not the issue. But their pension is guaranteed; I can't muck around with that.

**The Deputy Speaker:** Further debate?

**Mr. Phil McNeely (Ottawa–Orléans):** Ending mandatory retirement is about doing the right thing. It is wrong to discriminate on the basis of age against a viable, experienced, knowledgeable group in our society, which I can attest to. Ontario workers deserve the right to choose when they want to retire.

The aging of Ontario's population will accelerate over the next 20 years as baby boomers begin to enter the senior years, starting in 2011, and all the baby boomers will be seniors by 2031. Seniors presently make up 12.9% of our population, but in 2025, that percentage will be 19.4%—much higher than today. Many countries—Italy and Japan for instance—are at 20% today, and that's where we'll be in 2025. That's what we have to look forward to in economic planning.

Some of the OECD countries have introduced policy measures aimed at increasing labour force participation of older workers. This is important, because if we're going to compete economically, certainly we can't bar seniors from working when they want to work. We have to encourage them. Some of the things they're doing are removing the work disincentive for older workers, strengthening work incentives in pension plans, improving the flexibility of the work environment transition and increasing the employability of older workers. I think that's where other countries are going.

We're not there yet—we're at 12.9% in seniors population—but we will be getting there. The demographics show what's going to happen. Right now in Ontario, there are about 45 people for every 100 workers. They call it the dependency ratio. That's children zero to 14 and the 65-plus. By 2025, it's going to go from 45 who are dependent on those 100 workers in Ontario up to 54. That's going to change it. There will be fewer workers supporting more people, and that's going to be difficult for our economy.

Our legislation, I think, is the right direction to go. We want to take the same place as these countries that want

to stay competitive and want to encourage their older workers to stay in the workforce. The legislation is the first step in encouraging seniors to continue their contribution to our economy by staying in the workforce longer when that is their desire. The share of population growth from natural growth—births minus deaths—will decrease and immigration will be used in order to keep the number of workers to support the people who aren't productive to the economy. Immigration—125,000 immigrants a year, and we'll still, in 2025, be in the position where we have 20% seniors and 54 dependants

for every 100 workers. So even with this aging population, we have to work hard to make sure that the incentives are there for our seniors to stay in the workforce, contribute to our economy and keep Ontario competitive with other countries that have already taken that step.

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

*The House adjourned at 1758.*

*Evening meeting reported in volume B.*

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