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of Ontario
Second Session, 38th Parliament

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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 7 December 2005

Mercredi 7 décembre 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

Wednesday 7 December 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 7 décembre 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

DRINKING AND DRIVING

Mr. Norman W. Sterling (Lanark–Carleton):

Yesterday, the Auditor General released his report for 2005. Today, I want to draw members' attention to one detail of his report.

On page 138 of his report, the Auditor General says, "In recent years the Ministry [of Transportation] has established two road user safety programs that target drinking drivers: the administrative driver's licence suspension program (ADLS) and the ignition interlock program."

It goes on to say, "We analyzed the rates of drinking-and-driving-related collisions and convictions before and after the introduction of these programs and noted that these rates have been declining. Accordingly, it appears that these programs have been successful in contributing to improved road safety."

I want to remind members that it was the PC government that brought in administrative driver's licence suspensions, and I want to also remind members that it was a private member's bill by the member for Simcoe North, Garfield Dunlop, that brought ignition interlock to Ontario. Congratulations again, Garfield.

I also wanted to take this opportunity to remind members of this House, my constituents and all Ontarians to arrive alive this holiday season. If you drink, don't drive. Avoid these programs that are a success. Thank you, and I wish everyone a healthy and happy Christmas season.

EMERGENCY RESPONSE TEAMS

Mr. Mario G. Racco (Thornhill): Yesterday, I had the pleasure of attending the official opening of the Vaughan Fire and Rescue Service station and York region EMS paramedic emergency response station.

The EMS component, for which our government shares the costs with the region of York, is a very important service to our residents and will serve the community in a new and improved way.

The Racco Parkway service station is located on Racco Parkway in Thornhill and is the first of its kind in

the region of York. The EMS paramedic emergency response station has a mandate to provide 24-hour response to emergency and non-emergency requests and to deliver out-of-hospital medical care and transport to individuals suffering injury or illness in Thornhill and York region, as well as providing front-line care.

With that goal in mind, York region EMS has developed programs to provide customer service response options for its day-to-day operations so they can reach people who need them.

I'm proud to say that this facility also reflects some of Thornhill's rich history, as some of the windows in the new station were built in 1875 by David Smellie and were in the old red house that previously stood in that location.

The residents of York region are being heard. They are receiving a well-built facility which will cost less to operate while delivering much-needed services to the community.

ONTARIO PROVINCIAL POLICE

Mr. Garfield Dunlop (Simcoe North): I'm very pleased to rise today and talk about a few of the activities of the Ontario Provincial Police Association. Last Friday, December 2, myself, Minister Kwinter and Commissioner Boniface were able to attend a ceremony at the OPP detachment general headquarters in Orillia and presented a couple of names on the wall of honour for officers who have lost their lives in the last year. I was pleased that Michael Siydock and Andrew Potts, both OPP officers who lost their lives, were honoured in having their names put on the wall. Their families, of course, were present.

As well, on a bit more of a positive note, I'm very pleased to be taking part in a function this coming Friday. It's being hosted by the Ontario Provincial Police Association. It's a curling bonspiel and event at the Barrie Curling Club in the city of Barrie. They're going to raise funds for three officers who were seriously hurt in the last year. One was Bruce Owen, who worked at the general headquarters in Orillia. He suffered a brain aneurysm, and although his spirits are high, he has a long road ahead of him on the way to recovery. The others are Matt Hanes, the officer with Andrew Potts the night he was killed in the moose accident up in Bracebridge, and of course Stephen Jones, the officer involved in the accident with a moose up in the Cochrane detachment of the OPP, who is diagnosed as a paraplegic. He is recovering at home, although he's got a long road ahead of him.

I just want to thank the OPPA for paying so much attention to their officers, both those who have given their lives in the line of duty and those who have suffered major injuries.

KARLA HOMOLKA

Mr. Peter Kormos (Niagara Centre): Six months ago, the Attorney General was out there in front of every television camera and spotlight that he or his staff could find, insisting that he, the Attorney General, was going to impose restraints on one Karla Homolka that would make her wish she never left the walls of Kingston Penitentiary for Women. Six months later, what do we have? We've got an Attorney General who barely whimpers an apology for his failure to carry the ball through the appellate court in the province of Quebec when the first round imposed some restraints on Karla Homolka.

Rather than admit his dismal failure and his complete ineffectiveness in getting any restraints on Karla Homolka, what does he say? He tells the press that he has given instructions to have her arrested should she ever set foot in the province of Ontario. I say to the Attorney General, for what now? You didn't know what you were talking about when you tried to make a big impression with your voters around section 810.2. I've checked the Criminal Code, Attorney General. You tell me what section you're going to have Karla Homolka arrested under.

You dropped the ball. You screwed up royally. You leave people across Canada fearful for the welfare of their communities because this psychopathic killer walks around unrestrained. That's the best you could come up with: "I instructed the police to bust her"? Furthermore, you as the Attorney General should know full well that it's not your job to instruct the police to do anything. You may well have scuttled, by that comment alone, any effort to prosecute Karla Homolka under 810.2 in the province of Ontario—

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

VOLUNTEERS

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): T.S. Eliot, through his Choruses from "The Rock," puts this question to us all: "When the Stranger says: 'What is the meaning of this city?' ... What will you answer? 'We all dwell together to make money from each other'? or 'This is a community?'"

Today I want to affirm all the local community champions in the great riding of ADFA, those who wrap themselves up and give themselves away every single day: the volunteers who organize the food drives in Ancaster and Dundas; those who visit and transport the sick and elderly in Flamborough and Aldershot; the wonderful folk at Wesley Urban Ministries who assist thousands of people struggling on the margins of poverty, who are concerned with the dual tasks of feeding the hungry

while struggling to build a just society; and those who volunteer at our senior citizens' centres.

I also want to take the opportunity to thank the more than 300 people who volunteer their time, talent and energy, lending me their advice through our local community council, as well as our special listening/advisory groups in education, the environment, concerns of seniors and my small business advisory team.

I've come to truly appreciate that when it comes to community building, none of us is as smart as all of us. To all who contribute to the task of community building, I paraphrase the words of Tiny Tim: "Now bless them all, every one."

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BLUE PLANET PRIZE

Mr. Ted Chudleigh (Halton): I rise in the House today to recognize a constituent of mine whose firm has been recognized by the United Nations for its contribution to promoting sustainable development in energy production.

Mr. David Carter of Norval, Ontario, is the vice-president of a cutting-edge energy firm called Regional Power Inc. The Sechelt Creek generating station on the Sunshine Coast in British Columbia, which Regional Power has brilliantly designed and constructed, was awarded the Blue Planet Prize at the United Nations climate change conference in Montreal this past weekend.

This is a very prestigious award. It is awarded by the International Hydropower Association, in concert with UNESCO, every two years. The project was evaluated along with projects from 86 other countries around the world. The competition was fierce but Mr. Carter and Regional Power came out on top.

The Blue Planet Prize is the result of a rigorous audit process that takes into account such things as reliability, sustainability, environmental impact, public health, cultural heritage, social impact, aquatic biodiversity and water quality.

The Sechelt facility generates 16.6 megawatts that is sold to the grid in British Columbia. As part of the Sechelt development, a very successful natural salmon spawning channel was established below the powerhouse. The channel was established through the existing forest, using local spawning gravel.

The people of Norval in the riding of Halton are very proud of Mr. David Carter. Mr. Carter and his partner, Colin Coolican, are here in the members' gallery today. Please join with me in congratulating them on this most prestigious award.

COMMUNITY SAFETY

Mr. Vic Dhillon (Brampton West–Mississauga): I'm pleased to rise today in support of a very important announcement by our government that is near and dear to the constituents of Brampton West–Mississauga. Resi-

dents of Brampton and Mississauga will be safer as more police officers are hired under our government's Safer Communities-1,000 Officers partnership program.

I'm proud to announce that our local police force, Peel Regional Police, will be able to add an additional 97 police officers to combat guns and gangs, organized crime, marijuana grow-ops and to participate in community policing duties.

Peel Regional Police Chief Noel Catney praised the announcement by saying, "I and all members of Peel Regional Police deeply appreciate the sincere commitment of Minister Kwinter and his ministry in allowing us to hire police officers, thereby adding to front-line response." I couldn't agree more with Chief Catney.

Many residents have presented their concerns to myself regarding the recent spate of violence and headlines in the news. I'm proud to say that with these new front-line officers, our government is making a permanent commitment to ensure the safety of our residents. These new officers will go a long way in patrolling our streets, helping to prevent crime and making our community safer.

The hiring of 1,000 new police officers across Ontario is an example of our commitment to the safety of our communities.

Mr. Bas Balkissoon (Scarborough–Rouge River):

The people of Scarborough–Rouge River have placed their trust in me to be a fair and honest representative. Let me tell you, it's a job I don't take lightly. I am going to work hard and raise the issues that are important to my community.

One issue I take very seriously is keeping my community safe. I'm concerned about the increase in gun crime and gang violence. As we are all too aware, this year has been witness to a spate of shootings across the city. I spoke about this extensively during the campaign and I plan to continue my advocacy here in this House.

This government is tough on crime. We're hiring 1,000 new officers. Thanks to our program, Toronto is receiving the 250 officers it wanted. In fact, on Monday my former colleagues at city hall reaffirmed the need to take up our offer more quickly, recognizing the previous government's decade of neglect. I've seen how marijuana grow-ops bring crime into communities. This government is the first to take a major step to stamp out grow-ops. Our government announced legislation on mandatory reporting of gunshot wounds, a first in Canada. Last week, Chief Blair announced the results of the gun amnesty program. Hundreds of guns, including many deadly handguns, are now off Toronto streets.

We're also getting tougher on the causes of crime. We reduced or eliminated the fees for community groups that use our schools. We've created summer jobs for at-risk youth, including hundreds in the Malvern area of my riding. We are reviewing the Safe Schools Act to ensure all students are treated with fairness. In fact, I participated in a consultation meeting in Scarborough last week, where over 250 people attended.

I love what this government is doing to tackle the root causes of crime.

PETERBOROUGH PETES

Mr. Jeff Leal (Peterborough): I'm pleased to be able to speak to the House today about the Peterborough Petes hockey club, which is celebrating its 50th anniversary. Having played their first Ontario Hockey League game in 1956, the Petes are the oldest continuous franchise in the Canadian Hockey League.

I believe this is an appropriate time to reflect on one of our nation's greatest franchises. In the franchise's 50-year history, it's been to the Memorial Cup eight times, dating back to 1959 when the Petes played the Winnipeg Braves. In 1979, the Petes won the Memorial Cup and have continuously dominated the OHL and its predecessor, the Ontario Hockey Association.

The Petes have sent more players to the National Hockey League than any other CHL team. They include Bob Gainey, Steve Larmer, Cory Stillman, Mike Ricci, Larry Murphy and Doug Jarvis. When thinking of coaching, four legends come to mind: Scotty Bowman, the late Roger Neilson and current GM Jeff Twohey and head coach Dick Todd. Just as important are board members such as Dr. Bob Neville, Jim Devlin and others.

Over the years, these individuals, along with many others, have provided the necessary leadership and guidance to young men through winning seasons, year in and year out. We have seen the players develop both hockey skills and life skills, paving their way not only to professional hockey but also to careers in many other occupations. The Petes have effectively and continuously created new generations of community leaders through sport. I'd also like to recognize the team support staff and the Memorial Centre staff that provided a venue for fans that is second to none.

On this golden anniversary, the Petes franchise is exemplary in all aspects of Canadian minor hockey. The past 50 years of the Peterborough Petes hockey club have been a success and its future looks just as bright. Go, Petes, go.

The Speaker (Hon. Michael A. Brown): I think I should remind members that members' statements are 90 seconds long.

VISITORS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): On a point of order, Mr. Speaker: I wish to recognize, in the members' gallery and the public gallery, the Ontario Coalition of Senior Citizens' Organizations, which celebrated its 20th anniversary on November 9 of this year. OCSCO is comprised of over 140 senior citizens' organizations representing over 500,000 seniors throughout the province. Welcome and congratulations on their 20th anniversary.

Mr. Peter Kormos (Niagara Centre): On a point of order, Mr. Speaker: Page Alexandre Lafontaine from Welland wants to welcome his parents, Paul and Janique Lafontaine, both educators, and his younger brother Justin to Queen's Park this afternoon.

The Speaker (Hon. Michael A. Brown): That of course is not a point of order, but welcome.

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REPORTS BY COMMITTEES

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr. Tony C. Wong (Markham): I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

The Clerk-at-the-Table (Mr. Todd Decker): Your committee begs to report the following bill without amendment:

Bill 7, An Act to authorize a group of manufacturers of Ontario wines to sell Vintners Quality Alliance wines / Projet de loi 7, Loi autorisant un groupe de fabricants de vins de l'Ontario à vendre des vins de la Vintners Quality Alliance.

The Speaker (Hon. Michael A. Brown): Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

Mr. Wong: I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

The Clerk-at-the-Table: Your committee begs to report the following bill as amended:

Bill Pr17, An Act respecting Ronald McDonald House (London).

The Speaker: Shall the report be received and adopted? Agreed.

INTRODUCTION OF BILLS

SECURITIES AMENDMENT ACT (INSIDER TRADING AND TIPPING), 2005

LOI DE 2005 MODIFIANT LA LOI SUR LES VALEURS MOBILIÈRES (TRANSACTIONS D'INITIÉ ET COMMUNICATION DE RENSEIGNEMENTS CONFIDENTIELS)

Mr. Hudak moved first reading of the following bill:

Bill 46, An Act to amend the Securities Act with respect to insider trading and tipping / Projet de loi 46, Loi modifiant la Loi sur les valeurs mobilières en ce qui concerne les opérations d'initié et la communication de renseignements confidentiels.

The Speaker (Hon. Michael A. Brown): Mr. Hudak has moved that leave be given to introduce a bill entitled An Act to amend the Securities Act with respect to insider trading and tipping.

The Clerk-at-the-Table (Mr. Todd Decker): This is a bill entitled An Act to amend the Securities Act with respect to insider trading and tipping.

First reading of the bill; première lecture du projet de loi.

The Speaker: The member for Erie–Lincoln may have a brief statement.

Mr. Tim Hudak (Erie–Lincoln): As I think members know, insider trading and tipping are very serious offences. There's some concern that currently the Ontario Securities Act does not allow the OSC to prosecute people involved in government in the finance minister's office, whether the government of Canada or the government of Ontario, who may use their inside knowledge to tip or benefit from insider trading.

This legislation, if passed, would allow the OSC to prosecute in those examples.

GENOCIDE MEMORIAL WEEK ACT, 2005

LOI DE 2005 SUR LA SEMAINE COMMÉMORATIVE DES GÉNOCIDES

Mr. Dunlop moved first reading of the following bill:

Bill 47, An Act to proclaim Genocide Memorial Week in Ontario / Projet de loi 47, Loi proclamant la Semaine commémorative des génocides en Ontario.

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

The member may have a brief statement.

Mr. Garfield Dunlop (Simcoe North): This is a reintroduction of a bill that was previously introduced in the last Parliament by MPP Bob Wood, and I reintroduced it in the first session. The bill proclaims the week beginning on the fourth Monday of March in each year as Genocide Memorial Week.

ELECTORAL BOUNDARIES COMMISSION (ONTARIO) ACT, 2005

LOI DE 2005 SUR LA COMMISSION ONTARIENNE DE DÉLIMITATION DES CIRCONSCRIPTIONS ÉLECTORALES

Mr. Sterling moved first reading of the following bill:

Bill 48, An Act to provide for the periodic establishment of a commission to readjust the number and boundaries of electoral districts for the purposes of the Legislative Assembly / Projet de loi 48, Loi prévoyant la constitution périodique d'une commission chargée de réviser le nombre et les limites des circonscriptions électorales aux fins de l'Assemblée législative.

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

The member may have a brief statement.

Mr. Norman W. Sterling (Lanark–Carleton): We are the only province in all of Canada that has never had an Electoral Boundaries Commission Act. This act would ensure that boundaries are set for our different electoral districts according to a commission set up here in Ontario. This act would guarantee that the north would retain 11 elected representatives and that the electoral commission would divide the rest of Ontario up on the basis of the population of the last census.

We are, as I said, the only jurisdiction left in Canada, federal or provincial, that does not have electoral boundaries legislation. I think it's time this Legislature moves toward that and undoes the constitutionally flawed bill before the Legislature, Bill 214.

RURAL ONTARIO DAY ACT, 2005

LOI DE 2005

SUR LE JOUR DE L'ONTARIO RURAL

Mrs. Mitchell moved first reading of the following bill:

Bill 49, An Act to celebrate and recognize rural Ontario / Projet de loi 49, Loi visant à célébrer et à reconnaître l'Ontario rural.

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

The member may have a brief statement.

Mrs. Carol Mitchell (Huron–Bruce): This bill, if passed, will declare the Wednesday before Thanksgiving Day each year as Rural Ontario Day. This day will recognize those who have made a commitment to building strong rural communities and will highlight the rural way of life. It will also encompass Ontario Agriculture Week.

TRADITIONAL CHINESE MEDICINE ACT, 2005

LOI DE 2005 SUR LES PRATICIENNES ET PRATICIENS EN MÉDECINE TRADITIONNELLE CHINOISE

Mr. Smitherman moved first reading of the following bill:

Bill 50, An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts / Projet de loi 50, Loi concernant la réglementation de la profession de praticienne ou de praticien en médecine traditionnelle chinoise et apportant des modifications complémentaires à certaines lois.

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

The minister may have a brief statement.

Hon. George Smitherman (Minister of Health and Long-Term Care): During ministerial statements, Mr. Speaker.

MOTIONS

COMMITTEE SITTINGS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I seek unanimous consent to put forward a motion without notice regarding a change in a committee meeting date.

The Speaker (Hon. Michael A. Brown): The government House leader, Mr. Bradley, has asked that unanimous consent be granted to move a motion regarding the date for a committee. Agreed? Agreed.

Hon. Mr. Bradley: I move that in addition to its regularly scheduled meeting times, the standing committee on the Legislative Assembly be authorized to meet on Monday, December 12, 2005, for the purpose of clause-by-clause consideration of Bill 16, An Act respecting the Duffins Rouge Agricultural Preserve.

The Speaker: Is it the pleasure of the House that 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 Wednesday, December 7, 2005, for the purpose of considering government business.

The Speaker (Hon. Michael A. Brown): Mr. Bradley has moved government notice of motion number 49. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All 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 1400 to 1405.

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

Ayes

Arthurs, Wayne	Klees, Frank	Qaadri, Shafiq
Balkissoon, Bas	Kular, Kuldip	Racco, Mario G.
Barrett, Toby	Kwinter, Monte	Ramal, Khalil
Bartolucci, Rick	Lalonde, Jean-Marc	Ramsay, David
Berardinetti, Lorenzo	Leal, Jeff	Rinaldi, Lou
Bradley, James J.	Levac, Dave	Runciman, Robert W.
Brownell, Jim	Marsales, Judy	Ruprecht, Tony
Bryant, Michael	Martiniuk, Gerry	Scott, Laurie
Caplan, David	Matthews, Deborah	Smith, Monique
Chambers, Mary Anne V.	Mauro, Bill	Smitherman, George
Chudleigh, Ted	McMeekin, Ted	Sorbara, Gregory S.
Colle, Mike	Meilleur, Madeleine	Sterling, Norman W.
Crozier, Bruce	Miller, Norm	Takhar, Harinder S.
Delaney, Bob	Milloy, John	Tascona, Joseph N.
Dhillon, Vic	Mossop, Jennifer F.	Van Bommel, Maria
Dombrowsky, Leona	Munro, Julia	Watson, Jim
Duguid, Brad	O'Toole, John	Wilson, Jim
Duncan, Dwight	Parsons, Ernie	Witmer, Elizabeth
Flynn, Kevin Daniel	Patten, Richard	Wong, Tony C.
Fonseca, Peter	Peters, Steve	Wynne, Kathleen O.
Gerritsen, John	Peterson, Tim	Yakabuski, John
Hoy, Pat	Phillips, Gerry	Zimmer, David
Jeffrey, Linda	Pupatello, Sandra	

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

Nays

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

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 68; the nays are 6.

The Speaker: I declare the motion carried.

**STATEMENTS BY THE MINISTRY
AND RESPONSES**

TRADITIONAL CHINESE MEDICINE

The Speaker (Hon. Michael A. Brown): Statements by the ministry? The Minister of Health and Long-Term Care.

Applause.

Hon. George Smitherman (Minister of Health and Long-Term Care): I thought Ruprecht was starting a standing ovation, so I hesitated, but no.

I do want to welcome many of the people from the traditional Chinese medicine community who have worked hard on the piece of legislation that I had the privilege just a moment ago of introducing. I'm pleased to have this opportunity to speak to a bill that I tabled moments ago, a significant piece of legislation, an act to regulate acupuncture and traditional Chinese medicine in Ontario.

It's no secret that this government is extremely supportive of complementary and alternative health care services such as traditional Chinese medicine and acupuncture. As the Minister of Health, I can tell you that our health care system is, without question, strengthened and enhanced by these types of services. I know from first-hand observation that countless numbers of our citizens benefit enormously from alternative treatments.

1410

We believe that the professionals who practise in this area deserve a say in how their professions are run, over things like admission to the practice, for example, and dealing with complaints. We also believe that all citizens deserve to know exactly what they're getting. That's a basic principle of consumer protection and it applies even more strongly in matters of health. The legislation we're introducing today will respond to these very issues.

Traditional Chinese medicine includes treatments such as acupuncture, herbal therapies, exercise and tuina massage. Many of these are gaining in popularity. But at this time, traditional Chinese medicine is completely unregulated. We don't believe that's fair to consumers and we don't think it's fair to the dedicated professionals who practise in this area. This is going to change.

This bill, if passed, will result in a stronger profession, better able to serve the people who depend upon it, better

able to attract new clients and better able to manage its growth in the coming years.

With respect to TCM, it will create an autonomous, self-governing college with the authority, among other things, to set standards of practice, to establish requirements for entry into the profession, to ensure that members are up to date on recent developments in their field and to develop a complaints and discipline process for its members.

The new college of traditional Chinese medicine will also have the authority to grant the use of the "doctor" title to certain members of the TCM college who meet a minimum but high standard. We will ask the Health Professions Regulatory Advisory Council for advice about what those standards should be.

With respect to acupuncture, this bill proposes that it will be restricted to regulated health professionals and to persons who perform acupuncture as part of an addiction treatment program within a health facility.

These reforms will make Ontario the second province in Canada, after British Columbia, to regulate traditional Chinese medicine, and the fourth in Canada to regulate acupuncture.

I'm proud of this bill. I'm proud of the positive changes it will introduce, and I'm particularly proud of the work that went into it and of the efforts of the team that prepared the report it is based upon. I'd like to take this opportunity to welcome a number of distinguished guests from the TCM and acupuncture community who were able to join us here today: Professor Cedric Cheung, president of the Chinese Medicine and Acupuncture Association of Canada; Jane Cheung, TCM practitioner; Simon Leung, president, Chinese Medicine Institute of Canada and China; Dr. Linda Rapson, MD, executive president of the Acupuncture Foundation of Canada Institute; Joanne Pritchard-Sobhani, director, Institute of Acupuncture and Traditional Chinese Medicine; Raymond Yeh, president, Professional Acupuncturists Association of Ontario; Bin Jiang Wu, president, Ontario College of Traditional Chinese Medicine; Dr. Kwong Chiu, doctor of chiropractic, president, Acupuncture Council of Ontario; as well as some of our dedicated staff from the ministry.

I also want to acknowledge the tremendous leadership of four members of the Ontario Legislature: Tony Wong, Mike Colle, Richard Patten and Peter Fonseca. They did good work that involved very, very extensive consultation, and the legislation we have introduced has been guided by the work of these MPPs.

Our government believes in making decisions by talking with the people affected by those decisions, and we've done that. The legislation I tabled a moment ago reflects the recommendations contained in this report, and the report reflects the views of people across Ontario who care deeply about this subject—people with expertise and front-line experience. This truly is an example of the right way to make important decisions. I look forward to the upcoming debate about this bill and to its passage. The benefits will be felt throughout this

province and throughout the entire health care system, and that's good news for all of us.

DOMESTIC VIOLENCE

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): As minister responsible for women's issues, I'm very pleased to be on my feet today to inform the House about the latest step in our government's landmark domestic violence action plan. It's a step that's going to help us deliver on a key feature of the plan, and that's a comprehensive response to the issue of domestic violence.

When the Premier stood in the House last year and launched our plan, he committed to a long-term, thoughtful and coordinated approach to addressing domestic violence, an approach that would strengthen community supports to better protect victims; strengthen the justice system's response; put a new emphasis on public education, early intervention and prevention strategies to help reduce domestic violence before it happens; and better provide access to French-language services for the francophone community.

To deliver such a comprehensive strategy, our government has always said that we need the right people at our table as well. That doesn't just mean having the justice sector and the women's services agencies working together. It means having people who deal with housing, education, health care and employment working with the justice and women's services sectors to provide a truly thorough, whole-community response to this issue.

I'm proud to announce that over the next three years, our government is going to invest \$4.5 million to strengthen our response to domestic violence at both the provincial and community levels. Our plan includes stable funding and more resources for Ontario's domestic violence community coordinating committees so that they can strengthen the local collaboration and partnerships among community, justice, education and health services providers in dealing with domestic violence. Strong community coordination will result in a consistent, responsive and integrated system of supports that increases safety for women and their children.

Our plan also includes a new provincial domestic violence advisory council, a group that will bring together professionals from a range of sectors to provide strategic, practical, experience-based advice to our government in addressing this terrible issue. The council will finally give people who have front-line expertise in dealing with domestic violence a seat at the provincial table. The council will include members nominated from the Ministries of Community and Social Services, Health and Long-Term Care and the Attorney General. The council will have seven members.

Our domestic violence action plan was designed as a holistic approach to preventing violence and supporting women and children when violence does occur. That means we all own this issue, not just those of us who work in social services and justice sectors; all of us have

some responsibilities. The investment we are announcing today is going to help us build on a number of new initiatives that will strengthen a whole-community approach to addressing domestic violence, including better training for educators and health care professionals in recognizing the signs of domestic violence; more affordable housing spaces for women who are escaping violence; and better transitional and housing supports for women who need subsidized housing as they and their children work to get back on their feet.

We all want to have strong, safe, vibrant communities. But strong, safe communities must start with strong and safe homes. That's why we all have a role to play in confronting domestic violence in every one of Ontario's communities.

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

TRADITIONAL CHINESE MEDICINE

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I'm pleased to respond to the statement regarding the introduction of the Traditional Chinese Medicine Act, 2005. We certainly do recognize the importance of regulating this area of medical practice. I want to congratulate Professor Cedric Cheung. He and his colleagues have worked long and hard in order to bring us to where we are today.

The movement toward regulating the practice of traditional Chinese medicine was facilitated by our government. The Health Professions Regulatory Advisory Council did provide advice to then Minister of Health and Long-Term Care Tony Clement. I think it's important to mention that in 2001, HPRAC recommended to the minister that the profession of traditional Chinese medicine be regulated with "a distinctive scope of practice ... and four controlled acts authorized to the profession," including communicating a TCM diagnosis; performing a procedure on tissue below the dermis for the purposes of acupuncture; prescribing and dispensing natural health products; and prescribing, dispensing and compounding Chinese herbal remedies.

I was surprised to see today that this bill does neither of those things. It does not deal with the distinctive scope of practice or reference to any controlled acts authorized to the profession. Indeed, the scope of practice is overly broad, and it reads: "The practice of traditional Chinese medicine is the assessment of body system disorders through traditional Chinese medicine techniques and treatment using traditional Chinese medicine therapies to promote, maintain or restore health."

1420

I think we need to compare this to the scope-of-practice statement used in British Columbia, where traditional Chinese medicine practitioners are also regulated. Again, if you look at their scope of practice, it is more specific. They say:

"4(1) An acupuncturist may practise acupuncture, including

"(a) the use of traditional Chinese medicine diagnostic techniques, and

“(b) the recommendation of dietary guidelines or therapeutic exercise.

“(2) A traditional Chinese medicine practitioner may practise traditional Chinese medicine.”

I think you can see that the BC regulations go further and define specifically what qualifies as “traditional Chinese medicine.” We don’t see that in the bill today.

We’ve also heard from the naturopathic coalition. As you know, they came together in August 2005, and they have been asking that they be brought under the scope of the RHPA. They state:

“Naturopathic doctors use traditional Chinese medicines. The minister may also know that on two occasions the Health Professions Regulatory Advisory Council has recommended to government that naturopathic doctors be regulated under the RHPA. We call upon the government to move forward on those recommendations now.”

I would encourage the ministry to respond to the naturopathic coalition, as well as giving people in this province the opportunity to take a look at the overly broad scope of practice and also identify any other issues which may be of concern.

DOMESTIC VIOLENCE

Mrs. Elizabeth Witmer (Kitchener–Waterloo):

Responding to the domestic violence statement, I would simply say that I want to remind the McGuinty government of the commitments it made to have the Criminal Code of Canada amended to make it more difficult for those arrested for domestic violence to make bail, and that police conduct risk assessments of accused abusers on their first charge. These commitments have not been made.

Peggy Nash and Pam Cross did speak to that in a Toronto Star article. They said that since December 2004, when the action plan was announced, 22 women in Ontario have been murdered by men with whom they have been intimately involved.

The Ontario Women’s Justice Network has also pointed out that some of the commitments being announced today by the McGuinty government include dollars announced by our party when we were in government, and some are reannouncements. It also seems that the money being provided in the area of helping children who have witnessed domestic violence is simply money that has been rerouted from another ministry. So these are not new investments.

I would also just hasten to add that we need to do more. We need to ensure that women are educated and empowered, and tomorrow the Miss G project will be here.

TRADITIONAL CHINESE MEDICINE

Ms. Shelley Martel (Nickel Belt): As a member of a government which regulated a substantial number of health care professionals, New Democrats recognize the importance of regulating traditional Chinese medicine and acupuncture, both to protect the public and to

recognize the value of implementing alternative and complementary medicine in Ontario.

Our NDP government regulated a record 23 health professions under the Regulated Health Professions Act, including midwifery, optometry, nursing, chiropractic and physiotherapy, and I would like at this time to acknowledge two former health ministers, Evelyn Gigantes and Ruth Grier, for all of their work in this regard.

The reason for moving forward to regulate health care professions, like the one we’re going to regulate through this bill, is in part measure to protect the public. We need to assure the public that the health care services they receive are being provided by qualified health care professionals who are duly trained in their profession; licensed to practise by a regulatory college; subject to standards establishing the scope of their practice; can be subject to disciplinary measures by their college, if warranted; and can also lose their licence to practise altogether if their college determines this should be so. The regulation of health care professionals is intended to undercut those individuals who are not qualified but who would hang out their shingle to practise and offer that service to the public in Ontario.

Regulation also serves, though, to elevate the profession in question, and we’re going to do that with traditional Chinese medicine and acupuncture by ensuring that those members are recognized in law, that their scope of practice in the health care system is clearly defined and that their licence to practise guarantees to the public that they are qualified to do that. We look forward to that with respect to this particular bill.

Now, it appears that the framework that the government is going to use to regulate traditional Chinese medicine and acupuncture is the very framework that we used to regulate other health care professionals, so I do believe that the protection of the public and the importance of traditional Chinese medicine in the health care system will be appropriately recognized.

The final point that I’d like to make is that it appears that the bill is going to ensure ongoing patient access to acupuncture services if these services are delivered by chiropractors and physiotherapists, for example, and that is critical to many people who require acupuncture in many parts of the province who do not have access to traditional Chinese medicine or traditional Chinese medicine practitioners. So ensuring that those who practise are regulated health professionals and have, within their scope of practice, the ability to carry out acupuncture is critical to ensuring that patients across the province who can’t access traditional Chinese medicine can still access acupuncture services. I hope that provision will remain in this bill, because it’s very important for people from my part of the world.

DOMESTIC VIOLENCE

Ms. Andrea Horwath (Hamilton East): The domestic violence action plan is one small step for womankind, a baby step on the road to eradicating

violence against women. The problem of violence against women deserves full attention, not half measures. Since the McGuinty government introduced its so-called plan one year ago, 23 women in Ontario have been murdered by their male partners, the latest such murder reported within the last 48 hours.

The current strategy in Ontario does little to stop the cycle of violence for women and children already experiencing abuse. Education, prevention, advisory committees, coordinating committees are all important issues, but unless the government takes real action on the core issues, the bread-and-butter, bricks-and-mortar issues, everything else is just tinkering.

Many crucial recommendations from stakeholders, experts and coroner's juries are missing in the Liberal strategy. Housing and income supports must exist for women and their children to escape violence safely. The current plan does not address Ontario's acute shortage of safe places for women and children to go to rebuild their lives.

Lack of housing and money is the prime factor that drives women and children back to their abuser. That means we desperately need to get serious about directing funds back into creating second-stage housing and affordable housing. Without money and a place to live, many women will remain in violent relationships so their children will be housed and fed.

McGuinty Liberals promised 20,000 affordable housing units and funding for second-stage housing. Where is that? If the Liberals across the way are truly serious about protecting women's lives, then let's see them get serious about implementing a package of emergency measures recommended by the experts already that we know, without a doubt, will save women's lives. These measures include sustainable and adequate funding for emergency shelters whose funding has been flatlined since 1994; an ambitious program of second-stage and affordable housing; stronger laws around bail, restraining orders, no-contact orders and peace bonds; risk assessment tools implemented in every court before every bail hearing etc. The list goes on and on.

You have the recommendations. You know what needs to be done. Just do it.

VISITORS

Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale): On a point of order, Mr. Speaker: With your kind permission, I want to welcome students of grade 10 from St. Thomas Aquinas Secondary School in my riding of Bramalea-Gore-Malton-Springdale.

Ms. Judy Marsales (Hamilton West): On a point of order, Mr. Speaker: I beg your indulgence to introduce guests from Hamilton: Jim Commerford, president and CEO of the YMCA; Bryan Webber, vice-president of financial development of the YMCA; and Neil Smith, a board member from the YMCA. We welcome them.

OFFICE OF THE AUDITOR GENERAL

The Speaker (Hon. Michael A. Brown): I beg to inform the House that, pursuant to section 28 of the Auditor General Act, I have laid upon the table the audited financial statements of the Office of the Auditor General for the year ended March 31, 2005.

DEFERRED VOTES

LOCAL HEALTH SYSTEM INTEGRATION ACT, 2005

LOI DE 2005 SUR L'INTÉGRATION DU SYSTÈME DE SANTÉ LOCAL

Deferred vote on the motion for second reading of Bill 36, An Act to provide for the integration of the local system for the delivery of health services / Projet de loi 36, Loi prévoyant l'intégration du système local de prestation des services de santé.

The Speaker (Hon. Michael A. Brown): Call in the members. This will be a five-minute bell.

The division bells rang from 1430 to 1435.

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

Ayes

Arthurs, Wayne	Fonseca, Peter	Peters, Steve
Balkissoon, Bas	Gerretsen, John	Peterson, Tim
Bartolucci, Rick	Hoy, Pat	Phillips, Gerry
Bentley, Christopher	Jeffrey, Linda	Pupatello, Sandra
Berardinetti, Lorenzo	Kular, Kuldip	Qaadri, Shafiq
Bountrogianni, Marie	Kwinter, Monte	Racco, Mario G.
Bradley, James J.	Lalonde, Jean-Marc	Ramal, Khalil
Brownell, Jim	Leal, Jeff	Ramsay, David
Bryant, Michael	Levac, Dave	Rinaldi, Lou
Caplan, David	Marsales, Judy	Ruprecht, Tony
Chambers, Mary Anne V.	Matthews, Deborah	Smith, Monique
Colle, Mike	Mauro, Bill	Smitherman, George
Cordiano, Joseph	McGuinty, Dalton	Sorbara, Gregory S.
Crozier, Bruce	McMeekin, Ted	Takhar, Harinder S.
Delaney, Bob	Meilleur, Madeleine	Van Bommel, Maria
Dhillon, Vic	Milloy, John	Watson, Jim
Dombrowsky, Leona	Mitchell, Carol	Wong, Tony C.
Duguid, Brad	Mossop, Jennifer F.	Wynne, Kathleen O.
Duncan, Dwight	Parsons, Ernie	Zimmer, David
Flynn, Kevin Daniel	Patten, Richard	

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

Nays

Barrett, Toby	Martel, Shelley	Scott, Laurie
Chudleigh, Ted	Miller, Norm	Tasca, Joseph N.
Hudak, Tim	Munro, Julia	Wilson, Jim
Klees, Frank	O'Toole, John	Witmer, Elizabeth
Kormos, Peter	Prue, Michael	Yakubski, John
Marchese, Rosario	Runciman, Robert W.	

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 59; the nays are 17.

The Speaker: I declare the motion carried.

Shall the bill be ordered for third reading?

Hon. George Smitherman (Minister of Health and Long-Term Care): I request that the bill be referred to the standing committee on social policy.

The Speaker: So ordered.

ORAL QUESTIONS

DRIVER LICENCES

Mr. Robert W. Runciman (Leeds–Grenville): A question for the Premier: Next week you're set to meet the border state governors to discuss border protection. You've apparently been quoted in the media as saying you've spoken with New York Governor Pataki and he shares the concern that requiring a passport to cross the border will hurt the economy and slow cross-border business and tourism. Also in the articles, you apparently suggested that secured documents like drivers' licences "should be used instead," to use your own words. Given the damning revelations about the lack of integrity of the Ontario driver's licence raised by the Auditor General yesterday, how can you possibly expect Governor Pataki and others to have any faith in your proposal?

1440

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): Since I was not able to be here yesterday, let me begin by thanking the Auditor General for his excellent work—and through him, his entire staff. They perform extremely valuable work on behalf of the Ontario public, and we receive that criticism and advice in the best possible way.

I want the member opposite to know that we take this issue very seriously. We've been actively fixing a system that for too many years lacked essential oversight. We are the very first government to bring a zero-tolerance approach to the offices that are issuing licences, vehicle permits, validation stickers and the like. In fact, in the last years in which the Conservatives served as government, they conducted one audit, and this year alone, we are conducting 51 audits: one audit for the Conservative government; 51 audits on our side. I would ask the member opposite to come to a conclusion as to who is most committed to ensuring that we're bringing essential oversight to a very important undertaking in the province.

The Speaker (Hon. Michael A. Brown): Supplementary?

Mr. John O'Toole (Durham): Premier, I know you weren't here yesterday and I understand that—you have other business. But this is what was reported: "Blaming government sloppiness for the problems, McCarter emphasized the offences were grave this year, the first full year of the Liberals' mandate" and his investigation. Clearly what he has found here is a breach of security at the very highest level. He says there are 56,000 records—licence plates, stickers, vehicle permits, drivers' licences—that have been lost or stolen. This is troubling in itself, but it goes on: 25% of licence-issuing em-

ployees sampled by the auditor had not been checked for criminal records, and in fact they found four who had been checked who were simply hired.

Premier, what are you doing to protect this very vulnerable area of security in the driver permit offices?

Hon. Mr. McGuinty: Information can be very helpful, and I want to supply some more here today. Of the documents that were reported stolen or missing, 89% were vehicle permits and validation stickers. Not to minimize that particular example, people are especially concerned, I would argue, about what is happening to our drivers' licences. Two per cent of all the documents were drivers' licences, and all of those were in fact temporary drivers' licences. Furthermore, of the 7,000 documents reported stolen, 10 were stolen in our first full year in government. In the Tories' last year in government, 2,400 were stolen, just so we have an understanding of who is most committed to bringing the necessary oversight to a very important enterprise.

Mr. O'Toole: It's important to bring some factual content to the discussion we're having here. It's clear that you've made admissions. You are the government now. Things have changed.

Premier, in March 2004, the Ministry of Transportation—

Interjections.

The Speaker: Stop the clock. I'm having a great deal of difficulty hearing the member for Durham. I need to be able to hear the questioner.

The member for Durham may start over.

Mr. O'Toole: Thank you, Mr. Speaker, for recognizing that rude interruption.

Back in March 2004, the Ministry of Transportation completed an internal audit and found the following: "The ministry is unable to reliably account for stock" drivers' licences, vehicle permits etc. This is in 2004—your government. On page 118 of the auditor's report, it says, "At the time of our audit, the ministry had neither investigated these ... discrepancies nor made attempts to recover" lost or stolen items, and could not account for whether there was criminal activity or other illegal purposes.

Premier, where has your Ministry of Transportation been since March 2004? Perhaps it was too preoccupied with other pressing business, shall we say. This is a serious breach. What are you going to be telling the Governor of New York and others about the dependability of our licensing system in the province of Ontario?

Hon. Mr. McGuinty: I would like the Ontario public to understand that we are doing everything humanly possible to clean up the mess that was left to us by the previous government. I want Ontarians to know that we've increased the number of audits that we are doing. Again, in the last year the Conservatives formed the government, they conducted one audit. This year alone we have conducted 51; more than that, we are increasing the number of staff doing audits. In fact, we are doubling the number of staff to 24.

More than that, we are changing the way these contracts are awarded. We've gone from a lifetime contract, which was awarded by the Conservatives, to a contract that is limited to five years maximum. Beyond that, we are increasing security features of our drivers' licences, and in the new year we will be issuing an RFP for a new driver's licence with even more enhanced security features, including micro-printing and holographic symbolism. Those are the kinds of commitments we are making to ensure that our drivers' licences are as secure as they can possibly be.

EDUCATION FUNDING

Mr. Frank Klees (Oak Ridges): My question is to the Premier: During estimates committee, your Minister of Education was repeatedly questioned about the lack of accountability of millions of dollars transferred by your government to school boards. These were millions of dollars designated for special education, ESL and other specialized programs.

Now the auditor states the following: "The ministry provides school boards with specific funding for ESL/ELD services but does not require them to actually spend the" funds on those programs. "Boards have the right to reallocate those funds..." Your minister, during committee, denied all of that and assured us that there in fact was accountability.

In light of the Auditor General's findings, will you direct your Minister of Education to ensure that, first, he takes responsibility for this diversion of funds and, second, puts in place the appropriate mechanisms for accountability?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): I'm delighted to receive the question, although I thought that the former Minister of Transportation wanted to make some inquiries about drivers' licences. I can understand his reluctance. Nonetheless, the member does raise an important issue.

Let me say that we agree with the recommendations of the Auditor General to set up a tracking system. The fact of the matter is that we've invested an additional \$60 million in new funding for ESL training in Ontario schools, and it is incumbent upon us to ensure that funding benefits those whom it is intended to benefit. That is not the case in every instance now. We agree with the Auditor General's recommendations and we welcome, in fact, the report that was just released by the Ontario school boards' association.

Mr. Klees: The issue is not how much money you're transferring. I refer to the Auditor General's report. It states very clearly on page 151: "The ministry had no information on how much school boards were actually spending on ESL/ELD programs. Information we received from one board indicated that more than half of its ESL/ELD funding was spent on other areas."

I'd like to know very specifically from the Premier, does he believe it is appropriate that funds that have been earmarked for very specialized programs are diverted to

other areas of spending within the school boards? Will you answer that question?

Hon. Mr. McGuinty: I want to be very direct with the member, and, no, I don't believe it's appropriate. I think we have to do a better job of ensuring that the money gets to the children who are supposed to benefit from this.

I can say with some degree of pride that we are investing \$1.9 billion in special-ed funding this year; that's up \$365 million. Beyond that I can say, and I know the member will be interested in hearing this, that the Minister of Education did meet with the Auditor General and asked if he might receive specific advice on how we can better track those dollars. We have, moving forward, sweated all new ESL funding so that it must be spent on ESL. But we want to make sure now that we are in fact doing the kind of independent tracking that absolutely assures all of us, but especially the parents of children affected, that this money is going to benefit them.

1450

Mr. Klees: I thank the Premier for that response. I'd like to move on, then, on that same principle about an \$80-million transfer the Ministry of Education made to school boards across the province. Again in committee, the Minister of Education said without question that there were no specific guidelines tied to that. That was the \$80 million that was transferred as a signing bonus to sign collective agreements. I asked the Minister of Education whether he would be prepared to have an audit completed on those funds to determine exactly where those funds were spent. Will the Premier today, in the same spirit, stand in his place and say, "Yes, an audit will be done on that \$80 million to determine precisely where those monies went"?

Hon. Mr. McGuinty: I'm not as familiar with the issue the member is raising now, but I'm glad to provide an undertaking to look further into that.

But I can say that we consider it an absolute essential that, in order to build a foundation for progress in public education in Ontario, we have real peace and stability there. For the first time ever in the province of Ontario, all 120,000-plus public schoolteachers have entered into four-year collective agreements with their local school boards, and that is serving as the basis for progress that we're making in our public schools. When you have peace and stability, more teachers, better training, more textbooks, more resources and a government that is prepared to champion public education, not surprisingly student achievement and test scores are going up. That's the foundation on which we're continuing to build in Ontario.

CONFLICT OF INTEREST

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Premier. On Monday we learned that David MacNaughton, the Premier's former principal secretary, is lining up for a big nuclear power payoff, but

he's not the only Dalton McGuinty crony who's at the trough. In December, the director of issues management and legislative affairs for Dalton McGuinty left the Premier's office for Hill and Knowlton lobbyists. In March, he became a paid lobbyist for Bruce Power, a private nuclear company. In October, the McGuinty government signed a \$6.5-billion deal with Bruce Power for a fixer-upper nuclear plant. Premier, is it just a coincidence that on the eve of the McGuinty government making a major electricity supply policy decision, virtually all of your former right-hand political advisers are now acting as lobbyists for nuclear power companies?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): The member opposite, the leader of the NDP, knows full well that we have a very important issue before us, and he somehow thinks that people who used to work on my staff are going to have some kind of influence in how we deal with a very important matter of public policy. There are very specific rules in place that govern the activities of people who used to work in my office. Those rules are being adhered to in the very strictest sense. I have every confidence in that. I say to the member opposite that no matter how many times he likes to raise these kinds of issues here, what I'm saying to the people of Ontario is that we will consider nothing more and nothing less than what serves the greater public interest.

Mr. Hampton: According to these really tough rules, the people who used to work in your office are not precluded from lobbying all of the other arms of the government. The very people cabinet ministers used to report to are now out there lobbying cabinet ministers saying, "This is what you ought to do."

Now, you should know that Mr. Lopinski's CV says, "He oversaw all aspects of the government of Ontario's contentious issues process [and] coordinated the creation and implementation of the legislative agenda." This is the guy all your cabinet ministers reported to. New Democrats believe that people like Mr. Lopinski should be banned from lobbying all government agencies and departments for one full year after they leave your office. In fact, you used to believe that a couple of years ago, before the election. Can you tell us, Premier, the reason for your change of views? Why is it now OK for your former right-hand people to be lobbying on behalf of nuclear companies that stand to make a lot of money?

Hon. Mr. McGuinty: Shortly the Ontario Power Authority will be coming forward with some dispassionate, and in contrast to the speculation offered by my friend, non-partisan advice with respect to what we need to do in this province to ensure that we have an adequate, reliable supply of clean, responsibly priced electricity. We very much look forward to receiving that advice. We will consider it very carefully. We will consider the advice of the public in Ontario, and undoubtedly we will pay some attention to the musings of my friend opposite. But let me reassure him once again, and more importantly all the people of Ontario, that when it comes to ensuring that we have in our province a reliable supply of

clean, safe, responsibly priced electricity, we will keep only one thing first and foremost in our minds, and that is what serves the public interest.

Mr. Hampton: This is what Dalton McGuinty used to say. Here's the question you asked: "These are some of the people who have left your office ... your senior media adviser, has left ... your senior justice policy adviser, has left ... your director of communications, has left ... your deputy principal secretary, has left. All have left to act as lobbyists and consultants for those doing business with your government."

Then you say: "In my opinion, the situation that exists is completely unacceptable. I want you to commit today, Premier, that you're going to take action as soon as possible to restrict your government's senior staffers to ensure they can't pass off and profit from secret insider information."

The same thing is happening here, Premier. Your former right-hand advisers are all paid lobbyists for the nuclear industry as you're about to make a very important decision. Don't you think they should be prohibited from lobbying your government as you make this decision, so that it's made in the public interest, not—

The Speaker (Hon. Michael A. Brown): The question has been asked. Premier.

Hon. Mr. McGuinty: The member does understand, although he pretends not to, that we have in Ontario a conflict of interest commissioner. That commissioner's job is to oversee and advise those who leave government on what they can and cannot do. Anybody who has worked on my staff has the responsibility to abide by those rules. I have no reason to believe that anyone who has formerly worked on my staff has in any way breached any of those rules, just to be perfectly clear.

Again, we have a very important issue before us, which is, what is the best way for us to ensure that Ontarians have a reliable supply of clean, safe, responsibly priced electricity. We're going to get all kinds of advice in that regard, but the advice to which I look forward most is to be tendered shortly by the Ontario Power Authority, and we will listen to that advice. We—

The Speaker: Thank you. New question, the leader of the third party.

Mr. Hampton: To the Premier: You know, I never thought I would hear Dalton McGuinty defending Mike Harris's ethical standards for political staffers.

Premier, as you say, on Friday the Ontario Power Authority will deliver its report on the future supply of electricity. You want people to believe that the Ontario Power Authority is independent of the Liberal Party, but evidence suggests otherwise. For example, who do we find in the Ontario Power Authority but Lyn McLeod, former leader of the Liberal Party of Ontario. I guess she's independent of the Liberal Party. Then there is Jan Carr, chief executive officer of the Ontario Power Authority, former fundraiser for Dalton McGuinty.

Premier, will you admit that neither Lyn McLeod—

The Speaker: There must have been a question. Premier?

1500

Hon. Mr. McGuinty: Now, in an effort to advance his particular agenda—and the member opposite makes it perfectly clear he believes that we should have no nuclear generation of any kind, anywhere on the face of the earth. I wish that I could live in that world, but I have to live in this one. The fact is that a significant proportion of our energy is, in fact, supplied through nuclear generation at this point in time.

Now he's trying to undermine the credibility of the Ontario Power Authority. I have confidence in the Ontario Power Authority, and I very much look forward to receiving their advice.

Mr. Hampton: Premier, it's you who insists that Lyn McLeod, former leader of the Liberal Party, and Jan Carr, a former McGuinty fundraiser, are independent. I don't think so.

Then there's John Beck, Ontario Power Authority member and chair and chief executive officer of Aecon, the construction giant that coincidentally just recently got its nuclear certification. In fact, Aecon recently scored a \$17-million contract at Bruce Power and is actively lobbying all levels of your government, including the offices of the cabinet and the Premier, for energy business.

Premier, can you explain how the chief executive officer of a company with such an obvious vested interest in the expansion of nuclear power qualifies as an independent, impartial member of an organization charting Ontario's future electricity course?

Hon. Mr. McGuinty: First of all, let me say that I'm very pleased that Lyn McLeod has agreed to serve at the Ontario Power Authority. Not only was she formerly a leader of my party and through that experience had a good understanding of the development of public policy, but she also served formally as Minister of Energy in the Peterson government. So I think that more than qualifies her to provide good advice.

But to pursue the leader of the NDP's line of thinking, he's suggesting that Bob Rae should not be serving on the board of Hydro One. I think he brings much by way of experience, competency and qualifications in that capacity. I see no reason why he should be removed from the board of Hydro One, just as I see no reason why Lyn McLeod should be removed from the Ontario Power Authority.

Mr. Hampton: Premier, you could appoint Bob Rae to whatever you wish. The issue here is the independence—

Interjections.

The Speaker: Stop the clock. Order. Order. The Minister of Natural Resources. The Minister of Community and Social Services. The member for Renfrew-Nipissing-Pembroke.

Final supplementary.

Mr. Hampton: Premier, it's interesting you bring up Lyn McLeod, because when she was Minister of Energy in the Peterson government, she brought forward a plan calling for construction of up to 15 reactors at four

nuclear stations, and you say she's independent and open-minded.

The reason this is important is because Ontario families and the Ontario economy depend on a safe, reliable supply of electricity at an affordable price. But nuclear power in Ontario has a history of being expensive, unreliable and with a long list of health and safety security—

Interjections.

Mr. Hampton: Premier, the question is, how can ordinary Ontarians expect an independent and impartial report from the Ontario Power Authority, when you've loaded the OPA with Liberal cronies and nuclear power advocates, and all of your right-hand advisers, politically—

The Speaker: Order. The question's been asked. Premier?

Hon. Mr. McGuinty: First of all, let me say that I am quite prepared to act as an intermediary between Mr. Hampton and Mr. Rae. And should he so choose, I'm also prepared to speak to Mr. Hargrove on his behalf. We will have peace in our time.

Let me say that the leader of the NDP failed to reference some of the many people who are on the Ontario Power Authority board of directors, and I'll just mention a few of them. Peter Jones is the chair. He's the president and CEO of Diligent Capital Inc. Charles Bayless is president of the West Virginia University Institute of Technology. Louise Comeau is project director of the Sage Climate Project at the Sage Centre. Michael Costello is CEO of British Columbia Transmission Corp. Richard Fitzgerald is president and CEO of Diageo Canada, and the list goes on.

JUSTICE SYSTEM

Mr. Robert W. Runciman (Leeds-Grenville): I have a question for the Attorney General. As you know, in early November, Jodie Wheatle, a man now charged with murder, was granted bail after being charged, among other things, with possessing a loaded 45-calibre handgun and assaulting a police officer: very serious charges. The murder victim's family and many other Ontarians are outraged that Mr. Wheatle was out on the streets as a result of what appears to be yet another inexplicable decision by the courts. Minister, do you believe the conduct of this bail hearing should be public knowledge, and if yes, will you immediately make the transcript public?

Hon. Michael Bryant (Attorney General): The issue as to whether or not matters before the courts are made public is up to the court itself. I think I've said before, and I'll say again, that the crown prosecutor opposed bail. That is our practice and that is the policy, and that is an independent decision made by crown attorneys pursuant to that practice and policy. I would say to the member opposite that our government is very committed to getting changes made, via the federal Parliament, to ensure that we have new bail laws that apply to gun

crimes that will give people more confidence in the safety of our streets.

Mr. Runciman: The minister appears to be more interested in protecting his legal fraternity friends than getting to the truth and stopping this kind of bail release decision in the future. Minister, if you're serious about stopping bail decisions like Mr. Wheatle's, you can help by amending Bill 14, the Courts of Justice Act, now before the Legislature. Will you amend the bill to mandate an inquest where an individual released on bail by a justice of the peace or a provincial judge is found to be responsible for an unlawful death while on release, and stipulate that the judge or JP is a compellable witness at the inquest? Will you do that?

Hon. Mr. Bryant: The member knows very well that that particular approach is not a Canadian approach. Our approach in Canada is to make submissions: Crown counsel makes submissions on bail; the independent judiciary make independent decisions. If changes need to be made, they need to be made, in this case, at the federal level.

We had a bill before Parliament. There was a government bill before Parliament which would have made a host of changes and improved our criminal justice system. But as a result of Mr. Harper's decision to abandon that approach and not do that good business, that has been delayed. I would encourage the member opposite to talk to the leader of his federal party and tell him that we need these changes, we need them done as expeditiously as possible and we've got to stop the obstruction from the Conservative Party in Parliament when it comes to making these important changes in the public interest.

1510

DRIVER LICENCES

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Premier. This morning, you said you want Ontario driver licences accepted as identity documents at the US border. This is what the Provincial Auditor said: Thousands of Ontario licence plates and permits have gone missing or were stolen over the past year while a legal driver's licence can be obtained with a mere Costco membership card. Premier, how do you intend to convince US governors that Ontario drivers' licences should be used for identity purposes, when you can get an Ontario driver's licence with a Costco membership card?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of Transportation.

Hon. Harinder S. Takhar (Minister of Transportation): Let me first say that most of the items that were stolen were not driver licences, they were temporary licences—only 3% of them. The rest were mostly to do with vehicle permits and stickers.

Let me tell you what we have done in order to strengthen our driver licensing system. As soon as we

came into power, the first thing we did was add new features to the driver licences, so that the driver licences became more secure and more reliable than ever before. We added the holographic image to the photo. What we're doing right now is an RFP process, which we have been working on for the last year, and we will completely change the driver licence system in this province.

So we are absolutely determined to make sure that driver licences are reliable, secure and they can be used—

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

Mr. Hampton: That is the Minister of Transportation's version of events. I think I put more trust, and I think the people of Ontario put more trust, in the Auditor General's version of the events. I think it's atrocious that somebody can get a photo ID driver's licence in Ontario with a Costco membership card.

Here's how serious this problem is: We know that we do billions of dollars of economic trade and activity with bordering American states, and now they have good reason to say to us, "We don't trust a driver's licence as a piece of photo ID." They have good reason to say that you have to have a passport. That creates all kinds of complications. Can I ask, what's the McGuinty government's strategy to get Ontario out of the mess that the McGuinty government has allowed to happen with drivers' licences?

Hon. Mr. Takhar: Let me thank the Auditor General again for his recommendations. I think they are great recommendations, and we are absolutely determined to implement all of them. But I want to say clearly to the people in Ontario that Costco cards were never used as a primary identification document in this province; it was always a supplementary.

Having said that, effective at the end of this month, we will be moving ahead with 13 items that will be used as identification items for getting licences in this province. These are the same 13 items that are being used in North America as standard items. So we are moving ahead with those.

There were problems with the driver licence system left by the previous government, and they did nothing for eight years. We are actually cleaning up their mess, and we will continue to do that.

FAMILY RESPONSIBILITY OFFICE

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex): My question is for the Minister of Community and Social Services. I know that in my riding of Lambton–Kent–Middlesex, many of my constituents depend on the Family Responsibility Office to ensure that they receive their monthly support payments to help their families maintain a sustainable income. The Auditor General's report came out yesterday, and I noticed there's a follow-up report on FRO. In 2003, the Auditor General reviewed FRO and found there were serious concerns with respect to customer service and collections

arrears, something that was neglected by the previous government. Minister, can you tell this House what the Auditor General said in his follow-up report yesterday and how far FRO has come since 2003?

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I too join my colleague ministers in thanking the Provincial Auditor for his report because all of us, I think, wait anxiously to see the report. But specifically, I actually do appreciate the items the Provincial Auditor noted within the Ministry of Community and Social Services. What he did was to recognize that we must move, and are moving, to a case management model. He has acknowledged the development within the office for the preparation of a proper system that will support case management, and for that I thank and appreciate the auditor's questions.

Since about 1994, going back two previous governments, the governments had cut up to 20% of the staff affiliated with this office. The former government closed the regional offices and left absolutely no systems in place to help these families who desperately needed it. We have done a tremendous amount of work in the FRO, to the extent that we, frankly, don't hear many questions—

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

Mrs. Van Bommel: Minister, seeing the McGuinty government's commitment to ensuring that FRO becomes more efficient tells me that we have our priorities where they should be. The follow-up report is exactly the kind of news we like to hear. When there are recommendations, it is so important to address them, and I know you've stated that you appreciate the Auditor General's report for bringing this to your attention. Minister, a few weeks ago, we heard you deliver a statement in the Legislature about the great things that are happening at the Family Responsibility Office. Can you share with us some of the improvements in customer service and arrears collection, and where you see FRO moving in the future?

Hon. Ms. Pupatello: I had an opportunity, on behalf of the Premier, to go down to the Family Responsibility Office and speak directly with the staff to share with them the kind of changes in terms of our statistics that we're prepared to share, not just with the Auditor General but with members of this House; for example, \$157 million more in arrears that we're collecting today thanks to the good work of the staff at FRO. The people who are calling the FRO office are literally getting their calls answered in half the time over the course of last year alone. We have several initiatives: the credit bureau initiative; the trace and locate unit where we're finding people; and thanks to the members of this House, we were able to pass more enforcement measures, which means we're going to find people, and those people need to pay and we have more tools to help us do that. I thank the Premier and the members of this House for the support we've been able to give to the great staff at FRO. Once again, on behalf of all members, way to go, FRO.

SECURITIES INDUSTRY

Mr. Tim Hudak (Erie-Lincoln): A question for the minister responsible for the Ontario Securities Act: CTV's whistle-blower Kathy Tomlinson has discovered evidence in writing that seems to suggest some people had advance knowledge of exactly what Finance Minister Goodale was going to say with respect to income trusts. In fact, there was written evidence on StockHouse, a popular Internet site, some seven hours in advance. Minister, seven hours gave insiders plenty of time to get rich at the expense of retail investors like seniors and working families. Is the minister aware of this distressing development, and what is he going to do about it?

Hon. Gerry Phillips (Minister of Government Services): I repeat the basic answer I gave last week. We have the Ontario Securities Commission. It is an arm's-length organization, it has very good credibility and its credibility would be significantly undermined if it were to be taking direction from politicians on when and when not to prosecute. They monitor the market. That is their job: to constantly be looking at the market. I think it's wise for all of us to leave this matter with the Ontario Securities Commission. They have the authority to look at insider trading, and as I say, it would be a major mistake for the Legislature, for politicians to be directing the Ontario Securities Commission when and when not to investigate.

Mr. Hudak: The problem is that the McGuinty government appears to be wilfully blind about the goings-on in Minister Goodale's office. I think the minister knows that in the United States, the Securities and Exchange Commission has the ability to prosecute members of government offices or politicians who engage in insider tipping and trading. It appears that the Ontario Securities Commission does not have that same ability. I've brought forward a private member's bill today to correct that loophole. Does the minister agree that the OSC should have the authority to prosecute members of ministers' offices who engage in insider tipping or trading?

1520

Hon. Mr. Phillips: I'm sorry for the tone of the member's comments. You should be aware that we had a review of the Ontario Securities Act. An all-party legislative committee looked at it and made 14 recommendations. We've acted on 11 of them. The member over there often reminds me of the adjudicator function. We were looking at that as recently as this morning. We have listened to the Legislature. We have implemented all of its recommendations on how we can improve Ontario securities law, with the exception of three, which we're working on.

I would say to the member, you are advising interference in the Ontario Securities Commission—a mistake. The Ontario Securities Commission has the authority to look at insider trading with crown employees, crown civil servants and crown agents. It has the authority to look at insider trading there.

Finally, I would say to the public that we care very deeply about investor confidence—

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

AMBULANCE SERVICES

Ms. Shelley Martel (Nickel Belt): I have a question to the Premier. When there's an emergency, patients expect their ambulances to arrive on time to help, but the Auditor General said that two thirds of Ontario communities don't dispatch ambulances within the time that's required by the Ministry of Health. Yesterday, Auditor General Jim McCarter said, "The longer it takes, the greater the health risk is to the patient." He said that under your government the situation has become "worse than it was four years ago." Premier, when will you ensure that patients in Ontario will get the ambulances they need on time?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): I appreciate the opportunity to repeat the same answer that I offered in the House yesterday. First and foremost is to acknowledge the excellent work of the Auditor General. Of course, we recognize there are many opportunities for improvement, and this is one that does obviously warrant some additional work.

I'm delighted to say that tomorrow, through the leadership of my colleague the Minister of Municipal Affairs, some of that work will transpire, indeed in this very building, where we work with municipalities, which are the primary delivery agent for land ambulance services. This is work that will result in a comprehensive move forward that recognizes the necessity of acting in a variety of areas at the same time. I believe that will provide us with the opportunity to improve these response times for Ontarians.

Ms. Martel: I'm glad the minister mentioned municipalities, because the Auditor General also said that downloading is a major reason for unequal ambulance service across Ontario. In 2003, when the McGuinty Liberals took office, the province was paying 47% of land ambulance costs; now, in many municipalities, your government is only covering 28% of those costs. The facts are, as a result, ambulance response times are worse now in 44% of municipalities than they were in 2000, two thirds of municipalities did not meet legislative response times in 2004, and 40% of patients are waiting 40 minutes or more outside emergency to get the care they need. Premier, when will patients get the ambulance service they need on time, regardless of where they live in Ontario?

Hon. Mr. Smitherman: I believe I expressed, in the earlier answer, the necessity of working with our municipal partners. They are, of course, the primary service provider. Accordingly, we'll continue to look for opportunities, as we have in public health, to upload the costs that our municipalities have been asked to carry. We recognize that this is one of those areas where wage

increases, as an example, have driven costs. But we want to make sure that where we make investments of people's money, we're able to produce a result that is obviously necessary. Accordingly, we'll do this hard bit of work with our municipal partners and we will continue to work to enhance the quality of service for the people and patients of Ontario.

TRADITIONAL CHINESE MEDICINE

Mr. Tony C. Wong (Markham): My question is for the Minister of Health and Long-Term Care. I'm very proud of the announcement we made together today on behalf of the traditional Chinese medicine community of practitioners and patients. Last week, I asked you to reconfirm that our government would move forward on our commitment to regulate TCM. I was very pleased to hear your response and was proud to take that message back to my community.

With the introduction of the Traditional Chinese Medicine Act today, Ontario moved toward becoming the second province, after British Columbia, to regulate the profession of TCM, and the fourth in Canada to regulate acupuncture. I can't tell you how much this means to me and I know that the practitioners welcome these reforms.

Minister, can you tell me more about how this bill, if passed, will be good for practitioners?

Hon. George Smitherman (Minister of Health and Long-Term Care): I appreciate the opportunity, one more time, to acknowledge the tremendous leadership of the member for Markham on the issue of traditional Chinese medicine.

We feel very much that today we've been able to take a bold and historic step forward. We want to acknowledge that traditional Chinese medicine deserves recognition, respect and professional status, and this bill produces that.

As stated last week, we'll work toward a new college for traditional Chinese medicine that will be allowed to set standards for practice, to establish requirements for entry into the profession, to develop a complaints and discipline process for members and to empower the profession to self-regulate.

With some advice from HPRAC, the new college will also have the authority to grant the use of the "doctor" title to certain members who meet minimum, but very high, standards. These things, taken together, do speak to an appropriate acknowledgement of the professionalism of those practitioners of traditional Chinese medicine, and accordingly we're very proud of today's steps.

The Speaker (Hon. Michael A. Brown): Supplementary.

Mr. Richard Patten (Ottawa Centre): Minister, I'm also pleased to have been part of that particular process. I found it extremely educational. It was a delight to hear well over 100 people make representations on their experience, their observations, related to traditional Chinese medicine.

I'd like to hear you explain a little what the bill you've introduced today will mean to patients, many of whom have already found that the holistic approach of traditional Chinese medicine has been extremely valuable. What will this bill mean to patients who are pursuing this form of therapy?

Hon. Mr. Smitherman: We know that in Ontario hundreds of thousands of our fellow citizens are taking advantage of alternative forms of medicine to keep themselves well. This approach is one that we think is appropriate. But we have to recognize that in an unregulated environment, which is what we were operating in, pretty much anybody could hang out a shingle without necessarily having associated with that a standard that Ontarians could have confidence in.

That's why I think the work that the honourable member was involved in has been very helpful in giving guidance to our government in drafting legislation which has at the heart of it recognizing the professionalism of the traditional Chinese medicine sector while at the same time acknowledging that there are opportunities for improvement in terms of safety for Ontarians. The steps we're taking today make tremendous enhancements on that. I'd like to thank and acknowledge the honourable member for the efforts he has played.

WATER QUALITY

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): My question is for the Minister of Health. In 2004, your ministry rejected almost 12,000 well water samples submitted because the forms were not fully completed by the submitters, with things omitted such as postal codes.

The staff were not able to send back test results, but they were able to contact these people—they had to look up their mailing code—to let them know that they hadn't filled out the form completely. So we've got time to look up mailing codes to send a letter saying, "You didn't fill out the form properly," but we don't have time to look up a mailing code and insert it on the form so that we have a quick return on test results. Minister, is that what you call government efficiency?

Hon. George Smitherman (Minister of Health and Long-Term Care): I would like to take the opportunity to acknowledge that the system that was set up, in this case, by the previous government, post-Walkerton, hasn't served well. The circumstances that the honourable member raises are not ones of which I will be a defender. I've made it very clear that I thought the decision points taken to contact people to let them know that their forms weren't complete were not the most appropriate ones.

This was a system that was in place at the time that our government came to office, but I have given direction accordingly. I don't think it's the appropriate way and I agree with the sentiment expressed in the honourable member's question.

1530

Mr. Yakabuski: In fact, the ministry's response basically says that we agree, if the form is not completed,

the sample will not be tested. One sample was rejected because of an incomplete form; when a subsequent sample was submitted, it was found to have a significant level of contaminants. So bureaucracy took precedence over the health of the people who had submitted that test water sample.

Minister, while you say you don't accept that kind of position on the part of the ministry, this is exactly what the response says, that they will continue to monitor it that way and put some sort of additional information in a test kit making it clear that we will not accept these samples if these are not complete. Will you change that immediately so that the health of Ontarians takes precedence over a form?

Hon. Mr. Smitherman: Yes, I can tell the honourable member—I think I said it in my earlier answer but perhaps not clearly enough—that's the undertaking I've given. While the bureaucratic voice of the government spoke in response to the Auditor General's report—and I don't agree with the bureaucratic voice of the ministry on this point—I share the sentiments, as I said in my earlier answer, that the honourable member expressed, and I'm disappointed that when the previous government put this in place they applied those bureaucratic restrictions. But like the honourable member, I believe that in all instances we must fall on the side of doing the best that we can to evaluate water and to get that information back to people. Accordingly, that direction has been given to ministry staff.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr. Michael Prue (Beaches–East York): My question is to the Minister of Community and Social Services. Today we are privileged to have with us Judy and Don Holmes from Ottawa. They are in the gallery here. Their 39-year-old son, Larry, who lived at home until he was 29, is now a resident of an Ottawa group home run by the Ottawa-Carleton Association for Persons with Developmental Disabilities. The association is deeply in debt. There have been staff layoffs. One home was closed and its residents moved to adjoining properties, decreasing the staff-to-client ratio to what they consider to be dangerous levels. At the same time, they have told me, shutting down the Rideau Regional Centre will put more than 300 high-risk, high-needs people into the community.

Madam Minister, you haven't provided sufficient monies and trained staff to look after people like Larry Holmes. You are evicting 300 residents from the Rideau Regional Centre. Do you have a plan to put safeguards in place before you add to the problems that this family now faces?

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): Let me say first that we welcome the Holmeses here to the House. All of us as MPPs welcome and treasure the work you have done as parents. We treasure

that. We welcome you here to Queen's Park today, and we wish that we had more opportunity to say thank you for that. So welcome to this House.

Let me also say to the member opposite that I hope you took the time to inform the guests you brought here today that this is a long-standing policy which your own party also adopted while you were the government.

Let me also correct for the record that the word "eviction" that you chose to use in your question is actually quite offensive to most of us who have followed this policy for many years. As this member opposite will know, if he chooses to check the books that are tabled in this House so that he can see the financial resources that are attributed to the developmental services sector in our ministry, he will see the significant investments that are—

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

Mr. Prue: Madam Minister, I don't think these people came all the way from Ottawa to Queen's Park to hear your empty promises or your excuses. The Holmeses gave me a copy of a letter that you wrote to them in 1998, and I quote what you said to them back then. You said you believed that "the primary objective of government is to ensure that the best front-line services are being delivered. That means making sure the funding reaches those persons who need it most." You went on to tell them that the Conservative agenda has been "especially disastrous to the most vulnerable of Ontarians." But methinks today that the same can be said of you.

Again, I ask you to tell the Holmeses, the other parents, the caregivers, the workers who are here today that you will halt the closure of the three regional centres and invest in the community supports that are essential before you add more people to an overburdened system with huge backlogs and a 10-year waiting time.

Hon. Ms. Pupatello: I really hope you will take the time to inform people when you bring them here to this House that they should see the history of your government. In 1993, you cut developmental services, which was followed in 1995 by further cuts by the previous government.

In two years of a Liberal government, we have invested almost \$200 million more, not in closing institutions but in community services. The agencies we are working with every day understand that we are moving in the right direction: Millions of dollars for services in the community, including enhanced specialized services for individuals with extremely high needs to serve.

These communities have never seen a government go through this level of transformation, so that we can look to the future with confidence that we will be able to care for individuals in our communities, because that is the important thing for families—

The Speaker: Thank you. New question.

COMMUNITY SPORTS PROGRAMS

Mrs. Linda Jeffrey (Brampton Centre): My question is to the Minister of Health Promotion. Minister, I

understand that last month you signed a bilateral sports funding agreement with the federal government to increase participation in sport and physical activity. Can you tell us more about the agreement and how our government plans to use this initiative to make up for the years of decreased funding to amateur sport and re-engage Ontario's athletes?

Hon. Jim Watson (Minister of Health Promotion): I want to thank the honourable member for Brampton Centre. I'm very proud of the McGuinty government's commitment to sport and recreation, but I'm more proud of the work that our young athletes do, the commitment they make to their sport, the dedication. They not only need the help of their trainers, coaches and parents, they also need the help of their community and their government.

Sadly, the previous government did not view sport and recreation as a priority. In fact, provincial sport organizations in the first three years of the Conservative government saw their funding slashed by 42%, or \$3.3 million in the first three years. Contrast that with our government and Premier McGuinty's commitment to amateur sport and the connection between sport, wellness and health promotion. We've increased funding to PSOs by \$1.9 million, the first increase—

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

Mrs. Jeffrey: Minister, I think everyone in this House is interested in seeing more young people get active. Earlier this week, we were able to attend a reception for our Team Ontario athletes who won the flag. I think we were all proud to attend that reception.

This is a significant investment that demonstrates that both governments actually recognize the direct connection between physical activity, sports participation and healthy communities. Minister, can you tell me who this agreement is designed to assist—is it coaches, or is it just the athletes?—and how this agreement will complement other sports programs within your Ministry of Health Promotion?

Hon. Mr. Watson: I just want to add that we've also increased overall funding to amateur sport by \$4.8 million in our first two years in government. That is a 61% increase over what the Tories were funding in 2001-02. Part of that equation, as the honourable member for Brampton Centre pointed out, is the \$6.1-million bilateral I signed with Ministers Bennett and Owen at the federal level, and already money is flowing into those organizations.

Let me give you two examples. We signed the agreement at the Boys and Girls Club, and the Boys and Girls Clubs of Ontario have been approved for funding under this program, as well as a proposal from the Metis Nation of Ontario. There are an additional 31 funding proposals for 30 organizations that are currently being reviewed. The Sport for More program is aimed at developing provincial athletes from the ground up, and further—

The Speaker: Thank you.

1540

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe–Grey): My question is to the Premier. On Monday, I was shocked, as I think were some of the 200 historical societies in the province, that you didn't indicate any support at all when I asked you to support the Frederick Banting Homestead Preservation Act. You sloughed the question off to your minister, and she gave an answer that was totally erroneous. It had nothing to do with what's been going on in the last two years between the parties: the town of New Tecumseth, the Banting family, my private member's bill and the Ministry of Culture.

I ask you again, as friendly as I can: Could you indicate some support for this project, this nationally historic piece of property that is deteriorating because of the lack of attention it has received since it was bequeathed to the Ontario Historical Society six years ago? Could you give us some indication that you personally support this initiative?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of Culture.

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): I want to thank my honourable colleague for his renewed interest in this property, and I can assure the member that the Ontario Heritage Act already makes it possible to preserve our built heritage.

The amendment we have introduced, that the past government did nothing about, gives the municipality and the historical society the power to preserve that piece of property. Both organizations have the responsibility to ensure that this important piece of heritage is protected. I encourage the historical society and the town of New Tecumseth to continue to negotiate in good faith to find an appropriate solution.

PETITIONS

SERVICES FOR THE
DEVELOPMENTALLY DISABLED

Mrs. Julia Munro (York North): “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 com-

munity 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.”

As I am in agreement, I affix my signature and give this to David.

Mr. Peter Kormos (Niagara Centre): I have a petition addressed 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 affix my signature with support and enthusiasm and send this to the Clerk.

LANDFILL

Mr. Ernie Parsons (Prince Edward–Hastings): “To the Legislative Assembly of Ontario:

“Whereas Waste Management of Canada Corp. (formerly Canadian Waste Services) has proposed a 25-year, 18-million-tonne expansion of the existing Richmond landfill site in the town of Greater Napanee to receive waste from an all-Ontario service area;

“Whereas the town of Greater Napanee has passed a resolution opposing the proposed expansion;

“Whereas the scoped environmental assessment being undertaken by the proponent does not examine whether there is a demonstrable need for the expansion, does not consider reasonable alternatives to the expansion (e.g. reduce, reuse or recycle) and does not require the proponent to provide participant funding to local residents to facilitate their involvement in the EA process;

“Whereas the Ontario government has recently proposed a provincial target of diverting 60% of waste from disposal by 2008;

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

“To immediately reform Ontario's EA process to ensure that:

“(a) proposals to establish or expand landfills are subject to full and rigorous EA studies that examine need and alternatives;

“(b) unwilling host communities are not forced to accept locally unwanted landfill proposals; and

“(c) proponents are required to provide sufficient monetary resources to citizens to facilitate meaningful public participation in the EA process.”

I am pleased to add my signature to this petition.

ONTARIO DRUG BENEFIT PROGRAM

Mr. Tim Hudak (Erie–Lincoln): I am pleased to present a petition signed by hundreds of residents from the Port Colborne-Wakefield area gathered by Jack O’Neill of Port Colborne that reads as follows:

“We, the undersigned residents of Ontario, Canada, draw the attention of the House of Commons and Queen’s Park to the following:

“That a growing number of seniors in Niagara have a medical condition called incontinence, requiring the use of special undergarments;

“That these incontinence undergarments are not covered under the seniors’ drug benefit plan;

“That seniors are living on fixed incomes, many below the poverty line, and unable to afford the additional cost of purchasing incontinence undergarments, creating personal hardship;

“That seniors need these incontinence undergarments to be independent in their communities, to contribute to their communities and to carry out their daily living activities;

“That our government is committed to keeping seniors independent and living in their own homes.

“Therefore, your petitioners call upon Parliament to enact legislation to ensure that seniors who have a medical necessity for these items be covered under seniors’ drug benefit plans.”

In support of my constituents, my signature.

CANCER TREATMENT

Mr. Ernie Hardeman (Oxford): I have a petition to the Parliament of Ontario and it’s signed by a great number of my constituents, primarily from the great town of Ingersoll.

“Whereas Ontario has an inconsistent policy for access to new cancer treatments while these drugs are under review for funding; and

“Whereas cancer patients taking oral chemotherapy may apply for a section 8 exception under the Ontario drug benefit plan, with no such exception policy in place for intravenous cancer drugs administered in hospital; and

“Whereas this is an inequitable, inconsistent and unfair policy, creating two classes of cancer patients with further inequities on the basis of personal wealth and the willingness of hospitals to risk budgetary deficits to provide new intravenous chemotherapy treatments; and

“Whereas cancer patients have the right to the most effective care recommended by their doctors;

“We, the undersigned, petition the Parliament of Ontario to provide immediate access to Velcade and other intravenous chemotherapy while these new cancer drugs are under review and provide a consistent policy for access to new cancer treatments that enables oncologists to apply for exceptions to meet the needs of patients.”

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

Ms. Shelley Martel (Nickel Belt): I have petitions that have been sent to me by Dr. Gil Flores of Milton, Ontario. They read as follows:

“Whereas Ontario has an inconsistent policy for access to new cancer treatments while these drugs are under review for funding; and

“Whereas cancer patients taking oral chemotherapy may apply for a section 8 exception under the Ontario drug benefit plan, with no such exception policy in place for intravenous cancer drugs administered in hospital; and

“Whereas this is an inequitable, inconsistent and unfair policy, creating two classes of cancer patients with further inequities on the basis of personal wealth and the willingness of hospitals to risk budgetary deficits to provide new intravenous chemotherapy treatments; and

“Whereas cancer patients have the right to the most effective care recommended by their doctors;

“We, the undersigned, petition the Parliament of Ontario to provide immediate access to Velcade and other intravenous chemotherapy while these new cancer drugs are under review and provide a consistent policy for access to new cancer treatments that enables oncologists to apply for exceptions to meet the needs of patients.”

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

GOVERNMENT SERVICES

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

“Whereas the speech from the throne was delivered in the Legislature on October 12, 2005;

“Whereas our government has worked tremendously hard to reduce the \$5.6-billion deficit we inherited from the previous government down to \$1.6 billion;

“Whereas the government, through the throne speech and the budget, has committed to a record \$6.2-billion multi-year plan to fund our colleges and universities;

“Whereas the government has launched a five-year, \$30-billion plan to improve our province’s infrastructure;

“Whereas Ontario is seeing dramatic increases in the number of CT scans, cancer surgeries, cardiac procedures and MRI scans that are producing shorter wait times for these critical health care services;

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

“To support the McGuinty government’s plan for progress as outlined in the speech from the throne.”

I agree with this petition. I affix my signature to it and give it to page Richard beside me today.

1550

SCHOOL TRANSPORTATION

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

“To the Legislative Assembly of Ontario:

“Whereas students of the former Carden and Dalton townships are entitled to accommodation in and transportation provided to Simcoe county schools, yet now are being treated as out-of-area students;

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

“(1) Transportation is provided immediately to all students of Carden and Dalton townships from their homes/previously established bus stops to the most appropriate schools within the Simcoe County District School Board boundary;

“(2) Modify the Trillium Lakelands District School Board (TLDSB)/Simcoe County District School Board (SCDSB) boundary to include the majority of Carden and Dalton townships within the Simcoe county boundary. Such boundary change is implemented prior to December 31, 2005.”

It is signed by hundreds of people from my riding.

AFFORDABLE HOUSING

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 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 agree with the petition, affix my signature to it, and give it to page Kumail, who’s here with me today.

ONTARIO FARMERS

Mr. John O’Toole (Durham): It’s my pleasure to present a petition to the Legislative Assembly of Ontario:

“Whereas thousands of Ontario farmers and rural Ontarians have been forced to take their concerns directly to Queen’s Park due to a lack of response” or responsiveness “from the Dalton McGuinty government; and

“Whereas the Rural Revolution believes that rural Ontario is in crisis due to lost property rights and a crushing regulatory burden on rural Ontarians, and” demonstrated that concern “at Queen’s Park on March 9,” 2005;

“Therefore we, the undersigned, ask the Legislative Assembly of Ontario to address the issue of respecting property rights as in the Rural Revolution’s resolutions to respect property” rights “and prosperity as follows:

“Resolution number 1: The right to own, use, enjoy, and the opportunity to earn a living from, private property is the basis of freedom and democracy”—very important.

“Resolution number 2: Private property shall not be rezoned, redesignated or reclassified in any manner that limits the natural and private use of property without fair and timely compensation”—seems like they’re breaking a lot of these things.

“Resolution number 7: The proposed greenbelt legislation shall be amended to respect property rights as mentioned in resolutions number 1 and number 2.

“Resolution number 11:”—I find interesting—“All entry on to private land by government officials shall only be conducted with the informed consent of property owners, or under the authority of a search warrant.”

This makes eminently good sense. I’m pleased to sign it in support of my constituents in the agricultural community in the riding of Durham and present it to Nadia. Where are you from, Nadia? Kitchener.

MACULAR DEGENERATION

Mr. Jeff Leal (Peterborough): I have a petition today to the Legislative Assembly of Ontario:

Whereas the government of Ontario’s health insurance plan covers treatments for one form of macular degeneration (wet), and there are other forms of macular degeneration (dry) that are not covered:

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

“There are thousands of Ontarians who suffer from macular degeneration, resulting in loss of sight if treatment is not pursued. Treatment costs for this disease are astronomical for most constituents and add a financial burden to their lives. Their only alternative is loss of sight. We believe the government of Ontario should cover treatment for all forms of macular degeneration through the Ontario health insurance program.”

PUBLIC LIBRARIES

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

“Whereas the Minister of Culture recently announced that there would be funding cuts totalling more than \$1.2 million from Ontario public library services; and

“Whereas over 69 million people visited public libraries in Ontario in 2003, with more than 100 million items circulating; and

“Whereas these cuts will impact you as a library user, resulting in delays in how often your library receives new books;

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

“That the Minister of Culture restore the cuts to funding for Ontario public library services so that our library can continue to promote literacy in our community.”

I want to thank Jennifer La Chapelle, who is the chief executive officer of Clearview Public Library.

MACULAR DEGENERATION

The Acting Speaker (Mr. Michael Prue): The member from Mississauga East—sorry, Mississauga West. My apologies.

Mr. Bob Delaney (Mississauga West): Thank you very much, Speaker. The citizens of Mississauga West certainly appreciate your recognition.

I’m pleased to join with my seatmate and friend, the member from Niagara Falls, in this petition to the Ontario Legislative Assembly, and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the government of Ontario’s health insurance plan covers treatments for one form of macular degeneration”—which is wet—“there are other forms of macular degeneration”—such as dry—“that are not covered,

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

“There are thousands of Ontarians who suffer from macular degeneration, resulting in loss of sight if treatment is not pursued. Treatment costs for this disease are astronomical for most constituents and add a financial burden to their lives. Their only alternative is loss of sight. We believe the government of Ontario should cover treatment for all forms of macular degeneration through the Ontario health insurance program.”

This is signed by a number of men and women from the Niagara Falls area. I’m pleased to support them and affix my own signature to this petition, and to ask page Katherine to carry it for me.

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 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 endorse Simcoe–Grey MPP Jim Wilson’s private member’s bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come.”

I want to thank Bill Smith of Essa township for collecting these signatures on this petition.

HOUSE SITTINGS

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): Before we get to orders of the day, I seek unanimous consent to put forward a motion without notice regarding extending the afternoon session.

The Acting Speaker (Mr. Michael Prue): Shall it carry? Agreed.

Hon. Mr. Caplan: I move that the House sit beyond 6 p.m. for the purpose of concluding consideration of second reading of Bill 27, An Act to amend the Arbitration Act, 1991, the Child and Family Services Act and the Family Law Act in connection with family arbitration and related matters, and to amend the Children’s Law Reform Act in connection with the matters to be considered by the court in dealing with applications for custody and access, following which the Speaker shall adjourn the House until 6:45 p.m. this evening, and that this afternoon be considered one full sessional day of debate on Bill 211.

The Acting Speaker: Shall the motion carry? Carried.

1600

ORDERS OF THE DAY

ENDING MANDATORY RETIREMENT
STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS
POUR ÉLIMINER LA RETRAITE
OBLIGATOIRE

Mr. Peters moved third reading of the following bill:

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 Acting Speaker (Mr. Michael Prue): You may now commence.

Hon. Steve Peters (Minister of Labour): I’d just like to inform the House that I’ll be sharing my time with the member from Oakville.

We’ve been on a long journey together, and today we’ve arrived at third reading of Bill 211. If the members

present so decide, passage of this bill will put an end to discriminatory mandatory retirement in the province of Ontario.

I'm honoured to have this opportunity to speak to third reading of this bill. I want to thank the Premier for his commitment to ensuring that this bill would be a priority with this government.

I want to acknowledge the work of my predecessor, the Honourable Christopher Bentley, who had the foresight to bring this initiative forward. He encouraged debate and introduced Bill 211 into the Legislature.

There are many individuals who need to be recognized for their efforts in the past: former NDP member David Winninger, who introduced a private member's bill; Carl DeFaria, a former minister as well; and Mike Colle of our government. There are many individuals who have brought this issue forward, and finally we see the end.

Next, I want to point out the dedication and drive of my colleague and parliamentary assistant, Kevin Flynn. He has been extensively involved in the development of this legislation. Mr. Flynn has been involved in the numerous consultations that were held. He met with members of the public and with stakeholders. Mr. Flynn spoke to thousands of people on the subject of mandatory retirement and listened to their concerns. I want to thank the member from Oakville for his efforts.

I want to thank too all the staff at the Ministry of Labour who have worked so hard to bring this initiative forward; as well, my legislative assistant, Lisetta Sartor, who followed this through second reading.

Now let's turn to the bill itself. Today we have an opportunity in front of us to end a social wrong, an opportunity to put an end to mandatory retirement.

I wish to point out that even though this is a social wrong, it affects a minority of people. We have seen in other jurisdictions that have ended mandatory retirement that relatively few people keep working beyond the age of 65, and the effect on business is negligible. In fact, ending mandatory retirement will allow businesses to keep highly experienced, skilled workers at a time when employers are expressing concern about a shortage of skilled labour.

If ending mandatory retirement affects so few people, why are we concerned about it? We're concerned because it's the right thing to do. If passage of this bill were to affect only one person in all of Ontario, it still would be the right thing to do. Any time there is discrimination, it is wrong. Any time an individual is denied rights enjoyed by others, it is wrong. Any time people are artificially grouped so that they can be denied rights, it is wrong. It's wrong and it's time to end that wrong.

This bill would end mandatory retirement for most employees in Ontario. This is about choice for Ontarians. Employees would be able to choose when they retire from jobs. Isn't that just the right thing to do: to allow workers the right to choose as long as they remain able to do the job; the right to choose when they will no longer work? This seems to me so basic, so fundamental, so right.

I hear the arguments and have heard the arguments against ending mandatory retirement. We've weighed them against a basic human right and they come up short. Let's be clear about some basic facts: Bill 211 would not undermine present entitlements to pension benefits or standards of health care. Employees would still be entitled to receive their Canada pension plan benefits. Bill 211 would not amend the Ontario pensions act. The status quo would be maintained with respect to disability plans, life insurance plans and health benefits that some employers offer. Workers 65 and over would still maintain their right to access provincial benefit plans such as the Ontario drug benefit plan, and entitlements under the Workplace Safety and Insurance Act, 1997, would not change. So then we come back to the basic proposition: This is the right thing to do.

I said earlier that in jurisdictions where mandatory retirement has ended, most people still continue to retire at or before the age of 65. There is little effect on the great majority of people. But for those who choose not to retire, ending mandatory retirement will have a large impact, because unfortunately, there are some who simply can't afford to retire. Perhaps they are relatively recent immigrants who have not been in this country long enough to build up pension benefits. We say to them, "Thank you for coming to Canada and helping to build our economy. But if you're over the age of 65, you're out of luck." That's wrong. Perhaps there is a woman who came into the workforce later in life because she took time to raise a family; she needs to work a few more years to augment her retirement savings. Do we say to such a woman, "OK, good work on raising a family, but no livable pension for you. Maybe your kids can support you"? The answer is no, because that's wrong.

We should not just look at those who cannot afford to retire. There are those who choose to work because they love their job. They find meaning and satisfaction in what they're doing. People have goals that do not end when they reach the age of 65. There are those who choose to continue working, and it is a fundamental wrong for us in society to deny them that choice. This bill would create more freedom and more options for the people of Ontario.

The intent of our bill is to end mandatory retirement in a way that's fair and balanced. It does not undermine existing entitlements to pension, early retirement or benefits. The intent of this bill is to simply give all citizens the right to choose when they want to leave the workplace. This legislation is a simple acknowledgment of what we already know: Skills, ability, commitment and drive do not suddenly end or evaporate once someone turns 65.

This legislation is about human rights. In June 2001, the Ontario Human Rights Commission released a paper entitled *Time For Action: Advancing Human Rights for Older Ontarians*. In it, the commission stated that mandatory retirement policies undermine the dignity and sense of self-worth of older workers. It's wrong, and it's time to end that wrong.

This new legislation that we've introduced is about choice. Ending mandatory retirement is not a new concept. In this day and age, people are living longer, healthier and hopefully more happy lives. We have about 1.5 million seniors in Ontario at this time. Projections show that within a quarter of a century, that figure will double to 3.2 million people. Who are we to tell them that they're too old to work, too old to play, too old to contribute to society?

We all know that Ontario is one of the best places in the world to live and work. There's a reason for this: It's because Ontario has continued to progress both economically and socially. Today, Speaker, I stand before you, and through you to my colleagues in this Legislature, I urge you to pass this piece of legislation—legislation that conveys to our citizens a fundamental human right.

Years from now, people may indeed shake their heads and wonder about a time when people were forced to quit work at the age of 65. There was a time when women could not vote or when you had to be a landowner to vote. I hope that the members present here today will join me in moving forced retirement to the back pages of history, where it belongs.

Bill 211 is indeed about choice, but more importantly, it's about rights—it's about human rights. Passing this legislation is the right thing to do.

I thank you.

1610

Mr. Kevin Daniel Flynn (Oakville): It's a pleasure to stand in my place once again and to support this important piece of proposed legislation. As parliamentary assistant to the Minister of Labour, the Honourable Steve Peters, I led a series of public meetings. I was out to gather public input on how we should go about implementing an end to mandatory retirement in Ontario. The personal stories I heard from people were absolutely moving.

The public desire for this initiative, in my opinion, is high. The response to this proposed bill has been overwhelmingly positive. I know, having heard first-hand from so many Ontarians, through personal submissions as well as the written ones, that ending mandatory retirement is simply the right thing for us to do. This has been echoed in countless reports across the country: in television, radio, newspapers and all forms of media.

We've heard from people around Ontario who simply love their jobs. We've heard from people who need their jobs, and people who don't know what they would do with themselves if they were to be forced out of work, and other people who are scared about a life without the income from a job.

People in Ontario want a choice. They've made that clear. The people of Ontario have also made it clear that they need that choice, people who deserve the dignity of being able to lead their lives down the paths that they decide and not somebody else. We have no business making that choice for them.

We as a government believe in ensuring that people should have the freedom to choose when to finish their

own working lives of their own accord, so far as it is possible, and where it is not a matter of health or competence that might end a career. We believe that mandatory retirement has no place in a society that values its members. We believe it has no place in our society in Ontario. And so in our province, we are moving to eliminate it. We are moving to enshrine freedom of choice in the province of Ontario.

The freedom of choice is so important to many people in Ontario who simply do not have that choice today. For instance, it's important to women whose working life may be interrupted by family obligations. It simply gives them more time to save for retirement. It's important to still other women who may have a financial reason that compels them to work but who also find satisfaction and fulfillment in contributing to our society on a daily basis. Should any of these women be denied meaningful employment because of an old, silly, antiquated rule established in a time when people at 65 were not nearly as healthy and active as they are today? We as a government are saying no.

The individual choice of when to retire is important to all workers. Imagine a man who has spent his life devoted to an occupation, a profession or perhaps a particular company. He loves his job and has no desire to retire simply because he has turned age 65. There is nothing physical, nothing mental that is compelling him to slow down. He's physically fit, he's mentally sharp and he looks forward to his occupation every day. I met many of those individuals as I travelled the province of Ontario and they told me they wanted that choice. We're asking, why should this gentleman be told, "No, you cannot work"? Why should this gentleman be told, "No, you should not have the same employment rights as those under the age of 65"?

People like that, both men and women, gather a great deal of knowledge and skill over a lifetime of employment. They can be invaluable to our workplaces for their experience. They can serve as mentors and instructors to younger workers. They are valuable assets. They want to be valued. Workplace policies that remove them from their jobs through mandatory retirement are, to me, very short-sighted. Such policies not only fail to recognize the value of these employees, but they devalue the company by removing the people.

There is a phenomenon referred to as "corporate memory." It's the long-term knowledge of how things are done within a corporation or an organization. It's knowledge that is built up, and it doesn't reside anywhere but in the workplace's long-time employees. A workplace that has an abundance of corporate memory can in certain situations save both time and money. A lack of it obviously can result in the opposite—a waste of time and money.

For instance, let's take the example of a company that finds itself with a unique problem regarding one of its clients, perhaps. It's something that needs a bit of finesse. One employee vaguely remembers hearing that a similar situation happened maybe 20 years ago but he or she was

not there at the time and nobody else currently employed was there the first time either. Then they realize they know a manager who was there to solve the problem the first time around, but he has since been forced to retire. Without that fellow, the current employees are going to have to do such things as pull an all-nighter, starting from scratch, with no idea of the corporate memory, no idea of how that problem was handled before. As another old saying goes, they're going to have to go back and re-invent the wheel.

The man with the answers was forced out simply because a page on the calendar flipped over last year and he turned 65. What a waste that is, and that's what we, as a government, are saying: What a waste. We need to do something about it.

Meanwhile, let us imagine that a manager is in retirement. His wife has noticed that he's not as cheery or as alert as he used to be. He's wandering around the house always looking for things to do. But nothing seems to satisfy him. Nothing seems right, nothing seems really interesting and he is certainly not ready to spend his days sitting in a rocking chair on the front porch of the house.

It has become well known that depression among seniors is a real problem in our society today. I think we've all heard the stories from friends or family or through the media about retirees who just aren't themselves any more. We know that the loss of meaningful work—and this came across clearly in the public consultations—or a reason to get up in the morning severely affects the well-being of seniors. That is not a circumstance we want to see brought upon people. We believe that something should be done about it.

We also know that when it comes to aging and one's mental sharpness, the old saying applies: Either use it or lose it. Being forced to retire, being involuntarily removed from the challenges of the working day, can for some people be detrimental if they have nothing else to do to replace it, and some people don't. Retirement for some people isn't a gift, it becomes a sentence. How can we imagine that it should continue to be mandatory?

Ontario, like many other jurisdictions, has an aging workforce. There are about 1.5 million seniors who live in Ontario right now, but think of this: By 2028, we expect to have about 3.2 million seniors in our province. Think of it; think of the demographics involved in that. That's more than double in just 23 years; a doubling of the seniors population in our province in a short period of 23 years.

A report recently prepared for Stats Canada stated that while many Canadians want to retire before they reach 60, many other Canadians choose to, or need to, continue to work. In 2001, almost 12% of the Canadian population between the ages of 65 and 69 was employed. More than 20% of workers aged 45 and up plan to retire after the age of 64 or not at all. Many people enjoy their jobs and feel that working is a way that they can best contribute to our society. A recent international survey by the HSBC international banking group revealed that people around the world overwhelmingly believe they should have the right to work until any age they choose.

Our research has shown that while ending mandatory retirement gives people choices in their lives, it also has no negative consequences for younger workers in a growing economy. Other jurisdictions that have ended mandatory retirement have not seen a resulting stagnation in employment opportunities for young people. Other jurisdictions like New Zealand, Australia, the United States of America, and like almost every other province in our country, have put an end to mandatory retirement. They've done that because they know, as we know, as this government knows today, that it's simply the right thing to do.

I would urge today that all members of this assembly support the bill. Let's get the clock ticking down to the end of this archaic institution of mandatory retirement for the citizens in the province of Ontario.

1620

The Acting Speaker: Questions and comments? There being none, further debate.

Mr. Jim Wilson (Simcoe–Grey): As the critic for the Ministry of Labour on behalf of my caucus, I want to say that as far as I know, most of my colleagues are supportive of Bill 211, An Act to amend the Human Rights Code and certain other Acts to end mandatory retirement.

We spoke at second reading, many of us at length, about why we think this is a good piece of legislation. Of course, it mirrors a piece of legislation that was—the minister, Mr. Peters, was quite kind in recognizing former members that brought forward a private member's bill in this regard. In particular, my former colleague, Carl DeFaria, when he was Minister of Labour in our last government, on May 29, 2003, brought in Bill 68, the Mandatory Retirement Elimination Act, 2003. This government, and Mr. Peters and his predecessor, Mr. Bentley, as Minister of Labour, have been building upon the work that was done under our government, and we did bring legislation forward.

To me, it's just a fundamental human right. As the minister said, and other members have spoken on this bill, it's the right thing to do, particularly as MPPs. We have a few MPPs in this House who don't get any benefits at all toward retirement because they're actually over 65. We managed to mess up our own benefit plan in that regard when we cancelled the pension. No one cares, but almost none of my constituents ever believe that we don't have a pension any more, that the gold-plated pension plan is gone, my point being that I'm particularly personally in favour of this bill because we're probably going to have to work until we drop.

I was pensioned out on September 6, my 15th year. It was \$78,000 for the rest of my life. If I lived to be 73, it would be \$2.73 million that I gave up. The only time I was able to share that in my constituency was in the 1999 election campaign when the teachers were all lined up at the microphone, crapping away at the Mike Harris government, and not making a lot of sense back then on the issues they were going on about. It was an overblown debate.

Interjection.

Mr. Wilson: You know it very well. You're not even giving the school boards the money they need now that you've mandated that every teacher, senior level, should get \$76,000 a year. You're not even giving them the money. You're going to find that teachers will be yelling at you very soon. In fact, I'm doing a cable show tonight, in three hours, live—I hope I can make it through gridlock to Collingwood in three hours—and one of the issues will be the lack of funding in our local school boards, if you want to argue about this sort of stuff. They're going to have to skim from other programs now, because you've basically bought off teachers, which is fine if that's what you want to do, mandating—there weren't even collective agreements—province-wide bargaining, and imposing higher salaries than many boards were already paying.

Anyway, when the teachers were—and by the way, my view on this whole thing, as my mother said who taught for 33 years at St. Paul's Separate School in Alliston, is that we all have to be friends in the end. That's the way I treat people who may not agree with me or the government I was in. The fact of the matter is that I was able to say, "What did you do for the deficit? I gave up \$2.73 million if I live to be 73." They were silent. To their credit, eight of the 11 who were lined up at the mike at the Collingwood just sat down—I believe it was the Collingwood, one of seven all-candidates' meetings during the 1999 election.

Many people came up to me afterward and said, "What did you mean?" I said, "One of the first acts"—I think it was the first or second act that Mike Harris brought in—"was to get rid of the pension plan." I and Ted Arnott, the member for Waterloo-Wellington, were particularly hard hit because Mike Harris made the cancellation of the gold-plated MPP pension plan retroactive to one day before the 1995 election. Ted and I never got our five years in, so that we wouldn't ever get any employer contribution at all. All we got back was exactly what we had put in for those five years.

I was in government before that as an assistant, both federally and provincially, but each time I left before I vested. So in my entire adult life, now that I'm 42 years of age—I was here when I was 17 as a driver to George McCague, the former Chair of Management Board—I've actually never received a penny of employer contribution because I've just never, ever hit any of the pension plans properly, and then I voted to get rid of the gold-plated one. It was the right thing to do because you couldn't justify it. After 15 years, you would get 75% of your best three years. At that time I was a cabinet minister and I think we were making \$111,000 or \$114,000, so we'd get 75% of that, beginning on September 6 of this year. I'm not bitter; I may just sound bitter. But the fact of the matter is that we did our part for the deficit. I'll face my God on that point, anyway, in the end.

I think it's just fundamentally right that people be allowed, if they're willing and able, to work past age 65. I have a constituency assistant by the name of Elmer Hawkins who served on the Alliston town council for

many years and as a civilian at Canadian Forces Base Borden in my riding for many, many years. His wife, Mary Hawkins, who unfortunately passed away just a few years ago, worked at home and did hairdressing on the side. In fact, she was the hairdresser for our local undertaker, so people always looked their best on their way out because Mary did an excellent job. She was a very good friend, and one of the reasons that I'm in politics is that she very much influenced me to—

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): What happened to—

Mr. Wilson: Yes. Unfortunately, Mary never did my hair. Mr. Caplan asks, what happened to my head of hair? I should have had Mary do something with it when she was alive.

Elmer is 69 years old and runs the constituency office in Alliston, because we don't have big budgets. You can afford one employee here, one in Collingwood and one in Alliston.

Mr. Peter Kormos (Niagara Centre): She has a pension. My unionized staff have pensions.

Mr. Wilson: Oh, your staff get pensions. I'm sorry. It's not a she; it's a he in Alliston. Elmer I guess will get a pension if he has enough years.

The point is that he has passed 65. He was on Alliston council for years. Everyone in town knows him. He's a tremendous asset. In fact, I think one of the reasons people vote for me down there is that most days they probably like Elmer more than they like me. But the fact of the matter is that here's an example of someone, as the previous Liberal speaker said, with institutional or corporate memory who does a great job. I don't have to give very much guidance at all to Mr. Hawkins, other than my opinion from time to time, because he knows his way around government and he's been doing the work with me for most of the 15 years. Of course, his wife, Mary, worked part-time for George McCague as well as doing the hairdressing. Mary used to do, and Elmer still does, all the sympathy cards that we send out. Some days when I was in government—I know that people will find this hard to believe—I would go home on Thursday nights or Fridays, and the only thank-you notes I got were for the sympathy cards I sent, not for anything we had done in the Mike Harris government, because we had some pretty rough weeks. Anyway, Elmer does a great job, he's 69, and I hope he just keeps going. This act, of course, will allow him to do that.

We always had an exemption for ourselves anyway. The Prime Minister has been mentioned in here, as the current Prime Minister is over 65. I just note that this act removes discrimination based on age in other acts, and certainly by 2005 that's the right thing to do in the province.

When we were at committee, we had groups like the Police Association of Ontario, which made a presentation on November 23. They indicated that they wanted to maintain their ability to negotiate retirement at 55 and 60, ages earlier than 65. They want a sort of mandatory

retirement provision kept in the law, and this law allows that to continue to occur if there's a bona fide occupational reason why people need to retire early. I noticed that the Ontario Professional Fire Fighters Association made a similar presentation to the committee on that day and indicated that they encourage most of their local collective agreements to contain provisions that allow for a retirement age of 60. That, again, is a bona fide occupational reason, because you have to be physically fit and able to be a firefighter or a front-line police officer, if that's your job. As far as all the lawyers tell us, Bill 211 won't affect that ability to retire when the collective agreements say so. As the minister pointed out, you are still free to retire earlier and negotiate that if you want, but after this bill passes you can't be fired at age 65 just because you happen to be 65. However, you still have to be willing and able.

1630

We didn't hear, in the committee, from employers. Certainly, as critic, we contacted many of the associations, and they didn't have any gripes at all about the bill that I was aware of. I did want to read for the House—all the presentations were good; we also heard from the Canadian Auto Workers. But I think Nancy Austin, of the Ontario Human Rights Commission, gave the best overview of the bill and a bit of the history, so I'm going to read her presentation in the time I have.

Ms. Austin says, "The Ontario Human Rights Commission welcomes the opportunity to provide comments on Bill 211, the Ending Mandatory Retirement Statute Law Amendment Act, 2005. The commission commends the government for bringing forward this legislation and supports its broad intent. However, the commission has concerns about some provisions of Bill 211.

"Mandatory retirement raises a host of complex social, economic and human resources issues. At its core, however, lies a fundamental issue of human rights. Older persons are often subject to a host of negative stereotypes and assumptions about their worth, abilities and contributions to society. Older workers are often unfairly perceived as less productive, less committed to their jobs, less dynamic or innovative and less receptive to change. It is the experience of the commission that this agism is ingrained in societal structures and attitudes, and that it can serve to disempower and devalue older persons in important aspects of their lives. Agism and age discrimination have the same impact on those who experience them as unequal treatment based on other grounds of the Ontario Human Rights Code and should evoke the same sense of moral outrage and condemnation.

"In 2000, the commission launched a province-wide public consultation on age discrimination. It received a tremendous response from the public.... This is an issue that profoundly affects the lives of thousands of Ontarians. The vast majority of those who made submissions on mandatory retirement were in favour of ending it. In its 2001 consultation report, *Time for Action*, the commission recommended that the code be amended to eliminate the blanket defence to mandatory

retirement at age 65 and to extend protection against age discrimination to workers over age 65. The commission made this recommendation based not only on the strong expressions of public concern that we heard, but based on the fundamental human rights principles of participation, individualization and dignity.

"Employment is central to an individual's opportunity to participate fully in society and to feel a part of the community. Not only does employment have a major impact on a person's economic status, it also promotes independence, security, self-esteem and a sense of contributing to the community.

"Mandatory retirement involves imposing an employment decision based solely on age, not on a person's ability to do the job. Mandatory retirement embodies a set of assumptions about the worth and abilities of older workers. At the core of human rights is the entitlement to be considered as an individual first and not simply as a member of a group, and to be judged on one's individual skills and abilities. As a society, we would not find it acceptable if individuals were to be terminated from employment on the basis of any other ground of the code, such as race, sex or disability.

"Mandatory retirement impacts on the dignity of older employees. Being told that one is no longer a valued employee, solely because of one's age, can have a profound psychological and emotional impact.

"As well, mandatory retirement may have a particularly serious and disproportionate impact on individuals belonging to vulnerable groups. Women who leave the paid workforce to raise children or care for family members do not receive income and cannot contribute to the Canada pension plan for the years they do not work outside the home. Moreover, when they do return to paid work once they no longer have caregiving responsibilities, they may face retirement just as they reach the peak of their careers or earning capacity. Women who are part of the paid labour force but who tend to work in sectors where employer pension plans are not available, in part-time or temporary employment and in jobs that earn considerably less than men, face a different challenge. These women are unlikely to be able to accrue a large enough CPP, RRSP or private pension to allow them to retire with a decent standard of living. Women are therefore often at a real risk of being forced into poverty as a result of mandatory retirement.

"Recent immigrants face many of the same difficulties. They may have shorter periods of employment in Canada upon which to build up a pension, and they, along with racialized persons and persons with disabilities, also tend to have more restricted access to the labour market, lower incomes and greater unemployment during their working lives. As a result, these groups also face serious consequences because of mandatory retirement.

"The commission therefore believes that mandatory retirement is a serious form of age discrimination and commends the government for bringing forward legislation to end this practice. The commission supports the

general intent of Bill 211. However, the commission has grave concerns about some aspects of Bill 211, specifically the provisions regarding access to benefits and to workers' compensation."

Let me just go to close to the end of Ms. Austin's remarks. An important part here is:

"The commission believes that Bill 211's approach to benefits and workers' compensation is inconsistent with the general intent of this legislation, which is to recognize the worth and contribution of older workers, to provide workers with the dignity of choice and to ensure that employees are assessed on their skills and abilities, not on their age. The provisions of Bill 211 respecting benefits and workers' compensation are a form of age discrimination. They send a message that older workers are essentially of lesser worth and value than their younger co-workers, and reinforce negative and ageist stereotypes and assumptions about the abilities and contributions of older workers. They fail to recognize the contribution of older workers to their workplaces or the importance of work to older workers. These provisions are offensive to dignity, and the commission believes they will be vulnerable to challenge under the charter."

I guess we'll have to take a wait-and-see attitude on that.

"Should the government choose not to amend sections of Bill 211 dealing with benefits and workers' compensation, the commission recommends that the legislation include a five-year sunset clause for these provisions. During those five years, the impact of the end of mandatory retirement on benefit schemes and workers' compensation could be reviewed with a view to determining the continued appropriateness, or lack thereof, of these exemptions."

I don't think the government introduced any of those amendments, now that the bill's back for third reading, and I just wanted to put those cautions on the record from Ms. Nancy Austin of the Ontario Human Rights Commission.

Ms. Austin ends her brief presentation to the committee on November 23, 2005, by saying:

"In closing, the commission once again wishes to congratulate the government on undertaking this important legislation. This is an issue of human dignity, independence and self-determination. It is important that the practice of mandatory retirement be brought to an end. It is also important that this be done in a manner that respects fairness and principles of human rights. Older workers make valuable contributions to this province every day. Their contributions and their rights must be respected."

I couldn't agree more. I ask the government to once again consider the cautions that the Ontario Human Rights Commission has put forward with respect to some of the provisions of this bill. I'm going to leave it to the lawyers to fight that one out.

As Ms. Austin says, some of these provisions may end up in court. It's a point the firefighters and police associations also made, though, because they've been to

court many times to defend their right to retire at age 60, age 55 or whatever they've negotiated.

The point has been made this afternoon that the number of seniors in Ontario will double in the next 23 years. Many will choose to continue to work, and this bill will allow them that choice. There are many who have gone before—I know friends, family, who wanted to work past age 65 and couldn't. They usually found a loophole and they were usually hired back as a consultant at twice the salary they made before, but they were a consultant, not a full-time employee, if they were lucky to do that.

Age discrimination is wrong. I wouldn't want it applied to me. As I said at the beginning of my remarks, there's many an MPP who will seek to enjoy the confidence of his or her constituents for many years. Retirement is no longer an option in this place. Retirement with dignity doesn't exist. There is no pension plan. Therefore, we'll keep going as long as we have the ability and as long as our constituents want us to represent them.

1640

I think they should take value in those senior members of us who have been here for a while, because you do get your feet firmly under you, and you can very quickly represent your constituents. A lot of the issues repeat themselves over the years, and I, for one—not bragging—am a wealth, really a storehouse, of great information back from my years as an assistant through to today, in terms of all of the many different issues, the myriad of issues that I've dealt with over the years. I'm pretty much a walking encyclopedia on government, if I may say so, and I have more senior colleagues like Mr. Sterling and others who are even more brilliant when it comes to this place, Mr. Speaker. I can see you're the only one smiling, so you're obviously the only one paying any attention to me at all. But my party did want me to put a few things on the record today, so I've done that. Thank you for your indulgence.

I, for one, will be encouraging the members of my caucus to support this bill. I think it's a good piece of legislation, and I congratulate the government for bringing it forward.

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

Mr. Kormos: I'm here with my colleague Shelley Martel, the member for Nickel Belt.

This is third reading. The debate is over. It's all over now but for the crying. New Democrats have been clear from the get-go that we don't support this government's policy, the Liberal policy—which they borrowed, oh, yes, from the Tories—of work till you drop, work until you just can't work any more, work until the hearse comes and picks you up at the workplace, this policy that takes us back 50 or 60 years.

You know, it was only in that post-war period that workers began to earn the right to retire at an age wherein they could still help care for grandkids or maybe do some travelling or some gardening or do some volunteer work—all those things that you can't do when you're

working, because you're working too hard, too long, and even harder and longer, as we see this government's investment in the McJobs, in the \$10-, \$11- and \$12-an-hour jobs that people have to work at two and three of to support themselves, this government having lost us some 55,000 good, higher-wage, value-added manufacturing, wealth-creation jobs.

The age of 65 came to be adopted as a custom here in the province of Ontario and a whole lot of other parts of the enlightened world—the affluent world, as compared to the Third World—as an appropriate age that should be the upper limit, not the lower limit, not the lowest age that a person could retire at, but the age at which we didn't expect you to have to work any more. Ms. Martel knows that.

Of course, there's no law that says you can't work beyond the age of 65. As a lawyer, there are lawyers who work beyond the age of 65. But there's a real world of difference between lawyering and laying brick or working as a carpenter or working in a steel mill or on an assembly line. Lord knows there won't be that many workers left working in steel mills in this province with this government's absence of any real, meaningful steel policy.

There is a world of difference between working as a lawyer, sitting at your desk, making dictation and using the computer to do your legal research—you don't even have to lift the heavy volumes off the shelves of the local county law library; you just sit at your computer and you use LexisNexis, what have you, to do your legal research—and working at the jobs that so many women work at, not because they want to, but because they have to, jobs like working in the 7-Eleven, where they're on their feet for seven-, eight- or nine-hour shifts for a crummy \$8, \$9 or \$10 an hour. The problem is, that's the afternoon shift; for the morning shift they drove into Niagara Falls to work as a cleaning person in one of the hotels, where the expectation is to clean more than a room an hour, and where, if you do that, again for \$8, \$9 or \$10 an hour, you desperately look for the loonie or toonie that some high roller leaves you on the dresser or the bedside table as a tip, a gratuity.

That's backbreaking work. It's mostly women who do it. Some men do it too, a whole lot of new Canadians, a whole lot of bright, capable people. But it's backbreaking work. You're flipping mattresses, you're stooping over other people's foul toilet bowls, scrubbing them on your hands and knees—their bathtubs, their floors—and you're being monitored by the foreperson of the cleaning staff to make sure you do more and more rooms an hour rather than fewer and fewer. Believe me, once you do that for 10 years, never mind 30 or 40, you're ready to retire, because your back just can't take it any more.

Work at a drop forge with that hammer dropping every 12 seconds: thousands upon thousands of pounds per square inch of pressure being applied. Go to places like where I come from, and go to the corner coffee shops, the Tim Hortons, the Legion, and see the old-timers sitting there drinking their coffee or their draught

beer. You'll know which ones worked at the drop forge. They're the ones who can't quite count to five on one hand, if they were called on to, because they're missing a finger or two. The workers who come from the lumber mills up in northern Ontario, the miners—they're the ones with hearing aids at the age of 50 because they've lost their hearing as a result of the din of the pneumatic hammer or the rattle and clang of pipe rolling. In a pipe mill, when they unload a boxcar of pipe, it just rolls and clangs and it's a racket that rings in your ears. One of the common ailments of so many industrial workers is tinnitus, that persistent ringing in the ears. It never goes away. None of these workers are asking this government to give them the right, as the government would put it, to work beyond the age of 65.

Talk to nurses—those who are left in this province—working double and triple duty, again with injury rates, back injuries being one of the highest. Talk to nurses, and you're hard pressed to find any of them, working double and triple duty, who want the right, as the government, as the Liberals, would have us believe, to work beyond the age of 65. Are you kidding? They fought hard for pension packages that give them the right to retire.

The Acting Speaker: The conversation on that side of the room is as loud as the person who has the floor. I would ask honourable members, if you're going to speak, to take it outside.

Mr. Kormos: Thank you, Speaker. Was it anywhere near as clever? I don't know. I appreciate your intervention. By all means, let these folks natter away. Here we are, members of this Legislative Assembly; we make more than most workers do in the province. We're not the highest-paid people in the province, but we're better paid than most workers. As I've had occasion to say before, I'm sure that for most of the people in this chamber, this really is a delightful job. I have had occasion so many times to tell people of all sorts—I especially appreciate the chance to tell young people at high school and university—that I'm one of that small group of people—about this many—that's blessed, privileged because I have the opportunity to do a job that I like doing.

1650

Interjection: Love doing.

Mr. Kormos: I don't want to underscore that too much. But it's very few of us who are privileged to do work that we're excited about doing. I've been blessed that way all of my adult working life. Oh, I had crummy jobs as a young person, as a student, like I'm sure everybody else has, or at least most people here. But when you had those crummy jobs, when you were doing the shipping and receiving up at the furniture factory in North York and hauling the materials out of the transport truck, you knew that come September 3, 4 or 5, you were gone.

Those women working piecework, putting those sofas and chesterfields together, working piecework—you know the women I'm talking about? They're the ones who are hunchbacks at the age of 35, literally, because they're bent over sewing machines. Their fingers are all

scarred because, of course, they've run their fingers under the needle of that sewing machine. This is not those little Singers that people use at home for whatever; this is an industrial sewing machine to sew together the heavy fabric that's used in upholstery.

They come in early, work through lunch breaks, through so-called coffee breaks and don't even think about getting up to use the toilet facilities because they're on piecework. As I say, they're hunched over and are hunchbacks before they're 40. You know what? When any of us were students and we had those crummy summer jobs, we knew we were leaving September 3, 4 or 5. It wasn't a life sentence for us; it is for those workers.

Once again, that's why the debate should be about the right to retire. This government has scuttled, the Liberals have undermined, the Liberals have pulled the rug on the struggle of so many workers for so long who've fought for the right to retire. The right to retire means not just the right to leave your workplace at an age where it's early enough that you can enjoy some of your senior years before you die in reasonably good health; it's the right to leave your workplace, to terminate your employment and have a good enough pension so you can live with some dignity. But the argument from this government is about making people work longer. We say the argument should be about ensuring that workers have adequate levels of pension eligibility so they can enjoy their senior years.

But you know that the whole pension world is in upheaval. Why, the members of this Legislative Assembly back in, oh heck, somewhere around 1996—many of them are still here. People from all political parties voted to wind up a defined benefit pension that—this is true, Mr. Caplan. You were just a young fellow at the time, in 1996. Mr. Patten was here; he supported it, voted to wind up the defined benefit pension that MPPs had and replace it. They didn't eliminate the pension by doing that. Understand that. All they did was convert the defined benefit pension to a defined contribution pension. So Mr. Leal, you have a pension here at Queen's Park. It's called a defined contribution pension.

Laughter.

Mr. Kormos: Well, it is. It's very popular in the United States. I was watching ABC news last night. Verizon in the United States, the telecommunications company, if I remember correctly, was shutting down 40,000 defined benefit pensions of its workers. I just learned recently that there's a whole new industry growing around the management of defined contribution pensions, like the one you have, Mr. Bartolucci. The defined contribution pension: It's the vogue.

People here at Queen's Park made the conscious decision to convert their defined benefit pension into a defined contribution pension, and the only inference that can be drawn is that people here at Queen's Park knew they were making a sufficiently high level of income that they didn't need a defined benefit pension.

They were all thinking, reasonable people, many of whom I disagreed with so many times on so many

ideological issues, but I don't accuse them of not being literate, not being thoughtful. I was here when so many of these Liberal colleagues thoughtfully converted their defined benefit pension into a defined contribution pension. I say that the only reason they could have done it was because they recognized that being in the top 5% of income earners, they understood they had sufficient income to support a private component to their pension in addition to the contribution being made by the employer. Of course, as you know, every member of this Legislature receives a—what is it?—5%-of-wages contribution from the employer into our personal pension plans. Far it be from me to accuse people in this chamber of being anything other than thoughtful.

Mr. Richard Patten (Ottawa Centre): Live off that.

Mr. Kormos: Mr. Patten grumbles, but he voted for the bill, which rolled the MPP defined benefit pension over into a defined contribution pension. If he had strong feelings about it, he should have stood up at the time of the bill and voted against it, but he didn't. Mr. Patten and others who didn't believe in rolling their pension over into a defined contribution should have stood up with courage and condemned the Tory windup of the MPP pension plan, which was a very attractive pension. But no one did. Everyone voted for the Tory proposal.

Lower-wage workers don't have the luxury that we had. We in this chamber made sufficient money that we had the luxury of winding up our defined benefit pension. We had that luxury, and people clearly understood, when they voted for the defined contribution pension, that we were making so much more than most workers that we didn't need a defined benefit pension. But the woman working at the 7-Eleven, at Wal-Mart, at the corner store, at Tim Hortons or at the hotel in Niagara Falls, or the woman working at Costco who prepares those Costco cards that this government allows you to use as identification for the purpose of getting your driver's licence—if there's a deal between Mr. Takhar, the Minister of Transportation, and Costco, does it include a discount on your driver's licence for Costco? Do you get it wholesale, or can you buy drivers' licences in bulk? The impression one gets from reading the Auditor General's report is yes. In fact, it seems that in Dalton McGuinty's Liberal Ontario, you can buy drivers' licences in bulk and have whoever's identity that you want on them.

It is interesting, because at the end of day there really wasn't a whole lot of interest in this bill at committee. I was surprised. Because there was such a brief period of committee hearings, and I'm not criticizing the brief period of committee hearings, because there really was very little interest shown either by proponents of this—and, again, I'm not being unfair when I identify the proponents. There were people who were litigants in the decision that went to the Supreme Court of Canada, which found the age of 65 in the Human Rights Code to be a justifiable, although inherently discriminatory, measure. It was academics, it was university professors, and it has been university professors, college professors

and perhaps even some secondary schoolteacher types, who have been adamant about this. But it really depends on whose ox is being gored, doesn't it? The Ontario Confederation of University Faculty Associations, OCUFA: The last time I mentioned this, these people got into such a snit, you would have thought somebody had keyed their cars, all of them collectively, at the same time, same side. I made reference to the phenomenon of tenure in universities. I think everybody in this chamber supports tenure, the protection of academic professorial independence, *inter alia*, among other things.

1700

I was at an event with a university professor just last month. He was asking me about the progress of this bill through the Legislature. I said, "It looks like it's going to become law reasonably soon, if the Liberals are persistent in moving it forward." He was concerned because he wanted it not to become law so late that he couldn't avail himself of it, but he wanted to make sure it became law early enough that some of his colleagues would be turfed because, as he explained it, they were pains in the butt and tenure would protect them and it was important that the age 65 retirement provision be made available.

I also found it interesting when I learned just recently—this should have been obvious. I should tell you that I've had the benefit of reading material prepared by Lisa J. Mills, from the law firm of Hicks Morley here in Toronto. She's a pension law expert. Her paper is called Pension Plans in Context. When I read it, I went, "Of course." But you understand that every worker who has a pension has to start receiving revenue from that pension once they reach the age of 69, even if they're still at work. It's the Income Tax Act.

So this government—catch this—is proposing a scenario wherein workers like academics—university professors, college professors—can continue working after 65. Once they reach 69, they get their pension plus their full salary, while young co-workers are being told that the pension plans they're entering are going to have to be scaled back because of the difficulties in funding. Whoa—I'm looking forward to some of the lunchroom conversation in those workplaces.

I mentioned Verizon, in the United States, because this is very much a trend. According to legal experts, there is also the likelihood that workers will be insisting on pension access—never mind 69, when the law says you've got to start collecting your pension—at the pensionable age that their pension agreement with their employer provides. That means workers will be insisting on getting their pension at the age of 65, 64, 63, 62 or 61 and doing some serious double-dipping while other, younger workers are being told by employers that they're going to have to scale back on the level of pension benefits because they can no longer be funded.

You know there is a crisis across North America in defined benefit pension funding, both in the United States and Canada. We see the very harsh impact of that when we look at the prospect of windups at places like Stelco, or the reality of windups at places like Slater Steel in

both Hamilton and Welland, where *de facto* pensioners are being told, "Your pension has just been cut by 40% because there's not enough money in that pension fund."

Remember Conrad Black? He stole the pension from Dominion stores, right? He's notorious for that. That was his first heist, and since then he's been on a roll. He's like a regular Bonnie and Clyde of the Louis Vuitton set. Think about it. Conrad Black's first heist was raiding the Dominion stores pension surplus. There was a time—

Interjection.

Mr. Kormos: That's right. The NDP insisted on that in the period between 1985 and 1987. There was a time through the 1980s when pension surpluses were the issue. They really were. That's what the litigation was about. Do you remember Monsanto? Do you remember that decision? We talked about it here in the chamber. It was about pension surpluses and who owned them. Pension plans, because of the nature of stock markets and investments, are doing quite well with their investments. But now, go ahead and find me a pension plan with a surplus. Most pension plans are operating on the old Ponzi scheme. They're dependent upon daily contributions by still-active members of the pension plan, the workers, to fund the pensions for the retired members of the pension plan, the retirees. And yes, that's the Ponzi scheme; I think it was Carlo Ponzi. It was a scam he did on police officers in Boston back in the early part of the 20th century and it's been notorious. It is these pyramid schemes.

So here are a couple of phenomena. Workers who have reached the age of 69 will be compelled to receive pension payouts even though they're still in the workplace exercising their so-called right to work. Other workers who don't want to retire at 65—and again, it's not the bricklayers, it's not the mill workers and it's not the miners. It's not the poor women and men cleaning hotel rooms. It's not the people working in dangerous, harsh and demanding workplaces. They want better pensions so that they can retire earlier. But yes, there will be lawyers, university professors, college professors and teachers, maybe. There will be any number of people whose workplaces are quite benign compared to the workplaces of most of the working world.

So we'll have these classes of people: ones who will be insisting on receiving their pensions at the earliest possible point of full pension eligibility, be that 60, 59, 58, 60, 61, 62 or 65, while they're still at work; and there will be others who will be forced to receive their pensions at the age of 69 while co-workers will be told that the employer has to scale back on the level of pension benefits because pension plans simply can't sustain them any more. I don't know, but where I come from that doesn't make very much sense. We're talking about a crisis in pension plan funding across North America.

The other observation is this: The reality is that most employers of a worker in that company, that operation, that enterprise, will tolerate some of the shortcomings—and I'm oh, so careful with my language—that may come with age. But the fact is, a 65-year-old can't run up those steps with the mill bag over his or her shoulder as

quickly, in most instances, as he or she could when they were 20 years younger. That's the reality of aging. The joints start to go, the wear and tear on the body—

Ms. Kathleen O. Wynne (Don Valley West): You need to take up jogging.

Mr. Kormos: Ms. Wynne says, "Jogging." People die jogging, Ms. Wynne. Every marathon takes at least one person out. Talk about being hard on your joints: Jeez, you keep jogging on that hard pavement you'll have big, arthritic knees and hips and they'll be doing hip replacements by the time you're 35.

So many employers simply accept the fact that as an employee gets older, that employee can't do some of the more demanding physical jobs. Look, one of the best examples is, quite frankly, if you go to the Ford assembly plant in Oakville. One of the difficulties, when they shut down the glass plant down in Niagara Falls, was that many of those Ford workers were accommodated by the Ford plant in Oakville. But the seniority level at the Ford glass plant was pretty high. That had been a stable workplace. Those workers tended to be older, but they didn't take seniority rights with them. So you had some of the older workers doing some of the more demanding, physical jobs on that line. That was pretty tough. Again, all the snickering about assembly-line work—man, oh, man, you take a look at it: again, every six seconds, that repetitive—talk about understanding people going postal. Work on one of those lines for even a little bit of time.

1710

I say what is being realistic is to understand that as you age, unless you're phenomenal, unless you're exceptional, unless you've got genetics that defy the laws of nature and the odds, the body doesn't work—I say to the member for Timiskaming-Cochrane, Mr. Ramsay: Does your body work as well at 64 as it did when you were 40? Tell us. If you can stand up and candidly tell us that your body works as well, then I'll put you in that category of the exceptional.

Interjections.

Mr. Kormos: I'm talking about unaided, Mr. Patten.

Most employers, simply because of the positive relationship they've developed with a worker, will accommodate that worker as he reaches his retirement years; they really will. What I'm told by employment lawyers now is that if you don't have a retirement age, employers will be instructed to do assessments of a worker's performance at an earlier and earlier age to justify dismissal for cause. In some cases that will occur before the person even has pension eligibility. Very smart lawyers are going to be counselling employers on how to develop cases for dismissal of older workers for cause to get them out of the workplace, because the longer they keep an underperforming worker, as that worker gets older, the closer they are to being charged with age discrimination just in the broader terms, never mind a hard number like 65 being utilized.

Mr. McMeekin is working up a sweat walking out of the room as we speak.

I'm not sure there's been a very careful analysis of the impact of this legislation on workplaces in the broader

sense. The University of Toronto, before this bill becomes law, has initiated a reversal on its mandatory retirement age. We understand, see and witness workplaces that keep people on after the age of 65 if those workplaces are ones—they talk about lawyers and about work that isn't work in the sense of doing physical labour or dangerous labour, or labour that contributes to RSI, repetitive strain injury, like call centres.

The largest single employer where I come from is now Canadian Tire Acceptance, and because it's a financial institution, they don't have WSIB coverage. The call centre seems, in and of itself, to be a relatively safe place to work; fair enough, it's probably climate controlled. But there's incredible stress, and the computers control the phone lines to make sure you don't have a moment's respite. Then there's repetitive strain injury—wrists, among other things. I don't have to tell you—I hope I don't—about the agony of RSI or carpal tunnel. Once you get repetitive strain, once you get carpal tunnel, you never again sleep a full night in your life unless you're heavily drugged; you don't. Even then it sometimes doesn't happen, and no workers' comp; no WSIB. So, when we talk about some of these places as being more benign, more worker-friendly than others, we have to be careful in terms of assessing them in their totality.

New Democrats will not be supporting this legislation. We'll be voting against this legislation. We believe that the debate should have been around securing pension plans, defined-benefit pension plans, for working women and men whose incomes were not sufficient to self-fund pensions.

I'll be quite candid with you. I couldn't care less if Conrad Black has a pension. That guy makes—he hasn't made the money; he's stolen it—enough to cover him, and any offspring that might be unfortunate enough, for life and their children's lives and their grandchildren's lives. Clearly, members of this Legislative Assembly felt that their incomes were too high to justify defined-benefit pensions. Is that correct, Ms. Martel? You were here. The members of this assembly collectively, thoughtfully, rationally decided that their incomes were sufficiently high that they didn't need a defined-benefit pension. I respect that decision made by Mr. Klees, for instance. Mr. Klees made that decision. Mr. Bartolucci made that decision. Mr. Peters made that decision.

Hon. Mr. Peters: I did not. I wasn't here.

Mr. Kormos: He is pleading innocent. I apologize. There you go. He wasn't here yet. A whole lot of Liberals made that decision back in 1996. Ms. Martel did; I did. You don't hear me whining, complaining and whinging, "We don't have a pension." You don't have a pension because you decided you made enough money that you didn't need a defined-benefit pension.

So does Conrad Black have no need for a defined-benefit pension; but there are a whole lot of workers who do. They have neither pension—because MPPs have still got a pension. Understand that. It's a defined contribution. As a matter of fact, I learned that the formal term for it is "capital accumulation plan." Your pension is

called “CAP”: capital accumulation plan. I was so delighted to know there was a name to this. I thought it was some sort of bastard version of a flight of fancy on the part of Mike Harris. No; it's a bona fide pension. Frank Klees has a capital—that means “wealth”—accumulation—that means “growing”—plan. That's a pension plan. Mr. Bartolucci has a capital accumulation plan; he has a pension plan. He had the luxury of deciding to pick it. Most workers don't get to pick and choose what kind of pension plan they have. Mr. Klees got to pick and choose. He chose; free will. It was free will, wasn't it, Mr. Klees? Mr. Bartolucci got to pick and choose.

Most workers don't have the freedom to pick and choose any pension plan, and that's what the debate should be about: ensuring that every working woman and man is a participant in a defined-benefit pension plan, unless they're so wealthy, like MPPs have determined themselves to be, that they don't need one. That's what we feel the debate should be about. We feel that the debate should be about workers being able to retire sooner and sooner, not later and later. We feel that the debate should be about this unfortunate language to tell people that they don't have to work any more, so somehow deny them some dignity. Oh, please, that's why people buy lottery tickets: They want to be denied that dignity of having to work. That's why the lottery, Alcohol and Gaming Commission has ads on TV with sports cars and fancy vacations. They're luring people into gambling so that they won't have to endure the dignity of having to work.

I'm concerned that this bill, and every indication is that it's going to pass—the New Democrats are voting against it—is going to change the culture substantially around perceptions of retirement. Just as these MPPs bought into the vogueish capital accumulation pension plan, they're buying into the vogueish “eliminate retirement ages.” The two go hand in hand. In theory, if you work long enough, you won't need a defined-benefit pension plan, will you? But that would mean you could work until 120, depending on how you do your calculations. In theory, if you work long enough and keep that capital accumulating, eventually it's going to be enough money to retire on. The problem is, is it 10 more years, 20, 30, 40? MPPs, with the same logic of adopting a capital accumulation pension plan, are now adopting the logic of telling people to work longer. “Oh yes, it's good for you. It makes you strong.” Again, if you work long enough and it's for a whole lot of money, you'll be wealthy, but at 10 bucks an hour, you could work until you're 150 and you still ain't going to be wealthy because you're running deficits every living day of your life.

I'm going to yield the floor to Ms. Martel and tell you that New Democrats look forward to the vote on this bill tomorrow when deferred votes take place. New Democrats will be standing squarely with working women and men and squarely with the right of older workers to retire at a decent age with pensions that afford them a life of dignity.

1720

The Acting Speaker: Is the time being shared? If not, I have to call for questions and comments.

Mr. Kormos: Questions and comments.

The Acting Speaker: Questions and comments? No questions and comments. Further debate?

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): There's a bit of a new program going on in here today, one we're all having a little trouble grasping, as to the speaking order, the rotation etc., as to whether we even speak at all. But now that we're here, we might as well have something to say.

Bill 211, mandatory retirement: It's a bill that we in the Progressive Conservative Party support. In fact, it quite closely mirrors a bill that was proposed by Carl DeFaria of the previous government to end mandatory retirement. It speaks a lot to our belief in choice, so that people have the ability to make those choices about what they're going to do with regard to their employment and work history, and as to whether they're going to carry on beyond a statutory age. You see, years ago, 65 was old. That's simply not the case any more. We have many vibrant people making significant contributions to their chosen fields long past the age of 65.

Not that I'm the greatest fan of the Ottawa Senators, because I am not, I'm a Leafs fan, but I have great respect for the record this year and the great job they're doing in Ottawa. Coach Bryan Murray, who I know quite well, is doing a tremendous job, and Bryan is no spring chicken himself, but general manager John Muckler, as you know, is past the age of 70; I think John Muckler is 71. Would you want to send John out to pasture with the kind of job he's been doing building that hockey team? I would think not. Obviously, he has a heck of a lot to contribute to that hockey team, and quite frankly, if somebody was doing a Vegas odds-type thing today, they would probably make the Senators the favourites to win the cup. We will see what happens in the spring, of course, and time will tell whether or not that actually transpires. But we certainly wouldn't want to deprive John Muckler of the opportunity to ply his trade in his chosen profession.

My uncle, John Kuash, who passed away March 2004, was 88. He'd be 90 this December if he was still around; he was born on December 15. I've got to tell you, years ago, way back long before I was born, he worked in my grandfather's business, F. Yakabuski Ltd. in Barry's Bay, which was a farm implement, home, hardware, furniture—all that kind of stuff. In fact, my grandfather was the undertaker as well. I'm not sure if he had that lady coming to fix the hair that you knew down there in Welland, Peter, but obviously that was part of his job in a small town as well.

But John, who married my father's sister, Gert, worked for my grandfather for a number of years. When my dad and his brother Lornie came back from the war, John and Gert moved to Arnprior, where John worked for many, many years for M. Sullivan and Sons.

Mr. John O'Toole (Durham): Who? Ed Sullivan?

Mr. Yakabuski: I'm surprised you haven't heard of M. Sullivan and Sons because they're one of the best contractors in all of Ontario, certainly in eastern Ontario. Any time there's a project of significance in Renfrew county, you can rest assured that M. Sullivan will be one of the key players. In fact, they're presently doing the job of reconstructing the courthouse in Pembroke and just finished the job on the Pembroke Regional Hospital. So of course they are a tremendous business.

John worked in the retail end of it for Arnprior Building Supplies.

Mr. O'Toole: We need to bring this back to 211, Speaker. This not about—

Mr. Yakabuski: Of course it's about retirement because, Mr. Speaker, John went to work every day until he was 82 years old. He didn't retire at 65 because he loved what he was doing. He loved what he was doing and Sullivan's wanted him to continue and allowed him to continue to the age of 82. At that point, John decided that he'd better take a bit of a break so he might enjoy some of the time he had left. Unfortunately, of course, he didn't have that much time left.

My father, Paul Yakabuski, who served as the member for 24 years, never got to retire at all. He never enjoyed a day of retirement because he happened to die on the same day that David Peterson called the election in 1987. His riding disappeared, he wasn't running for re-election and his time on this earth ended all on the same day. That's kind of surreal. Maybe it was the way he'd have liked it, that he went out with the riding, but he never enjoyed one moment of retirement and passed away at the age of 64. He would have fallen under that critical age, but if he wanted to do something else, he probably could have continued to do something if he chose not to be in politics. There are people who are not quite at that age yet. But I guess the point I'm making is that some people get to work past 65, some people are obliged to retire before 65 and some people don't get to retire at all because of other circumstances.

If you look at it from a matter of choice, one of the concerns I have about this bill, even though we support it, is that there are circumstances where employers would like to see someone retire, and this is a bit of a tricky situation. They're nearing that age and they're saying, "I think we'll kind of play ball here because there's 18 months to go and it'll be goodbye Joe." But now you're not going to be able to say goodbye to Joe, so employers are going to have some additional responsibility for handling their own affairs and ensuring that they deal with these situations properly. You won't be able to say, with a little check on the calendar every day, "We'll soon be rid of Joe," because Joe may not go. That could create some issues for employers that they may have to deal with.

1730

Again, it comes down to our party being the party of choice. We believe people have to have the freedom to make choices. There are so many productive people you would hate to see forced to leave the workforce at a time

when, by today's standards, they are still young and vibrant. I see some people today, 65 or 70, who are out there jogging, running and playing all kinds of sports and stuff like that. You talk to those people—they're completely engaged and involved—and ask them, "Are you ready to retire?" "Are you kidding? I'm just getting started." You read some stories about some of the achievements of people who are past what a lot of people would consider to be retirement age, and you say to yourself, "My goodness gracious, we shouldn't be denying ourselves access to that kind of quality and contribution."

I'm going to wind up, because apparently my whip to the right of me has some important things to contribute. As I said when I started, this is quite the debate going on here. Nobody seems to know the rules of engagement for today. But with just under 10 minutes left, I'm going to take my seat and say that we will be supporting this bill. We think it's a good piece of legislation. I hope it will present many more opportunities for the good people of Ontario who have so much to contribute to this great province.

The Acting Speaker: The honourable member intimated that he may be sharing his time. Are you sharing it or not sharing it?

Mr. Yakabuski: I wasn't aware that we had to state that, because I thought it was all in rotation.

The Acting Speaker: No, you have to state it if you're going to share it. You don't have to if you're not sharing it.

Mr. Yakabuski: Yes, I'm sharing my time.

The Acting Speaker: You're sharing your time with whom?

Mr. Yakabuski: Excuse me, Mr. Speaker. Thank you very much for the lessons in legislative procedure 101. I will be sharing my time with the member from Durham.

The Acting Speaker: Then the member from Durham has the floor.

Mr. O'Toole: Respectfully, to the member from Renfrew-Nipissing-Pembroke, I was certainly very much engaged in hearing his life story, as other members said. I wanted to continue that journey, if I could.

I think the first thing on Bill 211 is basically that we're in support of it, mainly for the reasons that have been stated by Mr. Wilson and Mr. Yakabuski, and that's been our position all through on this.

There are extenuating circumstances. I think it's important to put that on the record, because this will be the only time I'll get to speak on this bill for any length of time. I just think it's important for the viewer to know that this is quite a small bill. It was first introduced as a private member's bill, and latterly by Carl DeFaria when he was the minister in charge when we were in government. It seems that other parties want to speak to the important change here that introduces the whole idea of changing the definition of age.

I think the Human Rights Commission has made it clear, so I'm just going to read the explanatory note: "Subsection 1(1) of the bill amends the definition of

'age' in section 10 of the Human Rights Code. The previous definition had the effect of permitting discrimination in employment because of age, including mandatory retirement, where the age is 65 years or more. Subsections 1(2) and (3) amend section 24 of the code to provide that mandatory retirement ages for judges, masters, case management masters and justices of the peace are not affected."

So there were always exemptions. As we know today, police and fire and other persons who work in certain types of careers are exempted from the rules. The argument being made by the NDP is that much of those exemptions are in a contractual relationship, in the case of public sector employees, police and fire specifically, and the types and nature of the job and the demands, abilities and skills that each career really has, in their own collective agreements, found ways, in co-operation, to come to an agreement with the employer and employee groups to find a suitable time to retire. But even then, persons still have the ability to remain doing those duties if they choose. That's what we support: the freedom.

I just want to bring to the argument a couple of points here. I'm quoting from the Toronto Star, dated June 26, 2005. I thought it was a very good piece. I'm going to be quoting this, for the sake of Hansard: "The baby boomers are partially paying for their own retirements, through Canada pension plan premiums. Today's premiums are being used to build up a multi-hundred-billion-dollar surplus. That surplus, and not the taxpayers of the future, will pay tomorrow's CPP pensions."

That isn't exactly how I see it. This article goes on. It says, "According to a 2002 report by the superintendent of financial institutions, old age security expenditures are likely to rise"—these are the expenditures from the public purse—"from \$19.5 billion in 2001 to \$89.5 billion in 2030." So you see, this frightening number in the future is almost a five-time increase in certain public funds or availability to these go-forward liabilities. It goes on to say, "Guaranteed income supplement payments are expected"—these are the gains payments—"to grow from \$5.3 billion to \$18 billion."

The underlying fundamentals here are changing—and no one knows with certainty the future—and are this: There are only two taxpayers for each retiree. So when you look at the shifting demographic, consider the shape of a pyramid. You have one person retired and several working, contributing to a plan, the CPP or some other fund. That's the demographic I question. I think that this bill fits into that argument for the following reason, even in the case of many of what I call legacy companies today, the pensions—and we see it every day in the Stelco pension fund disagreement. There are going to be more people retired than working. That pyramid theory of contribution base has been inverted so there are really only one or two working for several retiring. Those are not sustainable plans actuarially because the assumptions made by the very gifted people who are actuaries may not have grown to the assumptions that they expected.

It goes on in this article: "Surveys show that there are many seniors who want to keep working." That's good, and that's what this entitles them to do. Some people manage and invest for their RSPs, but even governments now are changing the tax rules. "For example"—here's a good example—"until the mid-1980s, you had to wait until 65 to collect CPP. Today, beginning at the age of 60, you are essentially entitled to a full pension, reduced only to account for age. And if you want that early retirement pension, the federal government says you must have 'substantially or completely' stopped working." That's a very tricky clause there because you don't really have to stop work; I think it's 60 days or something like that, and you can go back working, and you can collect CPP as well. It's another incentive simply to leave jobs, and I think that's a wrong-headed theory. I honestly do. It disincentivizes people to stay working. "On the other hand, if you work past 65, your eventual CPP pension will increase by only 0.5% per month, and only up to age 69." So you're actually being penalized.

Then there's the clawback provision on the old age security. For instance, if you work beyond the age of 65, you are going to get CPP clawed back, if you earn over \$60,000. So there are issues here that will be dealt with in tax law. But I also think the point here is that we need to have a growing workforce and employment base to sustain those who have earned it and are rightfully entitled to the go-forward agreement of their pension. I think we'll hear more about this as we move forward on this particular law. It will become law. I believe that Bill 211 will become law and will benefit certain persons.

1740

Professor Michael Doucet is one of the persons interested in this. He's a professor in geography and has watched this very carefully, and he's in the chamber tonight. He represents a profession that wants the right to choose. There are differences with each profession, and that's the point we've tried to contribute to the argument today: Age is not a determinant of your ability to contribute to the economy of your country, your city, your faculty or indeed in this Legislature. I think it is a matter of choice. It's the right thing to do. The Ontario Human Rights Commissioner has said it, John Tory has made it clear, and that's what we're saying tonight: We support this legislation. People have their lives to lead, and it's been a privilege to contribute one tiny bit of this article from the newspaper that I found informative.

The Acting Speaker: Questions and comments? Further debate? Not seeing any, the minister has an opportunity to reply if he so chooses.

Interjection: No need to.

The Acting Speaker: All right. Mr. Peters has moved third reading of Bill 211, An Act to amend the Human Rights Code and certain other Acts to end mandatory retirement. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

There being more than five members standing, call in the members. This will be a 30-minute bell, unless—

I have here a letter from the chief government whip:

“To the Speaker of the Legislative Assembly:

“Pursuant to standing order 28(h), I request that the vote on the motion by Minister Peters for third reading of Bill 211, An Act to amend the Human Rights Code and certain other Acts to end mandatory retirement, be deferred until the time of deferred votes, December 8, 2005.”

It’s signed by Dave Levac, chief government whip. That’s what will happen.

FAMILY STATUTE LAW
AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS
EN CE QUI CONCERNE
DES QUESTIONS FAMILIALES

Resuming the debate adjourned on November 28, 2005, on the motion for second reading of Bill 27, An Act to amend the Arbitration Act, 1991, the Child and Family Services Act and the Family Law Act in connection with family arbitration and related matters, and to amend the Children’s Law Reform Act in connection with the matters to be considered by the court in dealing with applications for custody and access / *Projet de loi 27, Loi modifiant la Loi de 1991 sur l’arbitrage, la Loi sur les services à l’enfance et à la famille et la Loi sur le droit de la famille en ce qui concerne l’arbitrage familial et des questions connexes et modifiant la Loi portant réforme du droit de l’enfance en ce qui concerne les questions que doit prendre en considération le tribunal qui traite des requêtes en vue d’obtenir la garde et le droit de visite.*

The Acting Speaker (Mr. Michael Prue): On the last occasion, there were questions and comments on the speech of the member from Beaches–East York, but seeing that I’m in the chair, we’ll forgo that.

Further debate? Is there any further debate?

I take it that the minister would have an opportunity to speak, but I do not see the minister here.

The minister has moved second reading of Bill 27. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please say “aye.”

All those opposed will please say “nay.”

In my opinion, the ayes have it. Carried.

Shall the bill be ordered for third reading?

Mr. Peter Kormos (Niagara Centre): No.

The Acting Speaker: I definitely heard a no.

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): Mr. Speaker, you definitely heard a no, but I move that Bill 27 be referred to the standing committee on justice policy.

The Acting Speaker: Carried.

COMMITTEE SITTINGS

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): On a point of order, Mr. Speaker: A very unusual circumstance, but I seek consent of the House to move a motion without notice regarding the standing committee on general government, to allow them to sit past 6 of the clock.

The Acting Speaker (Mr. Michael Prue): Do we have unanimous consent? Agreed.

Hon. Mr. Caplan: I move that the standing committee on general government be authorized to meet past 6 of the clock on Wednesday, December 9, 2005, for the purpose of clause-by-clause consideration of Bill 206, An Act to revise the Ontario Municipal Employees Retirement System Act—

Interjection: Which date is it?

Hon. Mr. Caplan: Oh, sorry; I can’t read the writing. It’s December 7; my apologies—Wednesday December 7, 2005, for the purpose of clause-by-clause consideration of Bill 206, An Act to revise the Ontario Municipal Employees Retirement System Act until consideration of the bill is completed.

The Acting Speaker: We have a motion. Shall the motion carry? Carried.

Hon. Mr. Caplan: Mr. Speaker, I move adjournment of the House.

The Acting Speaker: Adjournment of the House until what time?

Hon. Mr. Caplan: You don’t have to—

The Acting Speaker: Then it’s just adjournment. OK. There is a motion for the House to adjourn. Agreed? Carried.

It now being 12 minutes to 6, and upon agreement, this House stands adjourned until 6:45.

The House adjourned at 1747.

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