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Thursday 6 April 2006

Jeudi 6 avril 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 6 April 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 6 avril 2006

*The House met at 1000.
Prayers.*

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

GRAVESITES OF FORMER
PREMIERS ACT, 2006
LOI DE 2006
SUR LES LIEUX DE SÉPULTURE
DES ANCIENS PREMIERS MINISTRES

Mr. Brownell moved second reading of the following bill:

Bill 25, An Act to preserve the gravesites of former premiers of Ontario / Projet de loi 25, Loi visant à conserver les lieux de sépulture des anciens premiers ministres de l'Ontario.

The Acting Speaker (Mr. Ted Arnott): Pursuant to the standing orders, the member has 10 minutes to make his presentation. I recognize the member for Stormont–Dundas–Charlottenburgh.

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): I rise in support of my private member's bill, a bill that I had visions of even before getting into this House. I always felt that it was important to recognize not only the Prime Minister of Canada but the Premiers of our province.

Ce projet de loi reconnaîtra les lieux de repos de ceux qui ont dirigé cette province à travers son histoire.

Before I begin, allow me to welcome Mr. Robert Leverty, director of the Ontario Historical Society, and Ms. Marjorie Stuart, a volunteer from the Ontario Genealogical Society, both of whom are in the members' gallery today. To you both, who have come out in support of this bill, and your members who have supported this bill, I welcome you. Both of you have been strong supporters of this bill. And for that I thank them and their associations. You have been supporters of the recognition of all people buried in this province in all cemeteries, recognizing their final resting places.

I would also like to thank the close to 60 communities across Ontario who have passed resolutions—and I have the 60 resolutions with me here today—in support of Bill 25. I also have to thank Mr. Bill Upper, councillor from the township of South Stormont, for proposing the first such resolution some time ago. He and Councillor Barry

Brownlee from South Stormont moved and seconded that motion in South Stormont, and we see the support today from these 60 communities.

Above all, however, I must acknowledge and thank the Minister of Labour, the Honourable Steve Peters, for it was with his thought and ideas in previous sessions that we had a similar bill proposed. So this bill has been his brainchild, but it was certainly something that I picked up as somebody working very, very hard back in my community to support the preservation of history and heritage.

What all these men, women, associations and communities have done is support an act to recognize the men, and eventually there will be women, to whom Ontario's history was entrusted and by whom our future will be shaped.

While all of us here, as elected representatives of the people of Ontario, are entrusted with promoting and addressing the concerns of Ontarians and shaping the policy that affects their lives, it is the Premier who must provide the vision and determine the direction the province will take.

The legacy of our Premiers must be experienced in every aspect of our lives. As an example, let me tell you about Sir James Pliny Whitney, after whom the Whitney Block next door is named. Every time I walk through the Whitney Block I'm proud because Whitney represented the riding of Dundas county, which is now part of my riding of Stormont–Dundas–Charlottenburgh. He was a noted orator, a skill he no doubt honed while a student at the Cornwall Grammar School, now called Cornwall Collegiate and Vocational School. I might add that this school, at which our first Premier, John Sandfield Macdonald, was also a student, is the oldest public high school in Ontario and celebrating its bicentennial this year. I will return to CCVS, the oldest public high school in Ontario, in a few moments.

John Pliny Whitney became the sixth Prime Minister of Ontario in 1905. Recalling his rural upbringing in the township of Williamsburg, he introduced extensive legislation pertaining to agriculture, laying much of the framework that has shaped Ontario's agricultural industry to this day. His government also laid the basis for Ontario's industrial development by creating the Ontario electric commission and passed the Workmen's Compensation Act.

This bill proposes to recognize the burial sites of our Premiers. With regard to James Pliny Whitney, his burial site is now under Lake St. Lawrence, because in the 1950s—from 1954 to 1958—we had a huge project down

in my riding, building a power dam at Cornwall, flooding 40,000 square acres of land and covering his boyhood home. It was his boyhood home that had to be destroyed by Ontario Hydro in order to create that hydro development.

Let us also consider Sir George Ross, who represented Middlesex West as Prime Minister of Ontario from 1899 to 1905. Sir Ross promoted the construction of a provincial railway for northern Ontario. Every member from the north can surely appreciate the importance the northern railway played in creating accessibility to the farthest reaches of the province and those living there.

As much as the vision of our Premiers has affected us all as a province, these individuals are also a source of pride to their home communities.

I return to CCVS, formerly known as the Cornwall Grammar School, as important an educational institution as any in the province. As I mentioned, the first Premier of Ontario, John Sandfield Macdonald, attended this school and, indeed, said of his experience there, "I owe all the spirit of independence, which I have maintained throughout my career, to my learning in that school." Imagine the impact these words had on the students of the day. Imagine the pride they would feel in their institution and in themselves for being the continuation of that learning. That legacy has never died. Just as I felt privileged to attend this school with such a prestigious history and heritage, so too does every student and educator who has passed through those hallowed halls.

Each community that is the last resting place of a former Premier feels that same connection to history as I felt in my riding of Stormont–Dundas–Charlottenburgh, where both John Sandfield Macdonald and James Pliny Whitney have their burial sites and memorials, and I continue to feel that. These communities draw pride from that connection and understand the importance of recognizing the role and history those former Premiers played.

Just as the federal government acknowledges those who have steered this nation through the trials of the last century and a half, these men and their contributions deserve to be recognized by the province. I would say that such recognition is long overdue.

1010

The intent of this bill is to rectify the situation by marking our former Premiers' places in history. By placing a flag and erecting a plaque at these burial sites, the Minister of Culture will do more than pay respect to those who have led us in the past. The minister will be reinforcing a symbol of pride for a community and a family. The minister will also create a cultural landmark, one that will attract visitors from far and wide.

I hold in my hand a brochure from the national program for the gravesites of Canadian Prime Ministers. I can tell you that these gravesites receive many visits yearly by Canadians looking to connect with their past, by researchers and historians and by visitors curious about individuals themselves. I have no doubt that once known and properly marked, the gravesites of Ontario's former Premiers will receive similar attention.

Je vais visiter les tombes de chacun de ces anciens premiers ministres au courant des prochains mois, et j'encourage tous les membres d'en faire autant.

I would like to thank the members from Brant, Elgin–Middlesex–London, Guelph–Wellington, Haliburton–Victoria–Brock and Simcoe North for agreeing to go with me to visit the resting places of some of these gentlemen. Hopefully, the other members with former Premiers buried in their ridings will be able to visit these gravesites with me as well.

These sites are spread throughout Ontario, from here in Toronto to my riding of Stormont–Dundas–Charlottenburgh, to Simcoe North. Our former Premiers represent the geographic diversity of the province. They are also from various political stripes, an indication of the ideological diversity of this province. This diversity is an indication of how strong the political tradition is in this province, a fact we will commemorate by recognizing the gravesites of these Premiers.

John Sandfield Macdonald, of my riding, was a Reform member, and I celebrate him. Gordon Daniel Conant was a Liberal, and our colleague the member from Oshawa celebrates him. It was just a week and a half ago that I had an opportunity of visiting in the gallery with the son of Gordon Daniel Conant.

As I mentioned earlier, members from both the government and the official opposition will be joining me in visiting memorials to the former Premiers buried in their ridings. I believe this participation speaks to the non-partisan nature of this bill as well as the character of Ontarians.

In the end, the former Premiers of Ontario were ordinary people, with families, friends and personal interests no different in those respects from any Ontarians. What set them apart were their vision, their determination and their leadership. This is the leadership that we celebrate with this bill, which I am very happy to propose and have a chance to speak to in second reading debate here this morning.

The Acting Speaker: Further debate?

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure to add some comments today on Bill 25, An Act to preserve the gravesites of former premiers of Ontario, that is being put forward by the member from Stormont–Dundas–Charlottenburgh.

Before I start, I would like to note that today, April 6, is Tartan Day. I'm wearing a Stewart tartan. My father, a former Premier, was well known for wearing a full-blown jacket in the Stewart tartan. A couple years ago I actually wore his jacket in here on Tartan Day, but I know that the member from Bruce–Grey–Owen Sound, who had a lot to do with making Tartan Day, will probably wear a nice tartan today. Today is the first time I've seen the Speaker, Mr. Arnott, actually wearing a kilt, a very nice kilt too, I might add.

Mr. Dave Levac (Brant): Nice knees.

Mr. Miller: I'm not going to comment on the Speaker's knees, as the member opposite has asked me to.

I just have a few minutes today to speak to Bill 25, so I think I should get to that. I certainly support Bill 25, which “requires the Minister of Culture to mark gravesites of former premiers of Ontario and permits the minister to make agreements for the care and preservation of such gravesites. In marking the gravesites, the minister shall comply with the bylaws of the cemetery”—I think that’s important—“where the gravesite is located and shall respect the wishes of the family of the deceased Premier.”

There are some 18 of these gravesites around the province. Some of them are not cared for and some have been forgotten about. I think each of those 18 Premiers in his own unique way has contributed a great deal to the history of this province. I think it is important for us to note those gravesites and to promote our history.

I do support this. I have a personal interest, of course, because my father was Premier of this province for a short time back in 1985. It was something he was very proud of. Next to his family, it was the thing he was most proud of in terms of the accomplishments in his life. I know he was extremely proud of that and I’m sure he would support this initiative, and I would be very pleased to support it.

In the bill, it notes that the power of the Minister of Culture, in this case, would allow them “by means of flags of Ontario and of Canada, plaques, signs and other suitable markings” to “mark the gravesites of former Premiers....” As the member mentioned, there is a similar program in effect for Prime Ministers.

I look forward to this bill passing. I know that the member from Haliburton wants to speak to it, so I’ll let her take over in just a few minutes. I also look forward to welcoming the member from Stormont–Dundas–Charlottenburgh into Gravenhurst and Muskoka, where we will visit my father’s, the former Premier’s, gravesite.

Mr. Peter Kormos (Niagara Centre): I read the schedule, and I suppose it’s a pretty impressive list of white male Anglos and Anglo types. I have no qualms about anybody’s grave being marked appropriately and preserved with dignity. I’ve got no qualms about graves of Premiers being especially acknowledged so that people who are students of the history of this province can visit them and help understand—it’s like any time you travel: Whether the historic sites you visit are from the 20th century or whether they’re from the 1st century, to be able to touch those things, to be able to be in the presence of those things, starts to make the connect.

Having said that, I want to talk about the graves of decades, generations, indeed centuries of workers in this province, like the graves—some of them in disrepair to the state where they’re unrecognizable—of the canal workers down in Welland with names that at the time were oh so foreign but today are commonplace. At the time, they were foreign enough to be exotic and frightening, those southern European names and eastern European names, the forgotten heroes of this province and this country, working women and men who gave their lives building our canals, working in our factories, digging and working in our mines and dying in those mines.

I want to pay tribute, during the course of talking about how we remember, commemorate and recognize the people who have passed, to the people who have been victims of workplace violence, whose bodies were either poisoned or simply broken to the point where they could no longer live.

I appreciate the intent of the author of this bill. But I want to tell him that, especially in provincial politics, once you’re gone, you’re gone. The provincial political experience is so Warholian. Quite frankly, it’s equally Warholian for the vast majority of federal members of Parliament. That’s just the way it is. We 103 of us tend to think we’re oh so important. In some respects, we are a relatively exclusive club: Only 103 Ontarians get to sit here at any given point in time. But at the end of the day, we’re not the most important people, are we? The most important people are the real Ontarians out there, the ones working hard, the ones who get up at 5 a.m. every morning whether they want to or not, whether it’s cold and blizzardy outside, whether they’ve been up all night with a sick kid; the ones who get up at 5 in the morning and go out to that work site and work, not because they like their jobs, not because they get public acclaim for doing their jobs, not because they get the occasional ego hit of being able to have their mother or their sister or one of their kids or even their spouse clip out a newspaper clipping, but because that’s what you’ve got to do to feed your kids, pay the mortgage and make the contribution that you’ve got to make, hoping that your kids have a better life than you did.

1020

While I consider it laudable to want to acknowledge the leadership of Premiers in the province, I fear that in the course of focusing on this list of very white, very male, very Anglo types—and I’ve got nothing against white male Anglo types, but the fact and the reality is that in the course of doing so, I believe that we can, perhaps if only through inadvertence, overlook the contribution of the people who weren’t politically connected, the people who weren’t rich, the people who weren’t powerful, the people who didn’t have the inside track in a political party to win that party’s leadership, and then to become, oh, the Premier of Ontario.

Gosh, if we’re going to recognize the gravesites of these people, let’s also then record some of the stuff that went on under the premiership of people like Mitch Hepburn, who sent armed troops into Crowland to force sanitation workers on strike back into the sewer ditches. “Hepburn’s hussars,” they were called. If we’re going to remember Mitch Hepburn and his premiership, if we’re going to mark his gravesite with special marking, let’s remember what Mitch Hepburn did with his OPP to working women and men in the city of Welland and Crowland when they tried to strike for a few cents an hour more wages when their kids were going hungry and literally barefoot. Where’s the monument to those workers who were forced at gunpoint back into the ditches that they were digging for sewers in Crowland?

I appreciate the member telling me that there’s going to be a recorded vote. Notwithstanding that everybody’s

going to support the bill, what's going to happen is somebody is going to make a phony "no" vote so a recorded vote can be forced. For the life of me, I don't know why. The bill is going to pass. Everybody supports the bill because it's innocuous. It's the sort of thing that the Ministry of Culture should be doing in any event without the legislation. And yes, we have a new Minister of Culture, don't we, Mr. Marchese?

Mr. Rosario Marchese (Trinity-Spadina): Yes, we do.

Mr. Kormos: I'm sure that she will tackle this issue first and foremost as a priority.

Mr. Marchese: Gravitas.

Mr. Kormos: Yes. I don't know whether Mr. Smitherman considers her a person of gravitas or not.

I have no doubt. But do you want to know what? Notwithstanding the advanced notice of the author of this bill that there's going to be a recorded vote, which is going to be arrived at artificially by somebody making a phony contra vote on the voice vote and then standing five to rise, and notwithstanding that should there be a recorded vote on Bill 71, a bill with which I've had some significant involvement during its life under previous authors, I regret I'm going to be busy for this vote. I'm going to be reflecting on working women and men whose gravesites are not only unmarked and unacknowledged but, far too often, simply paved over.

Mr. Khalil Ramal (London-Fanshawe): I guess I have the honour and privilege again to stand up and speak about this important subject matter. I want to congratulate the member from Stormont-Dundas-Charlottenburgh for his dedication and hard work in bringing to this House, on many different times and many different occasions, an important issue. Today we are discussing a very important issue, to preserve the graveyards of great Premiers who have served this great province for many different years.

The member from Niagara Centre was talking about injured workers. On this occasion, I'd like to inform you that I brought in a bill last week to install some kind of memorial to commemorate the people who died at work. Hopefully, we'll get support from all the members of this House. I think it's important to remember every one in this great province, the hard-working men and women who give their time, their lives, their abilities and skills to build and continue building this great province.

Mr. Lou Rinaldi (Northumberland): Great people.

Mr. Ramal: Great people.

I think it's very important to remember the people who give their talent, their intelligence and their time, and who work hard to enhance the ability of this province on many different fronts—economically, socially, in education and in health—and give all their time to maintain our presence, not just on this side of this beautiful country but also on the global stage.

The member from Niagara Centre was talking about Mitchell Hepburn. He talked about some incidents that happened in the past, but he forgot about the great job he did. He forgot about his ability to put this province very

ably on the economic stage. That Premier, who died in 1953 and was buried in St. Thomas, which is near to my riding, did a great job for the great province of Ontario. I think he should be remembered for his great work and he should be remembered by all the people who come after—to educate them about the great people who make a difference in our economy, who make a difference in our social situations, who make a difference in our lives.

Also, we're not going to forget our great Premier John Robarts, who everyone in this province remembers for his dedication and hard work in maintaining the ability of this province to continue to play a pivotal role in Canada and the whole world. John Robarts has been remembered on many different occasions and in many different places. Beside my house on the campus of Western, they built a special institute they call Robarts Research Institute to remember his dedication to science, education and research, because he strongly believed that the only way that Ontario can succeed and go into the next century is by investing money in research and innovation. That's why the city of London and the University of Western Ontario remember his job, remember his dedication and remember his investment in research and innovation and named one of the most important institutions in the city of London, the Robarts institute, after him, to tell people about his dedication and his investment in this field.

I think it's important to us to remember those who give their abilities, who make a difference, who work hard to enhance every element of our lives. I'll give an example when we're talking about Premiers. We talk about Premiers like our Premier Dalton McGuinty, who works very hard in every front: education, health care, infrastructure, social issues, diversity, multiculturalism. He wants to make Ontario one of the greatest provinces in the whole nation, because he believes our province is the engine, the heart of this beautiful country.

1030

Many Premiers came, many Premiers did their best regardless of their ideology or party affiliation. We don't care about that. We care about a person who gives his heart, all his or her ability to do what is best for this nation. Sometimes we don't agree on different directions, we don't agree on different issues, we don't agree on their philosophies, but there is no doubt in my mind that when they get elected to that job, they put life and families and all personal issues aside and give all to the public, all to the province of Ontario. I think for that they should be remembered. After they die, it should be recognized. Why do we have to be different from the federal government, which recognizes all the Prime Ministers who served and died in this country?

I believe strongly that the member from Stormont-Dundas-Charlottenburgh is doing a great job. He knows the value and importance of this issue, to keep their memorials, their graves as cultural centres, as places people can visit. Students and people from different nations can come to visit those sites and learn about those great Premiers who did a great job for our province.

I fully support this initiative and this bill. I want to ask all the people from different sides of the House to come forward and support this, because it's a great thing to do. I'm saying it without any bias or party affiliation. It should be every one of those who served, and their Premiership should be recognized. It's very important to involve many people and to encourage many people to recognize the great Premiers who serve us.

Ms. Laurie Scott (Haliburton–Victoria–Brock): I'm pleased to rise today to speak in support of Bill 25, An Act to preserve the gravesites of former premiers of Ontario, brought in by the member for Stormont–Dundas–Charlottenburgh. It would allow the Minister of Culture, “by means of flags of Ontario and of Canada, plaques, signs and other suitable markings” to “mark the gravesites of former premiers of Ontario.” Many Premiers have been mentioned, and all Premiers should be recognized, because they have all worked to improve the quality of life for us in Ontario.

I am fortunate to boast the home and resting place in my riding of one of the most distinguished and accomplished Premiers, Leslie Frost, who was Premier of Ontario from 1949 to 1961. He was one of the longest-serving and most popular Premiers of Ontario. I think he never held less than 72% of the seats in the Legislature, which has rarely been equalled today. His achievements were the Ontario hospital insurance program, provision of equal pay for women, and vast expansion of hospitals, schools and highways. I know we have the Frost campus of Fleming College in Lindsay named after him, and I'm hoping the Leslie M. Frost centre near Dorset will remain up and operational. It's in the government's hands now.

There's an excerpt from the book *Old Man Ontario*, which Leslie Frost was known as. It says, “Frost had always cultivated the image of unpretentious down to earth, small-town lawyer, epitomized by the remark he was said to have made at a federal provincial conference: ‘... I look at this matter from the standpoint of the barber chair in Lindsay.’” I have taken that advice and visit the barber shops and the hairdressing salons in Lindsay to get the pulse of Ontario.

He was a man who “was not a false image by any means. He lived comfortably but simply and without great wealth, his maximum salary as Premier being \$16,000 in addition to his stipend as an MPP. That his psyche was deeply rooted in the values, attitudes, and customs of non-urban central Ontario there could be no doubt.”

He was a small-town lawyer, and perhaps more than any 20th century Premier, prepared Ontario for the urbanization and economic growth that exploded in the 1950s and 1960s. “Over the period of [Frost's] premiership, hundreds of millions of dollars were poured into road building. The Macdonald-Cartier Freeway alone cost \$400 million, and \$220 million was spent on the Ontario section of the Trans-Canada Highway.” I bring that to your attention because the government announced it was sprinkling \$400 million across rural and northern Ontario for roads and bridges, and we're not sure if it is

actually going to be diverted to other areas. Using the inflation factor, that would be equivalent of what he spent—

Interjection.

Ms. Scott: It's not nasty, just a comparison—it would be \$2.75 billion today. So we just put that into context of what Leslie Frost did, building new highways. Many people scoffed at him at that time, building “highways to nowhere,” but today they are the pathway to Ontario's prosperous future that we all enjoy, and I think we should recognize that.

When Premier Frost was buried, “It was a short, simple service with no eulogy, as he had requested. When it was over, the casket, draped in Ontario's provincial flag on which Frost's medals lay upon a purple cushion, was carried to the hearse by members of the Queen's York Rangers....”

“Reaching the cemetery on the edge of town”—of Lindsay—“the hearse stopped near the freshly dug gravesite next to [his wife] Gertrude's. As a gusty breeze rustled the leaves of the great, still surviving elms, in a brief burial service the mortal remains of the Laird of Lindsay were committed to the earth beside the Scugog River, in his own corner of the old Ontario he had known and loved so well.”

I welcome the member from Stormont–Dundas–Charlottenburgh when he does visit Lindsay later this month.

Mr. Marchese: I want to say that I will be supporting this bill introduced by the member from Stormont–Dundas–Charlottenburgh because I think it's worthy of being supported. There are some who would say that perhaps the member should be talking about many other important issues that affect his community, such as the closing of Domtar. The closing of that mill is going to cause serious economic dislocation in his community. I believe that's going to be a matter of great debate in his riding, and I hope in his caucus; it's not before us. I know that there is no hospital in his area, and I'm sure a lot of people would say we should be talking about that. I know that farmers in his community are very worried about what's happening to them and their livelihood, but that's not before us. I know that the member—I hear him—is concerned about all of those things. At some point—

Mr. Brownell: Absolutely. I have been since I got here.

Mr. Marchese: He's reminding me that he's been talking about these things since he's been here. While we have no bill or resolution from the government that tells us how we're going to deal with any one of these things, I'm happy to hear that the member is talking about it on a regular basis. That should give some assurance to his constituents that he's fighting for them.

What we have before us is a bill that speaks to the preservation of gravesites of former Premiers of Ontario. I have no problem with that. I think we should be preserving their gravesites.

I have some sympathy for the argument made by the member from Niagara Centre, that is, that there are a whole lot of people in this society who work hard and are

never recognized for the challenges they face, and immigrants coming to this country face the greatest challenges that we have ever seen. Many in the last 10 to 15 years have come with two degrees and can't get the job they're looking for, and are working at two or three jobs to make ends meet. If you happen to live in Toronto, the challenges of trying to make ends meet are even greater. These people, in my view—and that's why I support some of the comments made by the member from Niagara Centre—are worthy of bringing up. While we mention the great ones, we often omit the hard work of those who are the little people who toil away in our society and make a great, great contribution.

So yes, Premiers should be remembered and their gravesites should be remembered because they played a great political role in our province, and that I respect. But I remind the member and his party that when I and my party tried to introduce changes to the heritage act, when we were talking about cemeteries and the need to preserve the over 5,000 we have, which could easily be endangered, as so many are and as two of them have been, Cooley/Hatt in Ancaster and St. Alban's Anglican Cemetery in Palgrave—these matters are still to be settled by the courts because the ministry in charge of their preservation, the Ministry of Consumer and Business Services, under which the Cemeteries Act falls, has not been protecting these very cemeteries that I know this member has spoken very passionately about in committee, because I've got his quote.

1040

I don't have the time to read his quote for the record, but he spoke passionately about his concern for cemeteries and said in committee that he would be working hard to convince his government to deal with some of the issues that I brought forth in committee, that my two colleagues brought forth in committee on a day that I wasn't able to be there. He was going to make sure that the matters connected to cemeteries were dealt with. Ms. Mossop said they're looking at changing the regulations under the Cemeteries Act. Mr. Brown, the president of this assembly, said that those matters could not be dealt with as we were dealing with the heritage act and that they would be dealt with in some future regulatory change of the Cemeteries Act.

We're still waiting. We're still waiting to hear from Mr. Brown, the member who now presides over this assembly. We're waiting for Ms. Mossop, the parliamentary assistant to that committee dealing with the heritage act. We're waiting, yes, for you, member for Stormont-Dundas-Charlottenburgh, with your passion for cemeteries, to lead the debate on preserving cemeteries, one that would help to make your bill a little bit stronger, one that speaks to the need to preserve cemeteries as part of our heritage.

As I support this bill, I urge the member who presents this bill and the other Liberal members who spoke in that committee when we were dealing with the heritage act, when we were talking about cemeteries, when the Liberal members in that committee said, "Oh, no, we can't make

any changes to the heritage act" simply because, some of them said, it was just too complicated—I want to ask them where they have been in this last year as they spoke about their desire to change the Cemeteries Act and the regulations that they said would deal with it versus the changes we were seeking that would make the protection of cemeteries a permanent feature, that would make the Ministry of Consumer and Business Services no longer the ministry in charge of them because they're unfit to govern cemeteries as they have given up on two cemeteries that are a matter before the courts, that they have been unwilling to protect and that are being torn down by development. I'm looking forward to seeing the Liberals protect our cemeteries in the way they want to support this bill.

Mr. Levac: Thank you very much for this opportunity to speak on the bill, which I'm going to do. But I am challenged by the members for Niagara Centre and Trinity-Spadina, and I accept the challenge, in terms of making sure that we're speaking about all things.

I think we have to acknowledge that we have two things to talk about. The first is multitasking. To assume that somebody is presenting a private member's bill and that nothing else is their focus is unfair and, quite frankly, is not correct in terms of this particular member from Stormont-Dundas-Charlottenburgh. He's a tireless champion of his riding and the issues that his riding is facing. I just want to put that on the record right away.

The second thing I want to put on the record is that this is private members' business. For those who are here visiting us, private members' business is supposed to be somewhat devoid of partisan politics in that we're supposed to be talking about the bill of the day and whether it is valid and whether it should be corrected or fixed or whatever and trying to stay focused on that.

Subsequent to that, I just have to make a comment that it's unfortunate that in some cases we turn this into a partisan spot when this is the opportunity for us not to do that. This is the opportunity for us to talk about the bills that are before us. Take that somewhere else, because there's enough of that going on in this place. Private members' business is a perfect opportunity for us, as colleagues in this place, to show a sign of respect that somebody's coming forward with an idea that needs to be discussed. I'm going to do that right now.

Of the 12 million Ontarians in this province, only 103 of us are elected to represent the entire wishes, dreams and aspirations of all our citizens. Hence, I accept the challenge that has been put before us by the two members from the NDP who talk about making sure that we honour all of those who worked so hard in the province of Ontario to be acknowledged. But I still think there's a significant point to be made. Of the many people who have sat as MPPs, only 24 people in 139 years have been asked to be the leaders of this province. I think it does deserve our attention. They earned the leadership of their respective parties. They earned the trust of the people of the province of Ontario. They earned the right to govern this place, with their

colleagues, to try to put things right for us and do the best they can. MPPs should take the time to honour the former Premiers. Memorializing their gravesites is just one way to do that, and I think that's appropriate.

I also want to talk for a couple of minutes about the two Premiers who came from the riding I now represent. Harry Nixon represented the centre of the universe, as Walter Gretzky says, of Brant North, North county and Brant, first elected in 1919 as a candidate for the United Farmers of Ontario.

The wish list that somebody up here who is privileged gets to run our province is not true. In this House today we have people who come from all walks of life, who have got their hands torn up from the work they've done, and they do represent people from all walks of life. I look forward to the day when ethnic and multicultural people and our first female Premier have their names immortalized as well. I look forward to that in a positive way.

Harry Nixon served in cabinet and became leader and Premier in 1943. He died in 1961. His son, Robert Nixon, was also the leader of the Liberal Party, and his daughter, Jane Stewart, was MP for 13 years in the riding of Brant.

Arthur Sturgis Hardy was born in Mount Pleasant, another area in my riding. He was the fourth Premier of Ontario. He retired from politics in 1899. He represented Brant South. One thing I want to bring us: He was the commissioner when Algonquin park was created in 1889.

I just want to say that nobody has a monopoly on passion in this place. Nobody has a monopoly on all the ideas. I think this is a good one that deserves support. I thank the member for bringing it forward, and I will be supporting this bill in recognition of the great Premiers we've had in this province.

Mr. Robert W. Runciman (Leeds–Grenville): I have a lot of respect and some affection for the member who just spoke on behalf of the government, but I have to strongly disagree with his comments. It's rather ironic, given the history of his party in opposition for 13 years and their utilization of private members' hour for, I would suggest some might clearly say, partisan purposes. Now that they're on the government benches, to be offended by some comments that could be construed as partisan is passing strange, to say the least.

I think I'm speaking on behalf of our caucus. We certainly don't have any difficulty with respect to the initiative that we're discussing today in honouring past Premiers of this province. There certainly has been a very limited number of individuals honoured with that great responsibility, and I think we will be giving it our support.

The member for Brant can construe this as partisan if he wishes. I can't argue with him on that; he's going to have a subjective interpretation. As private members, we have one, maybe two, opportunities during the life of a Parliament to present initiatives before this Legislature. Some people are unlucky enough in these lotteries to not ever get an opportunity within four years. Most of us, with some luck, get one or two. Although this is a laudable initiative, I think it could have been done, as a government member, through other channels.

My concern, as someone who also represents eastern Ontario, like the member, is the many challenges that eastern Ontario is facing, especially in the manufacturing sector. In my own riding, we've lost a significant number of manufacturing jobs. We just had another downsizing announced this past week. I know that in the member's own riding, he has had some very significant job losses, with Domtar the most significant. I think they closed their doors just this week as well, in terms of final closing. I would rather discuss that kind of issue, but I know and I do appreciate, having been a government backbencher and a government minister, that it's sometimes difficult to get approval for those when you go to caucus, if it's something where you're perhaps providing the opposition with some fodder to be critical of initiatives or lack of initiatives by the government of the day.

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It may be difficult for a private member, a government member, to get that past his colleagues or past the minister who's responsible for those kinds of initiatives. In terms of economic well-being, I would suggest that it's either the finance minister or the Minister of Economic Development and Trade. Obviously, the minister and other members would suggest that it would be giving me an opportunity to go on in a critical way, but I don't want it to be seen as criticism. I want it to be seen as recognition of some very serious challenges we're facing in the manufacturing sector across the province: 80,000 jobs lost last year, and projections of that number being equalled again this year. If you talk to people in the sector, they're not very confident about the future.

I mentioned Nitrochem in my riding. I've mentioned Hathaway closing, where Hathaway shirts started in Canada, and Mahle in Gananoque. These are smaller, surrounded by rural parts of the province. They're suffering devastating blows.

I see my friend from Northumberland here. The World's Finest Chocolate factory—

Mr. Rinaldi: They're back in business.

Mr. Runciman: He's telling me that apparently it's back in business. That's great news, because I know they were talking about transferring to Chicago. Whether that transfer has happened—if it hasn't happened, that's wonderful news.

But I know there are a host of areas. We talked about Nestlé in Chesterville: 300 jobs. There is a very small community, surrounded by agricultural and rural uses. That is what's happening, certainly in eastern Ontario. Outside of Ottawa, outside of perhaps Kingston, the two big urban areas, there are a lot of people suffering, a lot of people in really serious difficulty.

I'm sure the member for Cornwall, Stormont and Charlottenburgh appreciates that. I just regret that we are not talking about that. Hopefully, in a couple of weeks there will be a resolution before the House calling for the creation of an eastern Ontario secretariat lodged in the Ministry of Economic Development and Trade. I hope that all the eastern Ontario members will be present and talk about the challenges. Certainly, they can talk about

the positive initiatives of the government, that's to be expected, but we can also talk about the challenges. Hopefully they will all be here to support that initiative and then press their colleagues on the front bench, especially the Premier, another eastern Ontario representative, to ensure that the will of the Legislature, if indeed it is the will of the Legislature, is adopted and accepted by the government and that they move on it.

That's essentially what I want to say about this. The points made earlier with respect to the resolution or motion before us today related to preserving the gravesites of former Premiers, which is especially heartwarming for me, given that the Premiers of the province, for most of our lifetimes, have been Progressive Conservatives. So it's nice to see that recognition.

I don't know if it's been mentioned before or not, but we have the son of a former Premier as a member of this Legislature. I had the good fortune to serve with Frank Miller. Frank Miller gave me my opportunity to go into cabinet in 1985, when he became the Premier, as the Minister of Government Services. I've known a number of Premiers over my span of 25 years in this place, and I have to say that I liked them all, regardless of their political stripe, all good people, all fine people wanting to make a contribution. But Frank Miller was an exceptional guy, a truly warm person, to those of us who knew him. It's regrettable that he didn't have a longer opportunity to allow the people of Ontario to get to appreciate the Frank Miller that those of us who served with him knew and what a fine gentleman he was.

We'll be supporting this. It's a good initiative. I just think perhaps it could have been handled in a different manner.

Mr. Lorenzo Berardinetti (Scarborough Southwest): It's a pleasure to have an opportunity to say a few words on this bill today. I wanted to also congratulate you, Mr. Speaker, on your fine attire today. I think it's different and quite special to see the Speaker dressed in that attire.

I also wanted to congratulate the member from Stormont–Dundas–Charlottenburgh for bringing forward Bill 25 today, An Act to preserve the gravesites of former premiers of Ontario. What this is doing, in essence, is basically mirroring what already exists at the national level. I have with me a copy of the national program for the gravesites of Canadian Prime Ministers. This is something that Parks Canada has done at the federal level, recognizing the gravesites of Canadian Prime Ministers. I think it's appropriate and fitting that we do the same thing for the Premiers of Ontario.

There are a number of gravesites; they're pointed out in the bill today, if one looks at schedule 1, all the way from Premier John Sandfield Macdonald, our first Premier, who is buried at St. Andrews West Cemetery in Cornwall, which is in the riding of my seatmate beside me here, the member from Stormont–Dundas–Charlottenburgh, all the way through to Frank Miller, who is buried at Lakeview Cemetery in Gravenhurst.

In my lifetime, I have seen Frank Miller, and I would echo the sentiments quite strongly made by the member from Leeds–Grenville. He was very likable, affable, and

a very competent Premier. It reminds me of when I was watching television a few months ago and one of the stations was running an old newscast dating back to the mid-1980s or so or around that time period. Frank Miller was Premier at the time. It was nice to see him on television again and to recall him. It's important that we recognize individuals like him and his predecessors who were in the position of being Premier of this province.

When you travel abroad to other countries—I've travelled throughout Europe and elsewhere—they go to great lengths to recognize their political, historical and literary figures. One need just walk into Westminster Abbey in London, or into the Pantheon in Rome or some of the locations in Paris, France, where writers and sculptors, as well as politicians, are recognized. This is part of creating culture and recognizing that culture.

I think my seatmate, Mr. Brownell, has brought forward an excellent bill. It's the first step towards bringing into effect a program here in Ontario to recognize the gravesites. I stand today in full support. I know he will be asking for a recorded vote today. I think it's important that we support that bill and move forward in the right direction to get this made into law.

The Acting Speaker: The member for Stormont–Dundas–Charlottenburgh has two minutes to reply.

Mr. Brownell: First, I would like to thank all those who spoke in support of the bill today. I'd like to thank the members from Parry Sound–Muskoka, Niagara Centre, London–Fanshawe, Haliburton–Victoria–Brock, Trinity–Spadina, Brant, Leeds–Grenville and Scarborough Southwest.

This debate this morning centres on the Premiers of our province and the recognition that they deserve at burial sites throughout this province. Being in the Legislature this morning and welcoming Marjorie Stewart from the Ontario Genealogical Society and Rob Leverty from the Ontario Historical Society, it's a great honour for me to be here speaking on this bill with them sitting in the gallery. I met with both these individuals and indicated to them my strong support for all resting places, all gravesites, all burial locations in this riding. I've spoke of that many times.

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It was back in grade 12 that I took out my first historical society membership, the Stormont, Dundas and Glengarry Historical Society, and it was to work as hard as I could in my riding for history and heritage. One thing that always bothered me was traveling through the community of St. Andrews West—and my colleague from Scarborough Southwest alluded to John Sandfield Macdonald and St. Andrews West—passing by his gravesite there and seeing so little recognition—a beautiful granite monument but so little recognition. I think the least we could do is to put an Ontario flag to fly over his gravesite. That's really what got me encouraged to do this. I certainly had support from the Honourable Steve Peters. That's why I brought this forward, and I appreciate all the support I received in here this morning. Thank you very much.

HEART DEFIBRILLATOR USE
CIVIL LIABILITY ACT, 2006

LOI DE 2006 SUR LA RESPONSABILITÉ
CIVILE DÉCOULANT DE L'USAGE
DE DÉFIBRILLATEURS CARDIAQUES

Mr. Crozier moved second reading of the following bill:

Bill 71, An Act to promote the use of automated external heart defibrillators / Projet de loi 71, Loi visant à promouvoir l'usage de défibrillateurs cardiaques externes automatiques.

The Acting Speaker (Mr. Ted Arnott): Pursuant to standing order 96, the member has 10 minutes to make his presentation. I recognize the member for Essex..

Mr. Bruce Crozier (Essex): Thank you, Speaker, for allowing me the time, as you sit in the chair this morning, to debate this bill. You're decked out in great splendour. I know that next week my frock coat is going to look a little shabby next to your dress today. It looks great. Being an individual with the name like Bruce and a name like Crozier, which are both Scottish, I appreciate that very much.

I am here today to ask my colleagues' support of Bill 71, An Act to promote the use of automated external heart defibrillators. It's a very brief bill: It amounts to literally about one page. Though it is brief in its content, the reach of this bill will go all the way across the province. We're always concerned about the health and the safety of our citizens in Ontario, and I suggest that this bill will be a major step in that direction.

I just want to take you back a little way that some of us will relate to, back to November 21, 2005, a hockey game in Detroit when a well-known, young, healthy athlete by the name of Jiri Fischer—

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): One of the former hockey players—

Mr. Crozier: One of the former hockey players of the Ottawa 67s?

Mr. Lalonde: The Olympics.

Mr. Crozier: Oh, there we go, the Olympics, from my friend Jean-Marc Lalonde.

Jiri Fischer, as I said, was a young, healthy athlete and suffered a cardiac arrest during the hockey game. Now, one would expect that in a place like a professional surrounding they would have all the medical devices needed to treat their players under most conditions. And in this case, in fact, they did have a heart defibrillator. It was used on Jiri Fischer, and I don't think there's any doubt in anyone's mind that it was part of what resulted in saving his life. Wayne Gretzky, for example, said that currently AEDs, or automatic external defibrillator monitors, are not mandatory in most sport venues. Hockey legend Wayne Gretzky said that he would like to see that change. If it can happen to anyone any time, the example of what happened to Jiri Fischer is one of those cases. But he recognized that not only do we need them in arenas but perhaps in all places where the public has access—public buildings or private buildings where the

public has access—and that for that matter, they should be placed in the workplace.

I give you another example that occurred in my own riding of Essex, where the headline read, in March of this year, "Father Owes His Life to Defib in His Kids' Hands." What happened was, "Nick Stoyshin is alive today because his heart attack came with son Lance and daughter Nicole ... at his side almost immediately with the defibrillator the family company had purchased four years ago, but never used—until now."

I have with me today in the members' gallery Wayne Currie, who is the coordinator of the city of Windsor's public access defibrillator program. Wayne works out in the county as well and, in some instances, even into Chatham-Kent. Wayne tells me that the owner of Essex Linen, Nick Stoyshin, came to them about four years ago and said they would like to install one of these defibrillators in the workplace. This wasn't an inexpensive outlay; it was between \$5,000 and \$6,000. Their firm employs about 30 employees, I understand, so it's a small firm. But they'd heard about the defibrillator program in our area headed by Wayne and others and wanted one installed in their workplace. And, lo and behold, it was the owner of the business who was saved in this instance.

There has been a great deal of support across Ontario for the installation of these defibrillators in public places. The Heart and Stroke Foundation is one of the great supporters of this. Toronto EMS and other EMS services have been involved. We have the support of firefighters across the province. They know from experience that these defibrillators can save lives.

In fact, as I say, much of the groundwork has been done in the Windsor-Essex area. In 1992, Dr. J. C. Fedoruk did a research paper, Locations of Cardiac Arrest: Affirmation for Community Public Access Defibrillation (PAD) Program. It might be interesting for you to know that in this research paper almost 33% of sudden cardiac arrest happen outdoors, on the highway, streets and sidewalks. I suggest to you, many of these places would be close to public buildings, close to private companies where access to a defibrillator would go a long way to save lives.

Not surprisingly—and I give you this information in a serious way—the next highest area of incidence of sudden cardiac arrest, 10%, occurred at casino locations. I don't know what that says about our casino industry; I don't frequent them, so I'm not sure. But the point is that there are identified locations where the occurrence seems to be higher than others. Another one that's maybe more surprising is that about 6% of sudden cardiac arrests occur in medical offices or clinics. We've heard that you can walk out of your annual examination and have a heart attack literally outside the door, and this would indicate that that in fact does happen. But the point here is that the more we can do to have these defibrillators available throughout Ontario, the better it is.

The intent of my bill would be to take away that fear of liability when it comes to the use or the placing of defibrillators. We have been told, notwithstanding the

fact that they are being used throughout the province, that one of the barriers to placing these defibrillators is the liability that may be attached to one if you use one. So what we want to do is ensure that users of defibrillators and the owners and operators of premises on which they're installed are protected from civil liability. If we can do that and we can encourage the placement of these defibrillators in public places, in places where the public has access, in workplaces, I have been assured by those who support this bill—as I said, amongst them Heart and Stroke, emergency services and others—that it will go a long way toward the use of these.

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We're going to have a media conference after this is passed today—and I hope that you help me pass it; I'm asking for your support—that will demonstrate this device. They're very hi-tech. They can be used by anyone: Not only do they give verbal instructions but, in some cases, the defibrillators work so automatically that they simply tell you to stand back once they've been placed and the defibrillators themselves carry on.

To my colleagues, I ask for your consideration and support of this bill. I would hope that we take that step to having even more defibrillators placed throughout the province of Ontario so that lives may be saved.

Ms. Laurie Scott (Haliburton–Victoria–Brock): I'm pleased to rise today in support of Bill 71, An Act to promote the use of automated external heart defibrillators, and commend the member opposite for bringing forward such a worthwhile bill.

I suggested that the individual should be protected from civil liability on the basis that the bill is brought forward. I think there have been many instances mentioned in which an automated external heart defibrillator would have saved lives. I certainly know from my personal experience in nursing the great leaps in technological advances that have taken place. With a quick look, you just put the pads on and the machine interprets the cardiac rhythm, the heart's rhythm, and either gives you instructions verbally or delivers the shock, the jolts of energy, itself. I know from many ambulance trips with patients from hospitals to hospitals that we've certainly had to use them. I see members of EMS up in the gallery, and they can certainly relate to that.

When you have EMS and firefighters supporting—and I know some of the golf courses in my area have looked into the use of these. We have here in the Legislature I think three defibrillator machines. I'm a little concerned that there's one over in the east lobby but we don't have one in the west lobby, but I guess we can run across quickly and get the machines when needed.

Why instances occur in doctors' offices—

Mr. Crozier: It's in the middle.

Ms. Scott: It's in the middle? Okay. That's fair. It's good to know where it is. I sometimes can't lose my nursing background, and in many instances have left the podium and the microphone when someone has passed out in the crowd. My first reflex is to run and take a pulse. So certainly the use of these machines would be

valuable and I commend the member for bringing that forward.

There are an estimated 40,000 incidents of cardiac arrest each year in Canada, most of which take place outside of hospital settings. The odds of survival of an out-of-hospital arrest are a dismal 5%. With the aging population, the incidence of heart attacks only increases. With the wave of Canadian baby boomers now turning 60, we'll be the first generation actually to turn back the clock on experiencing a decline in the quality of life compared to 10 years ago. The rate of obesity in boomers has soared by nearly 60%. A whopping 52% are inactive, yet 80% still think they enjoy a longer life expectancy than previous generations.

The Heart and Stroke Foundation spokesperson and cardiologist was quoted as saying, "This year, every day almost 1,000 Canadian baby boomers will turn 60, entering the prime age for heart disease and stroke.... Rising obesity rates and inactivity among boomers could threaten years of steady progress towards better heart health." These are disturbing statistics. So, for sure heart attacks and heart disease are going to become more frequent.

On the website for the Heart and Stroke Foundation, there's the story of Denise Déziel, a non-smoker who ate a healthy, low-fat diet and participated in many sports, with no family history of cardiovascular disease. In December 2001, she ended up having a heart attack at home. Luckily, she survived, got treated quickly, went in for an angioplasty and is back to full health. You don't think it could happen to people and it does happen.

The more we can prepare, in society and public places, with defibrillator machines that are available—we've done a great job in training people with CPR. There's never a place I've gone to where there isn't someone in the crowd who knows CPR. I think that with the use of automatic defibrillators—I know many of my municipal councils are looking to add more of the external defibrillators in their areas, especially in rural areas where ambulances just aren't around the corner and there are long distances to drive. As I mentioned, golf courses, municipal buildings and other public buildings have defibrillators in there. They can make the difference in saving someone's life.

I congratulate the member for the worthwhile initiative and wish him all the success. You have my support for the bill.

Ms. Shelley Martel (Nickel Belt): I'm pleased to join in the debate. I want to say at the outset that I support Bill 71 and the effort by the member from Essex to deal with the issue of liability.

I want to take a kind of different tack, because it's not clear to me that once the issue of liability is resolved, we are going to see a significant increase in defibrillators in public places. I regret that; I want to say that at the outset because I am a proponent and a supporter of having automatic external defibrillators in public places.

I want to relate to you some information we have been dealing with in the public accounts committee most

recently that leads me to believe there is not general support within certain circles right now for the strategic placement of defibrillators. I worry that even if this bill gets passed, it's not going to result in an increase of defibrillators in public places as much as I would wish and as I think the member would wish. Let me just give you a little bit of background of what's been happening in the public accounts committee and what the government's response has been to this issue, and my concern that it's not a very positive response at all, unfortunately.

The auditor in his most recent report, 2005, in the section on land ambulance services, actually spoke to the issue of defibrillators. I'm going to read into the record some of his report and then the ministry response. The auditor, in the section dealing with response times in particular, said the following:

"Prompt responses are critical to the survival and well-being of patients with certain types of injuries or illnesses, particularly those experiencing cardiac arrest. In 1994, the ministry funded the Ontario Pre-hospital Advanced Life Support study (OPALS) to support evidence-based decision-making in emergency medical services planning. The eight-year study involved 21 communities and about 10,000 patients experiencing cardiac arrest. In addition, the study investigated the relative value of rapid access to emergency care, early cardiopulmonary resuscitation (CPR), rapid defibrillation, and interventions by advanced-care paramedics to the survival of individuals who had suffered an out-of-hospital cardiac arrest.

"In 2003, the OPALS researchers reported that according to their findings, a response time of six minutes from call receipt to on-scene arrival could have improved survival rates in the study communities by 3.6%, or 51 additional lives annually. As well, OPALS researchers cited a study on the use of public-access automatic external defibrillators in casinos, and noted a 74% survival rate when defibrillation began within three minutes of cardiac arrest.

"In 2004, the OPALS researchers reported that lives were saved through a combination of CPR by on-scene citizens and rapid defibrillation responses. In many places in Ontario, fire and police services co-operated with ambulance services in providing emergency responses to cardiac arrest patients and other emergencies, as they can often arrive before the ambulance. These response arrangements are voluntary and vary by municipality. As well, the OPALS research noted that the strategic placement of automatic external defibrillators in public locations, such as shopping malls, could be beneficial.

"In addition, the New England Journal of Medicine reported in 2004 that training and equipping volunteers to attempt early defibrillation within a structured response system could increase the number of survivors of cardiac arrest in public places and concluded that trained laypersons could use automatic external defibrillators safely and effectively. While the placement of defibrillators in all public places may not be reasonable given that OPALS researchers found that only about 15% of cardiac

arrests occur in public locations, the OPALS researchers nevertheless recommended the strategic placement of defibrillators in such public places as casinos." It was my understanding that since 1994, in fact, there have been defibrillators in casinos and that staff in those locations have been trained to use them

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The point being made by the auditor was that there is more than enough evidence to show that effective use of defibrillators can really save lives or can really decrease the damage that is done. The auditor recommended to the Ministry of Health that the ministry "assess the costs and benefits of a fully coordinated emergency response system that includes strategically placed publicly accessible automatic external defibrillators." That was the recommendation to the Ministry of Health.

The ministry's response was the following: "On August 11, 2005, the Ontario health technology advisory committee ... requested that the medical advisory secretariat of the ministry conduct a health technology assessment and policy analysis of the various components of a coordinated emergency first-response system. This assessment includes response times and the use of automated external defibrillators ... to improve survival in the event of a cardiac arrest. The assessment will be reported back to OHTAC by mid-December. At the completion of this review, OHTAC will make recommendations to the deputy minister and the health-care system on the settings in which AEDs are cost effective. This is expected to assist in future planning for the distribution of AEDs in Ontario."

We know that the report was done by the medical advisory secretariat, and that report was released in December 2005. What concerns me about the report is that there doesn't seem to be a whole lot of support generally for the strategic location of defibrillators in public places. I just want to read some of the report.

The report says, "There are other delivery models for AEDs in casinos, sports arenas, and airports. The proportion of cardiac arrest at these sites out of the total cardiac arrests in Ontario is between 0.05% and 0.4%. Thus, an AED placed at these sites would not likely be used at all." Secondly, the "medical advisory secretariat examined the cost-effectiveness of providing AEDs in hospitals, office buildings, apartments/condominiums, and houses. The results suggested that deployment of AEDs in hospitals would be cost-effective in terms of cost per quality adjusted life-year gained. Conversely, deployment of AEDs in office buildings, apartments, and houses was not cost-effective."

The conclusion was that the OPALS study I referred to previously "appears cost-effective, and effectiveness can be further enhanced by training community volunteers to improve the bystander-initiated CPR rates. Deployment of AEDs in all public access areas and in houses and apartments is not cost-effective. Further research is needed to examine the benefit of in-home use of AEDs in patients at high risk of cardiac arrest." So that's not very positive in terms of what I support, which is more defibrillators in public places.

The second problem is that this medical advisory committee, as it was supposed to, made a recommendation to the Ontario health technology advisory committee, and that committee has released its recommendations in this regard. Again these recommendations aren't very positive either. They are as follows:

—"OHTAC endorses and supports the current policy of giving AEDs to EMS, firefighters and police." It would be my estimation that most of those services have defibrillators already.

—"OHTAC does not recommend the installation of AEDs in public buildings where the very low probability that an arrest would occur in these buildings offsets the benefits;

—"OHTAC supports the provision of AEDs in those areas of the hospital which are not readily accessible by the code blue team;

—"OHTAC supports the current initiative taken by some airlines to place AEDs on aircrafts and train flight attendants in CPR/AED use;

—"The use of AEDs in homes of 'high risk' individuals who do not have an ICD has not been studied. However, it is reasonable to recommend access to AEDs to these patients, in the context of a broader comprehensive response plan. To be effective, caregivers in these settings would need to be trained in CPR and AED use to ensure the value of having the AED available."

If this is the set of recommendations that has gone to the deputy minister, and we understand the deputy minister has the recommendations on his desk—this was confirmed in questions that I raised in public accounts about this issue on May 2, May 3, when we last sat in public accounts and dealt with this—if these are the recommendations that have gone forward, I don't see a lot of room to move in terms of convincing those who need to be convinced that we really do need and should have defibrillators in more public places.

I worry about that, because while I'm supportive of the bill, my concern is, even if the bill is passed, based on what I see in front of me in terms of recommendations that are floating around in government, we will not have any significant increase in defibrillators in strategic locations, especially in public places. It's why I wish that some folks would take a second look at the study that the member referred to already that was attached to the bill.

I appreciate that he gave that information to us, because it seems to me that the work that was done by the base hospital in Windsor, by Essex-Kent base hospital, in their study between January 1, 1994, to December 31, 2000, did clearly indicate very effective use of strategically located defibrillators. I don't pretend to understand the whole program that's in operation, but I do believe that there are defibrillators in public places. That's part of a plan that's been developed for some time, and part of the reason for this study was to determine whether or not some of these defibrillators could be even more strategically located in areas where the study showed there had been high incidence of cardiac arrest,

like casinos, also like doctors' offices, as the member already mentioned.

So what's clear in the conclusion that was reached—and I'm just searching for it in my papers—is the following: "This study suggests that specific locations within communities could benefit from AED placement. Planning for the placement of AEDs should be guided by templates/examples of high incidences of arrests. The findings have significant pre-hospital emergency cardiac care implications for communities that wish to improve their responses to out-of-hospital cardiac arrests." This is most key: "It is suggested that each community develop and implement a PAD program as part of a strategic plan to deal with" sudden cardiac arrest "and their subsequent effects on survival rates from" sudden cardiac arrest "in their respective community."

I would like to see the ministry move forward on that. I think it would be very important for each community to develop such a plan. I'm worried, though, as I say to the member from Essex, that might not be where we end up if these are the kinds of recommendations that sit on the deputy minister's desk right now.

I guess a further reason that I think we should be looking at this just goes back to an article that was in the paper recently and my most recent experience at a hockey tournament this weekend in the Ajax Community Centre. There was a defibrillator. It was well-marked, right in the main entrance, big red sign, arrows showing where it was for all to see so that any member of the public who would have to use it would know where it is. That is not my experience in most arenas, however, and I've been in a lot of them, because my two kids play a lot of hockey.

The one that touched me the most in terms of why we should be doing this at least in arenas, if not in other public places, had to do with an article I think we all saw in the Toronto Star, March 13, 2006—a really heart-wrenching article about a young boy from Barrie, Chase McEachern, who developed a very serious heart condition, who was an absolutely excellent young hockey player who would have been a hockey star, who, having developed this condition, which was very serious indeed, ended up having to stop playing hockey at the request of his physicians, and ended up actually collapsing in his gym class on February 9 while doing warm-ups. While the gym teacher performed CPR and while they air-lifted him to London Sick Kids hospital, where he was on a respirator, the brain damage was already too severe. Six days later, his parents had to make a decision to take him off the respirator, and he subsequently died minutes later.

1130

Before he lapsed into a coma, he had written a letter to Don Cherry as a result of the hockey incident that the member from Essex has already referred to. He wrote that letter to Don Cherry and asked him to do whatever he could to make sure that defibrillators were mandatory in hockey arenas and schools everywhere.

He went on to say, "After seeing Jiri Fischer collapse and Mario Lemieux retire because of irregular heart rates

like mine, I want people to know these heart conditions also affect children.

“February is heart month and it would be a great time to promote defibrillators. Nowadays, defibrillators are easy to operate and should be available if needed especially in hockey arenas.

“Please listen to my letter. Your support would really help.”

I know this cause has been taken up by Don Cherry. I know his parents are now pursuing this and have started a foundation in order to try and make his last dream a reality.

If nothing else, even in hockey arenas, this is absolutely necessary. But I think the government should take a look at the Windsor study and the Windsor recommendation, and start to pursue a strategy where every community will have a plan of where defibrillators can be placed in public locations, so we can serve people when they need to be served as soon as possible.

Ms. Monique M. Smith (Nipissing): I'm very pleased to rise today in support of An Act to promote the use of automated external heart defibrillators. I think this debate in the House today is very important. I certainly have been impacted by the effects of heart attacks and heart conditions, and I recognize the importance of defibrillators. I recognize the importance of the new technology that we've been able to develop in this country and in our province, which we can now make available and can now save lives.

I know it's very important, in the case of a heart attack, that we address the situation very quickly, especially in the first 10 minutes. My father suffered a heart attack in 1971 in this House, in this Legislature, in this building. As members of this Legislature know, the building is very close to a number of hospitals. However, it took half an hour to get an ambulance to the Legislature, to the precinct. Had we had a defibrillator at that time, my father's health would have been a very different story than what it was. So I'm very pleased that we have one here in the Legislature today and that we have them in the precinct, and that they are available for the safety of the members as well as the staff.

We also have a family friend who had a heart attack while playing bridge one day. If only for the fact that there was a retired nurse present who was able to help—as the member for Peterborough was talking about being called to help—he was fortunate and was saved, and is living a healthy life today. But as we've noted, the first 10 minutes are so important.

I want to highlight today some of the work that's being done in my community towards the introduction of external defibrillators in our various public arenas and sports complexes. We have developed a lifeline public access defibrillator program. It's a locally grown program that has created a fundraising campaign to raise funds to put these lifeline defibrillators in eight community areas. They are being placed in high-traffic areas. They are presently already in the Pete Palangio Arena as well as Memorial Gardens, which is our main arena in

town, and we're working towards getting one in the YMCA and other arenas. This partnership has developed through local businesses: our Kinsmen Club, which has contributed \$10,000, and the local Tim Hortons through their Smile Cookie campaign, which was held last fall. They decided to contribute the funds raised locally to the defibrillator program.

As well, in Powassan, which is a smaller community in my riding, we had an incident a few years ago at the Highview Golf Course, which had purchased its own defibrillator. It was put to use on one of the golfers who was in crisis, and who was saved because it was there and was used. The Powassan old-timers hockey league has donated \$1,000 towards putting one into the Powassan arena. The Powassan town council has also contributed towards that purchase.

In South River-Machar and in Sundridge, we have local businesses led by Dr. Weaver, a local dentist. Dr. Weaver placed a defibrillator in his office. As he was becoming educated on its use and the necessity to have one, he decided that it should be a community-wide project and has led his community in purchasing defibrillators for the South River-Machar arena as well as the Sundridge arena.

As members of this Legislature know, the Heart and Stroke Foundation is doing some tremendous work in this area. They advise us that 35,000 to 40,000 Canadians die each year from sudden cardiac arrest. I think it's so important that we do everything we can to assist people who are suffering from these health issues and from these crises. Whatever we can do as a Legislature to enable the use of this equipment and to assist in saving lives I think is incredibly important. I want to congratulate the member from Essex for bringing forward this piece of legislation. I think that good Samaritans who take the time and use the equipment that's available to save lives have to be protected. While we have the technology and we have this equipment, we have to make sure that people are aware of the equipment, that they know how to use it and that they are protected when they take the time to use it.

I want to commend the member. I lend to my support to this piece of legislation. I've been touched by these issues personally, and I know many in this House have as well. I think that it's commendable that we move forward with this piece of legislation.

Mr. Pat Hoy (Chatham-Kent Essex): I'm pleased to rise and join in the debate on a bill presented by my colleague Mr. Crozier, member for Essex: Bill 71, An Act to promote the use of automated external heart defibrillators, commonly known as AEDs. First of all, let me say that I certainly support this piece of legislation. It wants to remove liability for those who may use one of these AEDs and remove civil liability from establishments or workplaces where they might be available to use.

It is amazing, the technology that has entered into all of our lives. This is a piece of technology, these AEDs, that can save lives and return people to a healthy lifestyle

in many cases. I suspect that most people who have turned to use an AED in these serious situations do it almost spontaneously, without thought except to save a life. What we need to do is ensure to the public that if they do use one of these apparatuses, the liability is going to be removed. Of course, the bill talks about wilful recklessness etc., but in most cases people here are trying to save lives, first and foremost.

To the availability: If liability is removed in earnest cases, then I can see the proliferation of these AEDs around the countryside. I'm from a rural riding, and it would be very appropriate to have these in many facilities, workplaces—arenas have been mentioned—and other places where the public gathers. For me, it seems that if these AEDs would provide a safety feature for those in arenas, it only extends, in my mind, that they should be in every public building. If it's good for an arena, if it's good here for Queen's Park, it should be everywhere where people gather in large numbers.

Although 6,500 people die of sudden cardiac arrest in Ontario, many more are saved through the use of AEDs. I want to quote from a Chatham Daily News article where a gentleman was talking about these particular systems. He suggested that they'd be in locked cabinets similar to those of fire extinguishers, equipped with an alarm bell, so that if someone were to take one and use it in a frivolous manner, an alarm would go off. For those who may not be trained or be unqualified persons, "the devices come with both written and audible instructions.

"There's pictures on it, and it actually talks to you and tells you what to do next."

"The devices also come with built-in safety precautions, including software that checks for a pulse so that the device is not used on someone who doesn't need it." It seems to me that persons with training, of course, could use these AEDs; and those without training, if they follow what seems to be fairly simple instructions and also safeguard that it would not activate in certain situations. We should see these in all public buildings and therefore remove the liability.

1140

I also want to quote from the Heart and Stroke Foundation: "More than 35,000 Canadian lives are lost each year due to cardiac arrest. Defibrillation improves survival rates by up to 30% if delivered in the first few minutes. With each passing minute, the probability of survival declines by 7% to 10%. Making defibrillators easily accessible has the potential to save thousands of lives." I think that's what the member is trying to achieve through this bill, in extenuating circumstances to everyone.

"An automated external defibrillator is a machine that analyzes and looks for shockable heart rhythms, advises the rescuer of the need ... and delivers that shock" if required. It's really quite an amazing device, in my mind, and I think we can all share in the usage of such.

Finally, I want to quote from a study that's been cited by others here today. "Survival is greater for individuals in public places that have access to on-site defibrillation

programs than it is for those places without such capabilities."

I commend the member from Essex, Mr. Crozier, for bringing this valuable piece of legislation forward, and I would urge all members to support it.

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I just want to speak on this bill. It's certainly a bill that has been well discussed today so far. But let's be clear with the facts in terms of defibrillation.

Defibrillation is currently regulated as a controlled act under the Regulated Health Professions Act. There is no legislation in the province of Ontario that requires the establishment of the so-called automated external defibrillation programs. A person who uses a defibrillator in an emergency, in my understanding from the research I have done already, would be covered under the Good Samaritan Act and they would only be liable with respect to acts of gross negligence. With respect to the use of defibrillation in this province, based on the research and the understanding that I have, under the Good Samaritan Act it's already covered with respect to civil liability. It is also exempt from the Regulated Health Professions Act in terms of a person being able to use that.

What we have in front of us today—and I certainly recognize that the member from Essex in good faith has brought forth this Bill 71, essentially a stand-alone act to deal with defibrillation. But in my humble opinion, this bill isn't necessary at all. It's already covered under the Good Samaritan Act. What we should be doing is going further in making sure, as the member from Nickel Belt indicated, that defibrillation is a program in this province.

I would cite a bill introduced only for first reading in 2001 by the current Minister of Citizenship and Immigration. It was called Bill 51, the Portable Heart Defibrillator Act. In that act:

"The bill would require that portable heart defibrillators be made available and installed in significant public buildings, including privately owned buildings such as shopping centres, arenas and stadiums that have significant public access. The widespread installations would be completed within three years after the bill is enacted. The Ministry of Health and Long-Term Care in consultation with emergency health stakeholders is required to develop and issue training and education guidelines for the use of portable defibrillators within six months after the bill is enacted.

"The bill provides protection from civil liability for users of defibrillators and owners of premises on which the defibrillators are installed."

We have here a bill, Bill 71, which I will support, but I think it needs to be drastically amended to deal with the intent and purposes of what we want to accomplish in this province. In the United States, as of 2001 all 50 states had enacted AED legislation. These statutes typically include the following provisions: establish legislative intent that an automatic external defibrillator may be used by any person for the purpose of saving a life of another person in cardiac arrest; require that a state-licensed physician act as a medical supervisor of a

program; encourage or require responders, i.e. those who will be responsible for using defibrillators, to complete a nationally recognized training CPR-AED course for lay responders such as the American Heart Association's heart-saver AED course; require AED devices to be maintained and tested to manufacturer's standards; create a registry of the location of all defibrillators or notification of a local emergency medical authority; allow a Good Samaritan exemption from liability for any individual who renders emergency treatment with a defibrillator; and, finally, authorize a state agency to establish more detailed requirements for training and registration. That is what we need in this province. That is what this bill does not do and what needs to be amended, if we go to public hearings on this bill, to actually have it do something more than what is provided under the Good Samaritan Act, which is currently the law.

What I'm saying in essence is that (1) Bill 71 is already covered by the Good Samaritan Act with respect to protection for civil liability, and (2) there is no legislation in this province with respect to programs for installing automatic external defibrillators, and it's something we need to have and that was recognized in Bill 51 by the current Minister of Immigration and Citizenship, and I heartily propose we do that.

I'm not here for a debate with respect to specious legal arguments. I'm a lawyer and I know what I think is covered by this in the research we've looked at. We have to go broader with this legislation in terms of what's required. I think we have to look to the United States and the model they have put forth for dealing with this particular issue. Quite frankly, they have done something about it.

I am the member who represents the city of Barrie. The member from Nickel Belt did point out a very sad situation in my riding. Barrie's Chase McEachern, a young boy, died on February 15. He would have turned 12 on March 31 of this year. He was diagnosed with a rare heart condition last fall. As I said, he died on February 15, six days after passing out during gym class. He was an outstanding young man and he was also an outstanding young athlete. While on the waiting list for heart surgery, Chase had written a letter to Don Cherry to help promote the need for defibrillators in all schools and hockey arenas. He lapsed into a coma before he could send it, but a family friend got the letter to Mr. Cherry. I want to read this letter to the House today. This is the text of the letter sent to Hockey Night in Canada's Don Cherry by Chase McEachern:

"Dear Mr. Cherry:

"My name is Chase McEachern. I will be 12 years old March 13th. I live in Barrie but I play hockey in Vaughan. I am an assistant captain on the Vaughan Kings Minor Peewee Triple A team in the Greater Toronto Hockey League.

"With the support of my family and my coach, Mr. Darrell, I am writing this letter to you to bring attention to an important matter.

"I have recently been diagnosed with a heart condition by cardiologists at Toronto Sick Kids Hospital. I have an unusually high heart rate and an atrial flutter. I have been in and out of Sick Kids Hospital several times since October.

"When I wore the holter heart monitor during hockey practices, my heart rate spiked to over 300 beats per minute. Sometimes, I can feel my heart racing, but most times I don't feel anything. I was told by my cardiologist at Sick Kids that I cannot finish this hockey season because it is too dangerous. I am on heart medications and on a waiting list for heart surgery in the spring. I hope the surgery will be successful because I really want to play for Vaughan again next season.

"The point of my letter is to start a campaign to make defibrillators mandatory in hockey arenas and schools everywhere.

"After seeing Jiri Fischer collapse and Mario Lemieux retire because of irregular heart rates like mine, I want people to know these heart conditions also affect children.

"February is Heart Month and it would be a great time to promote defibrillators. Nowadays, defibrillators are easy to operate and should be available if needed especially in hockey arenas.

"Please listen to my letter. Your support would really help.

"Yours truly,

"Chase McEachern."

1150

I think anyone in this province who has either a child in hockey or is a grandparent with children in hockey recognizes the situation. This is a very sad situation, and I think there's a cause that should be picked up today. I put it out to Mr. Crozier today. He has started this with respect to protection and civil liability, which is important, because we need to have it to use, and we need people to use it, because they have to know that they're out there to protect people who do need it.

I will say that I support this bill, but I support the bill in the context of saying that we need to do more. We need to do a lot more with respect to dealing with this from a legal point of view. We need to deal with it from a public policy point of view to ensure that young people like Chase and other people who have gone before him are not forgotten.

I support the bill, but I urge the member to recognize that the Minister of Citizenship and Immigration, under Bill 51, went a lot further, and we can go a lot further in this House with respect to what we need to do.

I thank you, Mr. Speaker, and I'll give my time to the member from Oshawa.

Mr. Dave Levac (Brant): I want to take a moment in front of the bill to just make a couple of comments, first of all, on what we've heard today, and also on the designation of private members' business. No finer times do we see in this place than the actions and the activities that take place—this is my opinion, and I'll state clearly that this is my opinion—in private members' business,

when we shed our shackles of party membership for a moment and look at the issues that each member decides to bring in their ballot to the forefront.

I want to compliment and thank the member from Barrie–Simcoe–Bradford. He showed a side of himself today that I know has always been there. When those types of issues come to us as elected officials, it designates one more time what I've said since I've been elected in this place: We are the voice, the hearts, the wishes, the dreams and the aspirations of our constituency. We do have heartfelt feelings about our constituency, and that's a good thing. That's something we should all be very proud of. So I want to thank the member for his compassion, his understanding and his challenge for us to continue to look for good pieces of legislation.

The member from Nickel Belt offered us some suggestions that I believe were in the same vein, that ask us, in a challenging way but in a respectful way, to take a look at what governments can do to continue to push forward.

I myself offered a bill that this Legislature adopted and accepted called Sabrina's Law, regarding anaphylaxis, very much in the same vein as what we're talking about today, where people can die within a two- to three- to four-minute period. We need to have better practices in place. That was accepted, and it was a very touching testimony to those who have unfortunately died as a result of anaphylaxis.

So in front of the bill, I want to simply say very clearly that this is the right thing to do. I appreciate what both members said in terms of the right steps in the right direction. We can't help but use private members' business for those purposes. I said earlier, when speaking to the previous private member's bill, that I myself personally share the opinion that this is the place where we can collectively share a common good, share common visions and share common dreams, without the shackles. I don't want to say this in a negative way, but there are shackles on us in terms of what our parties want us to do and where we want to go, particularly those of the governing party. But I also respectfully suggest that it's an opportunity for us to show the rest of the people who watch this place and who sometimes only watch question period and get the false impression that we don't know how to get along—I think private members' business is a perfect opportunity for us to do that.

I've only got a couple of minutes left, but I want to now move into the preamble as to why I want to talk so positively about the member's bill, and that is, let's remember, in front of the defibs, in front of resuscitation techniques, we have those people, on a day-to-day basis, who put themselves forward as our emergency response teams. Those people—the firefighters, the paramedics, the police officers, the citizens who step forward who have been trained in first aid and Red Cross—those people put themselves out there on a regular basis. We admire you; we thank you; we are grateful. You are true professionals who do that day-to-day work. The training

of what is happening now, this evolution we're going through, is one of those things we need to catch up with.

I want to take some of the comments that have been made to say, remember, this is a step-by-step process, an evolution, and here is one more. I want to say to the member, thank you very much, Mr. Crozier, for stepping forward and acknowledging that this is another piece of the puzzle that needs to be continually put together to offer us the wonderful solution we have of being able to save a life. That's not spoken of enough, being able to put something in place so that it becomes commonplace to save a life because we're doing the right thing.

I want to compliment him for doing that, and obviously, for those people who have had the unfortunate experience of suffering through those tragedies, also celebrating those triumphs of beating death because we were there and prepared. That's what this is going to do. It's going to make us prepared and give us an opportunity to save lives.

The longitudinal studies have been done. The locations where these should be have been done. The proper protections are what we're looking for now to ensure that every angle is cut off from liability. I want to compliment all the members for their participation on this bill.

I want to thank you, Speaker, for this opportunity. I will make a comment about your knees; they're very attractive in your tartan today.

Mr. Jerry J. Ouellette (Oshawa): In the time I have, I'd like to thank the member from Essex on bringing the issue forward. As a hockey fan and coach, I certainly see these things. Whether it's in the Oshawa Civic Auditorium or some of the other rinks, it's great to see. The one thing I would ask, possibly, is that the government look at a program that potentially could aid in locating defibrillators, whether it's Scout camps—because I know that locally we have about 36,000 Scouts going through—or in other areas as well, whether it's northern or rural Ontario. Sometimes, it's very expensive to place these things, so not only the locations and a program to assist in putting defibrillators in the locations, but also in the training to make sure it happens for them.

We will be supporting the member. I think it's a good cause. Anything we can do to move it forward, we'll certainly be there for you.

The Acting Speaker: The member for Essex has two minutes to reply.

Mr. Crozier: I want to thank the members from Haliburton–Victoria–Brock, Nickel Belt, Nipissing, Chatham–Kent–Essex, Barrie–Simcoe–Bradford, Brant and Oshawa for their comments.

I want to recognize today that here supporting me is Morty Henkle, executive director of the Mikey Network, which is a charity working to create public awareness and provide education about heart defibrillators. Justin Brown is manager of government relations for the Heart and Stroke Foundation, and Kathy Hall is an Ontario government employee who was saved by the AED in the Macdonald Block. Kathy, thank you for being with us today. I have mentioned Wayne Currie, as well as several

manufacturer representatives, and Kara Lynn Ashton is from the Toronto EMS. Thanks so much for joining me.

Just in comment on the bill, I agree with the member for Nickel Belt that there is a lot more we have to do to encourage the government to become very actively involved in this. It is placing these devices in some of the public areas. As we said, one is right outside the door here. But I am going to be with you to encourage the government to do a lot more when it comes to that.

As to the member for Barrie–Simcoe–Bradford and his comments about the Good Samaritan Act, you can never seem to get two of these lawyers to agree. We have an opinion that there is a grey area in the Good Samaritan Act and that's why we've brought this forward.

As far as their being in public places is concerned, I agree. I looked at Mr. Colle's bill. In fact, I got his permission to take this matter up, since he started it. There is a great deal of difficulty in defining what a public building and a building that has public access is. We will continue to work on that. But this liability question is one that stops a lot of private industry and municipalities from placing them. We want to get that issue, the case of liability, settled. Thank you. I ask for your support.

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

GRAVESITES OF FORMER
PREMIERS ACT, 2006

LOI DE 2006
SUR LES LIEUX DE SÉPULTURE
DES ANCIENS PREMIERS MINISTRES

The Acting Speaker (Mr. Ted Arnott): We will deal first with ballot item number 25, standing in the name of Mr. Brownell.

Mr. Brownell has moved second reading of Bill 25, An Act to preserve the gravesites of former Premiers of Ontario.

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

We're going to do the second vote and put off the recorded vote till that time.

HEART DEFIBRILLATOR USE
CIVIL LIABILITY ACT, 2006
LOI DE 2006 SUR LA RESPONSABILITÉ
CIVILE DÉCOULANT DE L'USAGE
DE DÉFIBRILLATEURS CARDIAQUES

The Acting Speaker (Mr. Ted Arnott): Mr. Crozier has moved second reading of Bill 71, An Act to promote the use of automated external heart defibrillators.

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

I declare the motion carried.

Pursuant to the order of the House, this bill is referred to the committee of the whole House.

I recognize the member for Essex.

Mr. Bruce Crozier (Essex): It seems to me I've heard that before. I would ask that consent be given to send the bill to the standing committee on social policy.

The Acting Speaker: Shall this bill be referred to the standing committee on social policy? Agreed.

GRAVESITES OF FORMER
PREMIERS ACT, 2006

LOI DE 2006
SUR LES LIEUX DE SÉPULTURE
DES ANCIENS PREMIERS MINISTRES

The Acting Speaker (Mr. Ted Arnott): Call in the members. This will be a five-minute bell.

The division bells rang from 1201 to 1206.

The Acting Speaker: All those in favor of the motion will please rise.

Ayes

Balkissoon, Bas	Kwinter, Monte	Ouellette, Jerry J.
Berardinetti, Lorenzo	Levac, Dave	Prue, Michael
Bradley, James J.	Marchese, Rosario	Ramal, Khalil
Brownell, Jim	Marsales, Judy	Rinaldi, Lou
Crozier, Bruce	Martel, Shelley	Ruprecht, Tony
Delaney, Bob	Matthews, Deborah	Scott, Laurie
Flynn, Kevin Daniel	Miller, Norm	Smith, Monique
Hoy, Pat	Mossop, Jennifer F.	Tascona, Joseph N.
Jeffrey, Linda	Munro, Julia	
Klees, Frank	Murdoch, Bill	

The Acting Speaker: All those opposed to the motion will please rise.

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 28; the nays are 0.

The Acting Speaker: I declare the motion carried.

Pursuant to standing order 96, the bill is referred to the committee of the whole—I recognize the member for Stormont–Dundas–Charlottenburgh.

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): I seek consent that Bill 25 be sent to the standing committee on the Legislative Assembly.

The Acting Speaker: Shall this bill be sent to the standing committee on the Legislative Assembly?

All those in favour will please rise and remain standing.

The majority is in favour, and the bill will be going to the standing committee on the Legislative Assembly.

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

The House recessed from 1209 to 1330.

MEMBERS' STATEMENTS

TARTAN DAY

Mr. Bill Murdoch (Bruce–Grey–Owen Sound): It always brings me great pleasure to have the opportunity to wear my kilt and celebrate today the 15th anniversary of my resolution to name April 6 as Tartan Day in the province of Ontario. The declaration of Arbroath on April 6, 1320, marked the day a group of Scottish nobles swore independence from England.

I have always been proud of my Scottish heritage, shared equally with English, Irish and French. I would like to commend and thank all the other members of the Legislature who are wearing tartan today.

On April 6 of each year, we wear tartan to honour the contributions of Scottish settlers to the province. As a matter of fact, many communities in Ontario have been named after Scottish leaders, communities such as Fergus, Wallaceburg, Glengarry county and Cambridge, just to name a few.

Tartan was and still is worn by members of Scottish clans for the purpose of identification of both the clan and the clan's territory. First recorded in history by Julius Caesar in France, where he first observed Celtic tribes, tartans came in many different forms: mourning tartans, hunting tartans, clan tartans and district tartans. The Ontario tartan is in fact a district tartan identifying the wearer as being from the province of Ontario. Even billionaire property tycoon Donald Trump has joined the celebration of Tartan Week in New York, where this Sunday thousands of pipers and drummers will make their way down New York City's Sixth Avenue.

If you're wearing a kilt, tie or some other form of tartan today, you're not only celebrating our Scottish history and their contribution to the multicultural nature of Ontario, but you are in good company.

EVENTS IN MISSISSAUGA

Mr. Tim Peterson (Mississauga South): I rise today to tell the House about the Southside Shuffle, a gala evening called New Orleans 2006, and to introduce Mr. Chuck Jackson.

Chuck Jackson is the founder of the Southside Shuffle, a four-day blues festival in the town of Port Credit in my riding of Mississauga South. It takes place the weekend after Labour Day, this year from Wednesday, September 6, to September 10.

Over 75,000 people from all over North America will attend the four-day festival. On Saturday, the main street of Port Credit is closed and over 20 restaurants will have blues bands playing. The main stage on Friday night this year will feature David Clayton Thomas, and the main stage continues on both Saturday and Sunday.

In 2005, Chuck and I founded the New Orleans Gala. In our first year, over 600 people on a Wednesday were treated to an evening of delicious food provided by 10

restaurants. Music from seven different performers and wine, spirits and beer were all donated to the evening.

Due to the generous support of five companies in my riding—Petro-Canada, St. Lawrence Cement, the Ontario Pharmacists' Association, GlaxoSmithKline and AECL—and the 10 local restaurants and the 600 people, we were able to donate \$20,000 to five local charities, \$5,000 to New Orleans relief and \$20,000 to the Southside Shuffle so it can expand its activities.

Both Chuck and I and the 60 volunteers are very proud that the citizens of Mississauga came together to benefit five local charities: the Lakeshore Corridor, Youth Net Peel, the Compass, the food bank and Interim Place.

All of us are aware that even in the wealthiest ridings in Ontario, some of our population lives below the poverty line and needs assistance from local charities. Mr. Speaker and members of the House, it is a pleasure to introduce to you Mr. Chuck Jackson, founder of the Southside Shuffle and co-founder of the New Orleans Gala.

HOCKEY

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): The cuts have been made, and the 50 finalists have been chosen in CBC television's Kraft Hockeyville contest. My hometown of Barry's Bay has made the grade. A renewed excitement was in the air this past weekend, as the news spread through the area like wildfire. As a pleased and excited Reeve John Hildebrandt said, "I think it's fabulous. It's amazing to me to think that out of 450 applications, we're down to 50."

The remaining contestants must now submit a two-minute video telling Canadians why their community should be named Hockeyville. It's all about community spirit and the great Canadian game of hockey. Both were prominently displayed this past weekend, as the first Opeongo Heritage Cup was played: a friendly but spirited round robin between teams of German, Irish and Polish descent, whose ancestors came to settle in the Valley some 150 years ago.

The tournament featured exciting hockey played at a very high calibre. The stands were full and rocking, as fans cheered for their respective teams. After treating everyone to a great weekend of very closely played contests, the Irish team emerged as the victor.

Let me take this opportunity to congratulate Michael Papania and Shawn O'Reilly and everyone involved in the Hockeyville application, and also David Shulist and his team of volunteers for making the first Heritage Cup such a tremendous success and an integral part of our Hockeyville submission.

Municipalities and their citizens from all around the Valley are throwing their support behind Barry's Bay's bid. In fact, Dave Bassett, better known as the Singing Farmer, has already composed a song being played throughout the Valley, encouraging people to get their votes in for the only real choice for Hockeyville: Barry's Bay.

MAKING THE GRADE

Ms. Andrea Horwath (Hamilton East): I'm pleased to welcome to the chamber students who participated in CBC television's groundbreaking Making the Grade project. The students aren't just making the grade; they're making history. This is the first time ever in Ontario that students have drafted legislation that we will debate and hopefully pass into law in this House.

Each party sponsored a different bill. I was pleased and proud to work with the students from St. Ignatius of Loyola Catholic Secondary School in Oakville, Cardinal Carter Catholic High School in Aurora and Lisgar Collegiate in Ottawa. I congratulate the students for their impressive work, and I want to commend the genius of CBC's Queen's Park reporter Mike Wise, who developed the program.

With the time remaining, I'd like to acknowledge the students by name, if I can get them all in: Zach Brewer, Hajoon Choi, Andrew Cormier, Michael Daly, Jacqueline DiFilippo, Lindsay Franco, Anthony Gomes, Philip Hemsley, Zach Horcoff, Nikki Kellner, Christina Lee, Katie MacFarlane, Nicholas McLeod, Alicia Medina, Paul Mitchell, Erin O'Leary, Sarah Primeau, Korina Punzalan, Yagin Rahmani, Regine Robles, Ana Romero, Karen Spilak, Stephen Stanford, Gabriela Torres, Henry Whitfield, Vanessa Fleming, Natasha Burrow, Lauren Babic, Carly Carrigan, Kendra Stephenson, Amanda Piron, Liz Piccoli, Dante Lagrasta, Sasha Kuyumju—I promised Sasha I wasn't going to murder her name, and I think I might have—Stefano Longhin, Kristina Karakolis, and Majd El-Samrout.

I salute the teachers also: Giulia D'Agostino, Lori Lucignani, and Ken Rachner, who also happens to be a constituent in Hamilton East.

Welcome to all, and bravo.

JANE STREET AND HIGHWAY 7

Mr. Mario G. Racco (Thornhill): The intersection of Jane Street and Highway 7 is a major artery for my riding of Thornhill. On February 7 this year, the intersection's pipe infrastructure gave in. The city of Vaughan is working to replace the pipe system, in addition to putting up signs to notify the community that businesses are still open. With all this effort, however, the local businesses are still suffering.

The importance of this intersection to my riding of Thornhill cannot be understated. With this in mind, I would like to publicly invite everyone to join me tomorrow, Friday, to visit the restaurants and businesses at the Jane and Highway 7 intersection. I encourage everyone to drop in at lunchtime to enjoy a quick coffee and/or lunch or to stop and shop at a variety store. I trust that once you visit this friendly intersection, you will see how important and valuable this area is, not only for the community of Thornhill, but for the entire region of York. This is also the location of the future subway station and therefore will be a very important location for the greater Toronto area.

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I also want to say to the House that the province is working with the city of Vaughan through the Vaughan business centre to find some solutions to the problem. In fact, the province subsidized the Vaughan business centre, and recently there has been a meeting to find some solutions, potentially to train the business community on how to deal with this problem. I invite all of you again to join me on Friday. If I have to pay, I will.

BORDER SECURITY

Mr. Ted Arnott (Waterloo-Wellington): Yesterday, I was glad to attend the annual general meeting of Attractions Ontario at Dundurn Castle in Hamilton. The people attending this event were exceedingly disappointed that the McGuinty Liberal government, for all intents and purposes, ignored tourism in the provincial budget two weeks ago.

Months before that budget, tourism industry representatives had told the government that Ontario was challenged by a major decline in US visitors, reaching a 33-year low last year. Now it's likely to get even worse because it appears our American visitors may soon need a passport or a new identity document to get back home. We are already feeling the impact, as word continues to spread of new bureaucracy at the border.

Just today I spoke with a Toronto cab driver who used to get 40% of his fares in American currency. He told me he hasn't seen an American dollar in a month. Yesterday, in response to my questions on the challenge our tourism industry faces, the Premier of Ontario simply pointed a patronizing crooked finger at the federal government.

The truth is that Ontario is facing this enormous challenge, in part because of too many gratuitous anti-American statements by too many Liberals in recent years, which have received prominent media coverage in the United States. Instead of using up the time of this House with partisan nonsense, the government of Ontario should be pushing for a Canadian exemption or a security-upgraded driver's licence and extending the tight time frames that start in just eight months from now. We need to talk more about our friendship and free trade and we need action to protect jobs on both sides of the border. If we're not successful, the government must be ready with a contingency plan which includes a \$30-million marketing expenditure—

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

Mr. Kim Craiton (Niagara Falls): Say it isn't so. As a border community, my riding of Niagara Falls is extremely concerned about the ill-conceived, ill-intentioned plan by the United States government to implement stricter passport controls between our two friendly nations. The requirement for Americans to have US passports to re-enter their own country will make the SARS crisis for the tourist industry look like a Sunday flu on a sunny day.

Niagara Falls is a tourist-driven economy. There are billions of dollars at stake, not just this year, but every year until this problem gets seriously addressed. The Niagara Falls Chamber of Commerce fears thousands of jobs will be lost next year and over \$1 billion lost for the local economy each and every year until this gets resolved. The provincial and federal coffers will lose millions of dollars. Niagara Parks will suffer. Our two casinos will suffer. The Fort Erie slots and racetrack will suffer. Our hospitality industry will suffer. Our arts community will be absolutely decimated.

Why has the Prime Minister abandoned the border communities of Canada? Why is he not leveraging our assets to get this issue resolved? These are the questions that my community wants answered. These are the questions that my community and the investors who spend billions of dollars to make our community a world-class attraction are asking and these are the questions that my community wants answered now.

LA FRANCOPHONIE

M. Phil McNeely (Ottawa–Orléans): La semaine dernière, j'ai eu le plaisir de me joindre à l'Assemblée parlementaire de la francophonie pour leur Commission des affaires parlementaires dans la belle ville bilingue d'Ottawa.

L'Assemblée parlementaire de la francophonie a été créée en 1967, et regroupe des parlementaires de 74 parlements ou organisations interparlementaires répartis sur les cinq continents. Son action vise principalement à promouvoir et défendre la démocratie, l'État de droit, le respect des droits de l'homme, le rayonnement international de la langue française et la diversité culturelle.

L'Assemblée parlementaire de la francophonie est un lieu de débats, de propositions et d'échanges d'informations sur tous les sujets d'intérêt commun à ses membres. Elle adopte des résolutions sur des sujets intéressants la communauté francophone dans les domaines politique, économique, social et culturel.

On a eu aussi le plaisir d'entendre un discours présenté par M. Normand Jutras, député rapporteur de la Commission des affaires parlementaires. Sa présentation, intitulée *Le contrôle parlementaire en Francophonie*, avait comme but d'informer les délégués sur les diverses formes de gouvernement qui mènent les pays francophones du monde.

Il est vrai que certains d'entre eux n'ont pas les structures démocratiques qu'on a ici au Canada. En ce cas, l'Assemblée parlementaire de la francophonie met en oeuvre des actions du développement de la démocratie au sein des parlements francophones.

Monsieur le Président, j'étais fier de pouvoir participer à une telle initiative.

Étant donné que ma circonscription d'Ottawa-Orléans inclut un grand nombre de francophones, ça m'a fait plaisir de me joindre aux autres délégués canadiens de la part d'Orléans.

EASTERN ONTARIO

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): I take it as a personal obligation to explain to this House on behalf of my constituents the awkward position this government has put me in. Under previous governments, the members from my riding expected me to make one or two announcements a session, as eastern Ontario and communities like Cornwall, South Dundas and South Stormont were largely ignored. Indeed, it was under previous governments that the concept of Ontario ending at Kingston was forged.

Well, the McGuinty government sees things differently. They have made a point of ensuring that all parts of Ontario are respected, including the east and my riding of Stormont–Dundas–Charlottenburgh.

As I am sure is the case for many members present, I find myself, for perhaps the first time in the history of my riding, in the position of having to decide which announcement to make first. Should I mention the nearly \$7 million going to roads and bridges throughout my entire riding? Should I talk about nearly \$400,000 for land ambulances; the \$1 million going to water projects in South Stormont and South Dundas; the new community health centre?

With all the long-deserved consideration this government has shown my riding, it's hard to know where to begin. The fact is that all these communities, and communities all across Ontario, were allowed to decay under previous governments. The last one went so far as to download responsibilities while cutting funding to municipalities they expected to provide them.

What the Leader of the Opposition calls a spending spree is more accurately described as necessary maintenance, good governance and responsible leadership. We are showing the way and I'm proud of that.

VISITORS

Mrs. Elizabeth Witmer (Kitchener–Waterloo): On a point of order, Mr. Speaker: I would like to introduce the students from Christ Lutheran School. Their teacher is here today and they're sitting up there in the gallery.

Mr. Frank Klees (Oak Ridges): Mr. Speaker, I will be introducing two bills for first reading today and I want to inform the Legislature that both bills were developed by Ontario students through the CBC's Making the Grade project. This project, spearheaded by the CBC's Queen's Park reporter, Mike Wise, is an attempt by CBC News to find new ways to get young people interested in politics. Today is evidence of the success of that initiative.

I want to acknowledge and welcome to the Legislature students from Iroquois Ridge High School in Oakville, who are here with teachers Ms. Monique Gazan and Ms. Amber Mitchell. Members, please welcome the students who are in the gallery today.

I want to extend a special welcome to Nupur Dogra, the grade 9 student from Iroquois Ridge High School

who initiated and led the development of the first bill I will now move for first reading.

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INTRODUCTION OF BILLS

EDUCATION AMENDMENT ACT (NUTRITION STANDARDS IN SCHOOLS), 2006

LOI DE 2006 MODIFIANT LA LOI SUR L'ÉDUCATION (NORMES ALIMENTAIRES DANS LES ÉCOLES)

Mr. Klees moved first reading of the following bill:

Bill 93, An Act to amend the Education Act / Projet de loi 93, Loi modifiant la Loi sur l'éducation.

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

The member may wish to make a brief statement.

Mr. Frank Klees (Oak Ridges): In presenting this bill for first reading today, I do want to acknowledge the initiative of Nupur Dogra. Nupur, as I mentioned, is a grade 9 student who was inspired, through the CBC's Making the Grade project, to take action on an issue about which she feels very passionately. Nupur wants to enable students to make healthier choices at lunchtime, and she wants to help fight the problem of childhood obesity. To quote Nupur, "\$1.6 billion is going towards treating obesity-related illness. This bill will help make a difference by positively affecting our society's economy, by spending less money to treat these diseases."

This bill, if passed by the Legislature, will amend the Education Act to require three new duties of school boards. First, school boards must ensure that pupils receive instruction in nutrition standards for healthy eating. Those standards include the standards set out in Canada's Food Guide to Healthy Eating and in Canada's Guidelines for Healthy Eating, both published by Health Canada. Secondly, school boards must establish a committee to advise on what standards should form part of the subject matter of the instruction. Thirdly, school boards must post a copy of the two publications of Health Canada in cafeterias that they operate.

On behalf of Nupur Dogra and the thousands of students that she is convinced this legislation will benefit, I urge members to support this bill.

The second bill I am introducing for first reading was proposed and developed by students at Cardinal Carter Catholic High School in Aurora, who also are with us today. I ask the members to give them a special welcome. I want to acknowledge the initiative of Carly Carrigan, who is in the gallery with her fellow students and teachers Ms. Giulia D'Agostino and Ms. Laurie Lucignani. Welcome.

EDUCATION AMENDMENT ACT (COMMUNITY INVOLVEMENT), 2006 LOI DE 2006 MODIFIANT LA LOI SUR L'ÉDUCATION (PARTICIPATION COMMUNAUTAIRE)

Mr. Klees moved first reading of the following bill:

Bill 94, An Act to amend the Education Act with respect to community involvement activity hours and board support / Projet de loi 94, Loi modifiant la Loi sur l'éducation à l'égard des heures d'activité et de l'appui des conseils au titre de la participation communautaire.

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

The member may wish to make a brief statement.

Mr. Frank Klees (Oak Ridges): This bill, if passed, will amend the Education Act to allow the minister, under the act, to require students in the senior divisions to complete no less than 80 hours of community involvement activities, or a lesser number of hours that the minister may specify, before receiving their Ontario secondary school diploma.

It will also require school boards to establish policies and guidelines relating to these community involvement activities, and those policies and guidelines cannot prohibit students from participating in heritage and cultural events of a community as a means of completing those requirements.

School boards will also be required to establish joint teacher-student committees to assist students in determining appropriate activities and providing guidance relating to the successful completion of the required number of activity hours.

I urge all members of the House to support this bill.

EMPLOYMENT STATUTE LAW AMENDMENT ACT (INFORMING STUDENTS OF THEIR EMPLOYMENT RIGHTS), 2006

LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À L'EMPLOI (FOURNITURE DE RENSEIGNEMENTS AUX ÉTUDIANTS SUR LEURS DROITS EN MATIÈRE D'EMPLOI)

Ms. Horwath moved first reading of the following bill:

Bill 95, An Act to amend the Employment Standards Act, 2000 and the Occupational Health and Safety Act with respect to providing information to student employees about employment rights / Projet de loi 95, Loi modifiant la Loi de 2000 sur les normes d'emploi et la Loi sur la santé et la sécurité au travail à l'égard de la fourniture de renseignements aux étudiants salariés sur les droits en matière d'emploi.

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

The member may wish to make a brief statement.

Ms. Andrea Horwath (Hamilton East): I did, in my statement earlier, acknowledge the wonderful young people who have joined us today and those students who worked very diligently to prepare this bill.

In the preparation of this bill, students were raising the issues around employment rights for students. Part of their concern is that, as young people starting off in the workplace, they're not only generally unaware of what their rights are in the workplace, but also unaware of how to enforce those rights. The students came up with an act that would amend two other pieces of legislation to provide the opportunity for students, in their own language, in their own best way of learning, to understand what their rights are and understand how to enforce those rights, and puts obligations on employers to provide posters as well as booklets to youth when they become employed in a place of work.

This bill will help to protect students' interests and will help to give them the understanding of what their obligations are but, most importantly, what their rights are in the workplace so that they can start off in Ontario with very positive work experiences and long and healthy working careers.

I am very proud of this bill. I'm proud of the students and I hope every member of this House will support this bill.

EDUCATION AMENDMENT ACT
(SCHOOL WASTE REDUCTION), 2006
LOI DE 2006 MODIFIANT LA LOI SUR
L'ÉDUCATION (RÉDUCTION DES
DÉCHETS DANS LES ÉCOLES)

Ms. Wynne moved first reading of the following bill:

Bill 96, An Act to amend the Education Act / Projet de loi 96, Loi modifiant la Loi sur l'éducation.

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

The member may wish to make a brief statement.

Ms. Kathleen O. Wynne (Don Valley West): I'm also very happy to take part in the Making the Grade project, the brainchild of CBC's Mike Wise. What this bill does is it amends the Education Act by imposing duties on school boards to ensure that every classroom has separate recycling containers for paper, plastic and aluminium and that every school cafeteria has a recycling facility.

This bill was developed by the students of Georgetown District High School who are in House today. They did their research and found that not every classroom and not every cafeteria in the province has recycling containers and that they're not used appropriately.

Interjection: That's a shame.

Ms. Wynne: That is a shame, and that needs to be changed, and that's what the students thought.

I'd like to acknowledge the students who are in the House with us today: Kody Lyons, Kevin Robbie, Hillary Lutes, Joanna Ho, Jenna Misener, Jessica Holburn, Jen

McVicar, Calvin Halaig, Dylan Hickson, Chris Dobson, Rob Weber, Justin Bravo, Robin McDonald, Jamie Gelfand, Ashley Moffatt and Amanda Stone Brink.

I'd like to acknowledge the staff advisor to the geography club—Laura Hudgin—for all their work in creating this bill, because it was the geography club that developed this bill.

I know that all of us who visit schools are not surprised that students take these issues seriously, but we are impressed that the students have worked this hard and come this far, and I hope everyone will support this bill.

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CHILD AND FAMILY SERVICES
AMENDMENT ACT, 2006
LOI DE 2006 MODIFIANT LA LOI SUR
LES SERVICES À L'ENFANCE ET
À LA FAMILLE

Andrea Horwath moved first reading of the following bill:

Bill 97, An Act to amend the Child and Family Services Act / Projet de loi 97, Loi modifiant la Loi sur les services à l'enfance et à la famille.

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

The member may wish to make a brief statement.

Ms. Andrea Horwath (Hamilton East): This bill would make the Ontario child advocate truly independent, something the government promised to do, but at this late date still has not done. It amends the Child and Family Services Act to ensure that the child advocate is free to speak up for children and children's issues by requiring that person to submit a report each year to the Legislative Assembly summarizing the activities, finances and expected outcomes of the office and the results achieved by that office.

It's high time that Ontario had an independent child advocate, and I hope every member of this Legislature will support this bill.

MOTIONS

REFERRAL OF BILL 190

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): Mr. Speaker, I believe we have unanimous consent to move a motion without notice regarding discharging a bill from one committee to another.

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

Hon. Mr. Bradley: I move that the April 4, 2006, order of the House referring Bill 190, An Act to promote good government by amending or repealing certain Acts and by enacting one new Act, to the standing committee

on social policy be discharged and that the bill be referred instead to the standing committee on the Legislative Assembly.

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

STATEMENTS BY THE MINISTRY AND RESPONSES

FAMILY HEALTH TEAMS

Hon. George Smitherman (Minister of Health and Long-Term Care): It was my pleasure to join the Premier and a number of caucus colleagues in my homeland of Etobicoke earlier today for an important announcement.

We were in Etobicoke to launch the third wave of family health teams. This third wave consists of 50 new family health teams, bringing the province-wide total to 150. That's a significant number because it fulfills the commitment we made just over two years ago. It's also important to note that we have reached that goal in April 2006, far ahead of schedule.

But the most important thing about reaching this goal at this time is what it means for the people of Ontario. They are the true beneficiaries of this remarkable achievement. That's because family health teams are a health care model that works. They work for patients and they also work for doctors and other health care professionals.

Family health teams are exactly the kind of interdisciplinary health care team model that experts like Roy Romanow have been calling for for years. They are, in the truest sense of the word, teams. They provide health care, often to people who didn't have a family doctor, and they provide it in a tremendously efficient way.

The benefits are felt throughout the system. Family health teams reduce pressure on hospitals. They reduce wait times. Because of their team model, they are able to extend care to more patients per doctor than doctors working in a solo practice.

Family health teams help doctors to leverage the care they provide, and they offer expanded and different types of care that doctors alone cannot provide.

Family health teams allow those who work there to share the workload, providing them with greater flexibility and balance in their work and home lives.

The benefits to patients are even more compelling. In addition to offering interdisciplinary care, family health teams provide after-hours and weekend coverage, and patients can call a telephone health advisory service after hours to get health care advice from a registered nurse.

Family health teams make sense. They are a model that enjoys almost universal approval.

The 50 new family health teams we announced this morning are located in urban areas and rural communities, and they vary in size and structure. I'm particu-

larly proud of the fact that with these announcements today, we're seeing the first nurse-practitioner-led family health team initiative in Timmins.

Since each of the 150 family health teams across Ontario is at a different stage of readiness, the teams are becoming operational at different times. Once all 150 family health teams are operational, they will be able to provide the very best kind of comprehensive care to some 2.5 million. Already 700,000 Ontarians, including 41,000 who did not previously have access to a doctor, are enjoying care and support from family health teams. Because of their flexibility, each of these family health teams will be extremely responsive to the unique needs of the communities they serve, whether it be HIV or diabetes, allowing care to be targeted more effectively than ever before.

Family health teams are coming to life across Ontario and they're coming to life more quickly than even the most optimistic forecast. This is good news for all Ontarians. I know that all members of this House will join me in celebrating this important milestone and congratulating those, especially our front-line health care providers, who have done so much to make it happen for our patients.

The Speaker (Hon. Michael A. Brown): Statements by the ministry? Responses?

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I'm pleased to respond to the statement made today by the Minister of Health. Our government, when we were in office, did support the introduction of this new model of care. In fact, we were pleased to launch this new model of primary care with the Ontario Medical Association in 1998. We're very pleased that the Liberal government has continued to move forward with that initiative. It is an initiative that provides seven-day-a-week, 24-hour care. It also provides for an interdisciplinary model of care. So we do support it. We are glad they're building on the foundation.

However, the reality is that this minister and this government have now made 20 announcements on family health teams. The reality is that there are not 150 family health teams up and operational. In fact, the government has experienced extreme difficulty. They are great at making promises, but they are having extreme difficulty in delivering those promises.

This government is asking people to pay more through the health tax and they are delivering less. We've seen it here. We've seen it in the promise they made to the people of the province that they were going to have 8,000 new nurses. The truth is, the Ontario Nurses' Association has a campaign right now expressing their disappointment that the government has not created 8,000 new positions. In fact, the nursing association is very concerned that the government will be unable to fulfill that promise. Again, this government promises, but they are unable to deliver.

We've seen it in wait times. Again, this government has indicated they're going to reduce wait times for people in Ontario. The truth is, it is not happening.

People are paying more. They're paying the health tax, despite the fact that the Premier said he would not raise taxes, and they are seeing less.

In fact, if we take a look at wait times, the unfortunate reality is that in the central east LHIN, the wait times for angioplasties are up an astonishing 317%. In the Premier's hometown of Ottawa, wait times for hip replacements at the Queensway Carleton Hospital are up 318%. The MRI wait times at St. Michael's Hospital are up 40%. This is the Liberal legacy.

1410

On nurses: They haven't delivered the 8,000 nurses. They have not delivered on their promise as far as wait times are concerned, and yet people pay more and they get less. In fact, if we want to take a look at nurses, remember, this is the government that promised 8,000 more nurses. And what did they do? Well, remember, in January 2005, they actually spent \$91 million to fire 757 nurses. Then they turned around six months later and spent another \$28 million to keep the nurses. This is the track record of this government.

Then, today, we have the 20th announcement on family health teams. It's as though this government, its Premier and its minister figure that if they go out one more time and talk about this, the public will actually believe it's happening. Remember, this is merely an announcement. In fact, the first announcement was actually a conversion of our family health networks into family health teams. These family health teams are not operational. The negotiations have been very challenging and very difficult. In fact, some of the physicians who originally had expressed interest are no longer interested today. It is extremely regrettable that this government makes promises and they cannot deliver on their promises.

The minister says there are 30 teams up and operational. We understand there are 12 in negotiations and only four of them have completed the negotiations. We also know that they do not fulfill the criteria of what is meant by a "family health team."

I also want to put on the record the fact that there's growing concern that this is two-tier medicine. There will be people who will be part of the family health teams who will have access to all sorts of services, such as physiotherapy, and yet other people will not have the same opportunity, will not be able to have that access.

This government has now made 20 announcements about 150 family health teams. The reality is, that's all they are. They are not fully operational family health teams, and this government is simply not able to deliver on any of their promises.

Ms. Shelley Martel (Nickel Belt): In response to the statement made by the Minister of Health, I'm going to repeat the concerns I have raised before when this government has made announcements about family health teams. Number one: How many of the family health teams announced today are actually reincarnations of existing family health groups or family health networks that were established and funded under the previous

Conservative government? How many, in fact, are only conversions from FHGs and FHNs that were already in existence and that will essentially fail to provide any more care to any more people, because they have a similar structure? How many of the ones announced today are actually physician groupings that were already in place?

I raise this because in April 2005, when the government announced its first wave of family health teams, the minister had to admit to Canadian Press that, "Half of the first wave of family health teams will involve docs already working in group practices switching over to a new model." At that time, at least 14 former family health networks became family health teams, and 10 of them kept their old name from when they were family health networks. It's no wonder that at the time the former president of the OMA, John Rapin, said, "'This is not going to immediately increase the number of doctors in Ontario,' said Dr. John Rapin, president of OMA.

"In fact, I expect most of these teams will be a coalescence of current medical practices in the community."

The second concern is, how many of the family health teams announced today are going to operate in underserved areas in this province? You see, in the first round of announcements, almost half of the teams that were announced were not even located in underserved areas, as per the Ministry of Health's own underserved area list. In the second round of announcements, less than half of the teams that the government announced were going to underserved area communities, as per the Ministry of Health's underserved area list.

I haven't had a good look at the list that's been announced today, in comparison to the most recent figures coming from the underserved area program. But I suspect that we will see more of the same, that about half of the teams are going to end up in underserved areas, when I thought the point of the exercise was to make sure that people in underserved areas got primary care reform first, and that is not happening.

The third concern I have involves the timelines that are in place, if there are any, to actually get family health teams up and running. I want to use some quotes, very recent quotes, from people who are extremely concerned about the long delay in actually seeing something get up and operating in their communities.

This comes from the Windsor Star, Saturday, March 18: "Nearly a year after Harrow and Leamington were approved for provincial funding to start family health care centres, progress has been sluggish, the chairman of the Harrow family health team board said Friday.

"The community of Harrow is very disillusioned about where these family health teams are going," said Mike Munger, chairman of the Harrow family health team inc. "We're starting to believe that the ministry does not want to fund these things."

In April 2005, the ministry announced 69 health teams, including Leamington and Harrow. To date, all Leamington and Harrow have seen is about \$70,000 to

develop a business plan, which they submitted in November and October 2005, some many long months ago.

It is true that the local member got together a meeting between himself and Minister Smitherman to talk to the team's proponents about this so they could express their concern. What is still interesting is the timeline. You see, Mr. Crozier said that he'd like to see the health teams start by the end of the year; the ministry said that it hopes the health teams will be operating by 2007 or 2008. What is happening in this community?

That's not the only one. This is from the Owen Sound Sun Times. Owen Sound was one of the first among 52 communities to be identified, in April 2005. The chair of the board said that "more information has trickled down ... many things remain unclear...."

"There hasn't been a family health team approved in its entirety yet in the province," Tweedie said.... It could be a number of months before we hear back...."

Jim McLean, who's leading this whole exercise, said that "it would take about two years to get the local team up and running."

Where is the primary care that people were promised?

MEMBER'S BIRTHDAY

Ms. Jennifer F. Mossop (Stoney Creek): On a point of order, Mr. Speaker: I'd just point out that it is not only Tartan Day today, but it is also another auspicious event: the birthday of the government whip. Happy birthday to Mr. Levac.

VISITOR

Hon. Rick Bartolucci (Minister of Northern Development and Mines): On a point of order, Mr. Speaker: I'd just to inform the House that the teachers and students at Wembley Public School are very, very proud of the page from Sudbury, Mark Mancini. I know that his father, Rick Mancini, who's in the gallery today, is very, very proud of him as well.

ORAL QUESTIONS

SENTENCING

Mr. Robert W. Runciman (Leeds-Grenville): My question is for the Attorney General. There's a report in today's media that the crown has reached a two-pronged agreement with contract killers who committed a horrendous gun crime in Toronto. Connected with the sentence is an agreement with these professional hit men, who crippled an innocent bystander, to provide a \$2.5-million payment to the victim. If true, it looks as though organized crime is attempting to buy a cheaper sentence with the proceeds of criminal activity. Can you tell us what the policy of your ministry is with respect to perpetrators

offering restitution to victims in return for more lenient sentences?

Hon. Michael Bryant (Attorney General): The member, when he was Solicitor General, used to answer questions such as that by referring to standing order 23(g), and saying that a matter that's before the court, before a judge, for a particular judicial determination is out of order, and the question is out of order. In any event the member, as he said at the beginning of his question, is speculating upon speculation. I know that when the member was Solicitor General, he never would have speculated about a matter that was before the court. He is doing so now, but I won't.

1420

Mr. Runciman: I wasn't speculating about a matter; I was asking about a policy with respect to perpetrators offering money for a lesser sentence. We have a city plagued by gun crime. We have a case where contract killers are being handed, apparently, a lenient sentence, given to them because of a proposed cash payment. According to Chief Bill Blair, these cold-blooded killers don't have any remorse. These are the most dangerous criminals in Ontario. They are hired contract killers and they should be receiving the maximum sentence for their crimes.

This is a policy question: Will you direct crown attorneys in this province to ask for the maximum sentence in all cases of contract killers affiliated with organized crime?

Hon. Mr. Bryant: Again, the Legislature is a forum where we engage in political debate. I would hope that the member would not be trying to provide political pressure in any way on decisions that are to be made, that have to be independent, with respect to how a particular matter is pursued before the courts, nor would he want to try to influence a matter that is before the courts in any way.

I won't speculate about what might happen in the future. The matter that he is asking about is quite clearly before the courts. We expect the next appearance on this particular matter will take place early next week. I would ask members and the public to respect the due process, to respect the victim and the victim's family, in this case, and to let the matter unfold before the courts as it should.

Mr. Runciman: I think we do have a role to play here. If this goes forward, as suggested by the Toronto Sun, this is a horrible mistake, a very dangerous precedent. You have a role to play as the Attorney General. As the minister responsible, you have to be able to assure Ontarians that the payment of money is not reducing the sentence of these contract killers. If you can't do that, again, I say this is wrong. What you're suggesting is that if these criminals are to commit more crimes, all they have to do is have the funds necessary to buy a cheaper sentence. That's the precedent here.

I ask the minister: Will you be directing the crowns not to make any deals—get away from a specific case—regarding restitution until they're satisfied the money does not come from criminal activity?

Hon. Mr. Bryant: Again, I say to the former Solicitor General, would he have directed police as to what they ought to do on a particular matter based on what was urged by him in a legislative debate in the Legislature? Of course he wouldn't have, or shouldn't have.

This is obviously a matter involving an innocent victim and her family. Louise Russo is someone who I have met with on more than one occasion, on this and other matters. She is incredibly courageous. I can tell you that she has indicated to me that the speculation that takes place around this matter is very harmful, hurtful and difficult. Yes, there is a process under way and yes, she is participating in that criminal justice process. But I believe that she and her family have quite clearly been through enough and should not be subjected to this kind of speculation.

The matter will be public and go before the court. I will obviously answer questions upon the conclusion of the matter. I would just ask members to let the process unfold as it should.

HEALTH PREMIUMS

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): My question is for the Premier. Yesterday you told us that you are going to enforce your broken tax promise to the loyal men and women of our armed forces and that they are going to pay for that broken promise. These are individuals who risk their lives to protect our freedom and who work in inherently dangerous situations. I'm getting letters from members of our armed forces who aren't even allowed to access OHIP services because they would be breaking the law.

Premier, these brave men and women should not be paying your health premium, your punitive health tax. Their health care is paid for by the people of Canada. Will you stand up, look in the camera and tell them again why you're letting them down?

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

Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet): I will repeat what I said yesterday: The premium is intended to improve Ontario's health care. The revenue raised from the premium is used to support the health care system. Having a well-functioning system is vital for anyone receiving care in Ontario, whether or not the select service used by that individual is paid for by the province. Without that system to support hospitals, clinics, doctors and nurses, we would not be able to provide quality individual care.

All of us contribute at different stages of our lives, and all of us use the system at different stages of our lives. It's an investment in something I think we all agree to—a one-tier public health care system—and it's a system that members of their families and members themselves, those individuals, will benefit from, too, when they return home to Canada and when they finish their service in the military.

Mr. Yakabuski: Premier, I would think that if you feel this money is so important to your bloated government, you would answer that question to the members of our armed forces yourself. There are 28,000 Ontarians serving our country who do not receive OHIP coverage. To charge them the health premium is the same as trying to charge one from the province of Quebec, but you're looking for a way to do just that, I'm sure.

The income tax form clearly separates the health premium from the rest of the taxes we pay. How can you continue to make these men and women pay for your broken promise? In fact, Alberta and British Columbia exempt members of the armed forces from their health premiums. Premier, how can you continue to break faith with men and women in our armed services?

Hon. Mr. Duncan: We are proud of the men and women in our armed services. We're proud of what they render to us, and we're proud of the fact that we've invested in a family health team at CFB Petawawa. The premium is part of the Income Tax Act. It's a tax—a tax that's paid by all citizens of Ontario, including, for instance, RCMP officers and others who serve all of us loyally and proudly.

As we're proud of their efforts, we're proud of our public health system, and we're proud to be making the investments we need to ensure that those soldiers and their families have the same quality of health care that all of us have come to enjoy. We're proud of our investments in health care in this province.

Mr. Yakabuski: Premier, in your biography you proudly speak about working your way through school by taking a job as an orderly in a veterans' hospital in Ottawa—a hospital completely paid for by the federal government. In August, there will be more than 1,100 Ontarians serving in Afghanistan in the line of fire who will be there, still paying your tax while defending you and your broken promises. Will you stand up, please, today, and tell these brave men and women heading to Afghanistan this summer that they no longer have to pay your punitive, illegal health tax?

Hon. Mr. Duncan: Again, let me state how proud we are of the armed men and women in the armed services who serve on behalf of all Canadians. They pay income tax, they pay other taxes, and they contribute as all of us do. I think they're proud of our health care system, and I think they understand, when they come home, that they'll use the system, that their families use the system.

Unlike that member and his party, we're not prepared to cut \$2.6 billion out of the health care system. That's what you want to do. You want to eliminate the health premium, which means you want to take out \$2.6 billion.

Let me tell you, that premium, every penny, gets invested in health care. Let me tell you another thing: It doesn't cover the entire increase in costs and investments that we've made in health care to ensure adequate health care for everyone.

We're proud of the men and women who serve for us overseas, and we're proud of the public health care system that they're fighting to defend.

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NATIONAL CHILD BENEFIT
SUPPLEMENT

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Minister of Community and Social Services. Allow me to congratulate the minister on her new appointment.

My question to the minister is, can you tell us how many Ontario children are living in poverty, and how much money is the McGuinty government clawing back from the poorest of those children every year?

Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for franco-phone affairs): I thank the leader of the third party for his question. My answer is too many children, and that's why this government is doing so much to improve the lives of our children.

As we know, one of this government's priorities is to help the most vulnerable in our community, so let me tell you what we have done since we came to power. We have increased social benefits by 5%. There was a 12-year freeze, and probably under your government there was a freeze, and your party voted against all social assistance increases, so I'm not going to take any lesson from you today.

We have restored the nutrition allowance to mothers. A mother with two children will see a—

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

Mr. Hampton: Gee, new minister, same failure to answer the question. Well, Minister, you should know there are 443,000 children living in poverty under your government—one in six children—and you should know that the McGuinty government claws back from the poorest of those children \$1,500 a year. That's money that could have gone for clothing; it's money that could have gone for food. I want to ask the minister this: Can you tell these families in Ontario who are struggling on very low incomes, before the 2003 election how did Dalton McGuinty describe the clawback of the national child benefit supplement and what did Dalton McGuinty promise to do about that clawback?

Hon. Mrs. Meilleur: Like I said, there are too many children who live under the poverty line, and we have already started to do all we can to help these children. As the member knows, we have stopped the increase in the clawback. We have stopped that. It represents an additional \$56 million in the system to help these children. We know that when there are parents in need, there are children in need. So these savings to the parents will go, I'm sure, toward helping their children.

We are also investing in programs that will help people move off welfare and go back into the workforce. We have also increased the—

The Speaker: Thank you. Final supplementary.

Mr. Hampton: It's truly amazing: a new minister and the same failure to answer the question. The question was, what did Dalton McGuinty say about the clawback?

He said, "The clawback is wrong." What did Dalton McGuinty promise to do about the clawback? He said, "We will end it." But three years into the McGuinty government, the clawback continues. Dalton McGuinty hasn't ended it and your predecessor didn't end it. It now means that you are the minister who is responsible for taking \$1,500 a year out of the pockets of the poorest kids in this province. My question is this: When will you end the clawback of the national child benefit supplement from Ontario's poorest children? When will you, as minister, keep the promise that Dalton McGuinty made and has so far broken?

Hon. Mrs. Meilleur: I would like to remind the leader of the third party that under his tenure as one of the ministers in cabinet, one in five children were on social assistance—one in five. What we have been doing, and will continue to do—we know there are too many children who live in a very critical situation. We are helping the parents by increasing social benefits by 5%. That will go a long way. Also, there is a lot of money that has been reinvested in children's programs and will help them to have a better life. We know that we need to continue to do more, and that's what we are going to do.

The Speaker: New question.

Mr. Hampton: To the Minister of Community and Social Services, you're doing your best to cloud the issue, but the reality is this: The federal government makes this money available for those poorest kids and their families. You, the McGuinty government, take that money away from the poorest kids and their families. That's the issue. Let me tell you, the Daily Bread Food Bank, the Toronto Disaster Relief Committee, the Ontario Public Health Association, the Ontario Coalition for Better Child Care and the Elementary Teachers' Federation of Ontario all agree the clawback is wrong, that the McGuinty government should keep its promise and the McGuinty government should end it.

My question is this: When is the McGuinty government going to keep its promise? When are you going to listen? When are you going to stop clawing back \$1,500 a year from the poorest kids in Ontario?

Hon. Mrs. Meilleur: I just wanted to remind the leader of the third party that the money, the savings from this supplement, goes towards a variety of services that go to children, for example, Healthy Babies, Healthy Children—this is the money that goes towards that—Ontario child care supplement for working families, children's mental health programs and children's treatment centres. I also want to remind the leader of the third party that since we came into power, the number of social assistance recipients who have children has declined by 15%, so this is a good track record that we have.

Mr. Hampton: You try to say that this money is being used for something else. Well, if you want to talk about other money, the McGuinty government had a \$3-billion windfall of new revenue last year. At the same time you were telling these people, these families, that there was no money, you had \$3 billion of new revenue that was unaccounted for. You could have done something for these families, for these poorest of kids.

I want to quote from the Anglican bishop of Toronto. He says, "How can the government give you money with one hand, and take it away with the other? There is absolutely no need for anyone to endure these hardships. Let's end child poverty. And let's start by ending the clawback."

You have the money. You had a \$3-billion budget windfall last year. You'll have even more money this year. When is the McGuinty government going to keep its promise and stop taking \$1,500 a year away from the poorest kids in Ontario?

Hon. Mrs. Meilleur: I don't think we could take any lessons from that party, who left this province with a historic deficit. I want to tell him also that when there is a surplus, it's one-time revenue, and to put in place a permanent expenditure—we cannot do that. What we have decided to do is invest in a one-time situation. We have also invested in education and health care, and I think this has a direct effect on our children. We are the first province in Canada to fund insulin pumps for children, and we are going to proceed with 14,000 child care spaces. Those serve the interests of children.

Mr. Hampton: Minister, you don't seem to get it. This is not your money; this is not the McGuinty government's money. This is money the federal government provides to these poorest children in Ontario. You have no right to take this money away from those kids. Moreover, with a \$3-billion revenue surplus, you have no need to take this money away from those kids.

Let me put it to you from the perspective of some of the mothers. This is Sharon, who writes from Toronto: "Stop breaking your promises...." Amalia from Oakville: "Be honest, help those who really need it!" Cristina from Toronto: "Stop taking money from these poorest of all children. It's wrong."

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This is not your money. This is federal government money that was given to these poorest of children. Why do you continue to take \$1,500 a year from the poorest children when you have a \$3-billion revenue surplus of your own?

The Speaker: The question has been asked.

Hon. Mrs. Meilleur: I'm going to repeat to the leader of the third party what we have done with that money. We have invested in Healthy Babies, Healthy Children, the Ontario child care supplement for working families, children's mental health programs and children's treatment centres. That's where we have invested the money. It benefits the children. We're not about to remove the money from these well-deserved organizations and causes. We know we need to do more. We will continue to do more, and this government is the government to do that.

FAMILY HEALTH TEAMS

Mrs. Elizabeth Witmer (Kitchener–Waterloo): My question is for the Minister of Health. As I said at the outset, our party does support family health teams, and

we were very proud in government to have launched this new delivery of primary care in conjunction with the Ontario Medical Association. However, we have now heard from the Ontario Medical Association that they have some concerns about the present model. In fact, they have indicated that there is a serious imbalance.

We know that patients who are going to eventually belong to a family health team will have free access to services such as physiotherapy, diabetes management and health education. But they are concerned that other patients, obviously—the other 12 million or so—are not going to have equal access to those services, so we have a two-tiered structure. My question is, how do you plan to ensure that all Ontarians have equal access to all those services right now?

Hon. George Smitherman (Minister of Health and Long-Term Care): First off, it's very important to state that referencing any differential in care that might be available to Ontarians as "two-tier," when the phrase was invented to describe the idea that those with additional resources would pay for access on a different basis, is a misappropriation of the phrase. For consistency in the debate on health care, I think, as a minimum, that the honourable member should respect that.

I found it interesting that in her five-minute response to our family health team initiative, she first said that this initiative is just a rebranded continuation of a Conservative program, and then in the next deep breath she suggested that we were instituting some kind of care that was, to use her phrase, "two-tiered."

The real point here is that not all people in the province of Ontario require diabetes management; it is most particularly beneficial to those people who have diabetes. Accordingly we need to have a health care system that is able to respond to the health needs of the population. My needs as a person are different than those of somebody with diabetes. It's appropriate that we would rally resources to assist them because their needs are much greater.

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

Mrs. Witmer: I would remind the minister that the reference to "two-tier" was not my words. They are the words of Dr. Greg Flynn, president of the OMA, who points out that the people who will be in the FHT model will have free access to services, such as what I said: physiotherapy, health education, diabetes management etc. The other almost 12 million will not have this equal access and will have to pay out of pocket, because one of the things this government did, despite the fact that they're charging people the health tax, was delist physiotherapy, optometry services and chiropractic. So the OMA is telling you there is this unequal access. I'm asking you today, on behalf of people in this province, how can you ensure that everybody will have free access to the same services?

Hon. Mr. Smitherman: What the honourable member, apparently now only as a voice through for the Ontario Medical Association, seems to be suggesting is

that we should develop health care at the primary level and deliver it exactly identically to every Ontarian. But the problem is, firstly, it's not sensible from the standpoint of addressing underlying population health needs, as I addressed a moment ago, and it's entirely inconsistent with the member's reputation and actions as a government. They introduced a model that allowed doctors to have nurses work alongside them, but not all doctors chose to identify with that model. So you created this two-tiered thing that you're now a critic of. I'd like to ask the honourable member, why was that? Why did you tolerate community health centres being in operation on your watch? Because they offered a more diversified array of care to the patients who got care there; precisely because you recognized that the more we can do to enhance the interdisciplinary approach, to provide broader, more comprehensive care, the better. Accordingly, we've made an awfully good start, fulfilling earlier our commitment to build 150 family health teams, care for 2.5 million Ontarians and—

The Speaker: Thank you. New question?

DUFFERIN-PEEL CATHOLIC DISTRICT SCHOOL BOARD

Mr. Rosario Marchese (Trinity-Spadina): My question is to the Minister of Education, and before I ask it, I want to congratulate her on her new portfolio.

Minister, yesterday you insisted that the Dufferin-Peel Catholic board has enough money to meet its needs and deal with its \$15-million deficit. But you're demanding that the board increase class sizes, fire vice-principals, scrap adult education and cut over \$2 million from their reading recovery program for young children—something your former minister was proud of, and your Premier—and more. If funding is adequate, why do students have to lose these programs?

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): I think it's fair to say that the board should have an opportunity to look at the report that the individuals who went to the Dufferin-Peel Catholic board reported and recommended. These individuals weren't the old-style auditors the last government sent in. These are educators who went to this board, who know education and had a good look at the books, and they had lots of conversation.

There is some kind of a variance and it looks like it's around a \$10-million total here. We don't know for certain, but it's suggesting that there is some work to do on the board's part that does not affect children in the classroom, that perhaps some work needs to be done.

I am prepared to work with this board to see that that in fact happens. I think that's the right thing to do. There has been more money in education than we have seen since the 1960s. We expect the board to be accountable for that. Likewise, we have to be prepared to sit and work with the board to achieve results for kids.

Mr. Marchese: And I say issuing ultimatums and demanding cutbacks is a funny way of working with

trustees. By the way, the investigator you know so well says the following, "We find that the board was right when it said that there are funding inadequacies in the areas of salaries and transportation."

You keep insisting the funding is wonderful, but what you're calling for are cuts, cuts and more cuts. Trustees won't do that. They're putting children first. Are you going to listen to trustees, to boards and parents who say that the funding formula is not meeting student needs or are you going to inflict more damaging program cuts?

Hon. Ms. Pupatello: I think it's fair to say that this government has never been about program cuts and we're not about to start now. We in this government are about public education and the proof, to the member opposite, is in fact the results that we are achieving for kids in a short two and a half years.

The conversation that I had with the chair of this board today tells me that we will have a working relationship to resolve this. I anticipate working with Mr. Ferreira and his colleague trustees. I can tell you that while it was just a telephone call today, I expect to work with him and, likewise, he expects to work with me. We are committed to resolving this problem for the children in this board. I have given him my word we will work out our differences and we will do it in the best interests of children.

RENT BANK PROGRAM

Mr. Peter Fonseca (Mississauga East): My question is for the Minister of Municipal Affairs and Housing. Minister, affordable and secure housing is fundamental to the well-being, vitality and strength of Ontario families and the communities that they live in. Low-income Ontario tenants who, due to an emergency or other unforeseen circumstances, are in short-term arrears should not be facing evictions. For this reason, our government established the province-wide rent bank in 2004.

I have constituents in my riding who have experienced such difficult situations. They've benefited from this short-term assistance that the rent bank has provided. They've been spared the potential loss of their home because of a temporary crisis that arose in their life. Minister, given the success of this program, please explain what role the province-wide rent bank can play in keeping Ontarians, who require financial assistance to address short-term rent arrears, in their homes and prevent evictions and homelessness.

1450

Hon. John Gerretsen (Minister of Municipal Affairs and Housing): I'd like to thank the member for the question, because indeed our rent bank program, over the last two and a half years, has been extremely successful. The original \$10 million that was provided to all the 47 service providers around this province, in effect, so far, to date, has helped at least 4,100 families and individuals stay in their homes when they were faced with short-term emergency situations, when they simply weren't able to pay the rent because of health circumstances, maybe a job loss and what have you.

Each one of the rent banks has their own criteria. The additional \$4 million I announced the other day will help top up some of the rent banks. An application is simply made by the tenant to the local rent bank, and that rent bank can help that individual in an emergency situation for up to two months' rent. In some cases, they're loans; in some cases, they're grants. The bottom line is this: The program has worked extremely well and has helped over 4,000 families and individuals to stay in their own homes who otherwise would have been evicted.

Mr. Fonseca: Minister, this past Monday, my community of Peel region received \$248,192 in additional rent bank funding. This funding will go a long way to help low-income tenants in my riding who normally don't have difficulty in paying their rent on time.

Since the rent bank was introduced in 2004, it has provided housing stability to over 4,000 Ontario households. Had it not been for the province-wide rent bank, these households may have become homeless or entered emergency shelters. Seniors who pay their rent on time, but who might be experiencing emergencies at a time of the month, may apply to a local rent bank, as may an individual who pays their monthly rent every first of the month but this month just lost their job. These low-income Ontarians want to stay in their homes. They don't want to become homeless. Minister, please explain—

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

Hon. Mr. Gerretsen: I would certainly like to thank the member from Mississauga, who I know is very much concerned about this program. He's very enthusiastic about it, and besides, he's doing a heck of a good job for the people he represents in Mississauga.

Certainly one of the things government should be all about is to help those low-income earners and low-income tenants who face difficulties from time to time. What's so amazing about this particular program is that we did not set up a separate administrative structure for this program, but we're working with a lot of the local rent banks that were already operating. We're basically giving them the funding so that thousands of individuals who are involved in emergency situations can be helped. As it has in the past, undoubtedly the \$4 million will help many of these individuals in future as well. This is in addition to our affordable housing program, our rent supplement program and the housing allowance program, which are being run right now through the service managers throughout this province.

DUFFERIN-PEEL CATHOLIC DISTRICT SCHOOL BOARD

Mr. Frank Klees (Oak Ridges): My question is to the Minister of Education. Minister, in the short time that you've had your briefings, I'm assuming that by now you're coming to understand that the warnings we were putting out about the multi-million dollars of deficits that school boards across the province will be facing this

coming fiscal year are a serious issue for your government.

The report that was given to you relating to the Dufferin-Peel Catholic District School Board confirms that. You've had a chance to read the report. It absolutely confirms that you have a serious problem. The report refers to it as the salary gap in the multi-millions of dollars between the contracts that were signed and the funding that's available. Can you tell us what it is you are going to do to address this salary gap that this report urges you as a government to address immediately?

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): I'll take this opportunity to thank the member opposite for his kind remarks that he made yesterday after my appointment. I'll enjoy it while it lasts, apparently, as well.

I do want to tell you that I am aware that there have been some boards that have made a variety of comments as they relate to the funding formula. I think this is a critical issue. Board trustees and chairs have as much at stake as the government to see that they do well by our children. I think the boards can look at what our behaviour has been as a government to understand that we intend to work with them as partners to deliver for our kids. That's what our job is. The entire Ministry of Education is determined to do this for children, and we will do this. I think we'll look at the historical two and a half years that we've been the government and we will say that, yes, we need to focus our funding on these results. Every parent will agree that these results are the right thing, and we anticipate working with these boards to resolve our issues to get to those results.

Mr. Klees: In your previous response to the member from Trinity-Spadina, you said, "Our government is not about program cuts, and we're not about to start now." This report, relating to Dufferin-Peel, recommends in fact cutting \$930,000 from continuing education. It also suggests that the reading recovery program be cut back to the tune of \$1.9 million. Can you stand in your place today and assure the Dufferin-Peel Catholic District School Board that neither of these important programs will be cut?

Hon. Ms. Pupatello: We are prepared to work with the Dufferin-Peel Catholic board to resolve these issues, but we will resolve the issues in order for us to achieve the results we're looking for in education. I think that's fair. If we have a school board whose enrolment has gone up by 3% and whose funding has gone up by 19%, then it's perfectly reasonable to expect that the board will be in a healthy shape to achieve results that parents are looking for for their kids. We're all on the same page here; we're all on the same side of doing this for children. I anticipate that in this particular instance, we will have some vigorous discussion with the board to organize how we're going to do this.

I will tell you, though, that we are hearing lots of stories about great successes with boards achieving what they need to achieve financially but meeting the goals that we've set out for them. There is real success in education, and that is a more tremendous change in

attitude and atmosphere than ever existed, even three years ago. We are proud of our government's record on that.

LONG-TERM CARE

Ms. Shelley Martel (Nickel Belt): I have a question to the Minister of Health. Last Friday I was pleased to accept hundreds of petitions from residents and family council members from five long-term-care homes in Sudbury and area. The message was clear: They want your government to add \$306 million to the operating budgets of Ontario's long-term-care homes. That way, more staff can be hired and residents can receive 20 minutes more of hands-on care per day.

Minister, your government had a \$3-billion windfall in this last fiscal year. Why didn't you add \$306 million to the operating budgets of these homes so that these residents can get more care?

Hon. George Smitherman (Minister of Health and Long-Term Care): It's always good, rare as they've become of late, to get a question from the honourable member, and to see one more time, on such vibrant display in this place, the honourable member's pure amnesia from her days in government. After all, I think that her ministerial career is best represented by the reduction in the ministry that she oversaw—northern development, I think it was—from \$350 million to \$200 million. Now she stands before me and says, "Well, why not more resources?"

The reality is that with respect to long-term care, we have made tremendously significant investments, both in expanding the size of our long-term-care system and in enhancing the capacity within it to care for many of our society's most vulnerable. In addition to that, we've worked very, very hard to alter the culture in long-term care to make it more community- and home-like, and to make sure that our loved ones there are supported with appropriate compliance and investigation of concerns. Accordingly, while I acknowledge that there is more work to do, as is always the case in health care, we've made tremendous strides, and we're proud—

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

Ms. Martel: If things are so much better, why did Karen Sullivan, executive director of the Ontario Long Term Care Association, say on April 3, "It is clear that both families and residents strongly disagree with any perception that government has addressed long-term-care service levels and that, for them, this is an issue of care, respect and dignity for those who built this province." Or from Donna Rubin, CEO of the Ontario Association of Non-Profit Homes and Services for Seniors, who said on March 23 that despite a Liberal election promise to provide an additional \$6,000 in care for every resident, after three budgets, the Liberals have only provided \$2,000 in additional care for every resident. Not only that, but the Liberals in the last election promised to reinstate a minimum 2.25 hours of hands-on care per

resident, per day. The government hasn't done that either. In fact, there's no standard in place with respect to how many hours of care a resident receives daily.

Minister, in light of the \$3-billion windfall that you had, why didn't you keep your election promise and fund long-term-care homes with \$306 million in operating funds?

1500

Hon. Mr. Smitherman: The honourable member asked a question at the beginning: "Why did these people say that?" Because it's their responsibility; their daily responsibility is to operate for those associations. We recognize that. They're important partners and we work very closely with them. If we were to look at the whole breadth of the initiative with respect to long-term care, there would be plenty of acknowledgement, as the Premier and I have both attended events with them where they have acknowledged the tremendous strides that we've taken to really drive a new culture into our long-term-care system.

Associated with that, it's only the honourable member, with her amnesia appropriately intact, who could forget that we made a \$200-million investment in enhancing the quality of care for individuals. This included the hiring of about 2,000 care providers in long-term care.

I do want to say in answer to the honourable member that we acknowledge, of course, that long-term care is a crucial priority. That's why each and every year that we've been in office, hundreds of millions of additional dollars have gone to support this service for Ontario's—

The Speaker: Thank you. New question?

DEFIBRILLATION EQUIPMENT

Mr. Bruce Crozier (Essex): My question is for the Minister of Government Services. I know that the external heart defibrillators that are available in the public have saved lives. For example, Jiri Fisher, a player for the Detroit Red Wings, had his life saved by an external heart defibrillator during a hockey game this past year. Windsor resident Nick Stoyshin is alive today thanks to an external heart defibrillator that was in his company of 30 people. His two children used this heart defibrillator to save his life. It's my hope that we have heart defibrillators available all across Ontario for similar life-saving situations.

My bill, the Heart Defibrillator Use Civil Liability Act, was passed at second reading this morning. Minister, does the government also encourage the availability of defibrillators in public and private buildings?

Hon. Gerry Phillips (Minister of Government Services): I thank the member from Essex for the question and for his bill, which I think will be very helpful. We do encourage the use of defibrillators. We have been systematically moving forward on a program to install them in government buildings.

This gives me an opportunity to point out a couple of the benefits. A few months ago, a man had a heart attack in the Macdonald block. Four of our OPP security people

sprung into action, used the defibrillator and, that man will tell you today, they saved his life. A few months later—

Applause.

Hon. Mr. Phillips: A salute to our OPP.

Three months later, a woman, again in Macdonald block, had a heart attack. The defibrillator was used and that individual's life was saved. So the quick answer is, they are making a difference, and we are very much supportive of them.

Mr. Crozier: It is obvious, then, that these defibrillators do save lives. As a matter of fact, one those employees, Kathy Hall, was here this morning to support my bill. I was pleased to have her here, obviously for more reasons than one.

As I said, it's my hope to see heart defibrillators more prominent, more prevalent throughout government buildings. Minister, could you explain what the government has done so far when it comes to access to external heart defibrillators and what you intend to do in placing defibrillators throughout Ontario's public buildings?

Hon. Mr. Phillips: I think the public can appreciate that there's a training part of this as well that is important. In the two instances I cited, both cases are OPP security people who were trained in the use of it. So we are proceeding with a systematic plan to make sure our training matches it.

Our next phase this year, our plan, is for at least another 250 of these defibrillators to be installed across the province: in the OPP headquarters, in Guelph, in Peterborough, but in our major buildings across the province we are committed over the next few months to another 250 defibrillators and the training necessary to make sure we have the staff on site to deal with it.

FAMILY VIOLENCE

Mr. Cameron Jackson (Burlington): My question is to the Minister of Community Safety and Correctional Services. On February 2, 2004, Kevin Latimer died three days short of his second birthday. This March 18, Jared Osidacz died. Two weeks later, all three of the Maily children—Jessica, 12; Brandon, 9; Kevin, 6—and their mother died. Their killer had a known record of family violence and abuse.

To comprehend their anger and pain, these are the words of Jared's grandfather: "This man violently and viciously beat my daughter, broke his probation and walked out of a court-ordered anger management program. All of the signs were there. This abusive man should not have been allowed unsupervised access every weekend with my grandson. I blame the system that paid no attention to my daughter's safety concerns. If they had, I believe that my dear grandson Jared would be alive today. Someone needs to hold them accountable."

Minister, you have the authority under the Coroners Act. Will you exercise that authority and call a Coroners Act inquest into these tragic deaths, yes or no?

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I thank the member

for the question, and my condolences go out to the families who have suffered this incredible tragedy.

I'm sure you know, because this issue has been raised several times in this House over the past couple of years when members have asked me to authorize or direct the Ontario chief coroner to conduct an inquest, that no Solicitor General, and it's covered in the act, has ever directed that to happen. The coroner is a quasi-judicial body. They're independent. They're arm's-length from the ministry. It's up to the chief coroner to make that determination. It is not my role, nor do I expect to exercise that role, to direct the coroner to do that.

Mr. Jackson: I would ask the page to deliver a copy of the Coroners Act, not to the minister, who seems completely unaware, but to the Premier. Section 22 of the Coroners Act clearly states that a minister may direct a coroner to hold inquests. That is clearly in the legislation, and I would ask the Premier to have a look at that because his minister seems unaware of it.

As you know, it is mandatory in this province that a criminal who dies in custody is given the automatic right of an inquest. When I checked the chief coroner's website—and I'd like to hand this to the Premier. I checked today on your website. It says that there are 13 mandatory coroner's inquests occurring for 13 criminals who died while in custody. There is one discretionary coroner's inquest called by a coroner for a cross-country skier who was struck by a snowmobile. Do you not, Minister, believe that the children of this province who die at the hands of a state-ordered access to a violent and abusive parent deserve the same mandatory protection—

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

Hon. Mr. Kwinter: The member's absolutely right. There are certain provisions in the Coroners Act that mandate that an individual in the custody of police or the correction facilities must have an inquest if they die while they're in that custody. There's also a provision if someone dies in a mining accident. I should tell you that, notwithstanding that the Coroners Act provides that they may, it has never, ever been exercised. There are many opportunities for the coroner to decide that the events, what is happening, merit an inquest, but notwithstanding that, it is the coroner's decision to determine whether or not an inquest shall be called, and I can tell you, no other Solicitor General prior to my assuming this position has ever done it. I still feel that what we have to do is to allow this arm's-length, professional, independent group to determine whether or not they conduct an inquest.

1510

CHILD ADVOCATE

Ms. Andrea Horwath (Hamilton East): My question is for the Minister of Children and Youth Services. You promised to make Ontario's child advocate a truly independent officer, reporting to this Legislature as opposed to the government, yet you broke that promise. Today, I introduced a bill to make the child advocate

truly independent. I simply want to ask you, will you support my bill?

Hon. Mary Anne V. Chambers (Minister of Children and Youth Services): The member from Hamilton East is certainly on the right track, except that we have not broken our promise. We are on the right track, as she is, in terms of seeing the importance of the independence of the child advocate. But beyond that, to suggest that we have broken that promise is, in fact, inaccurate.

Ms. Horwath: Minister, I expected you to just say yes. Instead, you continue to break that promise, and you're happy to do so. As it is now, the child advocate remains not independent. She reports to you, through the ministry; she does not report to this Legislature, and you know that. You're not allowing the child advocate to be truly free to speak up for children currently. Minister, the children of Ontario deserve much better than this. What is preventing you today from keeping that promise and supporting my bill to make the child advocate a truly independent officer of this court?

Hon. Mrs. Chambers: Given that the member from Hamilton East has put forward this bill, I would have to assume that as we bring our legislation forward, she will be very eager to support that legislation. The province has been very well served by the child advocate, and we have been working really closely with the child advocate to make sure we get this right. So I'm looking forward to all-party support of this very important legislation when it comes forward.

LOCAL HEALTH INTEGRATION NETWORKS

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): My constituents are very fortunate people. They not only live in the most beautiful riding in the province, but they have a wide variety of organizations which provide high-quality health care and a provincial government that is committed to the important task of coordinating effectively and appropriately those health care services. As a former chairman of the Hamilton–Wentworth public health and community services committee, I know just how important the coordination of high-quality services is. I'm wondering, Mr. Minister, can you share with my constituents what steps are being taken to ensure that their voices will be heard through the new LHIN system?

Hon. George Smitherman (Minister of Health and Long-Term Care): We're very proud of the member from Ancaster–Dundas–Flamborough–Aldershot for his tremendous work. We know that his roots are in community. That's why we've been so proud of assembling a group of people to serve on local health integration networks who, if you look at all of their resumé's, as the committee has had the privilege of doing, you will see have a tremendous commitment to community. In fact, the chair of the LHIN in the honourable member's area is a woman named Juanita Gledhill.

Community involvement stands very strong. We believe fundamentally that the health care system which belongs to the people of Ontario needs to come under more of their influence. We need to open up their opportunities to influence it and offer their views on how it can be enhanced. We're working very hard with local health integration networks to create the capacity for community conversation and decision-making, with a view towards doing a better job of having all of our health care service providers work together to the benefit of patients in those areas.

Mr. McMeekin: It's great to see just how active the LHIN is in our area. I know my constituents will, of course, benefit from the enhanced integration of high-quality services. But I want to know, with the passing of Bill 36 and with LHINs taking on such an important role in determining how health care dollars will be spent—that's going to involve some \$20 billion across the province. That's an important responsibility. Minister, could you please explain to the people living in my riding just how our government will continue to be held accountable to taxpayers while ensuring that health care spending continues to remain transparent?

Hon. Mr. Smitherman: This is a fundamental point, if we go back to the discussion that ensued around Bill 36. Some honourable members opposite wanted to make the suggestion that we were trying to duck accountability. Quite the contrary; we have remained committed to the understanding that on the date of the next election, October 4, 2007, and we say so proudly, the people of Ontario will be asked to offer their view on the performance of our government as it relates to the enhancements to public services.

We've also worked hard to change the way that the Ministry of Health operates, to turn it on its side and get it away from the siloed thinking which has really been there for decades. The Ministry of Health is in the position of moving to a higher plain, to operate on a more strategic basis, to provide better leadership and longer-term horizons while we ask people from the local community to embrace the responsibilities and challenges of doing a better job of weaving together these various health care services that we have. By being more strategic at head office and asking people from the local community to exercise important judgments about local priorities, we will build for the people of Ontario a better health care system.

HOSPITAL FUNDING

Mr. Ted Arnott (Waterloo–Wellington): My question is for the Minister of Health and Long-Term Care. Tonight, I'm going to be attending the Centre Wellington Chamber of Commerce dinner in Fergus, and I know the people of Fergus are going to be asking me why it's taking the government two years to approve the re-development plan for the Groves Memorial Community Hospital so that that important project can move forward to the benefit of my constituents. I would ask the

minister, why is it taking two years for him to give approval so that we can move forward to the next stage of planning?

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): Give him good news for that meeting.

Hon. George Smitherman (Minister of Health and Long-Term Care): Oh, there's the gentleman who proposes not to ever heckle, but we won't rat him out to Mr. Tory.

The story in the honourable member's community is a very simple one. It's a sad story, regrettably, that's been repeated in too many other places in Ontario, related to his party's desire in the dying days of their role in government to promise many things to people and to back those up with what are described, at best, as rubber cheques. Accordingly, we ended up with an infrastructure deficit.

I'm pleased that my colleague the Minister of Public Infrastructure Renewal, working with our ministry and inside the government, has been able to make an investment in health care that will see our government invest more in health care infrastructure than the last five governments of Ontario combined.

We have more work to do. This has not meant every project has moved forward, but we are in the midst of a \$5-billion reinvestment in health care infrastructure that is going to produce tremendous results for the patients of Ontario.

Mr. Arnott: That was an incredible answer in the sense that it absolutely lacked credibility. Our community has raised \$15 million towards the redevelopment of our hospital. It's my understanding that the minister is now going around the province approving hospital projects for 2008 and 2009. I would ask him again, why are my constituents waiting more than two years to receive the health care benefits they would receive with that new hospital?

Hon. Mr. Smitherman: Again, this is a question that the honourable member would be better advised to save for a Tuesday morning, and go into his own caucus and speak to the honourable member who sits just two seats away from him or the other honourable member just a few more seats to his left. They were health ministers in the government of the day that he was proud to play a role in. Regrettably, like on the energy file and so many others, while important things went on, like clock-ticking, they did nothing. Towards the end of their mandate they ran around Ontario and created expectations in one community after the other.

We have worked hard to build on those expectations, to meet them and to be partners with communities. We are the first to acknowledge that while we have made tremendous progress—more investment than the last five governments combined—we have more work to do. We recognize the strong support that exists in the honourable member's community. We will continue to work with them until such time as we can move forward there. But the real answer to the honourable member's question is honestly to be found in his own heart.

1520

PETITIONS

LONG-TERM CARE

Mr. Jim Wilson (Simcoe–Grey): I have a petition that was sent to me by Marcelle Dube, president of the family council of the Good Samaritan Nursing Home in Alliston, and Lynda Weaver, the administrator of the Good Samaritan Nursing Home, and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I appreciate the intentions of the good folks at the Good Samaritan Nursing Home in Alliston, and I agree with the petition.

Ms. Shelley Martel (Nickel Belt): I have a petition that's been signed by hundreds of residents, and family and resident council members at Extencare/Falconbridge, and I'd like to thank Adrienne Lemieux for organizing this petition drive. It read as follows:

“To the Legislative Assembly of Ontario:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years.”

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

COMMUNITY MEDIATION

Mr. Bob Delaney (Mississauga West): I have a petition here, and I’d like to thank Paula Arruda and Lisa Ge for having collected some signatures on it. It’s to the Ontario Legislative Assembly and it reads as follows:

“Whereas many types of civil disputes may be resolved through community mediation delivered by trained mediators, who are volunteers who work with the parties in the dispute; and

“Whereas Inter-Cultural Neighbourhood Social Services established the Peel Community Mediation Service in 1999 with support from the government of Ontario through the Trillium Foundation, the Rotary Club of Mississauga West and the United Way of Peel, and has proven the viability and success of community mediation; and

“Whereas the city of Mississauga and the town of Caledon have endorsed the Peel Community Mediation Service, and law enforcement bodies refer many cases to the Peel Community Mediation Service as an alternative to a court dispute; and

“Whereas court facilities and court time are both scarce and expensive, the cost of community mediation is very small and the extra expense incurred for lack of community mediation in Peel region would be much greater than the small annual cost of funding community mediation;

“Be it therefore resolved that the government of Ontario, through the Ministry of the Attorney General, support and fund the ongoing service delivery of the Peel Community Mediation Service through Inter-Cultural Neighbourhood Social Services.”

I support this petition and I’m pleased to sign it and to ask page Sharmarke to carry it for me.

LONG-TERM CARE

Mr. Norm Miller (Parry Sound–Muskoka): I have a petition from Leisureworld long-term-care facility in Gravenhurst. It is to the Legislative Assembly of Ontario. It says:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still

not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I support this petition.

Ms. Shelley Martel (Nickel Belt): I am pleased to present a petition that has been signed by hundreds of residents and family and resident council members at Finlandia nursing home in Sudbury, and it reads as follows:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I’d like to thank Milly Facca and Ann Basha for organizing this petition. I agree with the petitioners and affix my signature to this.

BORDER SECURITY

Mr. John Wilkinson (Perth–Middlesex):

“To the Legislative Assembly of Ontario:

“Whereas the United States government, through the western hemisphere travel initiative, is proposing that American citizens require a passport or single-purpose travel card to travel back and forth across the Canadian border; and

“Whereas a passport or single-purpose travel card would be an added expense, and the inconvenience of

having to apply for and carry a new document would be a barrier to many visitors; and

“Whereas this will mean the loss of up to 3.5 million US visitors in Ontario, losses of \$700 million, and the loss of 7,000 jobs in the Ontario tourism industry by the end of 2008; and

“Whereas many of the northern border states in the United States have expressed similar concerns regarding the substantial economic impact of the implementation of this plan; and

“Whereas the safe and efficient movement of people across the border is vital to the economies of both of our countries;

“Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to support the establishment of a bi-national group to consider alternatives to the proposed border requirements and inform Prime Minister Harper that his decision not to pursue this issue with the United States is ill-advised.”

I give this to the Premier and sign it.

LONG-TERM CARE

Ms. Laurie Scott (Haliburton–Victoria–Brock): A petition to the Legislative Assembly of Ontario:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I thank all the long-term-care centres in the riding of Haliburton–Victoria–Brock for bringing me the petitions, and I’ll pass it to page McKenzie.

BORDER SECURITY

Ms. Kathleen O. Wynne (Don Valley West): “To the Legislative Assembly of Ontario:

“Whereas the United States government, through the western hemisphere travel initiative, is proposing that American citizens require a passport or single-purpose

travel card to travel back and forth across the Canadian border; and

“Whereas a passport or single-purpose travel card would be an added expense, and the inconvenience of having to apply for and carry a new document would be a barrier to many visitors; and

“Whereas this will mean the loss of up to 3.5 million US visitors in Ontario, losses of \$700 million, and the loss of 7,000 jobs in the Ontario tourism industry by the end of 2008; and

“Whereas many of the northern border states in the United States have expressed similar concerns regarding the substantial economic impact of the implementation of this plan; and

“Whereas the safe and efficient movement of people across the border is vital to the economies of both of our countries;

“Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to support the establishment of a bi-national group to consider alternatives to the proposed border requirements and inform Prime Minister Harper that his decision not to pursue this issue with the United States is ill-advised.”

I completely agree with this petition, and I affix my signature. Leah is going to bring it to the table.

1530

LONG-TERM CARE

Mr. Norm Miller (Parry Sound–Muskoka): I have a petition from Fairvern long-term-care home in Huntsville. It’s to the Legislative Assembly of Ontario. It says:

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I support this petition.

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): I have a petition signed by about 100 long-term-care residents and addressed to the Legislative Assembly, which reads:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available ...; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned ... members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to

increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident ... over the next two years (2006 and 2007)."

That was signed by some 100 or so folks. Along with it came a letter of thanks to the Minister of Health and Long-Term Care for the provision of monies and services to date.

Mr. Ted Arnott (Waterloo–Wellington): I have a petition to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

This comes from Leisure World in Elmira. Of course, it has my support.

Mr. Phil McNeely (Ottawa–Orléans): I have a petition from about 175 people from the riding of Minister Watson.

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I'll sign that and send it up with Raelene.

LESLIE M. FROST CENTRE

Ms. Laurie Scott (Haliburton–Victoria–Brook): "Recommendations for the Frost Centre

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government announced the closure of the Leslie M. Frost Natural Resources Centre in July 2004 with no public consultation; and

"Whereas public outrage over the closure of the Frost Centre caused the government to appoint a working

committee of local residents to examine options for the future of the property; and

"Whereas the working committee has completed their consultations and has prepared recommendations for the provincial government that include a procedure to follow during the request for proposals process; and

"Whereas the Frost Centre has been an important educational resource for the community, and continued use of the facility for educational purposes has wide-spread support;

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

"The Dalton McGuinty Liberals should retain public ownership of the Frost Centre lands and follow the recommendations of the working committee regarding the request for proposals process."

ORDERS OF THE DAY

EMERGENCY MANAGEMENT STATUTE LAW AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA GESTION DES SITUATIONS D'URGENCE

Resuming the debate adjourned on March 29, 2006, on the motion for second reading of Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997 / Projet de loi 56, Loi modifiant la Loi sur la gestion des situations d'urgence, la Loi de 2000 sur les normes d'emploi et la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail.

The Speaker (Hon. Michael A. Brown): The member for Niagara Centre.

Mr. Peter Kormos (Niagara Centre): I'm pleased to finally get a chance to participate in this debate. I'm thankful to the members of the House for permitting us to stand down our lead comments. That means I only have an hour. I'm going to do the best I can in that hour to go through this bill and present to the members of this assembly and, more importantly, to the public, who have a very strong interest in this matter, our views about this piece of legislation.

While discussing this bill, you can't help but reflect back to the committee source, Bill 138. I don't know how many members of this Legislative Assembly recall that, because it goes all the way back to the year 2004, and indeed the committee process began on August 3.

I remember oh so well—you see, this was going to be this experiment in backbench participation in the development of policy and legislation. It was going to be bill by committee. I remember the now Minister of the Environment—and I know she's busy; I wish she were here to hear my comments—the member for Etobicoke—

Lakeshore, Laurel Broten, and I remember the member for Willowdale, David Zimmer, and they were excited, they were outright giddy about the prospect of being handed this awesome responsibility by the Premier's office. In fact, the committee elected a chair, the member for Sault Ste. Marie, who didn't chair any one of the committee hearings—and that's fine. The Vice-Chair chaired the hearings, and that was the now Minister of Citizenship, Mr. Colle. So the member for Sault Ste. Marie was taken care of with his \$12,000-plus perk, but he didn't have to come down from Sault Ste. Marie to chair the committee. In fact, Mr. Colle wanted to chair the committee because he wanted the profile that he thought would be made available to him by virtue of the committee process on this bill.

But Ms. Broten and Mr. Zimmer were like two dogs circling. It was incredible. They were just marking turf like mad. It was delightful, as an observer, to watch these two cunning experts at one-upmanship try to outdo one another in the development of Bill 138.

I was a cynic from the get-go. Can you believe it, Minister of Infrastructure Renewal? I was cynical about it from the get-go. I said, "You guys are delusional if you think the Premier is going to let you draft this legislation. This is a sop. He's throwing you a bone. He's funning you. He's playing with you. He's teasing you. He's diverting you."

At the end of the day, Ms. Broten did okay. Mr. Colle did just fine. My good friend the member for Willowdale, who is one of the most talented people in this House, is still cooling his heels—to my chagrin, I'll tell you. I don't want to be overly praiseful of him so as to diminish his prospects with the Premier's office. Perhaps if I stood up here and railed about Mr. Zimmer, his stature might have greater potential for rising with the Premier's office, but I can't do that because I have regard for him.

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I remember that committee was actually going to travel, and one obstinate opposition member, with his disinclination for that type of junketeering, threw the wet blanket on that. He didn't make himself very popular, the member for Niagara Centre didn't, by throwing the wet blanket on travel and saying, "Are you guys nuts? Travel? What have you got to travel for?" All the stuff's available in printed word, and what's not available in printed word is available on archival computer digitalized disk. We've got a research department, and the research department worked like the devil. They really did. They were just tremendous in terms of the amount of work. As I go through this pile of paper, I'm going to get a copy of that Bill 138 and tell you who the research people were, because they produced the proverbial—not proverbial—the literal reams of material.

The research officer was Margaret Drent, whom all of us know and who is incredibly capable. And then we had legislative counsel Albert Nigro. I remember some of the confrontations between committee members and Mr. Nigro. I don't know, Speaker, if you had a chance to sit on that committee at all. You would have been delighted.

I'm going to check the committee membership here, because again, I know I was there. There were a lot of new members. Tim Hudak was there for the Tories. Frank Klees was there.

But I remember Mr. Nigro becoming frustrated from time to time because he was being asked to give legal opinion. He had to point out that as counsel—it was good experience for the neophyte members—his job is to draft legislation, not to give legal opinion: "If the committee wants legal opinion, go hire a lawyer." That's the way he put it to them. And then the committee got all excited. They were just jumping up and down, bouncing on all feet, about the prospect of hiring some high-priced Bay Street law firm to give us legal advice.

And I'm saying, "What are you talking about? The Ministry of the Attorney General has lawyers and policy people who are smart people." They're in the sunshine club, the \$100,000-plus club, and deservedly so; as a matter of fact, most of them are probably underpaid. "What are you talking about, going and hiring some Bay Street law firm, high-priced, \$700- or \$800-an-hour lawyers in pinstripe suits?" You know, the ones from Warren K. Cook or places like that, and those expensive Prada kind of shoes from up on Bloor Street, and the big chunky—the gold rings and the expensive colognes and the Waterford crystal tastes. "What are you hiring high-priced Bay Street law firms for? What's the matter with you people? Don't you have more sensibility when it comes to your stewardship of taxpayers' money?"

I don't know how it happened, but somehow the committee wandered around that one and sort of argued it and didn't argue it and talked about, "Well, can we get counsel from somewhere in the Bay Street Attorney General ministry?" What is it? Yes, 720 Bay Street. I think that's the address. As I recall, nobody ended up hiring any high-priced Bay Street lawyers. They did without their little retirement fund contribution from the public purse that round.

The committee process was delightful and fascinating, because you had all these people coming in, many of them pretty smart people with all sorts of insights. And then, finally, we got hold of the draft legislation that the Ministry of the Attorney General had already written. Do you remember that? I said, "What's going on here? We're being duped. We're being had. We're being taken to the cleaners. We're being spun. We're having a number done on us. We're getting the works here," because Ms. Broten and Mr. Zimmer were all excited: "Oh, boy, we're going to write legislation and we're going to make our mark on the history of Queen's Park and the history of emergency management policy and the world." And, yikes, we discover—Mr. Bradley, the government House leader, would be pleased to know this, and of course he's still in the House here today, as we speak—that the Ministry of the Attorney General had already written legislation.

I, notwithstanding the exercise of as much self-control as I've ever been able to muster, went darn near apoplectic; I just about had a hemorrhage right then and

there, on the spot. As a matter of fact, I would have needed defibrillators, had I gone one unit further.

What's this exercise all about? You're telling folks that you've got this august and oh so serious responsibility of drafting legislation. Be honest, guys. It was like those old Mickey Rooney movies where Mickey and Judy get together and say, "Let's put on a play." It was that same level of excitement. It was, "Oh, come on, guys. Let's draft a bill." Then we learn that it was all for naught, because the government already had drafted a bill.

I felt real bad for the government members, especially the now Minister of the Environment, the member for Etobicoke–Lakeshore, as much for the member for Willowdale, and even for the current Minister of Citizenship, the member for Eglinton–Lawrence. I told these guys from the get-go, "You're being conned. This is a make-work project." I said, "Look, at the end of the day, the government is not going to introduce legislation that it hasn't written and vetted past its intimates. It's not going to let a bunch of ragtag backbenchers write policy and concurrent legislation." And do you know what? It didn't.

Poor Bill 138, poor lonely, orphaned Bill 138, poor, abandoned baby Bill 138 is still waiting for adoptive parents, I suppose. I kept asking the government House leader, "When are you going to call Bill 138?" I was its biggest advocate. I was its only advocate. Poor now-Minister of the Environment, member for Etobicoke–Lakeshore; poor now-parliamentary assistant to the Attorney General, member for Willowdale, David Zimmer; poor Mike Colle, who had banked on this—they had. They had banked on this; they had bet the farm. It's like those poor suckers who take the paycheque down to Casino Niagara and then have to explain to their wife, husband, partner or whatever what happened to the paycheque that week because they lost it all. Those slots, Mr. Rinaldi, are a vicious mistress, let me tell you.

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What more could I do for these folks? I tried to salvage their efforts. I tried to tell them from the very outset, from the get-go, from the very beginning, from day one, from minute one, from second one, that this was a waste of everybody's time and effort.

What really took me aback, the point at which I said, "I wash my hands of this sordid exercise," was when the consideration of the information that had been received was going to be heard how? In camera, in secret, behind closed doors, in the proverbial darkness of the night. For a government that preaches transparency and democratic reform, and respect/regard for backbunchers—oops—to then have contemplation of this public process in private, behind closed doors, in camera, in secrecy, in the proverbial dark of the night, to me was just too much.

I've had a few years here, but I just couldn't handle that. I was shocked. I was disappointed. You could hear me shaking my head all the way to the other end of the Queen's Park precinct—you could. I was rattled at the prospect. And however nervous I was about saying it, however hesitant I was to raise my voice in protest, I told

that committee, "I want nothing to do with secret stuff, nothing to do with behind-closed-doors stuff, nothing to do with in camera stuff."

If you've got a committee process writing committee legislation, the very premise is that it's public. You think so too, don't you? Of course you do. Any reasonable person agrees with that proposition. It appears that the only people who were being unreasonable in this exercise were the bosses, the capos in the Premier's office, who were sending the marching orders to the Liberal majority on the committee. As it was, after who knows how many hours of secret deliberations, Bill 138 was produced.

The ego-stroking was incredible: "Oh, come on, guys. You get to put your name on the bill as a sponsor if you play ball." Have you ever been there, Mr. Arnott? What a lure: "We'll let you put your name on the bill as a sponsor." For Pete's sake.

What have we got? In fact, he sits here, as I speak. I hope he hasn't forgotten his sponsorship of Bill 138. Here it is in print: the member for, not Etobicoke–Lakeshore, but Etobicoke–Lakeshore's close neighbour, the member for Etobicoke North, one Shafiq Qadri, as it says on the Legislative Assembly précis, the short version of Bill 138—and then, as primary sponsor. Wow. I can just hear the conversation: "Hey, Shafiq. Come here. Closer. Don't tell anybody. We're going to let you be the primary sponsor. Oh, yeah."

Look, for a tyro member it had some appeal, especially when people were being told, "Don't worry. The bill will go through the process, be on the order paper and eventually be called." Who are the secondary sponsors? They ain't here: Wayne Arthurs, Laurel Broten, Jim Brownell, Liz Sandals, John Wilkinson and David Zimmer. I say to these members, what happened to their bill? What happened to the confidence that the Premier's office had in their ability to draft powerful, meaningful, relevant new legislation when it came to emergency management?

I recall when the bill was brought to the House. Do you remember, Speaker, when Bill 138 was brought to the House? They were like kids on the first day of school. They were all dressed up—new suits, ties—all prim and proper, hair combed, ready for the class photo, just sitting there straight upright and at attention, proud as peacocks when Bill 138 was read for the first time, sponsored by Shafiq Qadri, Etobicoke North, as a primary sponsor, and Wayne Arthurs, Laurel Broten, Jim Brownell, Liz Sandals, John Wilkinson and David Zimmer as secondary sponsors. Needless to say, I declined the opportunity to have my name on the front of the bill as a secondary sponsor. I declined the opportunity and, to their credit, the Conservatives appear to have done so as well. I wouldn't have expected anything less from members like Garfield Dunlop and Frank Klees on that committee, two experienced and astute members of—well, they are. They've seen every scam in the book. They've probably been a party to a few of them.

Mr. Arnott, I wouldn't have expected anything less from them, as experienced and competent as they were.

I remember the hearings on Bill 8 when Toronto Chief of Police Julian Fantino, soon to be Commissioner of Emergency Management for the province of Ontario, was making his—he had made them on pit bulls, too, remember? I don't know whether the member for Etobicoke North was there during the pit bull legislation. He may have chaired it, and he will recall the former Toronto chief of police coming in and calling for a ban on pit bulls, and then his rapid ascension to the role of Commissioner of Emergency Management.

One of the most capable Solicitors General, justice ministers, of this province was Roy McMurtry, now chief judge. He displays that competence every time he addresses the opening of the courts, along with other occasions where he has occasion to make comments on the course of justice or the administration of justice in this province, and some of the social issues that face us and confront the justice system.

I was pleased to have library research obtain for me a copy of the discussion paper on proposed emergency planning legislation whose preparation was overseen by then Solicitor General Roy McMurtry in June 1981. It's a very important document. It followed, as did the Grange report, the massive evacuation of people in Mississauga, the notorious train derailment and the chemical toxic crisis that flowed.

These pages have no idea what I'm talking about. It was one of Hazel McCallion's first challenges, as I recall, as mayor. Similarly, as I recall it and as every observer has noted since, it was very competently handled by the mayor, the police forces, the firefighting services, the front-line emergency personnel, the health personnel and so on.

I'm incredibly concerned about this emergency management buzz because, make no mistake about it, the undercurrent of the committee that eventually came forward with Bill 138, although rarely, if ever, articulated, was the 9/11 terrorist attacks on New York City and other places in the United States. One of the issues in this House over the course of the last week, not inappropriately—I come from down in Niagara too; any of us in tourist destination Ontario are sensitive to it—is the tightening of the border, the increased standards for crossing the border.

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The problem is, you can't go around using the terrorist fear as part of your agenda and then somehow argue that—because, you see, that's what gives rise to the American model of, "Oh, you need more stringent standards for the types of documentation that allow people to cross the border"; to wit, a passport.

First of all, let's understand this. It's my view that the Bush proposal is not going to inhibit any purported terrorist from crossing the border. If you're a professional terrorist—dare I call it that?—you're going to have a passport, real or fake. We know that they're obtained easily enough—well, they are—through any number of means, through any number of embassies. Canada has suffered the plight, and I'm sure other countries have as

well, of literally blank passports being stolen. So I think it's delusional to suggest somehow that requiring passports for everybody crossing the border is going to respond to the terrorism fear.

I'm not sure that there isn't a whole lot of Y2K here, whether it's terrorism or whether it's those native, endemic concerns around avian flu or even BSE. We all remember Y2K and the bill of goods that we got sold around Y2K. Boy, did we get taken to the cleaners on that one. I think we better be extremely careful about overreacting to the proposition of catastrophic emergencies. It's not that catastrophic emergencies can't happen; I'm talking about overreacting.

That's why I want to refer, at a couple of points here, to the McMurtry report. I commend it to you. First of all, the observation is made very clearly—don't forget, this was written after Mississauga had dealt with a major evacuation of huge chunks of its population, when there was a very real fear, with rolling clouds of toxic gas, of huge loss of life, and after there was a successful response to it. At the very beginning of the McMurtry report, the discussion paper on the proposed Emergency Plans Act, it says, amongst other things—I think it's very important to put this on the record, and I'll be very brief: "In the past couple of years, events such as the train derailment in Mississauga have stimulated great interest in the subject of emergency preparedness."

I'll leave the text of the report for a minute and just reflect on what's happening now. Here, the McMurtry white paper, I'll call it, the discussion paper, talks about "events such as the train derailment in Mississauga have stimulated great interest in the subject of emergency preparedness." Take it forward 25 years, 26 years, to the current time: The phenomenon of terrorism has provoked and stimulated great interest in the subject of emergency preparedness. The parallels are remarkable. The phenomenon of bovine—the BSE disease.

Mr. Ted Arnott (Waterloo–Wellington): Bovine spongiform encephalopathy.

Mr. Kormos: Mr. Arnott is right. That means Hansard is going to have to consult him for the specific spelling of the affliction, now that Mr. Arnott's on the record, me having responded to him.

The phenomenon of BSE, the phenomenon of avian flu, the phenomenon of SARS—and I hope I have time, because I want to talk about that. I say, do we ever owe front-line emergency and hospital health professionals a huge debt. It was no thanks—and no disrespect to anybody; nobody didn't take it seriously—to political leadership that more people didn't die from SARS and that SARS didn't spread further than it did. It was those front-line health professionals. That's why one of the serious omissions in this bill before us today is the failure to provide amendments to the Occupational Health and Safety Act—I'm going to get to that in just a few seconds—but in other words, providing tools and mechanisms and resources for those people who have to respond to bona fide crises like SARS, given the tools to

do it in such a way that they can do their job healthfully and safely and effectively.

Back to McMurtry: "There is a growing recognition that disaster can strike anywhere and that planning and preparation are essential." Again, 1979, 2006, the words are as true today as they were then. Back to the text: "Planning for an unknown emergency poses obvious difficulties for the responsible officials, but it is absolutely crucial that response mechanisms be in place. The tragic earthquakes in Italy have apparently been met with a less than adequate response, and it is disturbing to hear charges of bureaucratic confusion, inefficiency and even incompetence.

"Good planning and preparation for emergencies is a practical thing and depends upon the foresight and abilities of the planners. The passing of laws is a secondary matter, but this paper will show that supporting laws can help in clarifying problems and putting the entire issue of emergency preparedness on a firm legal footing."

I want to tell you, it was incredible. During that fraudulent committee hearing around Bill 138, I tried to make that point over and over again, that the passing of laws is a secondary matter, because, and I go back to McMurtry: "Municipalities are on the 'front line' in preparing for emergencies. They have hospital, ambulance, fire and police services available and the initial responsibility for responding to an emergency situation."

You can't talk about emergency management and emergency preparedness without talking about the adequacy of the resourcing and staffing of those municipally based front-line service providers: cops, firefighters, emergency medical response people, nurses, public health departments. At the end of the day, that's what it's all about. It's about what happens down in communities like Welland, Thorold, Pelham, St. Catharines, Port Colborne and Wainfleet, like places where I come from. It's like what happens in Stoney Creek. It's like what happens anywhere along Highway 6, in small, mid- and maybe not-so-mid-sized Ontario. Regardless of what happens here, at the end of the day, that's where emergency management is going to occur. That's why I find it regrettable that we debate this bill without the bill enabling us, by virtue of the absence of provisions around those areas, to debate the adequacy of firefighting services, police services, emergency medical response people, paramedics, ambulances, their personnel, their dispatchers and the staffing of them, the funding of them, and I get back to it again, nurses among others. I will say it again: nurses, among other health professionals, in emergency rooms and in intensive care units and in public health departments.

In one of the debates in committee around Bill 138, dear Alan Borovoy—St. Alan, if he doesn't mind being called St. Alan Borovoy, who has always been an incredibly valuable resource to every government of this province; he's one of our icons. Anybody who disagrees with me can see me outside, I'll tell you that right now. He really is: Alan Borovoy, for years, for as long as I can remember, was an inspiration for people who cared about

fundamental civil liberties. He, I tell you, was surprisingly generous to the government in terms of some of the interventionist powers that it wrote into Bill 138. The Minister of Community Safety will recall that.

1610

But at the same time, I was incredibly struck by observations made by now Justice McMurtry, then Solicitor General McMurtry, back in 1979. For the assistance of Hansard, page 26 of his discussion paper, under the heading, "Special Powers":

"It is convenient at this point to mention the powers of police and other officials. Some persons feel that the draft bill should grant special powers, for example, authorizing the entry of private property and the commandeering of property in an emergency. The draft bill does not adopt this recommendation. It is felt that existing powers are adequate to deal with emergencies, both large and small."

I leave the text for a minute and I simply want to draw people's attention to this next statement, because it is most telling. Back to the text:

"The responsible officials have the same powers when one building is threatened by fire as when 100 buildings are threatened by fire."

Let's illustrate with an example. When a building is on fire, police and fire officials have the lawful power, depending upon the circumstances, to enter adjoining buildings and search for children and elderly persons and remove them from the situation of danger. By the same token, the police have the power to enter a building from which cries for help are emanating. These special powers are found in the common law, but it should be noted that there are limitations on their exercise.

He goes on to talk about the prospect of forced evacuation, because that's something that's dealt with in this bill before you today. Page 27, with gratitude to Hansard:

"It has been suggested that the draft bill should, for example, codify the power of the police to compel the evacuation of an area in certain emergency situations. This power was lawfully and properly exercised during the emergency in Mississauga. After due consideration, however, we have come to the conclusion that an attempt to codify such powers is not necessary and may perhaps be unwise.... We concur in the following observation made by a learned justice of the Ontario Court of Appeal:

"Police forces exist in municipal, provincial and federal jurisdictions to exercise powers designed to promote the order, safety, health, morals and general welfare of society. It is not only impossible but inadvisable to attempt to frame a definition which will set definite limits to the powers and duties of police officers appointed to carry out the powers of the state in relation to individuals who come within its jurisdiction and protection."

The duties imposed on them by statute are by no means exhaustive. It is infinitely better that the courts should decide as each case arises whether, having regard to the necessities of the case and the safeguards required in the public interest, the police are under a legal duty in the particular circumstances.

Moving away from the Ontario Court of Appeal Justice back to the text of the report:

“Generally speaking, the police have a duty to protect life and property and this duty comes into play in situations of danger. We think it preferable that the common law powers of police and other emergency personnel continue to be limited by the courts and that the emphasis of the draft bill focus on emergency planning”—emergency planning, and as I say it one more time, I’ve clearly left the text of the decision: emergency planning.

Back to the very first comments made in this discussion paper, oh, so obvious that municipalities are on the front line in preparing for emergencies. It’s all about the cops, the firefighters, the paramedics and the nurses—the nurses and other health professionals—who are called upon to save people’s lives, to protect other people’s lives and well-being and to protect and secure property.

I believe that proposition as strongly as one can believe anything. I also believe that it’s as valid today as it was in 1979, once again.

So let’s take a look at the bill and observe that once again the bill does little, in my submission to you, to support better planning and preparedness and does far more to create some of those new powers that now Justice McMurtry warned us against, admonished us to be careful in our consideration of, back in 1979.

Let’s talk exactly about what some of the powers are. That might be a good way to take this. We will not necessarily start at the beginning, nor will we necessarily start at the end. We’ll start somewhere around the middle. What are the powers that are going to be created? I’m looking at section 7.0.1, “Emergency orders,” subsection (4), amongst other things: “The regulation or prohibition of travel to, from or within any specified area.” Number 3, “The evacuation of individuals and the removal of personal property from any specified area....” Number 5, “The closure of any place, whether public or private, including any business, office, school, hospital or other establishment or institution.”

Number 10, “The procurement of necessary goods, services and resources, the distribution, availability and use of necessary goods, services and resources and the establishment of centres for their distribution.” Number 11, “The fixing of prices” etc. Number 12—and this was one of the things considered and advocated by the government in that horrible, horrible exercise around Bill 138: “The authorization of any person, or any person of a class of persons, to render services of a type that that person, or a person of that class, is reasonably qualified to provide.”

As I read these and rattle them off, in some respects they just sound like oh, so much legalese and claptrap and of so little relevance to what we’re talking about.

There was a whole lot of discussion about evacuation powers in the, again, regrettable Bill 138 committee, and a whole lot of advocates of the fact that you needed special powers, just like you needed special powers of warrantless entry. I have to tell you, Speaker: Every time

I’ve seen a bill—you were with me, I think, when we had the first version, the first draft, which was much improved by the time it came to third reading, of the marijuana grow-op bill, which had all sorts of provisions for warrantless entry, which gave building inspectors more power, as I recall it, than police officers. It also put them in sort of the vanguard of the attack on some biker-run, gang-run, booby-trapped marijuana grow-op.

The minister is here. He’s one of the ministers who sits in on the debate on his bills, because he’s been here long enough to know what protocol is. If he had the time, if there wasn’t such a turnover in his cabinet, he’d have time to explain to the other ministers what that protocol is. Look, the ministry, when all was said and done, cleaned up that bill to the point where our adamant objection to it became support for what ended up, at the end of the day, being a bill that served communities well and served their interests and had the approval of those communities and, more importantly, from our point of view, the people who work for them.

Justice McMurtry, then Solicitor General, said, “No; be careful about legislating entry powers, evacuation powers. There are a whole lot of sources that would indicate that these powers already exist in practice and in law, at common law.” The common law, I put to you—and legal experts can argue with me or with each other—is far more appropriate in terms of adapting itself to real life situations, the situations that are inherently unpredictable. The common law contains, in the vast majority of instances, a great deal of common sense. It’s been the adaptation, the growth, the maturation, the evolution of that law over the course of changes in values and attitudes and the change in how we live together in a community and how we work, and what kind of relationships we have and promote.

1620

New Democrats are not only concerned about the number of powers contained in that subsection that I just referred to, subsection 7.0.1(4); we’re also incredibly concerned about the delegation power of the Lieutenant Governor in Council. It’s one thing, and it will still be debatable, for the Premier to unilaterally assume power to declare an emergency and, similarly, power to order certain things like those things enumerated in subsection 7.0.1(4). It’s one thing for the Premier, via the Lieutenant Governor in Council, to delegate some of those same powers to the appropriate minister, because historically the Solicitor General had powers of declaration of emergency. McMurtry refers to that in his report. Indeed, the current Minister of Community Safety is probably the only one here, short of Jim Bradley, who remembers that Solicitor General. I remember him fondly, but I was oh, so young.

The delegation; that takes us over to section 7.0.3.

“After an order has been made under section 7.0.1, the Lieutenant Governor in Council”—and that’s the cabinet, that’s the Premier’s office; it’s not really the cabinet, it’s really the Premier’s office but it’s rubber-stamped by cabinet—“may delegate to a minister of the crown or to

the Commissioner of Emergency Management any of the powers of the Lieutenant Governor in Council under 7.0.2(4).” That subsection (4)—I apologize. I’ve been referring to it as 7.0.1(4) and 7.0.2(4), because I just referred to 7.0.3, which is the delegation power.

That’s where we’ve got to have a little bit of contemplation about what the government is actually doing here. And I mean no disrespect to the Commissioner of Emergency Management, but he is a servant of the government, and when you’re imposing extraordinary powers, I say there has to be some political accountability that is direct political accountability.

Now, I will go one further. You heard the comments that we in the NDP made upon the appointment of the emergency management commissioner. It is my respectful view that that ought to be a role parallel to the role of Ombudsman, parallel to the role of Environmental Commissioner, such that that role is the role of an officer of the assembly. I really believe that. I think it’s inherently important enough, not only in terms of the exercise of powers and responsibilities that he or she might have at any given point in time, but in terms of the ability of that officer of the assembly—which that person is not now—to be truly independent when it comes to proposing recommendations and/or responding to policy proposals being made by the government.

We saw this most recently in terms of the Attorney General’s announcement back on February 20 around so-called reforms of the Ontario Human Rights Commission. Then and there at the media studio where the Attorney General was making that announcement, the Human Rights Commissioner, Ms. Hall, was inevitably—because, you see, she’s accountable to the minister, not to the assembly—basically cheerleading for the minister, because quite frankly that’s her job—and again, no disrespect to Ms. Hall, but it’s the very nature of the beast. In response to that observation, one of the first things New Democrats said was, if you really want to create reform in the Ontario Human Rights Commission, make sure your Ontario Human Rights Commissioner is an officer of the assembly and independent of any political or politically tainted or politically scented—“tainted” has such a negative connotation—oversight. That’s a real dangerous thing. Let’s understand, in the context of an emergency, we’re talking about, from time to time, people being compelled and called upon to do some extraordinary things. I say we need a person whose oversight of that process is truly politically independent.

Could you infer that New Democrats expect this to go to committee? It’s a very serious bit of legislation, and we very much insist, and I expect the government expects, that it’s going to go to committee.

Let me tell you some of the other concerns. I won’t be able to canvass all of them. One of the things that was just so frustrating—I was banging my head on the desk during that phony committee on Bill 138, because we’re waiting for the—

Ms. Kathleen O. Wynne (Don Valley West): Don’t admit that.

Mr. Kormos: Well, I was. Look, I had a big bruise. I’m going bang, bang, bang, “What is the matter with you people?” I say to Ms. Wynne, the member for Don Valley West, honest, because I’m going, “What are you guys doing? You haven’t heard from Mr. Justice Campbell yet. You haven’t heard from Judge Campbell yet in terms of the SARS report and his recommendations. What the heck are you doing drafting Bill 138?”

Ms. Wynne: Is that when you started banging your head?

Mr. Kormos: That made me bang my head, honest, and if you want to see me bang my head again, pull another stunt like that. Ms. Wynne, you are clever enough, you are astute enough, you are experienced enough, you are learned enough, that had you been there when the committee’s drafting of so-called legislation without Campbell having released his report yet—

Interjection.

Mr. Kormos: You would have wanted to bang your head. You may not have done it. You may have shown more restraint than I did, but you sure as heck would have thought about it, Ms. Wynne.

One of the recommendations—this one happens to be in the second interim report from Justice Archie Campbell, from April 2005—is the call for the strengthening of occupational health and safety protection for health workers. He writes:

“Suggestions have been received for legislation to strengthen occupational health and safety protection for health workers. That issue will be dealt with in the final report. Occupational health and safety is a vital aspect of the commission’s work. It cannot however be addressed adequately in the limited confines of this report and must be addressed together with the stories of the many health care workers who sacrificed so much to battle SARS.”

I read that interim observation to point out how emphatic he was about it, even before he had prepared that stage of his report. It’s imperative that any new legislation, any overhaul, any amendment of legislation that addresses emergency management, in my view, also contain legislation and amendments that address the valid, legitimate concerns of health professionals. You know who we’re talking about. We heard from them: brave, brave women and men who during the SARS crisis did not have adequate defence, adequate support, adequate protection via the Occupational Health and Safety Act. Day after day, we found health professionals and we learned of health professionals working without adequate safety equipment to protect themselves. And some paid the price, didn’t they?

1630

So I say to the government and to the minister that we’ve got to deal with the absence of contemplation of occupational health and safety protection for health workers. We’ve got to address the failure of the legislation to be specific about the fact that it does not override collective bargaining agreements. I say that is oh, so important. The fact is that the vast majority of public sector workers—and it’s a strong public sector, ade-

quately staffed, adequately trained, adequately resourced that's our real protection against emergencies and in the context of emergencies, isn't it? It's they who are our real protection in the context of unforeseen, unexpected or catastrophic emergencies.

I'll repeat that the most effective manner of addressing emergencies is enhanced preparedness. The failure of governments—and I'll say that in the plural and leave it at that—to respond adequately to the various emergencies of the last several years are attributable almost entirely to their failure to appreciate the importance of public infrastructure to the resolution of the problems arising in extraordinary circumstances.

I repeat that we will be ensuring that there is debate in committee around similarly ensuring that any legislation recognizes and respects the collective bargaining process.

It's our position as well that this government and all of those public sector employers who really want to prepare themselves for the crises of emergencies would best serve their residents and their citizenry by insisting and ensuring that management and unions sit down and develop, collaboratively, emergency protocols. What better way to build a strong response system than to have workplace parties bargaining in advance of any emergency such issues as deployment of staff, scheduling pay rates, emergency premiums, training, protection of occupational standards, accommodations of workers with particular needs, vacation entitlement and other matters vital to the operation of the establishment during the course of an emergency.

I don't know how you do it up Barrie way, Speaker, but down where I come from in Niagara front-line public sector workers are eager to sit down with management and develop these protocols. And you know what? The OPSEU members, the SEIU members, among others, and the ONA members I have talked to, just like you've talked to, up Barrie way are prepared to do the same thing as well in the interests of public safety and, yes, in the interests of their own safety, when they're going the extra mile and risking their health and their lives in the context of an emergency.

That was a signal, of course, that I've only got a minute and 30 seconds to go, and I'm wrapping up. That's just to let the next speaker on the government's list know that they should get into the chamber as quickly as possible.

This is, once again, an important piece of legislation. We, the New Democratic Party, are prepared to sit down and work with any party in this chamber to develop meaningful legislative responses, but we insist that any legislated address of emergency management has to recognize that preparedness is the fundamental element of adequate emergency management. When you talk about adequate, you also talk about safe. Safe and adequate emergency management means effective emergency management, and emergency management that is as safe as it conceivably can be for the emergency worker—police officer, firefighter, paramedic, health

professional, nurse, any number of other people in the health professions. That's the bottom line.

We've got to be very cautious, in the context of this admonition of "Be careful what you wish for," in creating extraordinary legislative powers when the common law may well be the superior tool to achieve the particular end.

I look forward to committee. I thank you for your time and patience with me, sir.

The Acting Speaker (Mr. Joseph N. Tascona): It's time for questions and comments.

Mr. Bas Balkissoon (Scarborough–Rouge River): Thank you for this opportunity to respond to the member from Niagara Centre and his comments on Bill 56.

The member was a member of the standing committee that dealt with Bill 138. If I could just refer to the Hansard of that particular debate, he did ask Dr. Young, the then Commissioner of Emergency Management, the exact questions about the report from Mr. McMurtry. I just want to refer to a couple of words of Dr. Young in his answers. He said, "I think the answer to this report served us well from 1981 to today. I think we're in a different age in 2004. Things we believed and the way we behaved in 1981 is not the way the world works in 2004." I think we have to take good note of that particular comment. I don't think anyone has experienced, or had experience back in 1981, of 9/11 or SARS or the blackout that we faced.

Extraordinary circumstances that this bill is addressing require the government to take extraordinary measures, but the bill is very balanced in that it demands accountability to the public; it demands accountability to this assembly.

The member from Niagara Centre also makes reference to firefighters and nurses. Yes, those people are covered in the existing emergency act. They are technical and operational people, and they will continue to operate within the emergency management plans that the municipalities and various agencies have. So I want to make the member—

The Acting Speaker: Thank you. The Chair recognizes the member from Waterloo–Wellington.

Mr. Arnott: I'm pleased to have a moment to speak to Bill 56 this afternoon, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997. Clearly, this bill is intended to ensure that the provincial government has sufficient emergency powers to deal with emergencies that might be on the horizon that we're hopefully not going to have happen but can't be entirely sure that they won't.

Our community in Waterloo–Wellington was affected by two devastating tornadoes which struck down in August. They were called F2 tornadoes. The sustained winds were 240 kilometres per hour and we experienced a great deal of property damage. Thankfully, no one was killed. But it really gave us an opportunity to see how our emergency planning locally was prepared to work. Mayor Russ Spicer and Mayor John Green and their

councils and staffs in the townships of Centre Wellington and Mapleton did an extraordinary job working with our OPP, our fire service and our public works officials to respond in such a way as to ensure that leadership was shown and we were able to work our way through the crisis. I was pleased to have the opportunity to work with my local officials, and I was pleased when the Minister of Community Safety, the Honourable Monte Kwinter, made an effort to come and tour the devastated areas shortly afterwards.

It certainly did give us an understanding of how important this is, and I know the provincial government is of the opinion that it has to be prepared for any kind of contingency emergency that might be on the horizon.

I know that our caucus has a number of concerns about the government's approach: that this bill is more about giving emergency powers to the province but gives nothing to emergency services personnel—no necessary equipment, training or education. We have a number of other concerns, and I'm sure that we will continue to bring those forward as this bill moves forward during the course of this debate.

1640

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I just want to congratulate the member from Niagara Centre for his presentation. It was unusual in that it was very reasoned and it was very thoughtful.

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): That's unusual for him.

Hon. Mr. Kwinter: It is unusual.

I just want to correct one of the things that he implied: that this was the end-all and be-all of how we deal with emergencies.

The first thing he asked for was, we've got to get emergency preparedness. I agree. We have a plan that is actually working. Ninety-seven per cent of the communities in Ontario have met that criterion of essential service. They've identified hazards. They've done risk assessment. They've done municipal emergency plans. They've had emergency response exercises. Yesterday I was up at Gravenhurst at the fire college, where I addressed a conference that had been going on for two and a half days, where EMS, police, fire, paramedics, all the people who would be impacted by an emergency, were meeting to discuss, "How do we respond to an emergency?" That was important.

As the member from Waterloo-Wellington talked about the tornado, all you have to do is look at the flood of a couple of years ago in Peterborough. I arrived there the day after the flood, and it was a textbook response, absolutely textbook: no injuries, no deaths. Yes, there was property damage, but how do you stop a flood? You can't do that. It was amazing to see what they were doing because they had adhered to the essential plan that 97% of the communities in this province have adhered to. We're working on that.

I have to stress, in the 15 seconds that I have, that this is about having the legislative power to do things. That doesn't mean that we do nothing else; we do what we have to do and make sure that everybody is prepared, that we have the resources, we have the training and we have all of the ability to respond to an emergency.

There have only been two emergencies in Ontario's history: SARS and the blackout. The others were local emergencies, whether it's the Mississauga derailment, whether it's the Peterborough flood, whether it's a tornado—whatever it is. Those are areas that we are effectively prepared for. What we're trying to do is make sure that we have the legislative ability to respond to a catastrophic emergency. Hopefully, it'll never come. Our motto is, "Prepare for the worst and hope for the best."

The Acting Speaker: Further questions and comments? Response?

Mr. Kormos: I give the minister credit, because he talked about real-world phenomena. He talked about the phenomenon of SARS. He talked about blackouts. The stuff I read in the paper—what was it, yesterday or this morning—from the private sector generator TransAlta left some of us with the impression that we could well face more blackouts.

But let's not rev up this debate with references to 9/11. I'm not saying we should ignore 9/11; we can obviously never erase it from our memories, any of us who watched the television imagery, never mind those Ontarians and other Canadians who went down there and volunteered after the fact. Many of them came from my riding, as they did from yours.

Let's be very careful not to rev up the rhetoric here to the American homeland-security type of approach, because I put to you that that's very, very dangerous stuff. It has the capacity to create some huge injustices. It may well have created some injustices in Canada alone, the whole phenomenon of racial profiling that flowed from that and, in my view, continues to flow from it: the vilification of people of certain ethnic backgrounds.

Understand that, down where I come from, just like where you come from, the emergency is far more likely to be an arena roof collapsing, God forbid, or a fire in a shopping mall that has thousands and thousands of people in it at any given time, than it is terrorists, however any of us may prefer to envision them. So when it comes to appropriate law, I'm sticking with Judge McMurtry. I don't know about other people. If I want medical treatment, I'll go to Dr. Young; if I want legal references, I'll go to Roy McMurtry.

The Acting Speaker: Further debate?

Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge): It really is a pleasure on a bright, sunny afternoon to be able to rise to speak to emergency management. One would rarely think, if one looked outside today, that we would ever need to have the types of authorities and powers in the hands of the province to engage in the type of emergency we're talking about.

The minister has already made reference to only two occasions where it has been felt necessary to declare a

provincial emergency, and both of those within our very recent history: a medical emergency in the form of SARS and an infrastructure emergency in the form of a very significant blackout.

There are phrases like, “On some issues, it’s better to beg forgiveness than to ask permission.” It’s not a good strategy for governance and government, in taking actions after the fact for which they are not authorized, to go back to their constituency and beg forgiveness at that point in time, rather than having asked permission at the beginning. Through this debate and through this Legislative process, if this legislation is approved, it’s effectively saying that we need to ask the permission of the public in Ontario to take the necessary actions as government under the Premier and under cabinet or a delegated authority in times of extraordinary emergencies.

The member from Niagara Centre, in his hour, and more recently in his summation, referenced 9/11, so I’m not going to use 9/11 as a reference point. Let me use a different example as a reference point for exactly the kinds of issues that this province would have to be and needs to be ultimately prepared for.

I was the mayor of the city of Pickering, and the town of Pickering prior to that, for some 15 years. In the very early part—I think it was 1991 or 1992—we had a situation where there was a pipe that burst in a nuclear reactor. My phone rang from a constituent, saying that he’d had a call from a staff person that there was this issue in a nuclear facility. So I got on the phone and called the folks we dealt with at that time, from Ontario Power Generation. They said, “We have a broken pipe. It’s not major. We have a leak.” I think he said it was 20 mega-grams of water. So I said, “Oh, 20 mega-grams. It’s just a little leak. It’s a glassful, so what’s the big deal here? I’ll call my constituent back and tell him that obviously whoever called him had some misinformation. ‘It’s not severe. It’s not significant. Don’t worry about it.’” I called him back and explained that to him.

Shortly thereafter, I had another call from someone suggesting that we had an incident of some significance. I called my friends back from OPG and talked to the fellows there again. I said, “I understand that we have a major problem here.” They said, “We do have quite a leak. We have a large pipe that has burst. It’s six, eight or 10 inches in diameter.” I said, “I thought you said we had 20 mega-grams of water, like a glassful.” Being the engineer that he was and I’m not, 20 mega-grams was not 20 grams. “Mega” means “big.” So I said, “Call me back in an hour and tell me what’s going on.” He called me back and said, “Can you envision two Olympic swimming pools full of water? That’s what we have in the bottom of a reactor.”

1650

There’s a concrete example of the type of situation that, if it were to get out of hand—and it didn’t; it was managed—it would require the action, in my view, of the province of Ontario, for the Premier or cabinet to be able to act on an emergency, localized to a fairly large area, in addition to the legislation that provides specifically for

emergencies as a result of any type of nuclear activity. I think something of that magnitude will require that additional capacity for a Premier or the cabinet to be able to declare an emergency in a large area. To suggest that 9/11 is some aberration that we shouldn’t be referencing because it really isn’t relevant to us—we can certainly find other examples of situations that are far more practical that, in my view, could potentially require the type of authority that is envisioned in the legislation we have before us.

I had the pleasure of sitting on the committee during the summer of 2004 that worked on drafting Bill 138. I would have been very pleased if Bill 138 had continued on beyond first reading, had been brought back to the House, had continued through the process and, with whatever amendments that were necessary, had come to legislation. But the reality was, in the absence of the co-operation of both the official opposition and the third party, that wasn’t possible. I think we heard for an hour why it wasn’t possible for that legislation to come back to this Legislature and have the full and thorough debate it would have had, with the possibility of being adopted or, in the alternative, the possibility of being set aside for other legislation.

There are any number of elements within this legislation that are important to the people of Ontario. I believe the people of Ontario have a right to know that in the event of emergency, someone is legally, by law, in charge of that emergency.

I have to commend former Premier Eves for what he did during the blackout. Although he didn’t have this legislative capacity to act, he did some of the things that are clearly identified. He reported to the public in a very effective and structured way. He provided a level of information and comfort so that people understood somebody was in charge. But wouldn’t it be nice to know that the Premier of the province had the authority, by law, to do exactly what he did, so that a Premier wouldn’t be left, in the aftermath of that, coming back into this particular forum and having someone challenge him on the basis that he took an action and putting him in the position of asking forgiveness because he didn’t have permission? The legislation speaks specifically to those kinds of needs for the Premier to report to the public on a regular basis in the event of emergency. I think that’s an important element of what is in the legislation.

I think it’s also important that the legislation clearly requires ongoing confirmation by cabinet and/or the Legislature for the continuation of, effectively, that state of emergency. A Premier can’t act arbitrarily for extended periods of time to take over control of a variety of other responsibilities, whether municipal or elsewhere, without confirmation that government or the Legislature sees those as appropriate actions for a Premier to be taking. I think that’s an important and protective device for the people of Ontario.

I believe within 72 hours, if my recollection is correct—I’m thumbing through—of the declaration of an emergency, if it’s by the Premier, he must confirm that

through the approval of cabinet. The emergency can continue, I believe, for 14 days without confirmation for its extension. The Legislature, if the Legislature is sitting and if it's deemed appropriate at that time, on the request of the Premier, can extend an emergency for a period of up to 28 days. What that does in effect is it provides a window of opportunity, first, in the immediacy of an emergency, because you can't anticipate them and wait for them to unfold. It provides a capacity for the Premier and/or cabinet to be able to act on that emergency and put in place the types of strategies and structures to implement what's out there already. It provides for a confirmation, it provides for an opportunity to extend that for a reasonable period of time and it provides for a window whereby the Legislature could be asked to engage in that.

It also includes a provision where the Legislature can terminate the emergency, where this body, in its legal capacity, has the right to determine that the state of emergency declared by the Premier or cabinet is an inappropriate action on their part. I think that's an appropriate and important part of what this body, on behalf of the 12.5 million or 13 million people in the province of Ontario, should have and need the opportunity to do.

Having legislation of this nature in place provides the people of Ontario with a variety of protections, a variety of checks and balances to the use of extraordinary powers, but also provides them with a level of confidence that the government can be in charge, not simply that it will take charge but that it can be in charge.

There are provisions within the legislation as well that protect the rights of individuals during the course of an emergency. One of the interesting parts I found was the provision to seek or authorize individuals who have certain skill sets that might be needed to use those skill sets. It didn't compel them to do it. I think one is that if there is a doctor from outside Ontario in the province during an emergency, they can use their medical skills, their medical expertise in spite of the fact they're not currently licensed here, and they can do it without fear, without liability if they're acting in good faith, in essence. So it provides protection for them in acting during the emergency; their personal liability is protected.

There are a number of provisions of that nature in the legislation that authorize people to be able to act beyond what they might normally do, presuming they are reasonably capable of doing that, but not exposing themselves to personal liability. That includes municipal workers who might be acting during the course of an emergency, who have some liability protection if they're acting in good faith. Now what it doesn't do is it doesn't protect the municipality, nor does it protect the crown. In essence, government bodies still have and still assume liability and responsibility for their actions, but potentially those who work for them, as long as they're acting in good faith, are not personally liable, are not personally exposed to some future course of action as a result of their trying to be of assistance and help and using their skills during an emergency.

The legislation, I believe, achieves a lot for the people of Ontario. It provides a tremendous amount of confidence that at the end of the day those acting on their behalf are acting with legal jurisdiction, are acting in the interests of the public, that there are devices legislatively, checks and balances, to ensure that those powers are not being used in a fashion that is not in the interest of the public, and checks and balances that allow this Legislature to be able to make a determination as to whether or not those powers are being exercised in a fashion that best meets the interests of the public of Ontario.

There have been, and inevitably there will be, extraordinary circumstances that may very well require the use of this legislation. They are likely to be few and far between, but in all likelihood, some day, at some point, they will be required, and I believe it's important to have legislation of this nature available to the province of Ontario.

1700

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

Mr. Arnott: It's good to see you in the chair, Mr. Speaker.

The Acting Speaker: It's good to be here.

Mr. Arnott: I'm pleased to have a chance to respond very briefly to the member for Pickering–Ajax–Uxbridge. I appreciated very much his comment about Premier Eves, who provided, I thought as well, extraordinary leadership during a very difficult time in the summer of 2003. Many of the members who were in this House at that time were anxiously awaiting the call of an election, not having yet been elected to the Legislature, and I'm sure they remember those days very well, as I do.

When I think back to how those events transpired and the exemplary leadership that was shown by the Premier of Ontario, I think that's exactly what people would have expected of our government at that time. Certainly, we were facing an extraordinary challenge. Of course, the power outage originated south of the border. At that time, it wasn't clear where it had started or how it happened, but over a period of days we had to encourage industry and commercial activities in Ontario to power down as much as possible because we needed to have time to crank up our nuclear reactors once again and to do it in a safe way that wouldn't force the system to crash once again.

Our Minister of Energy at the time was the Honourable John Baird, who of course is now the Treasury Board president, I believe, in the House of Commons. I recall vividly those conference calls that our caucus participated in during that time. I felt that it was my role as the MPP for Waterloo–Wellington to do what I could as a local, elected community leader to try to make sure that all the needs in my community were met. I think we all tried to play our part in working towards the end of that difficult week such that the lights could be turned on again.

I think it was very good of the member from Pickering–Ajax–Uxbridge to commend the Premier the way he did, and I want to thank him for that.

The Acting Speaker: Questions and comments? The member for Beaches–East York.

Mr. Michael Prue (Beaches–East York): Thank you very much, Mr. Speaker, and it's good to see you in the chair as well.

I'm going to do something that is very seldom done in this House, and that is I really have a question to ask of the previous debater, the member from Pickering–Ajax–Uxbridge, because he, like me—we were both mayors and we both had extraordinary powers in times of emergencies. I don't know whether he ever had to exercise them. I know that during my four and a half or nearly five years, I did not have to exercise them. I am wondering if perhaps he could elucidate on this, perhaps he could explain, or perhaps the government in its capacity could explain under what circumstances one might envisage a province-wide emergency that would necessitate the Premier exercising powers that are normally granted to the heads of councils, the mayors or the reeves in the respective 450 municipalities of Ontario.

The power outage has been talked about today, but the power outage came and went without this extraordinary power. The Premier had the power that was necessary to accomplish what Mr. Eves did during those very difficult times when the electricity was off for a day or two. That was a measure the Premier had and he seemed to be able to control the destiny of the province without this extraordinary legislation. Given what the member had to say, that it would likely be few and far between that the Premier would ever have to exercise this power, can he tell me under what circumstances the powers of the mayor would have to be gone above to have this new bill in place? Why is it necessary to go to this extraordinary extent when we already have legislation that will govern most emergencies in the province?

Mr. Lorenzo Berardinetti (Scarborough Southwest): It's a pleasure to have an opportunity to comment on the comments made earlier. I just wanted to add a few points to the debate. I was talking this morning with my legislative assistant, and he was telling me that the avian flu, which is slowly making its way over here, has now been reported in Great Britain, of all places. So it continues to move in this direction. It's only a matter of time before a case is reported here in Canada and probably in the United States. I don't know if that would, at some point in time, if it became—I think they call it a pandemic in those circumstances—if this bill would encompass that. But what I do know is that Ontario is the only province in Canada that does not have legislation for broad, comprehensive emergency powers.

Bill 56 is a well-balanced bill that offers checks and balances, as was spoken about earlier, and makes the government accountable for its actions should it be necessary to declare a provincial emergency. I think that, as the minister said earlier, we hope for the best, that nothing of this nature does come to the province of Ontario, but if it does, we want to have a plan in place. I think that the bill before us and the work that was done before in the previously drafted bill, Bill 138—a number

of items in that have been incorporated to ensure that this bill is in harmony with that, but it also strikes the right balance between government exercising its rights and also the rights of citizens being protected and having some civil rights protected in those circumstances. So the bill is very carefully drafted, and I strongly support it. I'm glad to offer a few comments on the bill here today.

The Acting Speaker: Further questions or comments? The member for Muskoka.

Mr. Norm Miller (Parry Sound–Muskoka): Parry Sound–Muskoka.

The Acting Speaker: Parry Sound–Muskoka—a wonderful town.

Mr. Miller: Thank you, Mr. Speaker. You can't forget Parry Sound; that's for sure.

The Acting Speaker: Absolutely. My apologies.

Mr. Miller: It's my pleasure to have a couple of minutes to add some comments to the speech by the member from Pickering–Ajax–Uxbridge on Bill 56, which is An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997. I was very pleased to see the member complimenting past Premier Eves on his role through a number of different emergencies we had here in the province of Ontario. Premier Eves, in the time he was Premier, was quite unlucky in terms of the way events unfolded in terms of emergencies. In fact, his going-away present, his gift from me, was a cartoon. I think the gist of the cartoon was, "What could possibly happen next?" And someone is saying, "Locusts are coming." That was after the blackout and SARS. I would certainly like to compliment Premier Eves on the way he handled those emergencies. I'd also like to compliment the new federal member for Parry Sound–Muskoka, that being Tony Clement, who was the health minister through the SARS crisis. He did, I think it was recognized, an excellent job of communicating, of holding daily news conferences and making everyone aware of what was going on. He certainly did an excellent job.

This bill is a bill that we support. I think it's very important that it go out to committee. I'm sure there'll be a lot of public input so that the bill strikes the right balance. I look forward to it going to committee after second reading.

The Acting Speaker: The member for Pickering–Ajax–Uxbridge has two minutes to respond.

Mr. Arthurs: I want to thank the members from Waterloo–Wellington, Beaches–East York, Scarborough Southwest and Parry Sound–Muskoka for adding to the debate.

I want to focus, in these couple of minutes, if I could, quickly, on the question from the member from Beaches–East York. I did, actually, declare an emergency. I declared an emergency during the blackout. The only way we had available to activate our emergency plan officially was to declare an emergency in the city. We set up our emergency centre first at city hall, because there was no sense of imminent danger there, although our

main centre was some 10 miles away, as we had to be outside the 10-kilometre zone because of the nuclear plant. So we did use it for that purpose specifically, and that allowed us to activate our emergency plan and delay doing that until we had communicated with others. I can't recall the exact timing that we did that with.

You were asking what situations one might envision. You mentioned a province-wide emergency. I can't envision a province-wide emergency myself. Let's go beyond the municipal jurisdiction. Let me give you maybe one or two examples I can think of that might require this legislation being put in place. I won't even engage in the nuclear activity, because it has its own legislation, although I think it would be appropriate to declare an emergency in that context.

1710

Let's assume that along the 401 there are three or four trucks or a rail line, with chemicals included, and you have a chemical explosion or a derailment that's cross-boundary somewhere around the Rouge River. You now engage Durham region and the city of Toronto. Each of them has their own emergency powers as mayors, but nobody has the authority to really act cross-boundary. This legislation in part, under clause 7.0.2(5)(c), says:

“(c) the Premier may by order require any municipality to provide such assistance as he or she considers necessary to an emergency area or any part of the emergency area that is not within the jurisdiction of the municipality, and may by order direct and control the provision of such assistance.”

This legislation provides a—

The Acting Speaker: Thank you. Further debate?

Ms. Laurie Scott (Haliburton–Victoria–Brock): I'm pleased to join in the debate today on Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997.

The bill started in committee as committee Bill 138. The member from Niagara Centre, who spoke earlier, I believe participated in the committee and described at length what proceeded in the committee. It was introduced by Mike Colle, Acting Chair of the standing committee on justice policy. It had secondary sponsors: Wayne Arthurs, the member from Pickering–Ajax–Whitby, who just spoke, and Laurel Broten, the member from Etobicoke–Lakeshore.

The member from Niagara Centre went on to explain the good work that they had done on the committee. He did give some history: that the present government had wanted it sponsored, to received secondary sponsors, from the other opposition parties, and both agreed that that wouldn't be appropriate. Because of our role here, we need to have debate.

It is a bill that provides sweeping emergency powers to the Lieutenant Governor in Council and the Premier, and “amends the definition of emergency to include dangers caused by disease or health risk.” So it introduces sweeping powers. There was discussion at the time that a big bill like this didn't need to be brought in, that maybe

a single piece of legislation would address the requirements or the desires of the chief veterinary officer of the province of Ontario. It was because of the possibility of the bird flu epidemic, which is in the news again today and which we hear about almost weekly. Because we live in such a global world, we want to be prepared for emergency pandemics that could occur.

But both the Progressive Conservative Party and the NDP thought that we could bring in legislation that would meet the requirements and the desires of the chief veterinary officer of Ontario. We do have a role, being in opposition here, to provide scrutiny, oversights and concerns, and we should do that. That is a little history of how we got from Bill 138 to Bill 56 here today.

In the committee, they had a long list of people who presented these for them which is available. It was teleconferencing from 92 people, eight of them representing 53 organizations, including the Ontario ministries. Written testimonies: 17 organizations wrote in. So in the committee they heard concerns from a lot of people. Ontario, I believe, is the only province and the only jurisdiction in Canada without an emergency management bill. Ontario's present emergency management statute differs from those of the other nine provinces in that other statutes list powers that may be exercised in a declared emergency, whereas the Ontario statute sets out matters that must be dealt with in emergency plans and then generally allows the Premier or the head of the municipality, as the case may be, to take the lawful measures needed to carry out the plan. Bill 56 would change the statute into one that allows cabinet to make orders or lists of topics in a declared emergency.

A lot has been said about some of the local emergencies that have been faced. The minister himself commended the people in Peterborough, and they should be commended—the city of Peterborough and the flood that took place and how they acted quickly. I commend the minister for going there right away, and the member from Peterborough for the actions, in participation with the municipalities, in treating the people and their health concerns, and what the committee actually did, and how that municipality had its emergency preparedness and worked with the provincial government to get the best results at the end of the day for the people of Peterborough. So I commend them for that.

The member from Waterloo–Wellington mentioned the tornado and the member from Ajax–Pickering mentioned his days in municipal politics. Some of the disasters and emergencies that occur that you try to prepare for—sometimes in life you just don't know what's coming around the corner. I certainly experienced that as a nurse. You never knew what was coming through the door. I think maybe the biggest emergency for many people I had to deal with was in Lindsay, when a bus overturned, and dealing with people whose first language was not English and trying to find an interpreter in a smaller village. But we were able to, and we took care of the people. It's human nature: the professionals who took over and their care for the individuals involved.

When we talk about front-line staff, the health care professionals who would be needed in case of emergencies that would occur—certainly the Ontario Nurses' Association has raised concerns. Their president, Linda Haslam-Stroud, "says there are already provisions in her members' collective agreements that address nurses' rights to a safe working environment during medical emergencies.

"The bottom line is, without knowing what this really means, whatever this emergency act is going to encompass, they need to be consulting with ONA and the front-line nurses, and (ensure that) provisions in the collective agreement will apply."

I think that's what we are saying here. It's management; it's the front-line delivery of the services. They need to be able to work together in an emergency, as has been spoken about with SARS.

"Bill Robinson, spokesman for the Society of Energy Professionals representing electrical engineers, says there doesn't need to be a law forcing his members to work in the event of another blackout." He gives the example of the 2003 power outage: "Employees volunteered to work overtime in the midst of a crisis, and notes that licences to operate power stations require a minimum complement of workers at all times, even during labour disputes.

"Critics say if the government is serious about legislating steps to fight an avian flu crisis if it hits Ontario, it didn't accept an opposition offer to address it more quickly." That's from Canadian Press; I just can't find the date.

As the member from Parry Sound–Muskoka mentioned, I was just a candidate in the 2003 election, but going on the conference calls, it was, "What kind of plague is going to hit us next?" The leadership shown by our Premier, Ernie Eves, and now the president of the Treasury Board, but the Minister of Energy at that time, John Baird, is to be commended.

I have to say that I was in Lindsay at the time the blackout occurred, and we didn't know at that point what was happening. But by the time I got to the northern part of the riding, we had hydro. Whoever was able to flick the switch at that junction—and maybe the members opposite who have cottages in Haliburton remember that many people in the city fled up to Haliburton county because we had power during the blackout. There was a quite a stampede of people from the city into the country at that point.

I think that was one of only two emergency orders that have been declared in Ontario's history. The first, in March 2003, was in response to SARS and the second was in August 2003, during the massive blackout.

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On SARS, I want to comment that the Minister of Health at that time, Tony Clement, did an outstanding job. At that point, we had never really experienced anything of that nature in the health care field in, I think, North America. It opened our eyes. He worked so hard in daily press conferences and he worked with all the professionals, the emergency preparedness people, and

then flew over to Europe to deal with the World Health Organization on that. Forty-four people lost their lives in the SARS outbreak.

I think we learned a lot from the Campbell report that came out. Justice Archie Campbell, investigating judge on the province's response to SARS, did a report on SARS. His comments on Bill 56 before us were that this power is awesome—in reference to the nearly identical Bill 138. He noted that it would literally give the provincial cabinet the authority to override any other Ontario laws when an emergency is declared. We agree that we have to be more prepared for emergencies in Ontario and that, in the case of the avian flu, maybe we could have just brought in a bill that directly dealt with what the concerns are for the chief veterinary officer for the province of Ontario as opposed to this large bill with such overriding powers.

When we talk about the front-line staff and health care professionals, we have to talk about doctors. I spoke about nurses and the fact that between 15,000 and 30,000 nurses are going to be retiring by 2008. The government's commitment, which it hasn't been able to live up to, to hire 8,000 new nurses—it has hired 3,400 but it's not even two thirds of the way through. We're going to have a big shortage of nurses and doctors, the front-line workers for health care. How are they going to fit in when we have a pandemic that could possibly come before us? We always hope for the best, but you have to plan for the worst, and the lack of health care professionals available to us has to be looked at.

I meet with the health units up in my riding of Haliburton–Victoria–Brock regularly and get updates—very good people; great people. They're concerned. We have many different health facilities around a large geographical area, and what happens if an outbreak comes? It spreads in an instant now and we know from all over the world how fast it can come to North America, to Toronto, to other parts of Ontario and parts of our country.

The health units want to work and need to be involved with the municipality, the province and the federal government. Having experience, the Minister of Health now federally, Mr. Clement—as I mentioned, he was the health minister in Ontario when SARS occurred—I think is going to be of great value to emergency management for the whole country.

On that note, I am going to be sharing my time with the member from Oshawa, and would appreciate his comments on Bill 56 today.

Mr. Jerry J. Ouellette (Oshawa): I thank the member for sharing her time on such an important bill, Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997. As we're told, effectively this is a result of bird flu virus and the potential impacts of that. As mentioned by my caucus colleagues, we're more than supportive of moving forward on anything that will deal with that specific issue.

Some of the areas of concern are the other potential impacts of this legislation. The member from Pickering–Ajax–Uxbridge mentioned dealing with cross-border issues. When I had the privilege and honour to serve in the province as the Minister of Natural Resources, we had a number of diseases cross over from other jurisdictions, such as chronic wasting disease, for example. It is infectious in wildlife and crosses borders and can impact domestic stocks substantially throughout Ontario. At the MNR, they didn't wait or didn't look for legislation. What needs to be looked at in similar fashion is the potential of developing a process by which you identify the disease, and that's what MNR did at the time.

With the great work of the MNR staff and other individuals with that staff, effectively what took place was that we developed a process whereby we took a contained area that crossed borders from various jurisdictions—municipalities and other such—and took all the harvested deer in that area to determine whether CWD was evident, not so much to find it, because realistically we didn't have the expectation, or the ministry didn't have the expectation, of finding CWD at that time, but what they wanted to do was to develop a process whereby they could identify the disease and how we go about identifying it or bringing in large numbers, or the process where you take them, and those sorts of things.

So one of the key things I would recommend in this ministry is developing or working with MNR or other ministries that are used to dealing with invading diseases or species and such as that so that we can look at how we can effectively deal with the disease immediately.

All of a sudden, we have an identified case that may come in. Right now, we have West Nile virus. It's the same aspect that's taking place there. It's coming in, mostly through migrating birds, whether it's crows or blue jays, and other areas, birds that are directly affected. We look at this disease and then find a process whereby the local health officer does an analysis etc. The same thing should take place with the bird flu virus. I think that enacting legislation that specifically deals with this specific disease that's out there and the concerns that follow it will be far better in moving it forward, and I'm sure all sides of the House would give unanimous consent in moving it forward.

The difficulty is that we are enacting legislation that goes beyond dealing with that. There are a number of other diseases out there that should cause concern. Most people don't realize that raccoon rabies is another disease that is slowly infiltrating the province of Ontario and could have a huge impact. Part of it is they don't have a process to deal with this disease as it comes in. Well, essentially, they do. They have a perimeter area and they expand from that to make sure all those animals captured in that area are dealt with to ensure the area is disease-free. MNR has done a great job of reducing raccoon rabies in the province.

What happens if raccoon rabies happens to approach an area such as Toronto? They've come in from cross-border locations. I think the first one was east of Kings-

ton, but they also come in in other ways. Transport trucks and trains drive back and forth on a regular basis and carry these animals to and from. They effectively get released in other areas. There's no way to tell if a wandering raccoon jumps on a train that's crossing borders, or if it crawls up underneath a transport truck, enters a jurisdiction and then infects entire populations. The average person doesn't realize that there are high concentrations of raccoons right here in metropolitan Toronto. Should that disease have a massive outbreak, it could have large impacts on other species, whether it's dogs, in the way it's transmitted throughout.

Fox rabies, for example, is great. The MNR was able to develop an international program that's used in the United States and a number of other jurisdictions in reducing it to where it's virtually eradicated now in Ontario.

I imagine the average person doesn't realize that one of the largest concerns brought forward in England, when the tunnel was going through underneath the English Channel, was that animals could potentially come across that had rabies, were infected with rabies and could infect a population that had been rabies-free. For those individuals who have travelled to Europe, you know that there is a period of time when an animal is placed in quarantine to make sure it is rabies-free and can be released. So somebody bringing a pet into that jurisdiction has to go through large hoops to make sure it's rabies-free.

The same thing should take place with the bird flu virus. What is the process, and how can we establish it? Which ministry should be looking at it, and are there other ministries and jurisdictions? For example, as to MNR, when you're dealing with wild animals potentially crossing borders and flying back and forth, guess what? They're sometimes the first individuals who come across these various diseases.

Also, there are other diseases are out there as well, not so much diseases but insect infiltration, such as the emerald ash borer beetle. That has come across at Windsor, and I know the members from Windsor were dealing on a regular basis with, "How do we eradicate this problem without affecting the entire province?"

1730

We've come up with some systems and processes by which we can minimize the impact in Ontario, but quite frankly, anything we can do to move forward on the specific strain of bird flu virus and dealing with that disease or developing processes by which it can be addressed would be a great benefit to the entire province. We have other ministries—one that was just listed was the Ministry of Natural Resources. Of course, when you deal with MNR and the emerald ash borer beetle, along with the pine beetle and other animals, you'll see the big signs now that say, "This is a do-not-move-wood zone." That's because you're going to be moving—

Mr. Arthurs: We'll get the gypsy moths.

Mr. Ouellette: Oh, the gypsy moths. Well, I think we'll deal with the pine beetle and emerald ash borer beetle right now, because what they do is cut down all the trees in the area. They bore into the tree and their

larvae eat around the inside of the bark, which effectively kills the movement of sap flow from going up a tree, and it's killed off. It's called girdling a tree.

Realistically, the bird flu virus is a very serious disease. I believe that anything we can do to help—and we would be more than happy to address this specific disease. What we have concerns about is moving forward on diseases on a national basis that the federal government should be looking at and addressing that may have impacts on how other ministries operate. I don't see the mention of any of those specific ministries in the listing of this bill at this very time. What are you going to do with all the wild birds that are flying back and forth? It's a concern that needs to be brought forward, and it can be done best through the committee process. We're happy to support that in any way we can.

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

Mr. Prue: It was a pleasure to listen to the member from Haliburton–Victoria–Brock and the member from Oshawa. They both provided a great many details, but although they are supporting the bill, I am still at somewhat of a loss to understand their support of the bill.

I can understand, and I acknowledge the existence, for the member from Oshawa, of raccoon rabies. We have had that in the province for a number of years. I remember being on the board of health of the city of Toronto when we first discussed raccoon rabies entering into Ontario, somewhere near Kingston, and that raccoon rabies was slowly making its way, and yet it did not require a bill such as this that gives extraordinary powers to the Premier and cabinet to control raccoon rabies.

You talked about the bore beetle and the bird flu. The bird flu we've mercifully been spared yet, but I'm sure one day we'll get it, but nothing that has happened has required the extraordinary powers given to the Premier or cabinet. Certainly you, as a minister of the previous government, did not exercise or need such powers in situations that were very bad.

I think the member from Haliburton–Victoria–Brock did make a very good point, and I'd like to touch on it if I get a few minutes to speak later today, that the very real lack of professionals, particularly doctors, nurses and people in the health care field in many of the communities of this province will—I mean, it's bad now. It's bad when things are normal, when nothing much is happening. But if there should be, God forbid, an outbreak of avian flu or some other type of pandemic, where we do not have doctors and nurses or adequate hospitals, where we have waiting lists of people trying to get ordinary treatment, I would think that is something we should be looking at in conjunction with or in addition to this bill, because without those professionals, this whole bill won't work.

Mr. Balkissoon: I want to thank the member from Haliburton–Victoria–Brock, the member from Oshawa and the member from Beaches–East York for their input.

I just want to make a couple of comments. I think all the speakers have clearly indicated that we cannot pre-

pare for disasters that we're not aware of, but we should prepare ourselves that if something was to come along, we would have all the tools in place. I think some of the references made by the member from Oshawa with regard to MNR and the Ministry of Health etc.—a good example of MNR doing a good job is currently going on in the GTA, with is the Asian longhorned beetle up in Vaughan and parts of Etobicoke. It's been handled very well.

You could have policies and regulations to deal with something that you know about, but when you don't know, then you have to have legislation that is broad and you have to be able to give the government that authority to act when such an incident takes place.

What is clearly being done with this bill is that if you have a cross-boundary issue or you have an issue that could spread across the province, you need the government of Ontario to act. You need the government of Ontario to be the overall manager of that particular disaster or catastrophe. You need someone to give overall direction to all the agencies, municipalities, bodies and people that are involved in dealing with that particular emergency.

I think this legislation finds that balance. What Bill 56 also brings to us is the accountability process. The bill requires the government to report to the assembly within specific periods of time. The bill requires the Premier to do certain things. It requires the time frame that an emergency can be for. Therefore, it gives the public that comfort level that the government is prepared.

Mr. Miller: I'm pleased to add some comments on the Bill 56 debate and the speeches by the members for Haliburton–Victoria–Brock and Oshawa, and also some of the comments from the member for Beaches–East York.

To the member for Beaches–East York, certainly we do have concerns that the power in this bill be balanced. Because of that, we absolutely want to see it get full hearing at committee.

I would like briefly, in the minute and a half I have, to talk about how this government has reacted to emergencies compared to the past government. I think of the Kashechewan water emergency that they had to deal with. A First Nation community on James Bay asked by fax several times that this government declare a state of emergency, as people were getting sick. How did the government react? They basically ignored them and said it was a federal responsibility. They did that for a while. I asked a question in the Legislature, the member for Timmins–James Bay asked specific questions about this emergency, and they said it was not their responsibility.

Only when Chief Stan Louttit came down here to Queen's Park, held a press conference and embarrassed the government did they finally realize that they had an agreement with the federal government and it was the Ontario government's responsibility to declare an emergency. That's the sort of leadership we're seeing from this government when a real emergency happens in the province of Ontario; quite a contrast to the many emer-

gencies the Eves government had to deal with, the blackout and SARS, and the way they reacted to those specific emergencies. This government had to be embarrassed by a press conference here at Queen's Park to actually act.

The Acting Speaker: Further questions and comments? Seeing none, the Chair recognizes the member for Oshawa in response.

Mr. Ouellette: I appreciate the members who have responded.

In regard to the member for Beaches–East York, he mentioned a number of things, and I agree. I guess I didn't emphasize in the time I was allotted that we have some concerns about the sweeping powers that are coming forward. We've gone through SARS; we've gone through the West Nile virus; we've gone through the emerald ash borer beetle that the feds stepped in and helped out with, as well as the Asian longhorn beetle; we've gone through chronic wasting disease. We have ministries that have established processes whereby we can recognize, identify and move forward in dealing with those diseases.

Yes, the question is, why is it that we need these more sweeping powers when we've gone through these specific incidents where the province and ministries have demonstrated their great ability? We still haven't heard the reasons why—at least, I haven't heard all the details as to why further powers are necessary. During the debate, I look forward to hearing exactly the reasons why.

We feel that if we want to move forward on this bill we should be given the opportunity to have some other organizations come forward at the committee level to discuss some of the impact.

You're going to give these sweeping powers to the chief provincial veterinary officer. What takes place with the other diseases that come in, such as raccoon rabies, and his ability to deal with those issues? How will that be viewed? Are we going to have two separate entities fighting against each other, with the chief veterinary medical officer as well as the Ministry of Natural Resources dealing with CWD, chronic wasting disease, which, when I speak to some biologists, comes in through the talons of bald eagles that feed on carcasses in infected areas and then come to the province of Ontario? Those are the things we hope to hear about, and I hope they can be addressed through the committee process.

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BUSINESS OF THE HOUSE

The Acting Speaker (Mr. Joseph N. Tascona): The Chair recognizes, with pleasure, the deputy House leader.

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): Oh, you're far too kind, Mr. Speaker.

Pursuant to standing order 55, I would like to rise and give the Legislature the business for the House for next week.

On Monday April 10, in the afternoon, second reading once again of Bill 56, emergency management; in the evening, second reading of Bill 53, the City of Toronto Act.

On Tuesday April 11, in the afternoon, second reading of Bill 78, the student achievement act; in the evening, second reading of Bill 14, the Access to Justice Act.

On Wednesday April 12, in the afternoon, second reading of Bill 43, the Clean Water Act; the evening is to be confirmed.

On Thursday April 13, in the afternoon, second reading of Bill 81, the Budget Measures Act.

Thank you for your kind indulgence.

EMERGENCY MANAGEMENT STATUTE LAW AMENDMENT ACT, 2006 (continued)

LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA GESTION DES SITUATIONS D'URGENCE (suite)

The Acting Speaker: It's time for further debate.

Mr. Prue: I am again in this unenviable position—this happens to me quite a bit—of being here and having 20 minutes, but only 16 minutes in which to deliver what I have to say. I don't know whether I'm going to try to get it all in in 16 minutes or if I'll have to come back here the next time; only time will tell.

This is a bill on emergency management. At first blush, we can all agree that we need to be prepared in emergencies. As I was asking earlier of my friend the former mayor of Pickering, we as mayors—and there are other mayors who are sitting here today—knew full well what had to be done in times of emergency. It was sort of drummed into us. We knew through the police chief, the fire department and the medical officers of health what would constitute an emergency and how we needed to deal with them within the boundaries of the municipalities. Those of us who were from regional municipalities also knew that there were plans in the broader range as well, so if there was a trans-border argument, how it would be dealt with within the region.

This bill, I guess, contemplates some kind of an emergency that would be so large that it could not ordinarily be handled by a mayor or a town council or a regional government. This contemplates something on which I have not heard anyone speak here today. We've had some talk about raccoon rabies, we've had some talk about bore beetles, we've had some talk about bird flu, but I haven't heard anyone talk about what would constitute that large an emergency that would involve the province, the Premier, the cabinet and this Legislature over 120 days. That's what I want to turn my attention to. This is a bill that's contemplating something that is such a large catastrophe that the entire province would have to be called in.

I go back and look at what has happened catastrophe-wise in this province in the last number of years and how those were dealt with. Of course, the lights went out a couple of years ago. That was, I think, a nuisance more than a catastrophe. I do commend the then Premier, Ernie Eves, for keeping a calm head and for having daily news conferences, and Ontario Hydro for eventually getting the lights back on. But that did not require an emergency measures act.

I look back at SARS. SARS was very significant to my community, to Toronto. Toronto East General Hospital had a unit. Those doctors and nurses and the people in that hospital worked brilliantly and tirelessly to bring it under control. They did all of that under directions from a medical officer of health at the city of Toronto, with aid from the province, with aid from the disease centre in Atlanta and, I dare say, with help from the federal government. They did all of that without an emergency measures act.

I look back to the great train derailment in Mississauga. Someone alluded to the fact that you could have a pileup on the 401 or a train could go out of control. Certainly, that's what happened many years ago. It happened within the confines of one of Canada's largest cities. All of that was controlled without an emergency measures act. So we are here today debating whether or not the province needs an emergency measures act.

I personally would fall on the side that it's better to be safe. In the end, one might have to say that we need such an act should an overwhelming emergency strike us. In my own mind, I have to tell you that I only see an emergency of a consequence that will not involve raccoon rabies, a train derailment or even bird flu, provided it does not generally infect the human population; I see it in terms of something of huge magnitude, something I hope this province never has, and I would hope that this act is never exercised—I will get to that in a minute—save and except in the direst of circumstances.

I can think only about the earthquakes that happened in Pakistan about a year or two ago. If an earthquake were to happen on that magnitude, of seven, eight or nine on the Richter scale, where literally tens of thousands of buildings were destroyed and hundreds of thousands of people lost their lives, I can see an act for that. I can see the Premier and the cabinet getting involved to do something. I don't want people who might be watching TV to worry, because Ontario is not in an earthquake fault zone; it's not, but you never know. I don't know plate tectonics or what's happening 200 miles beneath me, but something like that might necessitate such an act.

I can also say that we've seen some devastating floods. We saw one in Peterborough, but it did not need this act. If there happened to be—I can't even imagine it—rains that lasted for 40 days and 40 nights through all of Ontario, or the cresting of the Red River, which is going to happen a couple of days from now in Manitoba, where an entire community, an entire city, an entire province might be flooded out, perhaps then I could see the necessity for such an act.

I have to tell you that I have some serious misgivings about politicians who want to use an act like this for something as simple as a borer beetle, or who might use it for raccoon rabies, or who might use it if some birds get West Nile virus or something of that nature, because such bills, by their very nature, are harsh. This bill is no exception.

I would like to read a couple of the provisions, which I hope people will look at, if you haven't already read it, and will think about, when and if this goes to committee, because I would never want to give such powers to a Premier, to a cabinet or even to this Legislature unless there was an emergency of such serious consequence that there was no alternative.

Just to show what's in here, on page 4, paragraph 10: "The procurement of necessary goods, services and resources, the distribution, availability and use of necessary goods, services and resources and the establishment of centres for their distribution."

I can see that someone might need those things if there was a flood or an earthquake. However, it says that the Premier can certainly make them available. So he or she would have to make them available from whoever has them, and of course that would be taking away private property.

The second one is the "fixing of prices for necessary goods, services and resources." There would be the instant, heavy hand of the government upon the market. Perhaps you might be surprised to hear a New Democrat talking about this, but certainly there would be many, many people in this province who would question whether or not the government should have such authority, particularly for a period that would last up to 140 days, which this legislation gives.

Paragraph 12 is perhaps the most serious one: "The authorization of any person, or any person of a class of persons, to render services of a type that that person, or a person of that class, is reasonably qualified to provide."

This would involve, could involve conscription. You could simply be told, as a citizen, that you are required to report immediately, forthwith, and that you are going out to dig ditches, you are going out to place sandbags on a bank, you are going out to do any number of things for which you may personally feel you are not qualified for or have medical problems.

The Premier would have that authority. I look at that and I think, "If all of our lives were in danger, would I do that? Yes, I would. Would I give the Premier that authority? Yes, I would." But I would not do it unless the circumstance was so severe and so overwhelming that there was no other option.

1750

I have not heard debate in this room today—I was watching on TV in my own office earlier—about those catastrophic circumstances. I have heard what are relatively mundane occurrences in Ontario, which happen with great regularity, whether it be a forest fire, a flood in a community, a swollen river, and all of those are

adequately dealt with without taking these draconian measures.

I reluctantly say that I understand why we have a need for such a bill. I reluctantly understand, having seen what happened to the city of New Orleans when the dikes broke and the hurricane came and the city was inundated with overflows of water, that someone had to do something beyond just the confines of the city. Someone had to take control of the state, and in fact, the American government had to take control over a wider range because there was flooding in adjoining states as well.

I can understand the necessity of being prepared, but I want to make sure that people who are supporting this bill—and when this goes to committee—understand that it cannot be used for the everyday occurrences that we have come to expect as citizens of this great province and as Canadians. We all expect and we all know that this year there will be forest fires in northern Ontario. I do not want a bill like this used in a forest fire. I know there is a possibility that another town may encounter the same thing that happened to Peterborough, with a lot of rain falling on it in one day. I do not want a bill or the power of the Legislature to come down on a city or a group of people who live close to that city, as this bill envisages, if such an event were to happen.

I expect raccoon rabies will make it to Toronto sometime this year, next year or the year after. I do not want such a bill to be used if there is raccoon rabies, or if somebody finds a tree-boring beetle in the forest near my home. I do not think such a bill is necessary. So I want the Legislature to define what that emergency is. I want the Legislature, and government members especially, to say where you think it might be used.

Having said that—I see I'm running close; more than half of my time—I'd like to talk about what isn't in this bill but needs to be done. The member from Haliburton–Victoria–Brock touched on it in her statement. If we pass this bill, it is of short comfort to the people of Ontario that they can say, “Yes, there's emergency management; I feel safe that the Premier can one day exercise his or her power and come to the rescue,” but that is not going to work unless we are prepared beyond the confines of this bill. It is only going to work if we have the staff and the resources spread out across this province that can be called upon to do what is necessary.

I looked at the bill, and you know, there are a lot of inadequate resources in this province. There have been cuts to many government departments over a number of years that have rendered those departments less capable in an emergency than now. Certainly we have all heard from the medical officer of health that the health units in all the districts of Ontario and all the cities and towns of

Ontario that have a medical officer of health are under-resourced to the point that if a true emergency happened, they would likely not be able to accommodate the great desire of the people to have it dealt with. I say that not to scare people, but to let them know that if you're going to be serious about having an emergency management plan, you also have to be very serious about putting the resources in place so that if they are ever necessary, you can call upon them.

I was heartened a little bit to see the aspect of the bill about hospital professionals, that allows the province to say to hospital professionals who are not recognized in Ontario, “Today you are a doctor,” or, “Today you are a nurse,” or, “Today you will render medical service to the people of Ontario.” We have so many thousands, tens of thousands, of medical professionals in this country and particularly in this province who are foreign-educated, who come from other places, who desperately are trying to get accredited. This bill at least recognizes that in an emergency we think they're pretty good people, and in an emergency we'll take their service, whereas we won't take it every day. So I'd like to commend the government for putting that in, before I go back to what else I'm talking about, because they understand that people have the skills and abilities that we're not using. Would that those people were in place every day, would that they were there every day, so that it's not just in an emergency that we would get to use them but literally every day that citizens require their attention.

I'd like to point out to the government as well that there are 11 provincially operated central ambulance operations and medical transportation centres in this province. I am given to understand that the turnover rate is about 30% a year and that most of them at this time are understaffed. If there is an emergency of a great proportion, we do not have the medical staff, we do not have the transportation of people who are sick or injured that can be facilitated on a great scale. We do not even have the number of people that the workers believe are necessary to adequately deal with non-emergency situations in this province. If we are going to deal with this, if we are going to look at and pass this bill and give comfort to the people of Ontario, I would suggest we need to look to making sure that there are sufficient medical transportation centres and that the 11 provincially operated central ambulance services are adequately staffed.

I can see you getting up, Mr. Speaker, so I will stop here and continue on the next date.

The Acting Speaker: Thank you. It being approximately 6 p.m., this House stands adjourned until Monday, April 10, 2006, at 1:30 p.m.

The House adjourned at 1757.

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