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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 30 May 2006

Mardi 30 mai 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 30 May 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 30 mai 2006

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

UNITED WAY

Mrs. Julia Munro (York North): Yesterday I was pleased to attend the 24th annual building industry luncheon, generously supported by Metrus Development Inc.

This event raised more than \$420,000 for the United Way of York region. In its history, these luncheons have raised more than \$3 million for service programs in York region. Congratulations to Fred De Gasperis and all the organizers of the event for the contribution to our quality of life in York region. I would also like to thank the United Way campaign cabinet led by David Barnes of Amex Canada; Rahul Bhardwaj, CEO of the United Way; and all of the staff, volunteers and donors of the York region United Way.

The money they raised benefits over 100 critical programs, funding 37 agencies throughout York region. Thousands of York region residents benefit from this assistance. To quote David Barnes, the campaign chair, "Quality of life doesn't just happen. We all have to make a concerted effort to do our part. Every act of kindness, every act of generosity created a powerful force for positive change."

Congratulations to all those who made yesterday such a great day.

KYOTO PROTOCOL

Mr. Peter Tabuns (Toronto–Danforth): In the wake of Stephen Harper making it clear he is going to scuttle any real action on Kyoto and climate change, Quebec and Manitoba, Ontario's neighbours, have made it clear they are going to go forward with their commitment to meet Kyoto targets; from Dalton McGuinty, though, simply silence.

Silence is a losing policy. Ontario will be hit hard by climate change. For example, climate change will decrease levels in our lakes, in our Great Lakes, reducing the amount of fresh water that's available, reducing our ability to make hydroelectricity. Higher temperatures will accelerate the chemical processes in our atmosphere that cause smog, so even if we are able to cut the amount of

pollution we put into the air, we will see more smog days.

It's critical that Ontario go forward, setting its own climate plan, setting real commitments, setting the resources aside and moving forward to take action on climate change. Given that the province has jurisdiction over many areas that the federal government doesn't have—for instance, setting building codes, and the fact that the province runs the electrical system and can afford to and would benefit from investing in efficiency and conservation—Ontario can do a lot.

We need action in this province. Ontario will be hurt by climate change. Ontarians will pay more for food. They will face more violent weather conditions and watch as huge volumes of our northern forests go up in smoke. We can't stand idly by while Stephen Harper drops the ball on Kyoto. Ontario has to quickly set its own plan to meet the Kyoto targets, it has to appropriate the resources to meet those plans, it has to proceed, and it has to start this year.

WALK FOR HUMAN VALUES

Mr. Bas Balkissoon (Scarborough–Rouge River): On Sunday, May 28, the fourth annual Walk for Human Values organized by the Sathya Sai School of Toronto took place in the Malvern community of my riding of Scarborough–Rouge River. Minister Harinder Takhar and myself joined over 3,000 participants from across the GTA to walk in the name of peace, non-violence, truth and love.

One participant in the crowd, Ms. Megan Bennet, travelled all the way from Foothill Ranch, California, with the goal of implementing a similar walk in her community in 2007.

This walk has now become a trailblazer for cities across Canada, 12 of which held their own Walk for Values on the same day. The cities of Edmonton, Regina and Saskatoon proclaimed May 28 as Human Values Day in their cities.

This walk was not about raising funds or provoked by anger; instead, it was focused on character-building and encouraging role models in the community. Walking together as kindred spirits, participants raised awareness of the need to practise the values of tolerance, understanding and respect, values that are gradually being eroded by negative forces. The walkers conveyed their messages of human values through songs and decorated floats. The participants' demonstrations of understanding,

peace and commitment to positive change show us all the importance of recognizing our values.

I would like to congratulate the Sathya Sai School of Toronto in their efforts in making a difference in our community, our province and in Canada through their Walk for Human Values.

RIDE FOR DAD

Mr. Garfield Dunlop (Simcoe North): On Saturday, May 27, I was pleased to take part in the opening ceremonies and parade for the second annual Huronia Ride for Dad. Colin Wackett of the local prostate cancer awareness group drove me in the parade in a 2006 Mustang convertible supplied by Thor Motors of Orillia. Five hundred thirty-six motorcycles left the OPP general headquarters and toured around North Simcoe throughout the afternoon.

Ride for Dad raises funds for prostate cancer research and public education. All of the funds remain in the local area. This year there are eight cities in Ontario hosting the Ride for Dad. All rides are sponsored by the local police associations. In Huronia, the Ontario Provincial Police Association and the Barrie Police Association took part in this wonderful event. Motorcycles from the Blue Knights, Southern Cruisers and several other clubs raised \$66,340 in pledges. Along with corporate donations, the Huronia Ride for Dad's grand total should top around the \$100,000 mark.

My sincere thanks to OPP Commissioner Gwen Boniface for allowing the general headquarters to be used as the home base for the Huronia Ride for Dad, and a sincere thanks to all the volunteers and participants who have made Ride for Dad a resounding success, both financially and in prostate cancer awareness.

1340

PINE GROVE PUBLIC SCHOOL

Mr. Kevin Daniel Flynn (Oakville): It gives me great pride to rise in the House today to recognize and congratulate Oakville's Pine Grove Public School, which recently celebrated its 50th anniversary. Pine Grove has 785 students enrolled in a French immersion program. Pine Grove is a centre of educational excellence, instructing in both of Canada's official languages.

To celebrate the anniversary this year, parents and staff came together with three purposes: to create a memorable experience for the students; to develop activities to enhance the community spirit and bond between students, parents and their school; to support the greater community by helping Halton's Transitions for Youth, a local organization that helps children at risk.

Pine Grove students and their families, staff and the wider community attempted to break the Guinness world record for the most jugglers juggling three objects for 10 seconds. Over 1,500 people came together at Oakville Place and broke the North American record.

I was pleased to be there to see so many celebrating Pine Grove and raising funds and awareness for Transitions for Youth in Halton. It was a fun event and showcased the innovative community spirit of the school and the students.

Pine Grove is a wonderful school. It's an example of excellence in public education in Ontario. It proves that if you invest in our young people, you get schools like Pine Grove.

BORDER SECURITY

Mr. Ted Arnott (Waterloo-Wellington): This afternoon, members of the House will likely have a chance to give unanimous support for a motion aimed at helping to resolve the Canada-US passport issue. This is a rare opportunity that will enable us to speak with one voice before the Premier of Ontario attends the Western Premiers' Conference in Gimli, Manitoba, in the coming days.

Success is critical, because without decisive action soon, travellers crossing the Canada-US border will be required to carry a passport or its equivalent, to be phased in starting in just seven months. If the motion this afternoon passes, the views of MPPs and the best interests of our tourism and hospitality sector will be represented at the conference. I want to thank the leader of the official opposition for travelling to Washington last Wednesday, where he had 10 meetings in just one day, for bringing forward this motion and for taking constructive steps to show leadership on this issue.

Last week, our party's leader communicated directly with the Premier and the leader of the third party in a way that effectively demonstrates the scope of the passport issue and the enormity of the potential negative impacts on the economies on both sides of the border. All members surely understand that passing the motion will arm the Premier with our full support and demonstrate the depth and breadth of our understanding. It's a gesture that shows we care about tourism, about people visiting our province and about jobs.

I hope that we, as legislators, will put aside any partisan considerations, allow this discussion to take place and send a strong signal that we are working together across Canada to resolve this issue.

RURAL ONTARIO

Mr. John Wilkinson (Perth-Middlesex): Hallelujah that there is light on all sides of the House on that issue about the border. Glad to have you on side.

In our increasingly urban-suburban province, care must be taken to ensure that our rural way of life is cherished. Everything comes from the land and returns to the land. That's why I was pleased to attend on Saturday, May 27, the grand opening of the McCully Centre for Rural Learning outside St. Marys in my riding.

Two wonderful Ontario Trillium Foundation announcements were made. First, the Thames Talbot Land

Trust received \$56,500 over 24 months to build their capacity. The land trust allows people, especially rural farmers and landowners, to donate their land to this charity to preserve it for future generations. I also formally announced \$85,300 over 15 months to the McCully Centre for Rural Learning so they can implement their amazing business plan.

The family farm is an integral part of Ontario's rural way of life. Just as important is educating people, especially young people, on the benefits of agriculture to all Ontarians.

With Saturday's funding, the McCully centre will further work to increase the sustainability of rural Ontario by providing a learning environment where all age groups can learn about and experience the relationship between food, farms, the environment and rural communities in the context of a working family farm. This follows and builds on a family tradition that dates back to the 1920s, when Norm McCully, now in the Ontario Agricultural Hall of Fame for his educational activities, began courses at the farm and went on to engage and host various rural youth groups.

I commend the centre and the board of directors for their very hard work.

HEATHER CROWE AWARD

Mr. Phil McNeely (Ottawa–Orléans): I rise in the House today to congratulate the five worthy recipients of the Heather Crowe Award from my riding of Ottawa–Orléans. The recipients were honoured in an awards ceremony in Orléans this past Wednesday. Minister Watson joined us for this occasion and shared in the tribute to the late Heather Crowe.

Heather Crowe, as we all know, suffered from inoperable lung cancer caused by 40 years of exposure to second-hand smoke in her workplace. She lost the battle with her illness and passed away last Monday, just over a week before she would see this province become completely smoke-free in all enclosed areas.

Mrs. Crowe's message will live on. She fought to educate and spread awareness to others who work in the service industry, teaching the harmful effects of second-hand smoke.

The Heather Crowe Award was created to recognize other Ontarians who have joined in her campaign. In my riding we recognized four individuals and one group that have committed themselves to the realization of a smoke-free Ontario. We awarded this distinction award to Catherine Laska, who led the exposé smoke-free youth program for l'École secondaire catholique Béatrice-Desloges; Ken Kyle, the director of public issues for the Canadian Cancer Society; Camille Juzwik, who organized a postcard campaign to gauge support within her school community for a smoke-free Ontario; Dierdre Freiheit, a member of the Canadian Lung Association; and Roberte Vincent, Karen Chalmers and Holly Massie, a group of teachers from Sir Wilfrid Laurier Secondary School who were directly involved in the city of Ottawa's exposé project.

I'd like to congratulate each of these recipients of the Heather Crowe Award. It is through their efforts that the smoke-free Ontario legislation will become a reality within 12 hours.

SMOKE-FREE ONTARIO

Mr. David Oraziotti (Sault Ste. Marie): I rise in the House today to recognize the significant step our government is taking in protecting the health of the residents of my riding of Sault Ste. Marie as well as the health of all Ontarians through the Smoke-Free Ontario Act, which will come into effect this Thursday.

Tobacco use is the number one preventable cause of disease in Ontario, and our government is committed to reducing its consumption by 20% from 2003 levels. Our legislation will help us meet this target by protecting people from second-hand smoke, preventing more young people from picking up the deadly habit and helping smokers to quit.

People in my community will be breathing a little easier on June 1, when smoking is prohibited in all restaurants, bars and workplaces, so that non-smoking individuals, like the courageous Heather Crowe, will not have to suffer needlessly because of someone else's choice.

The Smoke-Free Ontario Act also hinders the ability of children to start smoking in the first place. Tougher penalties will be assessed on both those who sell cigarettes to minors and those who purchase cigarettes for them. It will be illegal for stores to put cigarettes in colourful behind-the-counter display cases. Our government is funding 100% of the cost to enforce this legislation through Ontario's 36 public health units, which recently received \$5.5 million, bringing the total annual investment to \$60 million, a six-fold increase since our government took office. Locally in Sault Ste. Marie, it has meant an additional \$500,000 for the public health unit.

I think all members of this Legislature realize that second-hand smoke and tobacco addiction pose serious health problems, and this legislation and the investment for a smoke-free Ontario will help reduce tobacco consumption, something we can all be proud of.

LEGISLATIVE PAGES

The Speaker (Hon. Michael A. Brown): I beg the indulgence of the House to allow the pages to assemble for their introduction.

From Nipissing we have Amanda Barrios; from Scarborough East we have Meagan Blandizzi; from Oxford, Gregory Borris; from Ottawa–Vanier, Juliet Caragianis; from York North, Evan Dailey; from Haldimand–Norfolk–Brant, Madeleine Ghesquiere; from Kitchener Centre, Luke Johnson; from Brampton West–Mississauga, Harjot Kaur; from Kingston and the Islands, Meghan Kerr; from Nickel Belt, Tyler Lalonde; from Kitchener–Waterloo, Anni Li; from Durham, Katie

McRae; from Whitby–Ajax, Tommy Meikle; from Erie–Lincoln, Mitchell Minor; from Beaches–East York, Shazia Moledina; from Parkdale–High Park, Daniel Mount; from Barrie–Simcoe–Bradford, Hartford Murdoch; from Halton, Clarence Pong; from Bramalea–Gore–Malton–Springdale, Pardeep Sanghera; and from Cambridge, Nolan Wilson.

Assist me in welcoming our pages.

Applause.

1350

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): I beg leave to present a report from the standing committee on general government and move its adoption.

The Clerk-at-the-Table (Ms. Lisa Freedman): Your committee begs to report the following bill, as amended:

Bill 53, An Act to revise the City of Toronto Acts, 1997 (Nos. 1 and 2), to amend certain public Acts in relation to municipal powers and to repeal certain private Acts relating to the City of Toronto / Projet de loi 53, Loi révisant les lois de 1997 N^{os} 1 et 2 sur la cité de Toronto, modifiant certaines lois d'intérêt public en ce qui concerne les pouvoirs municipaux et abrogeant certaines lois d'intérêt privé se rapportant à la cité de Toronto.

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

The bill is therefore ordered for third reading.

INTRODUCTION OF BILLS

ARTS EDUCATION WEEK ACT, 2006

LOI DE 2006 SUR LA SEMAINE DE L'ÉDUCATION ARTISTIQUE

Ms. Mossop moved first reading of the following bill:

Bill 118, An Act to make the fourth week in October Arts Education Week / Projet de loi 118, Loi désignant la quatrième semaine d'octobre Semaine de l'éducation artistique.

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. Jennifer F. Mossop (Stoney Creek): We know the importance of arts education intuitively, anecdotally and empirically. There are dozens of research studies that tell us about the importance of arts ed. for better test scores, self-esteem, self confidence, staying in school and better adult outcomes. What we have here, by setting aside the fourth week in October every year as Arts Education Week, is an opportunity to celebrate, to

honour and to manifest arts education throughout the province of Ontario.

TALPIOT COLLEGE ACT, 2006

Mr. Zimmer moved first reading of the following bill: Bill Pr26, An Act respecting Talpiot College.

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

Pursuant to standing order 84, the bill stands referred to the standing committee on regulations and private bills.

STATEMENTS BY THE MINISTRY AND RESPONSES

POLICE SERVICES

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): It's my great pleasure today to recognize a group of dedicated individuals who work diligently to make policing better in Ontario. I'm talking about the Ontario Association of Police Services Boards, or OAPSB. This is their second annual Queen's Park day, and they have met not only with me but also with various members of this Legislature. Many members of the OAPSB are in the gallery today, and we welcome you all. In particular, let me congratulate your new president, Bernie Morelli, of Hamilton. I look forward to the same forthright relationship I had with the outgoing president, Curly Everitt, of Blind River—just in time; they've just come in. Fortunately for the OAPSB and the government, Curly will still be around as past president to offer his sage advice and wisdom.

Queen's Park days are a chance to engage in constructive dialogue and to better understand one another. It's through days like this that we continue to build on a partnership that has proven to be strong and productive over many years.

The OAPSB is concerned about crime and safety, and so is the McGuinty government. We have listened to the OAPSB, and we have been able to resolve many of their issues. Let me mention just a few.

The association told us there were too many vacancies on police services boards across the province. I'm proud to say that we are addressing this, and today the number of vacancies is down from 48 to 27—a reduction of about 44%—and candidates are in the process of being appointed for 16 of those remaining vacancies. What's more, at the request of the association, we've lengthened the term of provincial appointments from two years to three, while the maximum term of office remains at six years.

Another issue that concerned the OAPSB was the Ontario municipal employees retirement system, or OMERS. As you know, our government is keeping its commitment to bring much-needed reform to the

OMERS system. We addressed these concerns through Bill 206, and we are providing for the creation of a new supplemental benefit plan for police, firefighters and paramedics, as well as the ability to bargain locally for enhanced pension benefits.

We also know that the association and its members are concerned about the cost of delivering police services, including the cost of recruiting, training and equipping their personnel. We recognize that police services boards bear the enormous responsibility of keeping Ontarians safe, and the McGuinty government is giving them the tools they need to meet this challenge. For example, we are providing more than \$68 million in perpetuity to help fund a total of 2,000 officers who soon will be policing the streets of small towns and big cities throughout Ontario. In particular, under our Safer Communities-1,000 Officers Partnership, we are providing an additional \$14 million in funding in 2006-07 to speed up the hiring and training of the remaining officers. If police services want to hire their allocations this year, they will be able to do so.

But that's not our only investment in policing. Through various grants and funding for special projects, my ministry provides police services with more than \$112 million annually, and the McGuinty government's Ontario municipal partnership fund also provides money for policing.

Other investments that should help local police services include the \$51-million package the Premier announced in January to help prosecutors and police get criminals with guns off our streets; the \$230,000 we provided to construct the replica clandestine drug lab at the Ontario Police College; and the deployment of specialized anti-gun and gang crown prosecutors to every region of the province, announced last week by my colleague the Attorney General. All these tools and all this funding help support our police services and police services boards across the province.

I believe it is a sign of a healthy relationship when individuals and organizations can talk frankly to one another, can agree and disagree and remain committed to their ideals. I'm proud to say that we have that kind of relationship with the OAPSB, and I look forward to more days like today, when we can listen to one another, exchange points of view and move forward together to ensure the safety of the people of Ontario.

1400

NATIONAL ACCESS
AWARENESS WEEK

SEMAINE NATIONALE
POUR L'INTÉGRATION
DES PERSONNES HANDICAPÉES

L'hon. Madeleine Meilleur (ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones): La semaine nationale pour l'intégration des personnes handicapées a débuté

dimanche au pays. La semaine nationale pour l'intégration des personnes handicapées a été instaurée il y a 20 ans pour que la population du Canada se remémore comment un jeune Canadien a inspiré toute une nation.

That young Canadian was Rick Hansen. In March 1985, he embarked on one of the most ambitious physical feats of all time, travelling 40,000 kilometres around the world in his wheelchair.

Hansen did it to raise awareness and money for spinal cord injury research and rehabilitation. The trip took him just over two years, and when he reached his hometown of Vancouver, British Columbia, in late May 1987, he had raised more than \$26 million for spinal cord research and had inspired a generation of Canadians. He changed the way the nation thought about what people with disabilities were capable of.

Today, approximately 1.5 million people in Ontario live with a disability. That is more than 13% of Ontario's population. As our baby boomer generation grows older, the number of people living with some form of disability relating to old age also grows. In fact, at some point in our lives every single person in this room can expect to have to deal with some kind of disability—every single person. Yet, as we're getting older and our physical limitations are increasing, the world around us is not adapting quickly enough. That needs to change.

Almost a year ago our government passed the Accessibility for Ontarians with Disabilities Act. The act lays out a 20-year road map to make Ontario accessible to all people by 2025 through the development of new, mandatory accessibility standards for many of the most important areas of our lives, such as transportation and customer service.

But tough legislation can only address part of the problem. The bigger issue that we have to tackle is the social barriers. We need to convince the public that people with disabilities are not a small group, that accommodating them is not more trouble than it's worth, and that the rest of society is missing out by continuing to support a world where they cannot fully participate.

Unless we can dispel these antiquated ideas once and for all, Ontario has no hope of meeting its full potential on the world stage, because Ontario cannot possibly meet its full potential until all of our citizens are given the chance to meet theirs.

With that in mind, we are working with community and corporate partners. One of the programs I am particularly proud of is the Enabling Change partnership program. This program works with partners who have the expertise to be catalysts for change in the community and marketplace—organizations that want to play a leadership role in improving access for people with disabilities.

One of the Enabling Change partnerships that began last year was done with the Canadian Standards Association and was called Building Champions. Through this program, the CSA worked with seven partners to develop a voluntary customer service standard for serving customers with disabilities. This morning I had the pleasure of visiting the Shaw Festival, one of the seven "champion" organizations, to see the work they are doing

to make their facility more accessible to their patrons with disabilities.

In addition, my colleague the Minister of Training, Colleges and Universities announced yesterday our government's investment of new funding to make Ontario's post-secondary system more accessible to students with disabilities.

With projects like these in the works and our new accessibility legislation guiding us, we have come a long way, but we still have a long way to go, and we are not going to be able to get there alone. If we want to be able to say that we live in a province where all citizens can fully participate, we are all going to have to make that a reality.

Today, at the beginning of National Access Awareness Week, I am thrilled to recognize David Onley and Tracy MacCharles, the chair and vice-chair of the Accessibility Standards Advisory Council, who are joining us in the Speaker's gallery.

J'encourage tous les membres de l'Assemblée à se rendre dans les collectivités de leur circonscription cette semaine pour souligner les réalisations des personnes et des organisations qui abolissent les obstacles, qui sont les champions du changement.

Rick Hansen a dit que si on caresse un rêve et qu'on a le courage de tenter de le réaliser, de grandes choses peuvent être accomplies.

Chaque personne ici présente est consciente de l'importance d'une participation à part entière et de l'égalité pour tous les Ontariens et Ontariennes ayant un handicap.

We all want Ontario to be a leader in building a world of true inclusion. We all want to leave our children a society where everyone is able to make the most of their own potential. It's an ambitious dream, but I think that Ontarians have the courage it takes. We know this is the right thing to do, and together we can accomplish great things.

HIGH SCHOOL STUDENTS ÉTUDIANTS AU SECONDAIRE

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): I rise in the House today to announce another key initiative in the McGuinty government's strategy to help all students succeed in high school. A new strategic high school transition plan is being implemented for struggling grade 8 and 9 students that includes more teachers, intensive professional development and improved tracking of students on their progress.

The reason for action is clear: There are too many students facing an uphill battle towards graduation even before their first day of high school. In September, there will be 20,000 grade 8 students entering high school who are already at risk of dropping out before graduation.

Nous savons qu'environ 27 % des élèves de neuvième année de l'année dernière n'ont pas pu obtenir tous leurs crédits de première année.

Notre plan de transition entre la huitième et la neuvième année accordera au personnel enseignant les outils et les ressources dont il a besoin pour recevoir ces élèves dans des écoles secondaires accueillantes qui leur permettront de relever leurs défis personnels.

This plan is part of the McGuinty government's \$1.3-billion, multi-year student success strategy. It allows all students to customize their education based on their individual goals, skills and interests.

Over the coming months we're going to work with every school board to make sure programs are in place to help students who have been identified as dropping out. These will include a process for sharing student information between elementary and secondary schools; defined transition plans that include orientation activities, strategies and interventions; designated caring adults who will act as advocates; a first semester timetable that reflects students' interests and strengths; and a monitoring program with an intensive focus on the first two months of school.

In addition, we've delivered regional professional development sessions about successful high school transitions to superintendents and student success leaders from all of Ontario's district school boards.

Through a \$1.2-million government investment, board-directed training sessions are now providing intensive instruction on best practices and instructional strategies to 12,000 student success teachers, principals and other grade 8 and 9 educators.

This year the government provided \$89 million for an additional 1,300 high school teachers, including 800 new or designated student success teachers, to help struggling students. That investment has been boosted to \$110 million in 2006-07 to add 300 more high school teachers. We're confident that a grade 8 and 9 transition plan, as part of this overall student success strategy, will help Ontario graduate 85% of all of our students by 2010. That's up from just 68% when the McGuinty government took office—71% in 2004-05, so we are already doing better. We're proud that the first phase of the student success strategy in 2003 has already helped graduate an additional 6,000 students last year alone. Ontario will prosper tomorrow because we are investing in our youth today.

I want to pay special tribute to the principal, teachers, educators and especially the students of Lord Dufferin school, where I spent some time this morning with Chair Sheila Ward from the Toronto District School Board, where we made a tremendous announcement and I met a number of the students in the grade 8 class who are very much looking forward to their move to high school next year.

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

1410

POLICE SERVICES

Mr. Garfield Dunlop (Simcoe North): I'm pleased today to respond to the remarks made by the Minister of Community Safety and Correctional Services on the

OAPSB annual Queen's Park lobby day. On behalf of our leader, John Tory, and the members of our caucus, I want to welcome all the members that are here joining us today. I want you to know that we are on your side.

I heard over and over again—I had a meeting this morning, and listening to the minister's comments, you'd actually think he had made some progress. However, there are a number of issues that are outstanding, and I'm not hearing any leadership coming from the minister and from that government, the same as we're not seeing any leadership at Caledonia.

Bill 103, for an example, the Independent Police Review Act: The Ontario Association of Police Services Boards requests that the ministry consider their concerns as part of its review before Bill 103 proceeds to second reading. We haven't heard of Bill 103 or where it's come from ever since it was introduced by the Attorney General a while back.

There's a lot around police recruitment and training and also on provincial responsibility for mental health patients. The OAPSB recommends that the government of Ontario should provide progress updates on its mental health strategy to address concerns raised by OAPSB and other policy stakeholders regarding responsibility for mental health patients. There has been no movement in that area.

The base-rate increase for the victims' crisis and referral service, the VCARS program: OAPSB believes that all VCARS should receive an immediate base-rate increase.

We hear this each day in our ridings, and we're looking for leadership from the minister and from this government on a number of issues that have been addressed here today by this board. I look forward to hearing other comments, and I look forward to this government actually taking action on these issues.

NATIONAL ACCESS AWARENESS WEEK

Mr. Gerry Martiniuk (Cambridge): I'd like to respond to the remarks of the Minister of Community and Social Services. On behalf of John Tory and the PC caucus, I'd like to thank all organizations across Ontario for their dedication in improving accessibility for those who are disabled. During accessibility week, we can thank the Ontarians who go out of their way daily to make life more accessible for disabled persons.

Accessibility is vital to the everyday lives of those who are disabled. By increasing accessibility, life can become a little less hectic and hopefully a little more enjoyable. I congratulate employers who make the workplace a more welcoming environment for employees who have a difficult time possibly getting around the office or performing certain tasks. It is not that they are not capable of the job; we just have to remove the barriers so they can do their job. It is great to see Ontarians taking a lead role making life more accessible for the disabled.

It is, however, a shame that Premier McGuinty has again broken a promise that affects the disabled. The

government should be seriously looking again at Bill 107, the Human Rights Code Amendment Act, 2006, and the adverse impact it will have on disabled persons. I would like to quote David Lepofsky, the Accessibility for Ontarians with Disabilities Act Alliance's human rights reform representative, who says that this bill betrays the McGuinty government's important understanding with the Ontario disability community. "Dalton McGuinty promised effective enforcement in his new disability act." I hope that Premier McGuinty listens to the AODA Alliance and takes their concerns seriously.

In closing, I would again, on behalf of the Progressive Conservative caucus, applaud all Ontarians who every day make life a little more accessible for disabled persons.

HIGH SCHOOL STUDENTS

Mr. Frank Klees (Oak Ridges): In response to the Minister of Education, she is following in the footsteps of her predecessor. As Cathy Dandy from the Toronto Parent Network said, "The government hasn't done the one thing they should have done, and they railed on the Tories about this, and that was update the funding for teacher salaries. Because that hasn't been done, because that was the number one recommendation that Radwanski made and it's been ignored, we remain in trouble and it is the Liberals' fault." She went on to say, "The fundamental problem was that Gerard Kennedy was very good at public messaging but the reality was ... the Liberals cleverly promised only targeted investments ... but we expected them to rebuild the system and that hasn't happened."

Today we have another announcement. There's no money with it. We have a \$100-million deficit in Toronto school boards, and this minister—

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

Mr. Rosario Marchese (Trinity-Spadina): To the Minister of Education: I went to the press conference thinking we were going to have yet another big announcement that would bring about revolutionary changes to our education system, and I didn't hear anything that was of any value, in my view.

She introduced this announcement today as a "key initiative." You look at the announcement and you ask, "What is key about this?" Here is what she says: "A process for sharing student information between elementary and secondary schools." I thought we were doing this all the time. Aren't we doing this?

Ms. Kathleen O. Wynne (Don Valley West): No.

Mr. Marchese: Oh. And what is this process? Maybe the government and the member from Don Valley West will share their bright ideas on what this process is that we don't know anything about. "Defined transition plans that include orientation activities, strategies and interventions" is vague language that means nothing. Maybe the member from Don Valley West has some idea about what this key initiative is, but from reading this, I have no clue.

It talks about “designated caring adults to act as advocates.” Who are these people? Are they in the system now? Is the minister hiring some new people? Do we have the money for them? Are they teachers? Are they parents? Who are they? The language is so vague that it’s literally meaningless.

“A first semester timetable that reflects students’ interests and strengths.” Okay, what does it mean? I have no clue. “A monitoring program with an intensive focus on the first two months of school”: I have no clue what this is, and this is offered as a key initiative?

Yet again, the minister drags me out to a press conference with the idea that maybe there’s something important, and we get so little that I’m embarrassed to keep going to these press conferences. There’s nothing here that says, “I am creating a line that says we are going to hire more librarians and guidance counsellors, and this line will tell you how many we’re going to hire.” There is no such line that indicates to me, and to those of us who care about having more librarians and guidance counsellors, that we’re actually going to get more librarians. There’s nothing here that talks about a curriculum review that deals with some of the problems that students are having with a curriculum that actually forces some kids out of our education system. There’s nothing here that speaks about specialist teachers in grades 7 and 8 regarding the teaching of math and science.

This announcement wasn’t that announcement. I’m surprised the minister gets up and says this is a key initiative. God bless this government.

NATIONAL ACCESS AWARENESS WEEK

Mr. Rosario Marchese (Trinity–Spadina): The Minister of Community and Social Services says, “The bigger issue that we have to tackle is the social barrier. We need to convince the public that people with disabilities are not a small group, that accommodating them is not more trouble than it’s worth and that the rest of society is missing out by continuing to support a world where they cannot fully participate.”

She points out that we have 1.5 million people in Ontario who live with a disability, and she is quite right. Yet they passed a bill, which I attacked viciously, that says we are going to give access for private and public institutions over a 20-year period. I said to the minister, “People with disabilities can’t wait; they need it today.” She says, “Oh, but we’ve got to convince people.” The people we have to convince are the Liberal Party and their members who have decided that we can’t give access for 20 years. I said to the Liberal government, to that minister and to the previous minister, we need to give access today, not in 20 years’ time when people will be long dead and gone.

1420

We have a bill here that talks about this small initiative and says, “We’ve got to do more.” I say to the

minister, it’s your duty and obligation to do more. We can’t wait and they cannot wait for 20 years.

I urge you, Minister: Get down to do your job. Deal with a bill that leaves everything, from timelines to incentives to enforcement, at the discretion of the minister. The bill that you passed a year ago ensures very little. If you’re really truly, committed, do something about it.

VISITORS

Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs): On a point of order, Mr. Speaker: On that positive note, I would like to introduce David Onley and Tracy MacCharles, the chair and vice-chair of the Accessibility Standards Advisory Council. I want to thank them for helping us to improve accessibility to all Ontarians.

ORAL QUESTIONS

ELECTRICITY SUPPLY

Mr. John Tory (Leader of the Opposition): My question is for the Minister of Energy. Minister, your election platform, the McGuinty election platform, said, “We will shut down Ontario’s coal-burning power plants by 2007.” Reflecting the expedient, slipshod nature of that original McGuinty promise, now broken, it was later amended to say that coal generation will be shut down by 2007—all plants except Nanticoke, which would close in 2009. Is this still the case? Are you sticking to this broken, revised version of the McGuinty promise? Yes or no would be a very simple answer as to whether it’s all plants by the end of 2007, Nanticoke by 2009. Yes or no?

Hon. Dwight Duncan (Minister of Energy): The government remains committed to the replacement of coal-fired generation in Ontario. We remain committed to that goal in spite of the obstacles, in spite of the opposition of people like the Leader of the Opposition, because we believe very strongly that we should move heaven and earth to reduce the emissions associated with coal and do it in a responsible and timely fashion. Our goal has been and will continue to be the reduction of the emissions associated with coal, and, I say to the Leader of the Opposition, most particularly CO₂ emissions, which no clean coal technology gets.

Unlike Conservatives in this province, we support Kyoto. We support those undertakings. We believe that we have to work to mitigate the effects of greenhouse gases.

The answer is, we remain committed to that goal. There are enormous challenges associated with it, but we will do so, and we will achieve our goals: improving air quality without sacrificing reliability of electricity or the supplies available to all Ontarians.

Mr. Tory: The minister talks a lot about everything he believes in except answering questions. The fact of the

matter is that we didn't ask you about the goal; we asked you about the timetable. In fact, the original McGuinty promise made in the election campaign, like so many of them, was very short and very clear, but it's also very broken. It said all plants closed by the end of 2007. So when you broke the promise—Mr. McGuinty broke it, and then you revised it and said all plants closed by the end of 2007, except Nanticoke by 2009.

I understand your goal is to close the plants. We're talking today about the timetable that you're going to use to close those plants. The fact is you've talked about moving heaven and earth. As the member for Erie–Lincoln said, the only thing you've moved is a bit of dirt so far in terms of putting any plants in place to replace that coal power.

Let me ask you one more time—it only requires a yes or no answer—is the timetable still the same? All plants closed by the end of 2007, except Nanticoke by 2009? That's the broken promise revised timetable. Is that still the one you're operating under? Yes or no?

Hon. Mr. Duncan: Let me say, first of all, that unlike the Leader of the Opposition we are committed to reducing those emissions. Let me just relay to the Leader of the Opposition and his assistant from Fort Erie–Lincoln what has actually happened, according to the Independent Electricity System Operator. Since we took office, generation from coal plants is down 18.7%. That is a lot more than a pile of dirt. SO₂ emissions are down 32.5%. That's a lot more than a pile of dirt. NO_x: NO_x tonnes are down 33%. That's a lot more than a tonne of dirt. Mercury is down 28.6%. That is a lot more than a tonne of dirt, I say to the Leader of the Opposition. CO₂ is down 18%.

Will you please tell your federal friends to recommit to Kyoto and join us in moving a lot more than—

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

The Speaker: Order. Minister of Education.
Supplementary?

Mr. Tory: As usual, still no answer to the question.

You've had, for almost three years now, various experts from all corners telling you that this policy of closing these plants before you have any replacement power in place was irresponsible and ill conceived. That's what we're interested in here, the fact that you are going to close down these plants on some timetable or other, but we're worried you're actually going to do it in such a way as to imperil the power supply of this province.

Don't take it from me. Paul Bradley, undoubtedly a relative of the Minister of Tourism, is the vice-president of generation development at your own OPA, and he said in today's *Globe and Mail*, Murray Campbell's article, that none of your replacement power will be online by the end of 2007. He says, "No way, not by the end of 2007." So this election promise is just like the one where you said you wouldn't raise taxes and you brought in the biggest tax increase in the history of the province. You know you're going to break the promise, you know

you're even going to break the revised broken promise version of the promise, but you won't stand up and say so.

I'll ask you one more time. It is a simple yes or no answer. Is the timetable still that all coal plants will be closed by the end of 2007, with the exception of Nanticoke by 2009? Is that the timetable? Yes or no? You owe it to the people to be clear and straight and to give an answer to that question.

Hon. Mr. Duncan: We owe the people of Ontario cleaner air and we're continuing to move towards that goal.

I ask the Leader of the Opposition, who has no platform, who has no point of view, why is it you said on April 25, "The elimination of coal-fired plants is a good goal," and then the next day, on April 26, said that coal could not be ruled out, and then the next day, "I don't know how you could rule coal in or out"? You can't have it all ways. People like the Leader of the Opposition don't want us to clean up the air. We're going to clean up the air. People like the Leader of the Opposition are trying to stop us in the interest of profit and in the interest of increasing our dependence on foreign sources of energy. We will move toward cleaning up the atmosphere. We will protect the Kyoto accord. We will stand behind the Kyoto accord. Join us in that. Stand up for Ontario and stand up for the airshed that stretches from Windsor to the Quebec border before it's too late.

TTC LABOUR DISPUTE

Mr. John Tory (Leader of the Opposition): No answer from the man who was importing thousands of megawatts of power yesterday from the very people who are shipping the pollution to Ontario.

My question is for the Acting Premier. Ontarians want to live in a province where the rule of law is upheld and where those who break the law are held accountable for their actions. Yesterday millions of people in the GTA—commuters, drivers—awoke to find their transit system gone as a result of an ill-advised and illegal strike by the TTC workers and their union leadership. We want to know from you exactly when your government first found out about this. We want to go back over this because you failed to take any action to notify them and to do everything you could to head this off at the pass and stop this from happening. I want to know exactly what happened and when, on Sunday, so that the people know you had the time to do more than you did. What did you do, and when?

1430

Hon. George Smitherman (Minister of Health and Long-Term Care): I will, by way of supplementary, refer that to the Minister of Labour, who can answer those details, as he did yesterday.

But I will take the first—

Mr. Tim Hudak (Erie–Lincoln): He's hiding under his desk again.

Hon. Mr. Smitherman: Oh, you again?

I will take the first opportunity to correct the record left by the honourable member, because he knows well that in the one minute, or the 40 seconds, he dedicated to the issue of yesterday's illegal action, the honourable member misspoke on several points—factual outcomes are not apparently very much a concern to the Leader of the Opposition.

The reality is very, very clear, and the mayor of our city has expressed this very well. The circumstances that arose were ones we stand in opposition to, and the Ontario Labour Relations Board made a ruling that was not appropriately considered. These events unfolded in a fashion that no one could have appropriately predicted, and for the honourable member to suggest otherwise is just plain un-factual.

Mr. Tory: The fact of the matter is, we didn't ask you what you thought about it; we asked what you did about it. The fact is, millions of people were affected by this and you did less than you should have to head this off and make sure this didn't happen. It happened, it was an illegal strike, it was ill-advised and everybody shares that view. But they also share the view that you could have done more and should have done more. People were angry about that.

Can you assure this House, given the gravity of this kind of situation and the event that happened yesterday, that in the event a complaint is filed pursuant to the Labour Relations Act, this will be moved to the top of the list, investigated aggressively and completely, which is the legal responsibility of the ministry, and a signal will be sent that this kind of conduct, this kind of illegal strike, is not going to be tolerated in the province of Ontario?

Hon. Mr. Smitherman: The Minister of Labour.

Hon. Steve Peters (Minister of Labour): It's obvious that the honourable leader didn't take my advice yesterday and lean over to his right and speak to a former Minister of Labour. If the honourable leader knew what he was talking about, he would understand that the Ontario Labour Relations Board is an arm's-length agency of the government and it would be totally inappropriate for the Minister of Labour to interfere. Obviously you need some lessons in labour relations. As well, I think it's important to point out that it would be inappropriate for us to speculate on any actions that would be taken. Perhaps you should again ask the former Minister of Labour about her role when she stood in this place and the role the Minister of Labour plays.

I'm very proud of our track record. We have restored fairness and balance to labour relations in this province. There were 76 work stoppages in 2005, hundreds less than what happened when you were in government. We have brought fairness and balance back. We respect the Ontario Labour Relations Board—

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

Mr. Tory: The commuters and businesses of Ontario saw what a fine job you're doing yesterday. They certainly got a good taste of that. What I suggested to you

was entirely, properly the role of the Minister of Labour. All I asked you was—and you refuse to answer it, as did the Acting Premier—if a complaint is filed, will you move it right to the top of the list and aggressively investigate it to make sure that the signal is sent that this kind of thing won't be tolerated?

There's a disturbing trend setting in in this province where people seem to think they can do things and get away with it. People walk off the job for a day, and millions of people are adversely affected by this. Nothing happens. People want to punch and kick each other, and persons unknown destroy a power station. No consequences seem to flow from that.

What assurances can you give this House, Acting Premier, that people in Ontario can be assured that the rule of law is going to be confirmed and upheld and you're going to do everything you can to make sure that is the case in this province? What are you doing?

Hon. Mr. Peters: I'd refer that to the Acting Premier.

Hon. Mr. Smitherman: I'd say to the honourable member that it's always very convenient for the honourable member to drop in from time to time for an hour, and whatever issue happens to be at the top of his platter is the issue that he chooses that day —

Interjections.

The Speaker: Order. I'm having great difficulty hearing the Acting Premier's response.

Hon. Mr. Smitherman: Mr. Speaker, the honourable member seeks by his questioning to create a circumstance where he would have us condoning the actions that were taken yesterday. We do no such thing. We, like everybody else, expressed the frustration on behalf of the people of Ontario.

For the honourable member, himself a learned lawyer, pretending in this Legislature, as he tends to do in question period every day, that the circumstances were somehow preventable when there was no highlight, no expectation that this would occur, except right at the time that people chose to walk off the job—we will abide by the rule of law, and we will seek out, on behalf of the people of Ontario, to ensure that it is appropriately taken up—

The Speaker: Thank you.

ELECTRICITY SUPPLY

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Minister of Energy. Today, Canadian Press reports that the Minister of Energy, when asked by the media, was physically unable to “repeat his promise to close the coal-fired plants by 2009.”

Minister, I am sending you a copy of a McGuinty government press release from just a year ago, dated June 15, 2005, entitled, “McGuinty Government Unveils Bold Plan to Clean Up Ontario's Air.” Can you please read the highlighted sections of your own press release that lay out your coal promise, and can you tell the people of Ontario if you're going to keep your promise to close

Lambton coal-fired station by 2007 and Nanticoke coal-fired station by 2009?

Hon. Dwight Duncan (Minister of Energy): We remain committed to reducing the emissions associated with coal-fired generation—

Interjections.

The Speaker (Hon. Michael A. Brown): Order. Minister of Energy.

Hon. Mr. Duncan: Let me remind the leader of the third party of some things he said in the last couple of years. “We will close or convert Ontario’s coal-fired generating stations by 2007.” That’s the NDP platform in 2003. “We will continue to live the effects of the coal mistakes for decades to come. Some of us will die before our time, victims of coal-generated air pollution.” Public Power, page 109.

There is no doubt that the challenge associated with closing coal plants, with getting coal out of our energy mix, is challenging. We have reduced emissions in the first two and a half years of our agenda. We remain committed to reducing those emissions quickly, and ensuring the reliability of energy supply in Ontario.

Mr. Hampton: Gee, Speaker, I even underlined them for him.

I’ll repeat it. Maybe he can find it now: “Lambton generating station ... will be replaced by the end of 2007.... Nanticoke generating station ... will have units closed through 2008, with the last to close in early 2009.” I underlined it. I put it in colour for you.

Minister, it’s so smoggy today, you can’t even see the CN tower from here. But there is one thing that’s crystal clear: Dalton McGuinty’s promise to shut down Ontario’s coal-fired plants is another McGuinty Liberal broken promise.

You know, Nike makes running shoes; Pepsi makes cola; and Dalton McGuinty just breaks his promises. That’s where we’re at.

But my question is this, Minister: After all the rhetoric, after all the holier-than-thou pronouncements from the McGuinty government, why should the people of Ontario believe or trust any promise from the McGuinty—

The Speaker: The question has been asked. Minister.

Hon. Mr. Duncan: What they can believe is that coal-fired generation is down 18.7% in two and a half years. That is more than the hot air that you’re full of. What they can believe is that SO₂ emissions are down 32.5%—that is about cleaning up the air. NO_x emissions are down 33%—that’s about cleaner air. CO₂ emissions, which is about Kyoto and meeting our undertakings, are down 18%. Mercury is down 28.6%. Yet the leader of the third party writes to the Premier and tells us to keep coal-fired plants open as long as we can.

1440

There’s no doubt that this is a challenging goal. Cleaning up the air, cleaning up the mess we see today, is a challenge; there is no doubt. In fact, when they built Niagara Falls, they wanted to replace coal with so-called white coal.

We remain committed. We remain committed to cleaning up the airshed to ensure that we don’t all look back—

The Speaker: Thank you. Final supplementary.

Mr. Hampton: I wanted to help the minister; that’s why I underlined it and put it in colour.

I want to read your promise again: “Lambton generating station will be replaced by the end of 2007. Nanticoke coal-fired generating station will have units closed through 2008, with the last unit to close in early 2009.” This is another McGuinty broken promise, but this one is a huge letdown for the people of Ontario, because people are worried about dirty air. But, you know, it is another example of Dalton McGuinty saying anything in order to win votes, with no inkling, no idea, no plan of how to get the job done.

My question again, Minister: Why should good people across Ontario believe or trust anything Dalton McGuinty says from here on?

Hon. Mr. Duncan: If the leader of the third party is so concerned about the quality of the air, why did he write to the leader of Ontario, the Premier, and ask him to keep these coal-fired plants running for 20 years? Why would you do that?

We have been moving quickly to close the plants. We have been moving to get the emissions down. We’re going to continue in that track. We’re going to continue in spite of the opposition from members opposite, like Mr. Hampton. We will continue to see improvement in the quality of air resulting from our energy mix supply. We believe that keeping our focus on those emissions, ensuring that we bring down all of the emissions associated with coal, including the CO₂, remains and ought to be a key goal of any government in this province to deal with the quality-of-air challenge we have. We are continuing to aggressively pursue that policy.

KYOTO PROTOCOL

Mr. Howard Hampton (Kenora–Rainy River): When the McGuinty government can’t keep a promise, they just make it up as they go along.

Acting Premier, Ontario’s working families are worried about climate change. They are worried about global warming, about pollution heating up the planet, about wild weather like floods, tornadoes, droughts, and hot and smoggy days like we have across southern Ontario today. We know that Stephen Harper has cut and run on the Kyoto accord. But we want to know, does Dalton McGuinty remain committed to meeting Ontario’s Kyoto emission targets, and if so, will the McGuinty government table your Kyoto plan here today?

Hon. George Smitherman (Minister of Health and Long-Term Care): Minister of the Environment.

Hon. Laurel C. Broten (Minister of the Environment): Let me be absolutely clear to the leader of the third party that this government supports the steps taken in this country to move forward with respect to the Kyoto protocol. The Minister of Energy at the time, Minister

Cansfield, and I were privileged to attend the UN climate change conference in Montreal in December of last year. At that time, I signed, on behalf of this government, a declaration to continue Ontario's efforts to fight climate change. We are signing documents, and our actions are louder than those words.

As we move forward in this province to have a future without coal, we will see a reduction of 30 megatons of greenhouse gases—the single largest action being taken by any government in this country to move forward. That is a significant indication of how firm our commitment is to tackle the most pressing issue of our time, which is climate change.

Mr. Hampton: Obviously the Minister of the Environment isn't speaking to the Minister of Energy. The Minister of Energy can't bring himself to repeat the phrase that the coal plants are going to close. So far, Dalton McGuinty's response on Kyoto has been either breaking a promise or, otherwise, disappointing silence.

Other provinces are showing leadership. Manitoba is going to go it alone. They've got a plan; they're going to implement it. Quebec is going to go it alone.

Just three years ago, Dalton McGuinty said he supported Kyoto. During the election, he said he was committed to meeting our Kyoto targets. I ask again, where is the McGuinty government's commitment now? Where is the McGuinty government's plan to meet our Kyoto targets? Table it today.

Hon. Ms. Broten: I guess the leader of the third party perhaps does not examine some of the steps that our government is taking, which are real and positive steps, to tackle this critical issue. For example, requiring 5% ethanol in gasoline by 2007 will achieve the GHG reductions equivalent to taking 200,000 cars and light trucks off the road each and every year. If you paid attention to what happened in Saskatchewan last week, it's a clear indication that our government is ahead of where the federal government is. We will meet a 5% ethanol content by 2007, and we will meet double that by 2010, when the rest of the provinces are going to catch up with Ontario. Each and every day we take steps to ensure that we have a future in this province where we tackle the issue of climate change, and ethanol is but one more example where we are doing that.

Mr. Hampton: I've asked twice: Where is the McGuinty government's Kyoto plan? I know why I'm not getting an answer. This is from David Suzuki. David Suzuki is the one you invite whenever you want to hold a photo op but you don't want any questions asked. This is what he said in his report last year: "Ontario does not have a climate change plan." That's what David Suzuki says.

We know that Stephen Harper is backing away from Canada's Kyoto commitments. That makes it even more important that individual provinces like Ontario step up and implement the Kyoto emission targets. Manitoba has a plan to meet the Kyoto targets by 2012. Quebec has a plan. But, as David Suzuki says, the McGuinty government has no plan to meet these targets. It's nowhere in sight.

Tomorrow is the Premiers' conference in Gimli, Manitoba. Will you commit that Dalton McGuinty will stand up tomorrow and announce that Ontario is joining Manitoba and Quebec—

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

Hon. Ms. Broten: I say to the leader of the third party, David Suzuki joins us when we make announcements because he knows we are the North American leader in clean air in this province. Let me tell you what he has also said in his document, on page 21: "The Ontario government is implementing a fairly ambitious agenda that will tackle both air pollution and climate change."

Here are a few of things that we're doing: reducing vehicle traffic on our roads by investing \$838 million in public transit in the GTA; creating a 1.8-million-acre greenbelt to limit urban sprawl; doubling the retail sales tax rebate on hybrid vehicles from \$1,000 to \$2,000; encouraging Ontarians to conserve electricity; toughening by 23% our emissions-testing standards for cars and light trucks; introducing the toughest emissions-testing standards on heavy duty vehicles in North America; and refocusing roadside testing for those vehicles that pollute the most. That's our—

The Speaker: Thank you. New question.

NATIVE LAND DISPUTE

Mr. Robert W. Runciman (Leeds–Grenville): A question to the Acting Premier: We learned today that Superior Court Justice David Marshall has summoned the Attorney General of Ontario to court to answer why your government continues to ignore the court order to enforce the law in the Caledonia situation. This extraordinary action was taken by the judge, in his words, "to ensure that peace in the community is maintained under the rule of law." In non-legal terms, it would seem that His Lordship would like to know why your government is incapable or unwilling to enforce the law. Can the minister tell this House the answer to that question before the Attorney General is hauled before the court to do so?

Hon. George Smitherman (Minister of Health and Long-Term Care): The minister responsible for aboriginal affairs.

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): I know my colleague across the way knows that when you have an action before the court, it's inappropriate for the government to comment on that. The only comment I can make is that the Ontario government will be present in that court on Thursday.

1450

Mr. Runciman: If you won't answer the question in this House, hopefully you'll answer it before the judge. I describe this as extraordinary; "extraordinary" is probably an understatement. This is the first time in memory that an Attorney General has been called on the carpet for not discharging his constitutional respon-

sibilities. This is ultimately the Attorney General's responsibility, and I ask you, why is he, as the chief law officer, not enforcing his responsibility? Why is that occurring?

Hon. David Ramsay: I think it's fair for the member to tell the House that, of course, the judge is calling all parties to the previous court hearing to come before him, including the Attorney General of Ontario. As I said to the member, Ontario will be there at court and will represent our position there.

BUILDING CODE

Mr. Peter Tabuns (Toronto-Danforth): My question is to the Acting Premier. Today, two of your ministers have talked about their commitment to Kyoto and about how much this government is doing to meet the climate change challenge in this country. The building efficiency standards proposed in your amendments to the Ontario building code are being described by environmentalists and by efficiency experts as weak. Proposed efficiency standards for homes fall drastically short of what is economically and technically feasible. Even your own conservation officer agrees. He's on the record as saying that the proposed standards are "barely a step forward when they should be a leap." My question is, will your government bring in home efficiency standards that are real, effective and will meet Kyoto standards?

Hon. George Smitherman (Minister of Health and Long-Term Care): To the Minister of Municipal Affairs and Housing.

Hon. John Gerretsen (Minister of Municipal Affairs and Housing): Thank you for the question, because it is a very important issue. I can tell you that we are currently looking at the building code standards to see what should be implemented in the future. There has been ongoing dialogue with all of the interested parties in this particular issue, whether they're builders, whether they're in the environmental community, however they're involved in the building industry.

I can tell you that in the end we will be coming up with the highest possible standards. We're looking at it right now. No final decisions have been made. I invite the member to stay tuned for the actual building code that will be introduced in the near future.

Mr. Tabuns: Acting Premier, even your own conservation officer is criticizing what the government is proposing. We've just heard that speaking will continue and continue and continue. Your own conservation officer said that this will be a lost opportunity for significant energy conservation efficiency if standards for homes are not set at a much higher level than one that has come forward in discussion papers put out by your document. You've been talking for the last three years about being a leader in North America. So when will the talking end, and when will you actually bring forward a plan that will show leadership?

Hon. Mr. Gerretsen: I can tell you that an awful lot of consultation has taken place on this particular issue.

We've set up advisory panels that are reporting back to us at this point in time, and we know that the amendments will include issues such as increased energy efficiency requirements for houses, including detached, semi-detached and row housing; increased energy efficiency requirements for commercial buildings and large-scale residential buildings; and energy-efficient labelling for houses; as well as changes to enable the use of green technologies.

We are the leaders in this, and we're going to be the leaders in this after we get through with these changes. We're doing a broad sector of consultations, and we look forward to hearing the member's views on this as well, as we progress in this matter.

DRUG LEGISLATION

Mr. Jeff Leal (Peterborough): I have a question today for the Minister of Long-Term Care, on behalf of hard-working pharmacists in the province of Ontario.

Interjections.

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

Interjections.

The Speaker: Order. I can wait. Order.

The member for Peterborough.

Mr. Leal: I am asking a question on behalf of the hard-working pharmacists in Ontario, whom I offered to meet with last Saturday morning in Peterborough, and they said they were too busy to meet me. And in fact—

Interjections.

The Speaker: Order. I'm having great difficulty hearing the member from Peterborough.

Mr. Leal: I've been following the consultations on our proposed drug legislation closely and I'm seeing a lot of positive feedback from patient groups, generic companies and seniors about proposed improvements to our drug system. I know as well that our government is listening to pharmacists. I understand that amendments are already being made to our proposed legislation to address the concerns that they have. Minister, can you tell me more about how we're amending the legislation to address concerns of pharmacists?

Hon. George Smitherman (Minister of Health and Long-Term Care): First off, I think it would be very appropriate to acknowledge the excellent question from the member for Peterborough. This is the member in the community of Peterborough who's delivering a new \$250-million hospital and a family health team spread across the breadth of Peterborough and the county, which is going to dramatically enhance the quality of care. We're working very—

Mr. Tim Hudak (Erie-Lincoln): Who wrote this question?

Hon. Mr. Smitherman: Oh, you should try for another question, Mr. Hudak.

I think the honourable member has touched on the issue of pharmacists in the context of Bill 102. We've been working, through the Ontario Pharmacists' Association, making improvements in our package of reforms

designed to get the best drugs to Ontarians at the best possible price.

Already yesterday we indicated that we're going to move back on our position with respect to the cap. That is a \$13-million benefit to pharmacy, and true committee work in anticipation of the work done on clause-by-clause. We would anticipate bringing amendments in a variety of areas designed to enhance the quality of the bill overall.

Mr. Leal: Thank you for clarifying what a good working relationship we have with the Ontario association of pharmacists. I know that pharmacists will be very pleased with—

Interjections.

The Acting Speaker: The member for Peterborough.

Mr. Leal: I know that our government has a great deal of regard for the expertise of pharmacists and the larger role they can play in the health care system. I know that we're making pharmacists key members of our family health teams, and that our government in this legislation wants for the first time to recognize pharmacists for the front-line role they play in patient care.

I also want to know, when we move to utilize the expertise of pharmacists and the new pharmacy council—Minister, can you tell me more about this council?

Hon. Mr. Smitherman: For something like 17 years, the Ontario Pharmacists' Association has been asking the government of Ontario for an opportunity to participate in more of a partnership model. One of the ideas that has come forward, as the opposition critic just mentioned, is the idea that the pharmacy council, which we proposed as the mechanism by which the government and pharmacists would work together in shaping pharmacy for the future, be included in the legislation.

Interjection.

Hon. Mr. Smitherman: We're very open-minded to that. The honourable member is derisive about these points, but at each and every opportunity—

Ms. Shelley Martel (Nickel Belt): That's because it should have been in there from the start.

Hon. Mr. Smitherman: Oh, yeah.

At each and every opportunity, we've been taking advantage of the chance to work in a consultative fashion, to take opportunities, through amendment, to address challenges that might occur. This will of course be the case in this circumstance, and I look forward as Bill 102 reports back to this House to see that it will enjoy strong support at third reading.

EMERGENCY SERVICES

Mr. Garfield Dunlop (Simcoe North): My question today is for the Minister of Finance. I'm sure all members of the House are delighted to see such a large representation here today from the police services boards across Ontario, and I appreciate the fact that the OAPSB has arranged this lobby day here at Queen's Park.

I've had the opportunity to meet with them, and I'm especially concerned by the information we have

received about emergency service labour costs. I note that since 2000, wages have increased by an average of 5% annually, outstripping the other sectors, which are averaging around 2% to 3%. Minister, can you tell the House what you, as Minister of Finance, are prepared to do to assist the police services boards and municipalities to control these costs?

Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet): When I hear the information provided by my friend, I think of the work done by my colleague the Minister of Government Services in negotiating contracts for the collective agreements for which we're directly responsible. I should tell him that the Ontario municipal partnership fund provides specific support for these kinds of services, and indeed the policing costs under the partnership fund take special care to speak to the additional burdens of policing, particularly in the northern and rural communities. In that fund, over the course of the past two years, sir, we have increased our commitment to municipalities by about \$200 million.

It may not be enough in the view of the member opposite, but I think we're going a very long way to help municipal police boards across the province meet their requirements.

1500

Mr. Dunlop: You've talked around the issue, but as you know, the OAPSB has made specific requests to your ministry, which have included issues such as the Ontario health premium, your health tax; retention pay; and court security costs, which in a lot of cases are running rampant in some areas. Minister, are you prepared to meet with the OAPSB and discuss how the province will assist the boards? If so, when will that occur and when can you expect to report back to the House on the answer to those questions?

Hon. Mr. Sorbara: I have obviously had a number of requests to meet from a variety of organizations across the province where there are pressures relating to cost. I simply repeat to my friend that what we have achieved and the equity we have achieved through the Ontario municipal partnership fund has gone a very long way toward meeting the requirements of municipalities. Let us remember, sir, that police service boards operate under the umbrella of municipal councils, and there is an ongoing dialogue and relationship between AMO, individual municipalities, representatives in my ministry and indeed with my colleague the Minister of Municipal Affairs and Housing.

I think the dialogue is at a very high level, but if there's other information we need to be informed of, certainly I would be interested in hearing that information.

ONTARIO HUMAN RIGHTS COMMISSION

Mr. Peter Kormos (Niagara Centre): A question to the Acting Premier: Sir, more and more community

groups and organizations are expressing concern and opposition to your government's so-called human rights reform. They explain that you've consulted with lawyers but you haven't talked to the people who use the human rights commission on a daily basis and the organizations they represent. They've got serious concerns about your proposed legislation, which takes away significant rights that are now entrenched in the Human Rights Code. Will your government delay proceeding with second reading of this bill and simply agree to work with the people most affected by these so-called reforms so that we can create real improvement in the enforcement of human rights in Ontario?

Hon. George Smitherman (Minister of Health and Long-Term Care): As a long-serving member of the Ontario Legislature, this member knows very well that this is an issue that has been around for a long time. His characterization that meetings or consultations occurred only with lawyers is of course not borne out in the truth. In reality, he may be a lawyer but Joel Richler's role as chair of the Canadian Jewish Congress led him to say this: "CJC applauds the government for the proposed creation of an anti-racism secretariat and a disability-rights secretariat within the commission." Buzz Hargrove—I don't know him to be a lawyer: "We share the view of many that the current system of guaranteeing and enforcing human rights standards in Ontario needs reform.... The introduction of Bill 107 should be used as an opportunity to create a leading edge and accessible system to address the equality issues of Ontarians...."

I think the point taken is that over a long period of time—a couple of decades, I believe—people have been working on this issue. The consultations were broad. We're always listening as we move forward, but the time for reform is upon us, and the initiatives undertaken are ones the government continues to support.

Mr. Kormos: Sir, today leaders from the Urban Alliance on Race Relations, the Canadian Arab Federation and Asian Community AIDS Services joined what have been literally thousands of others in asking this government to stop forging ahead with Bill 107. They say that taking away their legal right to an investigation—because that's what the commission does, investigations and provide legal support—isn't going to make their cases move any faster. In fact, your proposals are going to strip the most liminalized people in this province of their ability to fight for their human rights and force them to pay out of pocket to fight discrimination.

Will you delay second reading of the bill and agree to work with these people—the people most affected by the so-called reforms—so we can create real improvements rather than your artificial ones?

Hon. Mr. Smitherman: Obviously, through the legislative process, we're always using the opportunity, in committee as an example, to examine legislation and hear from a wide variety of Ontarians.

But I don't think it's appropriate for the honourable member to pretend his way through this as if there's a

consensus that formed around the views he has spoken of, that he is the voice, or is using the voice, of all those affected.

Hugh Tye, executive director of the Hamilton Mountain Legal and Community Services said, "This (human rights reform) is something numerous community groups have asked for, for too long. We all recognize the problems—let's get on with fixing them." That's a voice of people working right at the community level.

Similarly, Robert Sexsmith, secretary of the board of directors of the Advocacy Centre for Tenants of Ontario, said, "We want to applaud the undertaking ... to establish a new human rights legal support centre that would provide legal assistance to claimants at each stage of the new process, regardless of level of income."

These are demonstrations that the new system we seek to bring forward is one that is designed, in a timely way, to affect the views that people—

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

IMMIGRANTS' SKILLS

Mr. Richard Patten (Ottawa Centre): My question is for the Minister of Citizenship and Immigration. As you're aware, Ottawa is the second most popular destination for newcomers, after the GTA. For those of you who don't know, that means Greater Toronto Area—I have a sense of humour. On average, over 6,000 newcomers come to Ottawa each year, making the national capital a true immigration gateway.

Last week, when you were at Algonquin College in Ottawa, you made what I thought was a very important announcement: a bold step and one that's been lacking for many, many decades in helping internationally trained health professionals to work in their particular field a lot sooner. Would you elaborate today on what this means for them, as well as for others in that situation in Ontario?

Hon. Mike Colle (Minister of Citizenship and Immigration): I'd like to thank the member from Ottawa Centre for his question. He's so right: Next to the GTA, Ottawa is the next major gateway for newcomers and immigrants. Ottawa is one of the designated immigrant gateways where we will encourage immigrants to go, because there are many opportunities there in the high-tech centre, the medical centre.

The new programs we announced in Ottawa will allow for seven new opportunities and bridge training for our foreign-trained professionals. That's a total of \$3.8 million in areas like respiratory therapy, anesthesiology assistant and cardiac diagnostics. All these areas are in great demand. The foreign-trained professionals, working in partnership with Algonquin College, will give these highly skilled people an opportunity to serve the people in Ottawa.

Mr. Patten: I know that the foreign-trained or internationally trained students who were there were really excited about this opportunity. I can see that it will be a

lot smoother for them to accomplish being practitioners. I want to thank you for that.

But I consistently hear that there are more things that need to be done to encourage employers, in particular, to consider the benefits of hiring internationally trained individuals who bring a wealth of global experience and expertise to cities like Ottawa. What is our government doing in the Ottawa area to encourage businesses to hire newcomers and give them the opportunity to contribute fully as well?

Hon. Mr. Colle: In fact, one of the graduates of Algonquin in September will start a residency program at Mount Sinai Hospital. That's what Algonquin did for that young man and his family.

In terms of employment partnerships, for the first time the provincial government is establishing an immigrant employment network in Ottawa. That's done in partnership with the United Way of Ottawa and also with the Ottawa Board of Trade. Those are two partners that are bringing on 45 major employers in Ottawa, which are essentially going to give opportunities to newcomers in internships and mentorship. What this really means is that we have to give newcomers an opportunity at a job. We can talk about diversity and inclusion, but we are encouraging employers to give them a chance to show the qualifications they have and what they contribute to the company and the economy. Ottawa is now leading the way with this new partnership.

1510

SCHOOL BOARDS

Mr. Frank Klees (Oak Ridges): To the Minister of Education: I'm asking this question on behalf of school boards across the province. Announcements regarding grants for school boards have always come in the month of April. It is now almost June and school boards in this province still don't know what those grants will be. When will you be announcing the grants for school boards so they can do their appropriate planning? They've been asking you. The answer that you keep giving and that the former minister gave is, "Soon." What does "soon" mean to you?

Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues): For about the last three years the grants have always been released in terms of information at the end of May. The regulations that are attached to the grants have been delivered some time around the middle of July. I'm hoping to stay right around that timeframe. As a new minister, I can tell you that I have taken some extra time. As you know, your formula, which you created, allowed boards tremendous difficulties because there were a number of flaws in this formula. I hope boards will be pleased to see that we're taking our time with the release of these grants.

Mr. Klees: That was the very point of my question, Minister. The fact is that those grants, under the former government, used to be announced in April. Under your government, it continues to slip. You have missed the May announcement. It's very difficult for boards across

this province to meet their obligations if your ministry isn't doing its job in telling them how much money they have to work with. When can you give us a date when those grants will be announced by you to the school boards?

Hon. Ms. Pupatello: I think it's fair to compare our government to your government when it comes to education. You may well have had your grants released in a different month, and what that allowed boards was perhaps an extra month or so to figure out where they had to cut their spending, because that's what you were about.

What we have done, year after year, is targeted increases for these boards to improve the school system. We have focused on lowering the drop-out rate, increasing the test results in literacy and numeracy, and bringing down primary class size. When we come forward with grants, the school boards actually say, "This is good news." But they didn't say that with your government. So if they would allow me a couple of more weeks to fix what you so seriously broke, I think it's reasonable, because I believe that the boards, from the day we became the government, have been very pleased with our delivery of education, far superior than yours, my friend.

COURT REPORTERS

Mr. Peter Kormos (Niagara Centre): To the Acting Premier: Sir, across Ontario, trials are being jeopardized because overworked and under-resourced court employees are forced to use outdated recording equipment. Mr. Justice Ron Thomas has called it a "serious cancer" in the justice system, and compared the equipment your government provides these court workers to something out of the Flintstones. When is your government going to take action in this regard?

Hon. George Smitherman (Minister of Health and Long-Term Care): Obviously the Ministry of the Attorney General takes the issue of transcripts very seriously. They're working on a pilot at this point that was initiated on advanced digital recording systems. In addition to ongoing training programs, the ministry has undertaken a major refresher training initiative for all 2,000 court staff. I believe that these initiatives, in addition to ones the Attorney General would like to personally tell you about—if you want to repose that question at a time soon—would indicate to all that we recognize that the appropriate function of our courts is an essential element and that the technology associated with that is essential as well. That's why we've taken these steps. We'll look forward to the opportunity to engage in further dialogue by way of supplementary.

Mr. Kormos: Before his election as a member of government, the Attorney General was oh, so eloquent about the impact of funding cuts to our justice system, especially around court reporting.

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): Why don't you ask him directly?

Mr. Kormos: If the Attorney General were here, Mr. Ramsay, I would ask him.

Mr. Bryant said, "Surely the administration of justice cannot be compromised in the name of financial incentives," yet on your government's watch, the problems have been getting worse and worse: outdated equipment, tape; tape recording equipment that doesn't work; understaffing, which means there aren't adequate numbers of people who are monitoring the taping to provide the transcripts; and charges being dismissed as a result of that, including the prospect of very serious criminal charges and convictions being overturned under your government's watch, using equipment referred to as Flintstonian.

How many cases are going to have to be dismissed, how many charges and convictions thrown out, before you make the investment that's needed in our criminal justice system?

Hon. Mr. Smitherman: Like I said before, we all recognize the necessity of the appropriate function of our court system and the technologies associated with it. The ministry will be moving forward this summer with an RFP related to a pilot project. And this fall, training for all 2,000 individuals—court staff, including court reporters—will be initiated. It's our suggestion that these opportunities will provide us with a good chance to move forward and to address the concerns the honourable member has raised. Of course, there would be further opportunity on the part of the Attorney General to expand on these initiatives so as to further demonstrate the commitment that our government has for the appropriate function of our courts.

EMPLOYMENT SUPPORTS

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): My question is to the Minister of Training, Colleges and Universities. Minister, the community of Chesterville in my riding of Stormont–Dundas–Charlottenburgh was shocked when it recently learned that its Nestlé plant was closing. This plant in Chesterville was an institution and had been a major community employer for as long as anyone can remember. When this closure was first announced, there was great concern about how the community would adjust to such a dramatic change.

I'm pleased to inform this Legislature that the people of Chesterville are adjusting and displaying their trademark tenacity to make their community better. While some of the former Nestlé employees have found new work and others have chosen early retirement, there are still more than 200 souls transitioning into their new reality. As was done in Cornwall for the Domtar employees, this government is providing funding for an action centre to assist these individuals. Minister, could you tell us how this action centre will assist the former Nestlé employees?

Hon. Christopher Bentley (Minister of Training, Colleges and Universities): I'd like to thank the member

for the question. I know he's been working very hard on behalf of his constituents, the workers in that particular facility.

What happens initially is that the adjustment advisory program kicks in. As a result of the advocacy by the honourable member some time ago, as soon as we hear about a layoff or a closure or a labour adjustment, we contact the company, the union and the community the same day. That's as a result of his advocacy. That's the new approach. That was done in this case on the same day. The action centre was set up just weeks later, with the co-operation of all. It's jointly funded by the province, the federal government and the company. That centre provides job assistance information, information on how to obtain training, information on counselling and links with other programs in the community, such as the Job Connect program in Cornwall, which just received \$2 million to provide funding for over 2,600 individuals. It's that type of linkage, the immediate on-the-ground assistance, that will really provide real assistance to the workers—

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

Mr. Brownell: Thank you, Minister. It's always my pleasure to advocate on behalf of the constituents of my riding. I'm grateful there is a committed, forward-thinking government there for me to work with in regard to delivering for the good people of my riding of Stormont–Dundas–Charlottenburgh.

Minister, as you are aware, there are challenging times in some sectors in eastern Ontario. The town of Chesterville is currently in the midst of a transition. I know that this government is responding to the needs of the people of eastern Ontario through this transition period with support and assistance. Could you describe for us some of our government's initiatives in assisting the businesses and people of eastern Ontario?

Hon. Mr. Bentley: I'd refer this to the Minister of Economic Development and Trade.

Hon. Joseph Cordiano (Minister of Economic Development and Trade): Indeed, this member has been a tireless champion on behalf of his community.

I want to point out that our ministry also provides business advisory services for eastern Ontario. There are three offices, staffed by six senior business advisers and led by a regional manager. They work with small and medium-sized firms that are growth-oriented. There has been much success in that regard.

In addition to that, there is something called the Ontario East Economic Development Commission. That was created in 1988, under a previous Liberal government headed by Premier Peterson. It was formed with the purpose of doing joint marketing. As well, recently it has been exploring opportunities to attract new investment in the auto parts sector, and we're having some success with that. That's as a result of the great work that we've done with respect to the auto strategy in this province, and it is moving forward.

1520

DRUG LEGISLATION

Mr. John O'Toole (Durham): My question is to the Minister of Health. As you might know, the hearings on Bill 102 are in process in the committee as we speak. I'm hearing one recurring theme, from the pharmacists as well as patient groups as well as the manufacturers of pharmaceuticals that are used in Ontario, and that theme is that there's much in this bill that is not actually in the bill that we're discussing. It's clear that it's going to be in regulation and policy changes. As a matter of fact, a couple of the presenters have led me to assume that you've got some secret deals going on outside of the committee process, and this is completely unfair. Minister, I'm putting to you that—

Interjections.

Mr. O'Toole: You've time-allocated this bill. I'm asking you today to release the policies and the regulations for debate so that the committee can do the work that they're charged with in this Legislature, as opposed to conducting these hearings outside of the committee with you—

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

Hon. George Smitherman (Minister of Health and Long-Term Care): Sometimes you consult and they say you shouldn't, and sometimes you consult and they say that you should. The reality is that we are in a frame of mind towards constant consultation. What that has meant, in the six weeks since we presented our bill and our package overall—which is legislative and includes regulation and, of course, policy changes—is that we continue to be in dialogue with lots and lots of groups. Accordingly, the Legislature will have the opportunity, at third reading, to consider whether they wish to support a bill that will have the opportunity for amendment at committee next week.

I can assure the honourable member that in a variety of areas, like all bills that I've had the privilege of having stand in my name, we will bring to committee a variety of amendments, opposition parties will as well, and the final package will be voted on as third reading of Bill 102. I can assure the honourable member that I will continue to meet with many groups, between now and then and after, with a view to enhancing the quality of the drug system in the province of Ontario.

VISITORS

Ms. Andrea Horwath (Hamilton East): On a point of order, Mr. Speaker: I just wanted to make note that we have some distinguished guests from Hamilton today in the gallery: the chair of our police services board, Bernie Morelli, who is now also the chair of the Ontario Association of Police Services Boards, and our chief of police, Brian Mullan.

Mr. John O'Toole (Durham): On a point of order, Mr. Speaker: also a distinguished guest, Doug Moffatt,

who is the chair of the police services board and a former member of the Ontario Legislature some years ago. Welcome, Doug Moffatt.

PETITIONS

EDUCATION FUNDING

Mr. Ernie Hardeman (Oxford): I have a petition to the Legislative Assembly:

“Whereas the Ontario government already fully funds 93% of faith-based schools in Ontario, but the remaining 7% receive no funding, solely because they are not Catholic;

“Whereas the United Nations Human Rights Committee ruled in 1999 and again in 2005 that this arrangement is discriminatory and violates basic international human rights law that Ontario formally agreed to uphold;

“Whereas all three parties represented in the Legislature support Catholic separate school funding, as guaranteed by the Constitution of Canada, so that the only fair and viable solution to the discrimination is to extend funding to the small religious minorities that are currently excluded;

“Whereas the Supreme Court of Canada has ruled that Ontario has the constitutional power to provide funding to non-Catholic faith-based schools;

“Whereas Ontario is the only western democracy that fully funds faith-based schools of one religion to the total exclusion of all other religions, while all other provinces except the Atlantic provinces fund faith-based schools and have thriving public school systems;

“Whereas the cultural survival of the affected minority groups is at stake;

“Whereas faith-based schools produce responsible and productive citizens; and

“Whereas the Multi-Faith Coalition for Equal Funding of Religious Schools in December 2004 submitted to the Minister of Education a detailed proposal for the funding of non-Catholic faith-based schools in a manner that is fair and accountable and protects and enhances the public interest;

“We call on the Ontario Legislature to pass legislation to provide equitable funding in respect of all faith-based schools in Ontario without religious discrimination and without any reduction in funding for public education, with accountability requirements and standards in place to ensure that the public interest is safeguarded.”

I affix my signature as I agree with the petition.

TRADE DEVELOPMENT

Mr. Kevin Daniel Flynn (Oakville): “Whereas more than 260,000 Ontarians make their living and support their families through their careers in the auto industry in Ontario, which has become the pre-eminent manufacturer of motor vehicles in North America; and

"Whereas Canada imports more than 130,000 vehicles annually from the Republic of Korea, which imports virtually no vehicles or parts from Canada and does none of its manufacturing or assembly in Ontario or in any other Canadian jurisdiction, even though Canadian auto workers make the best-quality, most cost-effective vehicles in the world; and

"Whereas the government of Canada aims for a free trade agreement that would include the Republic of Korea in 2006, does not address the structural trade imbalance in the auto sector, and includes no measures to require Korea to reduce tariff and non-tariff barriers to Canadian-made vehicles, auto parts and other value-added services or components;

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

"That the government of Ontario insist that the government of Canada either cease free trade discussions with the Republic of Korea or make any proposed agreement contingent on fair and equal access by each country to the other's domestic markets in manufactured products such as motor vehicles and in value-added services, and ensure that Korea commits to manufacturing vehicles in Canada if Korea proposes to continue to sell vehicles in Canada."

I agree with this petition and will sign it.

DRUG LEGISLATION

Mr. Gerry Martiniuk (Cambridge): I have a petition signed by hundreds of Cambridge residents, provided to me by Preston Medical Pharmacy and Medic Pharmacy. It's directed to the Parliament of Ontario.

"Whereas the McGuinty government's Bill 102 introduces a significant degree of uncertainty for pharmacists and patients across Ontario; and

"Whereas the McGuinty government's Bill 102 could result in reduced services to patients resulting from fewer hours of pharmacy operations, fewer pharmacies stocking expensive drugs, unfair capping of claim maximums, elimination of rebates and the permanent closing of some pharmacies; and

"Whereas the changes to the dispensing fees do not accurately reflect the true costs of safely dispensing drugs; and

"Whereas there is no protection afforded by Bill 102 to prevent future increases in drug prices where pharmacies are limited to the acquisition cost;

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

"That the McGuinty government withdraw or amend Bill 102 to ensure fairness to patients and pharmacies."

As I agree with this petition, I sign my name thereto.

TRADE DEVELOPMENT

Mr. Dave Levac (Brant): This was dropped off to me by members of the CAW with concerns about fair auto trade with South Korea:

"Petition to the Ontario Legislative Assembly:

"Whereas more than 260,000 Ontarians make their living and support their families through their careers in the auto industry in Ontario, which has become the pre-eminent manufacturer of motor vehicles in North America; and

"Whereas Canada imports more than 130,000 vehicles annually from the Republic of Korea, which imports virtually no vehicles or parts from Canada and does none of its manufacturing or assembly in Ontario or in any other Canadian jurisdiction, even though Canadian auto workers make the best-quality, most cost-effective vehicles in the world; and

"Whereas the government of Canada aims for a free trade agreement that would include the Republic of Korea in 2006, does not address the structural trade imbalance in the auto sector, and includes no measures to require Korea to reduce tariff and non-tariff barriers to Canadian-made vehicles, auto parts and other value-added services or components;

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

"That the government of Ontario insist that the government of Canada either cease free trade discussions with the Republic of Korea or make any proposed agreement contingent on fair and equal access by each country to the other's domestic markets in manufactured products such as motor vehicles and in value-added services, and ensure that Korea commits to manufacturing vehicles in Canada if Korea proposes to continue to sell vehicles in Canada."

I sign my name to this petition and hand it over to Clarence, our page.

1530

LONG-TERM CARE

Mrs. Christine Elliott (Whitby-Ajax): I have a petition to the Legislative Assembly of Ontario from Sunnycrest Nursing Homes, Ltd.

"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'm pleased to affix my signature in support thereof.

TRADE DEVELOPMENT

Mr. Jeff Leal (Peterborough): I have a petition today from a group of hard-working citizens involved in the CAW union regarding fair auto trade with South Korea.

"Whereas more than 260,000 Ontarians make their living, and support their families, through their careers in the auto industry in Ontario, which has become the pre-

eminent manufacturer of motor vehicles in North America; and

“Whereas Canada imports more than 130,000 vehicles annually from the Republic of Korea, which imports virtually no vehicles or parts from Canada, and does none of its manufacturing or assembly in Ontario or in any other jurisdiction, even though Canadian auto workers make the best-quality, most cost-effective vehicles in the world; and

“Whereas the government of Canada aims for a free trade agreement that would include the Republic of Korea in 2006, does not address the structural trade imbalance in the auto sector, and includes no measures to require Korea to reduce tariff and non-tariff barriers to Canadian-made vehicles, auto parts and other value-added services or components;

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

“That the government of Ontario insist that the government of Canada either cease free trade discussion with the Republic of Korea or make any proposed agreement contingent on fair and equal access by each country to the other’s domestic markets and manufactured products, such as motor vehicles and in value-added services, and ensure that Korea commits to manufacturing vehicles in Canada if Korea proposes to continue to sell vehicles in Canada.”

I agree with this petition and will put my signature on it.

EDUCATION FUNDING

Mr. Frank Klees (Oak Ridges): I have a petition to the Ontario Legislature to end discrimination. I’m going to put my reading glasses on so that I can read it.

“Whereas the Ontario government already fully funds 93% of faith-based schools in Ontario, but the remaining 7% receive no funding, solely because they are not Catholic;

“Whereas the United Nations Human Rights Committee ruled in 1999 and again in 2005 that this arrangement is discriminatory and violates basic international human rights law that Ontario formally agreed to uphold;

“Whereas all three parties represented in the Legislature support Catholic separate school funding, as guaranteed by the Constitution of Canada, so that the only fair and viable solution to the discrimination is to extend funding to the small religious minorities that are currently excluded;

“Whereas the Supreme Court of Canada has ruled that Ontario has the constitutional power to provide funding to non-Catholic faith-based schools;

“Whereas Ontario is the only western democracy that fully funds faith-based schools of one religion to the total exclusion of all other religions, while all other provinces except the Atlantic provinces fund faith-based schools and have thriving public school systems;

“Whereas the cultural survival of the affected minority groups is at stake;

“Whereas faith-based schools produce responsible and productive citizens; and

“Whereas the Multi-Faith Coalition for Equal Funding of Religious Schools in December 2004 submitted to the Minister of Education a detailed proposal for the funding of non-Catholic faith-based schools in a manner that is fair and accountable and protects and enhances the public interest;

“We call on the Ontario Legislature to pass legislation to provide equitable funding in respect of all faith-based schools in Ontario without religious discrimination and without any reduction in funding for public education, with accountability requirements and standards in place to ensure that the public interest is safeguarded.”

I will add my signature, because I fully support the request, and hand it to page Clarence.

IMMIGRANTS’ SKILLS

Mr. Tony Ruprecht (Davenport): This petition is about internationally trained professionals. It’s addressed to the Parliament of Ontario and reads as follows:

“Whereas the Ontario government recognizes the need to match internationally trained persons with professional work experience in their related fields; and

“Whereas the Ontario government is dedicated to making sure new Ontarians achieve long-term success in developing and sustaining their career goals; and

“Whereas the creation of 24 new bridge programs, bringing the total amount to 60 over the next three years, will help to make these goals a reality; and

“Whereas this funding of \$14 million over the next three years will assist more than 3,000 internationally trained persons to increase their language skills, training and exam preparation;

“We, the undersigned, respectfully petition the Parliament of Ontario as follows:

“That all members of the House support the new funding for further bridge training programs in order to create a more inclusive and successful environment for newcomers to the province.

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

CAFETERIA FOOD GUIDELINES

Mr. Norm Miller (Parry Sound–Muskoka): I have a petition from students and teachers of Bracebridge and Muskoka Lakes Secondary School to the Legislative Assembly of Ontario.

“Whereas childhood obesity rates have tripled over the past two decades in Canada; and

“Whereas the annual amount of money the health care system uses to mend preventable obesity-related illnesses is \$1.6 billion; and

“Whereas the Ontario food premises regulation only provides safety policies that must be followed by the Ontario school boards’ cafeterias, but no defined regulations regarding the nutrition standard of the food being served at the cafeterias; and

“Whereas there is a need to encourage nutritious standards in high school cafeterias that support Canada’s Guidelines for Healthy Eating; and

“Whereas the private member’s bill proposed by Nupur Dogra under Making the Grade and her fellow students at Iroquois Ridge High School will require all Ontario school boards’ cafeterias to adopt and abide [by] healthier eating standards (similar to Canada’s Guidelines for Healthy Eating) that will govern the food choices;

“We, the undersigned, petition the Legislative Assembly of Ontario to pass the private member’s bill that will amend the Ontario school boards’ cafeteria food guidelines to follow healthier food standards in all Ontario high school cafeterias.”

I support this petition and give it to page Mitchell.

LONG-TERM CARE

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): I have a petition from Parisien Manor in the city of Cornwall.

“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 and 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 send this with Hartford.

ORDERS OF THE DAY

BORDER SECURITY

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I seek unanimous consent to move a motion without notice respecting the proposed US passport requirement and for each party to be allowed to speak to the motion for up to five minutes, following which the

Speaker shall put every question necessary to dispose of the motion without further debate or amendment; and

Further, to stipulate that today’s debate on Bill 107 be considered one full sessional day.

The Acting Speaker (Mr. Ted Arnott): Mr. Bradley seeks unanimous consent of the House to move a motion without notice respecting the proposed US passport requirement and for each party to be allowed to speak to the motion for up to five minutes, following which the Speaker shall put every question necessary to dispose of the motion without further debate or amendment and, further, to stipulate that today’s debate on Bill 107 be considered to be one full sessional day.

Is there consent in the House for the government House leader to move that motion? Agreed.

I recognize the government House leader.

1540

Hon. Mr. Bradley: I presume you want me to read the motion first, Mr. Speaker, and I will do that. The motion is as follows:

That the Legislative Assembly of Ontario recognizes that more secure documentation is desirable on the Canada-United States border.

That the Legislative Assembly of Ontario recognizes that the proposed requirement that all Canadian and US citizens show a passport or other single-purpose travel document to be allowed to enter or re-enter the United States would cause significant and unnecessary damage to tourism and trade in both countries.

That the Legislative Assembly of Ontario supports the position taken by the government of Ontario on October 27, 2005, in its submission to the US Department of Homeland Security commenting on the passport issue.

That the Legislative Assembly of Ontario specifically endorses the approach advocated in that October 27, 2005, document, including:

—the establishment of a binational working group to identify and develop proposals for alternative forms of secure documentation, such as a new, more secure driver’s licence or other form of documentation;

—travellers aged 16 or under who are accompanied by a properly documented adult should be permitted to enter and re-enter the United States using proof of citizenship;

—any proposals for new ID requirements for entering or re-entering the United States be piloted on a trial basis before being fully implemented; and

—the implementation of any changes in border-crossing documentation be delayed to provide sufficient phase-in time to minimize disruptions.

That the Legislative Assembly of Ontario supports tourism and commerce in Ontario, and supports the province of Ontario working with other North American jurisdictions at the Gimli meeting of provincial Premiers and state Governors to find border-crossing alternatives that would not needlessly harm economic prosperity in Canada or the United States.

The Acting Speaker: Mr. Bradley has moved: “That the Legislative Assembly of Ontario recognizes that more

secure documentation is desirable on the Canada-United States border.

“That the Legislative Assembly of Ontario recognizes that the proposed requirement that all Canadian and US citizens show a passport”—

Mr. Dave Levac (Brant): Dispense.

The Acting Speaker: Dispense?

Mr. Peter Kormos (Niagara Centre): No.

The Acting Speaker: I'll continue to read.

—“or other single-purpose travel document to be allowed to enter or re-enter the United States would cause significant and unnecessary damage to tourism and trade in both countries.

“That the Legislative Assembly of Ontario supports the position taken by the government of Ontario on October 27, 2005, in its submission to the US Department of Homeland Security commenting on the passport issue.

“That the Legislative Assembly of Ontario specifically endorses the approach advocated in that October 27, 2005, document, including:

—“the establishment of a binational working group to identify and develop proposals for alternative forms of secure documentation, such as a new, more secure driver's licence or other form of documentation;

—“travellers aged 16 or under who are accompanied by a properly documented adult should be permitted to enter and re-enter the United States using proof of citizenship;

—“any proposals for new ID requirements for entering or re-entering the United States be piloted on a trial basis before being fully implemented; and

—“the implementation of any changes in border-crossing documentation be delayed to provide sufficient phase-in time to minimize disruptions.

“That the Legislative Assembly of Ontario supports tourism and commerce in Ontario, and supports the province of Ontario working with other North American jurisdictions at the Gimli meeting of provincial Premiers and state Governors to find border-crossing alternatives that would not needlessly harm economic prosperity in Canada or the United States.”

I recognize the government House leader and Minister of Tourism to lead off.

Hon. Mr. Bradley: Thank you very much for the opportunity to speak to this motion of the House, which is taking place before the meeting at Gimli, Manitoba, and which deals with what I consider to be, and I think many people consider to be, the paramount issue, related to tourism and, to a large extent, trade between Canada and the United States.

In order for us to protect Ontario's tourism and trade from the proposal to require a passport to enter or re-enter the United States, we have to work with our natural allies in the United States Congress and with state governors. That is what the province of Ontario has been doing up to this point in time. We need to alert them to our own economic well-being and their economic well-being, and encourage them to press for mutually bene-

ficial changes to the passport proposal. That is why the Gimli meeting represents an important opportunity, and the Premier will be raising this issue and discussing this issue at Gimli.

The presence of the United States Governors gives us a chance to share information, develop strategies and continue to encourage American voices in favour of change.

Our position is as follows in Ontario, and we have stated this position in an official submission to the Department of Homeland Security:

“The establishment of a bi-national working group to identify and develop proposals for alternative forms of secure documentation, such as a new, more secure driver licence or other form of documentation.

“Travellers aged 16 or under who are accompanied by a properly documented adult should be permitted to enter and re-enter the United States using proof of citizenship alone.

“Any proposals for ID requirements for entering or re-entering the United States be piloted on a trial basis before being fully implemented.

“The implementation of any changes in border crossing documentation be delayed to provide sufficient phase-in time to minimize disruptions.”

One of the things we are concerned about, as this debate proceeds, is not to fall into the trap of settling for any single-purpose travel document. Call it a passport, a pass card or a Nexus card, it all means the same thing. That requirement would cost millions of informal visitors coming across our borders.

I'd like to put this in context. The Ontario government put forward its position last October 27 in a submission to the Department of Homeland Security when the period for public comment on the passport was still on. Thirteen months ago, the Premier discussed this matter with Homeland Security Chief Michael Chertoff and with several US governors.

On behalf of the government, I have written several opinion pieces on the passport issue, the first of which was published in a half-dozen papers in Canada and in the US, where it sought to sound the alarm about the unnecessary economic damage a passport requirement would cause. The second, also published in a half-dozen North American newspapers, sought to dispel the pessimism expressed by some who believed the battle had already been lost. I pointed out that Ontario had many powerful and like-minded allies in the United States Congress.

Subsequently, we have seen the US Senate adopt a series of amendments that would substantially change the law in a way that Ontario desires.

Recently I've spoken to Governor Robert Taft of Ohio, Vermont Senator Patrick Leahy, and today Congresswoman Louise Slaughter and others to discuss concerns and strategies, and later today with the Governor of Virginia.

Later this week in Gimli, the Premier will have an opportunity to push the debate forward in consultation

with fellow Premiers and a number of US Governors, all of whom have the same interests. I remain optimistic that the border can be made more secure without causing unnecessary damage to tourism and trade.

This resolution indicates there's support by all members of the House, by all parties in this House, for the position that the province of Ontario has taken in this matter. I know there has been some initial criticism that Ontario was aggressive in pursuing this issue, that perhaps Ontario wasn't being as compromising as some people would like us to have been. But I think we recognize how important this issue is, that half measures are not good enough in this case, that the implications are so great for our economy, in both the United States and Canada, that to accept any major compromise would not be in the interest of either Canada or the United States.

This is not a Canada-US fight. Some have characterized our government as being anti-US in this. This is anything but a Canada-US fight. This is a fight between those of us, particularly along the border, who understand the importance of the economic impact on our jurisdictions, and those in the more interior states or perhaps farther away from the border in both countries who do not see the immediate impact of this for our economies on both sides.

Nor is this partisan. In the United States, Republicans and Democrats, in the Senate and the House, in Legislatures and at the municipal level, have come together to advocate what we are advocating in this resolution this afternoon.

I look forward to the kind support of the members of the opposition for the position the government has taken in this regard. I hope we will prevail, and I'm confident we will as the future continues.

1550

Mr. John Tory (Leader of the Opposition): I was very pleased that we were able to play a part, together with the New Democratic Party and the government, to bring this resolution before the House today. I was pleased as well to have the opportunity last week to go to Washington. I went to listen, I went to learn and I went, frankly, to help to the extent that one can, to advance Ontario's case, which is also Canada's case. I think you learn a lot by meeting with people. In my case, I met with everyone from elected officials to staffers on the Hill in Washington to staffers at the Department of Homeland Security and officials of our own embassy. I just thought, in the brief time available to us today, that I would talk about the lessons that came from that trip for me which caused me to suggest that we have this all-party resolution to help the government and to help all of us to advance Ontario's and Canada's case.

The first lesson: We have to work together. This is Canada's problem. It is Ontario's problem. It's Toronto's problem. It's Oakville's problem. It's Brantford's problem. It's everybody's problem. And for that matter, it's the problem of a lot of cities south of the border, as the government House leader said. So it is something that has to be done, where all parties work together and all

governments work together. While I agree with the government House leader that it's not a partisan issue, it's not even a Canada-US dispute, really; it is something where I think we have to be very careful, even inside our own country, to make sure that we are seen as working together, that we're seen as being on the same page and that we don't give the people south of the border a reason to think otherwise.

There are two reasons why I think we have to work together, both of which I saw in Washington. The first is that there are many legislators in the United States to cover. There are far more legislators there on the national basis than there are here, and many of them are not from the border states, so they have a vague understanding of what this issue is. They certainly have a keen understanding of the importance of the security issue in the United States. So in the absence of our being able to go to explain to them that there are other issues that arise out of this, we're not going to be able to protect our own interests—and theirs, for that matter. Our embassy has done a wonderful job in Washington of preparing information that outlines to some of these people how much of an interest they have in making sure that the Canada-US—and even the Ontario-individual state—commercial relationship is maintained and strengthened; and the same with tourism. The second reason is that they're watching very carefully to see what our position is, how we conduct ourselves on this side of the border. They're looking for any opportunity to see that Canadians are in some way divided on this.

The second lesson I learned: Provided you take into account the overriding concern that exists in the United States about security, there is a great deal of sympathy and common interest among the legislators, staffers and others whom I met on the other side of the border. They recognize—and we're helping them, with some of this good work being done by the embassy and I'm sure by the government of Ontario and the government of Canada—that we all have a lot at stake, including them, commercially, tourism-wise and otherwise.

The third lesson is what I call the good-news and bad-news lesson. Starting with the bad news—I always like to do that just to get it out of the way—they're not very far advanced at all in identifying what the alternative documentation is or the technology that might be employed for alternative documentation to a passport. The good news is, they're not very far advanced, so that it gives us a real opportunity to put forward suggestions such as the one mentioned by the Minister of Tourism in terms of a driver's licence and that kind of thing.

I think it also puts a challenge in front of us, though—and this would be lesson four from my trip to Washington—namely, that we have to be proactive about this. We shouldn't just be relying on the binational process, where, frankly, the wheels are grinding slowly, as they often do. I think we should be doing a lot of work. There's a vacuum waiting to be filled, and maybe some of the work we could do with respect to our driver's licence—and I know we're doing some work with a

couple of US states—if we move that forward quickly, there might be an opportunity for our idea to become the idea that is adopted, and that would be good, one assumes, for everybody.

Lesson number five: Tell our story over and over again. When you tell the story to them about the jobs in their states that are related to Ontario companies and Ontario businesses, their eyes light up. For example, we were with a congressman from Illinois, and he pointed out that the magnesium part that goes inside the BlackBerry is made in his district, then shipped across the border to RIM, then shipped back to the people who buy it. It's a perfect example of the kind of thing that's moving back and forth, aside from tourists. This is a commercial example. We've got to go and tell that story over and over again.

I think the challenge is to come together with each other here, to come together with all the other governments in Canada. I would issue a challenge to all of us, but particularly to the government: Why not put together some delegations of all-party MPPs to go to Washington and have visits with counterparts there to talk about this? Why not appear with the federal government and Ontario together to advance our position? I think there's a lot at stake here. It's one of those issues. It's why I suggested this resolution, where we have to work together, have a common front, a common approach to this. Let's do it together, and as the minister said, let's prevail on this, which I'm sure we will.

The Acting Speaker: Further debate?

Mr. Kormos: On behalf of New Democrats, I'm pleased to indicate our support for this resolution. We are pleased there was a process whereby there was some common ground developed between the three parties here at Queen's Park such that this motion could, as it will, receive unanimous support here in this Legislative Assembly.

When speaking on behalf of the New Democrats, I want to indicate that every one of us—and every one of us here in this chamber, regardless of where we are in the province of Ontario—has sensitivity to that interaction, that interplay, that trade, that commerce, that activity in terms of New York state, Pennsylvania, over Michigan way etc. and the province of Ontario. Whether you're Gilles Bisson up in Timmins—James Bay hosting American visitors, be it in the summertime or in the wintertime with winter activities; whether you're here in the city of Toronto; whether you're down from Niagara like my colleague Tim Hudak from Erie—Lincoln or myself, we as members representing border communities and border areas are incredibly sensitive to the dependency—and especially small business, small mom-and-pop operations.

Let's be very, very candid. It's been tough times in the tourism industry in Ontario for more than a couple of years now—the advent of SARS, of course, an incredible crisis that did huge, huge damage to tourism here in the province, not just from New York state, Pennsylvania, Ohio and so on, but internationally. Again, as we've had

occasion to note over the last few days, in various commentaries, the rising Canadian dollar: We're no longer the bargain basement destination for Americans; that's the reality. There's the cost of gasoline.

And now, with the additional hurdle, the need advanced by the Americans for passport-type identification to travel into the United States, whether you're an American or a Canadian, this is, quite frankly, going to create another disincentive.

Mr. Hudak worked at the Peace Bridge. He worked as a customs officer. He was on the economic development commission for Fort Erie, a border community in small-town Ontario that's very much part of a small-town tourism infrastructure. Whether it's tourism specifically or whether it's the trucker, folks who live in Niagara Centre or Erie—Lincoln, in Welland and Wainfleet and Port Colborne and Thorold, who work real hard and for whom in the just-in-time delivery world time is money, the congestion at the border and the enhanced security being proposed could literally be the difference between being able to pay for the payment on that truck and keeping that truck on the road or not.

So this is real nuts-and-bolts sort of stuff. It's not just the luxury of going over to Niagara Falls, New York, on a Sunday afternoon, if you're so inclined. Quite frankly, the Canadian side, in my respectful and humble view, is a far better vista. But this isn't just about the casual visit. It's about the reality of life for a whole lot of hard-working people, either as entrepreneurs, or small business people or not-so-small business people, or the people who work for them. Whether we like it or not—Mr. Bradley and I were talking about this; we talk about it often—the casino down in Niagara has become one of the largest single employers in Niagara region, and we and families and working women and men are increasingly dependent upon the jobs there, as we see other jobs in Ferranti-Packard, Atlas Steel, E.G. Marsh down in Port Colborne disappear.

The casino has become an employer of choice for a whole lot of people. When the casino isn't bringing in guests, ideally guests from outside the region because it's far better to have visitors to Ontario invest their surplus monies in the casino than to recycle local monies, but if we don't have those customers, that clientele, we don't have those jobs.

So we in the New Democratic Party look forward to being able to work collaboratively to address this very, very important issue. We see it as something that is significant. We do not wish to, nor will we get drawn up in hysteria about so-called terrorism, but we recognize the need to respond in a pragmatic and realistic way to the realities of this new century, this new millennium.

1600

The Acting Speaker: That concludes the time that has been set aside for debate on this matter.

Mr. Bradley has moved:

“That the Legislative Assembly of Ontario recognizes that more secure documentation is desirable on the Canada-United States border.

“That the Legislative Assembly of Ontario recognizes that the proposed requirement that all Canadian and US citizens show a passport or other single-purpose travel document to be allowed to enter or re-enter the United States would cause significant and unnecessary damage to tourism and trade in both countries.

“That the Legislative Assembly of Ontario supports the position taken by the government of Ontario on October 27, 2005, in its submission to the US Department of Homeland Security commenting on the passport issue.

“That the Legislative Assembly of Ontario specifically endorses the approach advocated in that October 27, 2005, document, including:

“—The establishment of a bi-national working group to identify and develop proposals for alternative forms of secure documentation, such as a new, more secure driver licence or other form of documentation.

“—Travellers aged 16 or under who are accompanied by a properly documented adult should be permitted to enter and re-enter the United States using proof of citizenship.

“—Any proposals for new ID requirements for entering or re-entering the United States be piloted on a trial basis before being fully implemented.

“—The implementation of any changes in border crossing documentation be delayed to provide sufficient phase-in time to minimize disruptions.

“That the Legislative Assembly of Ontario supports tourism and commerce in Ontario, and supports the province of Ontario working with other North American jurisdictions at the Gimli meeting of provincial Premiers and state Governors to find border crossing alternatives that would not needlessly harm economic prosperity in Canada or the United States.”

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

HUMAN RIGHTS CODE AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT LE CODE DES DROITS DE LA PERSONNE

Resuming the debate adjourned on May 8, 2006, on the motion for second reading of Bill 107, An Act to amend the Human Rights Code / Projet de loi 107, Loi modifiant le Code des droits de la personne.

The Acting Speaker (Mr. Ted Arnott): Further debate?

Mr. Peter Kormos (Niagara Centre): This is my opportunity on behalf of the New Democratic Party to use the modest hour allowed me for our so-called lead comment on this bill. One, I want to make it clear that New Democrats do not support Bill 107. We do not support the dismantling, the gutting, the abolition, the elimination of the Ontario Human Rights Commission. Let's be very careful: That's very specifically what Bill 107 does.

The direct access proposal—we understand that there are supporters of it; I'm going to talk about that in due course—is the Americanization, the privatization of human rights protection here in the province of Ontario. The utilization of some regrettable underfunding, some historic underfunding and under-resourcing and, more often than not, anecdotal commentaries about delays—the regrettable utilization of that as a justification for so-called direct access is, I say to you, an avoidance of what should be the real debate. That's why we propose that the real debate should be about making what is a very unique, Ontario-designed human rights commission/tribunal model. We should be talking about giving it the tools that it needs to do its job in an even more effective way.

I remember the minister's press conference down in the press gallery's media room earlier this year. There were the flags, the backdrops, the fanfare, the cheerleaders, the hoopla and the pompoms. The minister was very vague, but the alarm bells started going off right away.

You want to reform the Ontario Human Rights Commission? First and foremost and most fundamentally, make the Ontario Human Rights Commissioner an officer of this assembly rather than a political appointee, and make her or him responsible to this chamber rather than to a political boss—in this case, the Attorney General; to wit, the Premier's office. First and foremost. Like the Environmental Commissioner: Notwithstanding that he was perceived by some as a very partisan appointment, I say to you that he has demonstrated himself to be a very effective officer of this assembly over the course of a few years now and has performed his duties in a very non-partisan way. Like the Ombudsman: Oh, I know that when I speak to some government members about the Ombudsman as an example, they may not find that a particularly attractive proposition, but I say to you that the Ombudsman, as an officer of this assembly, has historically and currently demonstrated how important it is that that body, that role, that function be one that has responsibility to the assembly as a whole, rather than to a political boss—the Integrity Commissioner, the Provincial Auditor. If we're serious about reform of the Ontario Human Rights Commission, let's talk first and foremost about the appointment of the commissioner as an officer of the assembly, rather than as a political appointee with direct accountability to his or her political boss.

I was initially concerned when Ms. Hall first participated in these announcements. I thought this is exactly what those who are concerned about responsibility and accountability being to the political boss rather than to the assembly, as an officer of the assembly—I thought that this was exactly an illustration of it. I was pleased to see that, since that initial appearance by Ms. Hall, she has, in my view, made some effort—I'm going to refer to the one in my hand; to me it's very much an effort—to perhaps be more neutral with respect to the proposal. That is evidenced by the letter of May 18 that she sent to all of us. She sent a fact sheet, because clearly she was

aware that the commission had been getting inquiries from a whole pile of people: I'm sure from the media, I'm sure from interested parties, I'm sure from MPPs.

Let's understand what we've got here. Don't forget: Part IV of the act is being repealed and replaced. It's finished. Part IV is being repealed. Section 6 of Bill 107: "Part IV of the act is repealed." Part IV is what, in my view, describes the commission's function in a very specific way—part III in a broad, philosophical way, but part IV in a functional way. What is it that the commission does? What is it that this commission does and is entitled to do and authorized to do and empowered to do that this government wants to abolish the commission? Well, when Ms. Hall distributed the fact sheet—and I'm pleased we got it, because there were any number of numbers floating around and they were all pretty close. But let's take a look, because it's incredibly important. This is data for the year ending March 31, 2006. In the year preceding, commission staff dealt with over 43,000 inquiries by telephone—43,000, not 4,000—1,760 by letter and 760 live, in-person contacts with the office, and 824,887 unique visits to its website—just shy of a million. I don't know what "unique visit" means, but 800,000-plus—824,000 or 825,000—contacts on the website.

In addition, the commission did that broader public role of public education and, during the course of that, according to the data, spoke to, addressed or dealt with an additional 10,428 people. These numbers are pretty impressive. Of these contacts, the result was 2,399 new complaints—2,400—being filed at the commission. That's with the commission. The commission is the intake body.

1610

Let me get right to the nub of it for just a second. Mr. Bryant stands up here, he puffs out the chest, he gets emphatic and he says, "Right now, don't you folks appreciate that people who are appearing in front of the commission don't have a lawyer." Well, nor do victims of criminal offences. This is the point. You see, we have a crown attorney, a public servant, who prosecutes criminal charges not on behalf of the victim as an individual but on behalf of the community, on behalf of society, because crimes are considered an affront not just to the victim but to all of us, to society.

Of course, a victim of an assault—it doesn't happen a whole lot, just because of the way things tend to work—can sue somebody for assault and battery. That's private litigation; that's between the person who is the victim of the assault and the batterer.

I, for one, think it's a good thing that we have a system of public prosecution of criminal charges, and I think you do too. I think that's a good thing. Nobody has to go out and hire a lawyer if they've been the victim of a crime, to prosecute the criminal charge against the offender, against the perpetrator of the crime. That's why the Human Rights Commission functions very much in a similar way. It prosecutes the complaint of discrimination for any one of the enumerated reasons in the first parts of the act, of the code.

So when Mr. Bryant says, "Victims of discrimination don't have their own lawyers," he's quite right. And from time to time, when the matter proceeds, especially when it proceeds into the tribunal stage—I'm sure people from the commission could tell us what instances, because I'm familiar with it, as are most people I work with—victims do hire their own lawyers. But, to be quite fair, in a criminal process, it's not uncommon, increasingly—and people have had to be dragged kicking and screaming into an area where we recognize victims' rights in the criminal context. But from time to time victims of criminal offences hire their own lawyers too, especially to address issues of, let's say, a restitution order or compensation.

In my view, one of the most important—and please, to the people who are going to watch this or read the Hansard and get on the Internet and write me those e-mails, I've got the e-mails; so has Ms. Elliott; so has Ms. Chambers. I find it a little bit disturbing that some of them are as vitriolic. They read: "How dare you oppose this legislation?" Is that the tone of some of the stuff? How dare I? Well, you just watch. It gets better. I think it's a wrong-headed move, that's why. I understand there's a split out there. I understand that there are opposing points of view.

Mr. Bryant or his parliamentary assistant—good grief, neither is here. I'm going to tell you, and Mr. Bradley will know this because he's even older than I am—

The Acting Speaker: I would ask the member to refrain from pointing out the absence of another member.

Mr. Kormos: Exactly. Thank you kindly.

Mr. Bradley will know that there was a time, because it is considered convention—he being older than I am knows it even better than I do, and he, having served here longer than I have, knows it even better than I do—especially during the lead speeches, that the minister or his or her parliamentary assistant, who is now finally coming in, would extend the courtesy of being present during the debate of the bill that they were supposed to have carriage of. So while I am loath to note somebody's absence, I am disturbed by the failure of some of these folks to understand convention and to fulfill the responsibilities that they're paid so well for.

These are the kinds of letters—here's one expressing strong disappointment in the approach that the NDP has taken to human rights reform in Bill 107, that "Our current human rights system does not work ... in Ontario, nor do the analogous systems work in other jurisdictions across Canada."

Well, that's interesting, because Ontario is somewhat unique, and surely in British Columbia—remember Ms. Sims was here? Do you remember that, Speaker? Of course you do. She came to Ontario to report on what had happened in British Columbia when they dismantled their equivalent commission and created this direct-access model: disaster.

"Most importantly, this should not be a partisan issue, which you seem to be making it." Far be it from me to be partisan.

Mr. David Zimmer (Willowdale): Peter, you're calling the kettle black.

Mr. Kormos: Mr. Zimmer, you've got to follow these things. You can't just jump in and expect to be right on top of it. This is a letter supporting your position. It's somebody who says they wonder why I'm partisan. I reject that entirely. I'm probably the least partisan person in this chamber. I haven't got a partisan bone in my body.

Look, it's our job. What's the matter with you people? It's our job to analyze and, yes, criticize. It's our job to point out the shortcomings, the failures, and when the failures and shortcomings are oh, so obvious as they are here, it's our job to do it even more aggressively than we would otherwise. If you think I'm partisan, you wait until Mrs. Elliott tears a strip off you, because she's got some things to say about this too. Just watch, Mr. Zimmer. Just listen.

Look what happens when you're repealing part IV of the Human Rights Code. That's the part that permits a person to make a complaint, to file a complaint with the commission when they believe their rights under the act have been violated. More importantly, pursuant to that, that's the part that gives the commission the power to investigate.

A person authorized to investigate a complaint may: "enter any place..." other than a dwelling house, "at any reasonable time, for the purpose of investigating the complaint"; "request the production for inspection and examination of documents or things that are or may be relevant to the investigation"; "remove from a place documents produced in response"—in other words, you can go in there, do your search and then seize the things and use them as documents in the process—"question a person," and, with a search warrant, enter into dwellings. "No person shall hinder, obstruct or interfere with a person in the execution of a warrant or otherwise impede an investigation under this act."

Why would this government want to deny victims of discrimination the investigative procedure provided in part IV that they're repealing? Why, indeed?

This government touts, along with some of their fans, who as often as not tend to be lawyers—look, I've got nothing against lawyers, I suppose. But it's interesting that when you look at the two ends of the spectrum here—and it is pretty polarized, isn't it; it's a pretty polarized debate—it just tends to be Mr. Bryant's lawyer friends who are advocates of so-called direct access.

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I don't understand why this government would want to deny a victim of discrimination the investigative powers of a commission investigator, not for the life of me. How are victims of discrimination supposed to go around gathering the evidence? Explain that, parliamentary assistant. They can't. They don't have the resources; they don't have the means. You show me where in the act a victim or his or her agent is going to have the same search and seizure powers as an investigator of the commission does now under existing part IV, sections 32 and 33, huh? Show me, because it's not there.

Look at what the commission does: The commission indicates that it dealt with 2,399 cases last year—I'm doing that off the top of my head. I just read that number. As a matter of fact, it's at the top of the page. Yes, 2,399; 57.1% were settled by the commission or resolved between the parties.

Mediation, without investigation, without any expenditure of public funds pursuing investigation, which is an incredibly important and valuable tool in the process of protecting people against discrimination—34.4% settled through early mediation without investigation. This is what's interesting as well, because Ms. Hall, the commissioner, has given us time frames, because, regrettably, part of the set-up by the Attorney General has been some hyperbole around time frames. Of the 34.4% of those 2,399 cases resolved by mediation, the average time frame was 7.4 months. Should it be faster? Well, sure, it should be faster. But 7.4 months, half a year plus, in the total scheme of things is really not that lengthy a time frame, is it? It doesn't quite fit the anecdotal horror stories that we've heard.

I know some of the people who work at the commission—good people. I know some of the mediators who work there. What it suggests to me is that they're very skilled, committed, professional people who are incredibly devoted to the type of work they're doing. It's not the highest-paying work in the province, that's for sure. If you want big money, get on one of this government's hand-picked electricity boards. That's where the big bucks are, right? If you've got Donna Cansfield on your side, you're rolling in dough.

Laughter.

Mr. Kormos: Well, think about it. Mr. Leal laughs. He's got kids he's got to send to college and university. He's coping here. Mr. Leal's thinking, "Yes, one of those electricity boards." That's where the bucks are, aren't they, Mr. Leal?

Mr. Jeff Leal (Peterborough): Those are hard-working citizens who work on those boards.

Mr. Kormos: Mr. Leal is now on Hansard, praising the exorbitant pay and perks of those robber barons on the government's electricity boards. It's amazing how some people can manage to get themselves in Hansard in the most peculiar ways, isn't it, and under the most peculiar circumstances?

Mediation resolved 34%-plus of 2,399 cases. Average time frame: 7.4 months. I'd say that's a pretty darned good result. I attribute that to the leadership and the hard day-to-day work by—under-staffed, under-resourced? You bet your boots.

Another 10% settled at the investigation stage. Don't forget: 34% settled with no investigation commenced. In another 10%, the investigation brought forward information that promoted settlement. Then 12.6% were resolved between the parties. That's vague; I don't know what stage that means or what the circumstances were. Perhaps it means private resolution, without using the services of the commission; I don't know. That's the information we got.

That comes out to 57.1% of cases settled by the commission or resolved between the parties. So almost 60% of all cases were dealt with by the commission, and the government wants to abolish the commission. For the life of me, I don't understand the economies there. I don't understand how eliminating the role of an investigator, with the investigative powers under section 33, is going to make life easier for people seeking redress when they've been the victims of discrimination.

Of the 2,399 new complaints that the commission received last year—a period before March 31, 2006—2,117 were completed at the commission stage. Of 2,399 there were 2,117 dealt with at the commission stage: average time frame, 12.9 months. I'd say that's pretty good, darned good work on the part of a commission that could use more resources and more staff. It's 12.9 months, 13 months, average time frame and you're talking about all but a couple of hundred cases resolved at the commission level. One hundred and forty-three were referred to the tribunal and then add to that 27 where the commission had, in the first instance, apparently suggested it not go to the tribunal stage, but the people then sought a review of that, so 143 plus 27—170 cases out of 2,399 go to the tribunal.

It's noted that over the last few years the commission has received more cases than it has capacity to address, resulting in a backlog of 581 cases. I happen to have a copy of the Askov ruling in my desk. I keep it here because I'm reminded that the Court of Appeal decision in Askov occurred during the last Liberal government, and we still have Askov rulings occurring during this Liberal government. Interesting, isn't it? It was 1987 that the Court of Appeal ruled on Askov, and that was the operative ruling in terms of the province of Ontario.

That's like saying that since we've got this horrible backlog in our criminal courts, "I've got it. Why don't we just fire the crown attorneys." Right? Do you understand what I'm saying? "We've got this backlog in criminal court, and part of the problem is we don't have enough crown attorneys, we don't have enough courtrooms, we don't have enough resources, so this is the plan. Now here's a plan." This is the Liberal perspective. This is the Liberal approach. This is the Liberal attitude. "We've got a backlog of criminal cases and some of them are going to be tossed out because of Askov. That's politically embarrassing in and of itself, because then you get questions from the opposition parties in question period, so why don't we just get rid of the crown attorneys' office and tell people they can have direct access."

You hire a private prosecutor, and if you're really poor, you can maybe get a legal aid certificate, and then you have to search around finding a lawyer who will work for that certificate. I'm sure there are, just as there are in the human rights arena. "Furthermore, we've got a serious backlog of criminal cases"—this is the government's logic—"why don't we just tell people they'll no longer have access to a public police force doing investigations?" That will deal with the backlog. By God, people will have direct access, won't they?

That's what you're doing here with Bill 107. You're eliminating the commission—dare I use the word?—prosecutor. You're eliminating the investigative services. It's like telling victims of Criminal Code offences, "Don't expect to have the police investigate the charge and don't expect the crown attorney to prosecute because you have direct access, friend." This has a good spin to it, doesn't it? "You can avoid the delay and get yourself right in front of a tribunal."

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The commission dealt with 2,117 of the 2,400 cases that were presented to it in that fiscal year ending March 31, 2006, and 170 went to the tribunal—143 in the first instance and 27 after the complainant sought a review of the initial decision of the commission.

I've got a hard time explaining to folks down where I come from how this proposal is going to make their life any easier, any better. Even Ms. Cornish—look, I understand the direct-access model. It's a point of view. It's one that I fundamentally disagree with. It's one that New Democrats fundamentally disagree with, when there's such a huge public interest in the prosecution—and I know that's not the right language. Somebody will write me an e-mail about that, and that's okay. But it's in the public interest that these complaints be prosecuted by a public body like the commission.

Let's see, let's understand, what some of the folks are saying about this proposal. I've got a remarkable letter, a remarkable analysis from the office of the ombudsperson at York University, Fiona Crean, ombudsperson and director of human rights, York University. That's the Office of the Ombudsperson and Centre for Human Rights. Again, you're talking about some people, some folks there with some real expertise. This is Ms. Crean's letter to the Premier. She acknowledges, "The stories of delay in complaint processing and the zealous over-application of section 34 at the under-resourced commission are legion. There is no question that the organization must be restructured to increase both its effectiveness and relevance...."

The author of this letter, Ms. Crean, then goes on to say, "A central tenet of Bill 107 would eliminate its role in the investigation of human rights complaints. The answer to ensuring equitable access to justice and human rights remedies for the people of Ontario does not lie in such a provision." What an obvious thing. It's just so obvious. It's like addressing the problem, Mr. Tabuns, of overcrowded criminal courts by saying, "We'll solve the problem by telling victims of crime that they won't have a publicly funded police force to investigate the offence for the purpose of a prosecution." Because that's what the government is doing to the investigative powers of the commission by eliminating the commission.

Ms. Crean: "It is short-sighted to suggest that a model of direct access to the tribunal will result in a more effective enforcement of human rights for the vast majority of people who experience discrimination." Let's understand, obviously and logically, what she means by that. If one has means—and I'm talking about cash-on-

the-barrelhead kind of means: money, wealth—then one can retain lawyers or I suppose one could hire investigators. There are any number of firms that hold themselves out as specialists, experts in investigation. Then one would have direct access and one could litigate to their heart's content, if they have means. I appreciate that Ms. Crean is very careful when she talks about how this proposal will not “result in a more effective enforcement of human rights for the vast majority of people who experience discrimination,” because the vast majority of people who suffer discrimination don't have the kind of means that you need to hire a lawyer, never mind hire private investigative resources.

This is where Ms. Crean then refers to the post facto statement by the Attorney General about his third pillar. The third pillar is full access to legal assistance. But for the life of me, parliamentary assistant—and I will suffer your guidance if need be—I can't find the third pillar anywhere in this bill. I can't find even a general declaration about right to counsel, as we find in federal young offender legislation—you know what I'm talking about, don't you?—that gives the court the power to appoint counsel to ensure there is representation. Nowhere in Bill 107 is the third pillar articulated for the purpose of being a statutory third pillar.

The third pillar is some catch-up on the part of Mr. Bryant when he got caught. It was one of those things written on the proverbial back of the napkin. One of the aides, one of the high-priced staff from behind the Speaker's chair, sent the note with the third pillar.

Ms. Cornish is an advocate of direct access. She and I disagree in that regard. She is very much critical, because her proposal included, yes, statutory guarantees to legal assistance.

Legal aid certificates? A legal aid system that's already overtaxed, overburdened, under-resourced? You haven't even begun to address the crisis in family law representation for legal aid certificates. Most lawyers won't take certificates for family law because of the artificially low caps imposed on them. They simply can't do an adequate job for their client.

Where are the clinics? I haven't seen hide or hair of the specialized clinics that the present Attorney General was so fond of advocating when he was but a mere aspirant to the position.

Ms. Crean, Ombudsperson and director of human rights at York University, writes, “The commitment to a publicly funded legal support centre is not present in Bill 107; neither are there any details of what such a service might provide.”

One of the biggest areas of concern and complaints about discrimination—and folks at the commission know this—is in the workplace. We're talking about people who are de facto working, maybe not at the highest-paying jobs but working. Legal aid? They don't qualify for legal aid, because they're working. They're not impecunious. They don't qualify for legal aid.

You and I both know, Mr. Parliamentary Assistant, that legal fees can amount in short order to not just tens of thousands of dollars, but \$50,000 and \$60,000 and

\$70,000 and \$80,000, well beyond the means of even most middle-class families and income earners. It's true. In and of itself, it's another topic for debate.

Why you would somehow herald the privatization of human rights litigation—it is the privatization of human rights litigation. It's very much the American model. You read about it all the time in the States: You use various states' civil rights laws and sue the offender—the employer. These big lawsuits with these lawyers with contingency fees—God bless; we have them now in Ontario too—perhaps provide a modest increase in access to these sorts of things, but they're very private affairs. More often than not, they get settled privately, which is one of the concerns, because then you don't create a body of law, do you, Mr. Parliamentary Assistant? It's private litigation. There's a deal. You settle for X number of dollars, and part of the deal is that you don't talk about the settlement. That's what a privatized, direct-access process means.

But there are folks here in this chamber, along with a whole lot of folks out there in the real Ontario, who understand that fighting discrimination entails a much broader public interest than just the settlement between the victim and the perpetrator of the discrimination.

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Mr. Tascona has this letter as well, I'm sure, and if not, I'm going to share it with him. Of course he does, because a copy was sent to John Tory. Ms. Crean goes on: “Notwithstanding any arguments to the contrary, complainants will now be compelled to hire their own legal counsel for bringing cases before the tribunal. The certainty of legal costs”—of course, that one can say without hesitation: the certainty of death, taxes and legal fees—“will discourage the average person from bringing a complaint forward.” Is this the kind of human rights system this government wants to create here in the province of Ontario, after so many people have worked so hard over the course of so many years? And they have. The development of the Human Rights Code itself has been a long, torturous process here in this chamber, a whole lot of commitment by a whole lot of committed people.

Ms. Crean goes further: “This will create a chilling effect upon the exercise of the rights enshrined in the code, and in effect constitute a denial of access to justice.” So the hallmark of Dalton McGuinty's Liberal Ontario, its legacy, is going to be the passage of legislation that will constitute, for as long as that legislation is in effect, a denial of access to justice. That's plain wrong, just plain wrong.

Ms. Crean, in closing, says the existing system “occupies a position of eminence in national and international human rights fora.” Bless her; the plural of “forum” is “fora.” “Its performance in this regard has been widely acclaimed and will be closely scrutinized. I urge you to uphold the integrity of the commission, and to preserve our democratic tradition of broad public consultation in matters of such fundamental importance.”

I understand that there are folks out there who don't agree with Ms. Crean. I understand that. But rather than

simply, like keeping score at a basketball game, saying “X number on this side and Y number on this side,” let’s understand the arguments themselves. I challenge any one of the government members in this chamber, any one of you, to tell me where the analysis of Ms. Crean is flawed or faulty. I challenge any one of you to tell me where Ms. Crean has misstated the facts or misunderstood the bill before us, Bill 107.

I was impressed by the article written by Dr. Lorne Foster, a sociologist who teaches at York University in the areas of social justice studies and human rights. He notes in his article, which was published in *Share*, that this bill—those aren’t his words. Now we’re getting into the quote. I’m going to share these with Hansard so they have a little bit of assistance in getting these things down right, as they always do. But this bill, he says, “eliminates the commission’s investigation and compliance functions, which have been in place for 40 years.” He goes on to ask, “What does direct access mean for racialized communities? People of colour come from diverse socio-economic backgrounds from working poor to highly skilled professionals. Many people of colour, even foreign-trained professionals, fall into the category of the economically vulnerable.”

Here’s an illustration, and this brings us down to real-life scenarios: “For instance, picture this,” Dr. Foster says. “You are a neurosurgeon, originally from Iran, who drives a taxicab, or a nurse from the Philippines who is a live-in caregiver, or a university professor from Uganda working as a court interpreter”—none of those three scenarios in any way, shape or form unlikely; we all know that, however tragic it is. “You may not be familiar with the legalese. English is your second or third language and you probably speak with an accent. Do you have enough money to hire a lawyer? Probably not. You’re the working poor so you don’t qualify for legal aid. Therefore you have to draft your own complaint of discrimination against your employer, and you tell it like a story. Your complaint is served. Your employer’s lawyer responds to your complaint with a 15-page answer and two inches of supporting documents. The package sets out that you are fired for cause and accuses you of being an inveterate liar and charges that your complaint is vague.”

That’s how direct access begins. You are caught in an immediate power imbalance. What do you do now?

As Dalton McGuinty and the Liberals would have it, you’re entitled to direct access. You’ve got some high-priced Bay Street law firm with lawyers with Montblanc pens and Rolex watches and Gucci shoes and the Mercedes-Benzes, and there you are all by yourself. You’ve got a law firm that’s got junior lawyers and it’s got law clerks and it’s got legal researchers and process servers and investigators of their own and people who’ll videotape you through the smoky windows of an undercover vehicle—that one’s true. And then there’s you.

You are caught in an immediate power imbalance. You don’t have commission staff to investigate your complaint and get evidence. You don’t have commission

staff to appear in court to prosecute the offender, the discriminating party. You don’t have commission staff to perhaps mediate between the complainant and the person accused of discrimination and, of course, in the course of mediating, to ensure that power imbalances are addressed, amongst other things. No, because this is Dalton McGuinty’s direct access. This is American-style “You got the money? We got the time.”

As Dr. Foster writes, “If the Liberal government has its way, this will be the new human rights system in Ontario, a legal maze that traps people of colour, and instead of protecting their human rights, disempowers them. Will there be road maps? Will there be signposts along this yellow brick road? Then how do you get the Wizard of Oz to hear your complaint? You have to do more than simply click your heels and make a wish.”

It goes on, “For people of colour, the Ontario human rights system is a sacred trust and a legacy bestowed upon them by parents and grandparents who, at great sacrifice, fought to break down systemic barriers because they knew their children’s lives and futures depended on them.”

That’s Dr. Lorne Foster, a sociologist teaching at York University in the areas of social justice studies and human rights, and that article appeared in a publication called *Share*.

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Here’s an interesting e-mail, commenting, again, on the mythology that was being developed around extended time frames. Nobody is suggesting that there aren’t some huge delays at the commission/tribunal. I’m not going to name the person, because it could well be an employee. Here are some observations:

“Average age that a case spent” in the Ontario Human Rights Commission is “around 14 months every year, (despite somebody’s claim that it’s around three to four years.)

“The number sent to tribunal ... seems small (150-250 every year)”—and that’s consistent with the material Miss Hall gave us just a couple of weeks ago—“but the ultimate goal of OHRC”—the Ontario Human Rights Commission—is not to send the cases to tribunal, “it’s to solve them.... The ultimate goal of a human rights application is not to be heard in court, it’s for the complainant to have their case resolved and the respondent to learn his lesson from the case. Public interest remedies are the central key in the prevention and education process. It’s exactly what OHRC does, in a very effective way.”

I don’t know this to be the case or not. I don’t know, but here’s a person who seems to know what she or he is talking about.

“Around 70%-80% of the cases OHRC sent to the tribunal do not have their case heard in court anyway, they are settled at the tribunal level,” based on the material accumulated in the file during the course of that complainant’s travel process through the Human Rights Commission.

Then Mr. Bryant bragging about the—what is it? He is going to bury in the commission his Anti-Racism Secretariat. The commission already has a race relations

division pursuant to the Ontario Human Rights Code, and for the life of me I don't see how Mr. Bryant can see fit to brag about burying an Anti-Racism Secretariat in the Human Rights Commission when, if we're going to be serious about that, we should be having a stand-alone Anti-Racism Secretariat like New Democrats have said ever since the last government abolished the Anti-Racism Secretariat—mind you, a circumstance that the Liberals have been more than pleased to maintain, haven't they, Mr. Zimmer?

To somehow suggest that burying the Anti-Racism Secretariat, just because you call it that, in the Human Rights Commission when there's already, by statute, a race relations division, is absurd, and it's offensive to people who care about these sorts of things, and I believe most Ontarians do, the vast majority of Ontarians.

I got an interesting letter from Harvey Starkman, Toronto Residents In Partnership, up in North York.

“Dear Premier McGuinty:

“One of the defining differences between a democracy and totalitarian state is that in a democracy human rights are respected and protected.

“Since the days of Leslie Frost, when the first pieces of legislation were introduced to protect the rights of its citizens, Ontario has been in the forefront in the area of human rights. Now the government seems bent on dismantling the very nature of that protection by removing the process whereby average citizens can seek redress for human rights violations....

“Your proposal to ‘streamline’ the human rights process will do away with the protection offered to middle-class and working-class members of society. You doom all but the affluent to suffer intolerable affronts to their human rights.

“What is needed are more investigators, not fewer; an open and welcoming system free of bureaucratic red tape; a system that anyone in Ontario can access with ease and in the hope of justice and fairness.”

What an astute observation on the part of Mr. Starkman, one that the government would prefer to dismiss.

Do you detect from time to time, Ms. Elliott, a little bit of arrogance on the part of the Liberals here, a little bit of, “We know better than everybody, and don't waste our time. We've already got our ducks lined up in terms of the cheerleaders for this proposal and, no, we have no interest in talking to any number of organizations”? Organizations like the Canadian Arab Federation, which I talked about today in my question on behalf of New Democrats to the Acting Premier, an organization that was here at Queen's Park today saying there's got to be more meaningful consultation.”

I can hear the Attorney General now, pushing himself up in his chair to be a little taller than those around him, saying, “But it's been studied for”—how long is it?—“13, 14, 15 years.” Talk about the coroner's report all you want; the fact is, there are some very serious concerns about the direct access model out there by a whole lot of Ontarians, and the arguments that support those concerns are pretty substantial.

Don't even for a minute suggest that it's whimsical or frivolous—none of you, don't you dare—for Fiona Crean, ombudsperson at York University, with her expertise, to suggest and raise the concerns that she has in her letter to the Premier, or that it's whimsical or frivolous on the part of Professor Foster to make his concerns known on behalf of the community of people of colour here in Ontario, or the person who sent me the e-mail just making some everyday, common folk, real-time, common sense observations about the Human Rights Commission. Oh, I should indicate that she references the OHRC, Ontario Human Rights Commission, annual report.

Let's take a look at another real-life example. Let's consider kids with autism and their folks here in Ontario. As you know, Shelley Martel, our colleague from Nickel Belt, has put her heart and soul into that file. The Ontario Human Rights Commission has been an invaluable, irreplaceable advocate for the rights of those kids. Without the commission, with the repeal of part IV in the Dalton McGuinty Liberal government's Bill 107, those kids with autism have had their champions stolen from them. In fact, those files that staff at the Human Rights Commission have put together so capably, with so much hard work on their part—and it has been hard work—will simply lapse if and when this bill passes for those cases which haven't begun their hearings before a tribunal itself.

Kids with autism—you know the kids, the ones who turned six and were being denied autism treatment, IBI treatment—and their families are just bankrupting themselves: second and third mortgages on the home; both parents working even though they've got a kid with autism and maybe two or three other kids at home who need their care; maxing out credit cards; hitting up every family member they could find and tapping friends to pay the thousands upon thousands of dollars a month that it costs to hire private sector IBI treatment for kids with autism because the government denies it to them, notwithstanding that it promised that those children would get it. Oh, Dalton McGuinty promised that when he wanted your vote. The only way that those families could bring those cases of those kids who were suffering discrimination on the basis of age, as defined in the Ontario Human Rights Code, the only way their cases could get to a determination was with a public Ontario Human Rights Commission. If for no other reason, if for nobody else, this bill should be shelved out of regard for those kids and their families, their parents, who I say were well-served by the very same Human Rights Commission that Dalton McGuinty and the Liberals want to dismantle.

Far be it for me to suggest that perhaps there's some motive—

1700

Mr. Richard Patten (Ottawa Centre): Oh, come on.

Mr. Kormos: Well, the government has been on the receiving end of complaints regarding discrimination as often as not, hasn't it? It goes back to one of the initial

observations, and that was the need for the commissioner to be an officer of the assembly to avoid the appearance of conflict. What possible reason would motivate this government to be so mean-spirited, to be so disdainful of so many people, for the Attorney General to surround himself with his lawyer friends and to abandon victims of discrimination, like those kids with autism, who had their parents, who had a couple of pro bono lawyers, who had Shelley Martel, but also had a Human Rights Commission that was prepared to go to bat for them and take on the incredible resources of the government. That's what they were taking on: They were taking on the government.

I was in court on more than a few occasions, seeing some of the stuff—piles and piles and piles of affidavits and so-called experts. People don't self-fund that type of litigation when they're seeking redress, my friends. They need the state to come to their aid. New Democrats will be voting against Bill 107 and we look forward to it being in committee.

The Acting Speaker: Questions and comments?

Mr. Mario Sergio (York West): I only have two minutes or less to speak on this particular bill, but I know that members of the government will be addressing this bill later on today, and I'm sure we will have an opportunity to hear a totally different story than we have from the Niagara Centre member. Whatever he said would have had a bit of credence if he had said that for the first time in 40 years members of this House have an opportunity to address this most important bill—for the first time in 40 years. We never had an opportunity; we never had a government, we never had a minister bring this to a debate in the House.

I don't dispute that this is a very important bill, absolutely, but I wish the member or members would address the fact that this government—this minister—for the first time, has brought this bill to be debated in the House. The reason is because for years, perhaps, it needed to be addressed, and some changes are required, indeed. I'm sure the member from Niagara Centre will have further opportunity, but he has failed to mention the good that this bill—the changes that this bill is going to bring about. That is why the bill is in front of us.

They may vote against it, but I hope they will reap the benefits of the bill for the people we all represent in the House. The member from Niagara Centre is one of those members who represents the people in his area. I think he has the duty and the responsibility to advise the people in his area what exactly the bill is doing in support of the people of Ontario.

Mrs. Christine Elliott (Whitby-Ajax): As my colleague from Niagara Centre has indicated, Bill 107 has generated significant comment from the public, both in terms of individuals and from those representing disabled groups, racial minorities—a number of different groups.

While it is important, we all recognize that it is time to take another look at the human rights legislation; it is time to modernize it and streamline it. With the backlog of complaints, obviously something needs to be done.

From my conversations and meetings with some of the groups that are very much in favour of this legislation, and with groups that are very much opposed to the changes in it, even the groups that are very much in favour still have some significant concerns that have not been addressed by the legislation. Generally speaking, I would say that they fall into two categories.

One category is the whole issue of legal support for people who are really not capable of bringing complaints forward on their own without proper assistance. There's been no legal support recommended or brought forward in the legislation. All that has been raised is a vague promise that there will be some kind of legal support, and perhaps a million and a half dollars will be sufficient to satisfy it. That won't even come close to touching the tip of the iceberg with these complaints.

The second is the fact that if the powers that exist today are taken away from the commission, there will be no means of examining systemic discrimination. All we'll have is a one-on-one examination of discrimination between particular parties. The public interest cannot possibly be served, because there's going to be no mechanism to bring forward complaints of systemic discrimination, which is in the public interest.

I sincerely hope, as we proceed with committee hearings on this matter, that the Attorney General will bear these significant concerns in mind, even from the groups that support this legislation.

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

Mr. Peter Tabuns (Toronto-Danforth): Correction, Mr. Speaker: the member for Toronto-Danforth, although since he's good looking, I don't really mind the misstatement.

First I have to say that the very lucid presentation by Mr. Kormos touched on the main themes that have to be addressed in this debate.

I was first made aware of this initiative during the by-election in Toronto-Danforth in March. People came to the all-candidates meetings and, in a state of shock, said, "Are you aware of these changes going on? Are you aware of the substance of the direction the government is going in? Do you support this? Do you oppose this?" They asked the same of my Liberal opponent. All of us on at the all-candidates meetings were quite taken aback at what was presented to us. In fact, what has been presented in this House—this legislation—is even more troubling, to my mind, than the points that were put forward by the people who came to the all-candidates meetings, whose main concern was that they have a consultation before the legislation came forward. I thought then, and think now, that that was reasonable.

Frankly, the legislation before us can be judged on a number of points. As Mr. Kormos has said, do we treat discrimination as a public issue? Do we believe that public resources should go into protecting the population from discrimination or not? Do we believe that these matters should be put on the shoulders of private individuals? Those are fundamental questions, and as Mr.

Kormos has said, when we deal with criminal law, we would not simply say, "Victims of crime should be left to fend for themselves before the courts." We would never say that. That is what's being said with this legislation. That is the point Mr. Kormos was making. If they're left to fend for themselves, will the government provide adequate resources? I doubt it, and I'll get to speak to that on the next round.

Mr. Lorenzo Berardinetti (Scarborough Southwest): I just wanted to comment briefly on the remarks by the member from Niagara Centre. We are on second reading of this bill, and I hope and expect that this will go to committee—hopefully to the justice policy committee; I can't say for sure. At that time, hopefully we will get some good public input on this bill and also the concerns that some may have.

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I also want to say that it is quite a challenge to undertake to try to modernize and overhaul a bill that has basically not been changed for more than 40 years. The present system, we know, is not working. It's taking a long time for the tribunal and for the Ontario Human Rights Commission to make decisions. Look at the example regarding the TTC and whether or not it should call out stops at Toronto subway stations: It took apparently three years for it to make a decision on that simple matter. So things do have to change. The implementation of two things—the disability rights secretariat and the anti-racism secretariat—I think are important, and to clearly define the roles that those individuals are going to have and what they will do and how they will investigate complaints is important.

We're trying to strengthen and make the system better, but we've got a long way to go still. I commend the government and I commend the minister for bringing this forward and bringing it into debate and into discussion. I think we have a way to go still. I don't think that we'll be done that easily on this bill, but we do need to make the system better because I honestly believe that it's presently not working as well as it could be.

The Acting Speaker: That concludes the time available for questions and comments. I'll return to the member from Niagara Centre.

Mr. Kormos: One of my concerns, I've got to tell you, is that the government is going to try to bury the committee hearings around this bill in the dog days of summer, through, oh, let's say, July and August, when any number of organizations are not going to be equipped in terms of boards being able to approve submissions and when the media scrutiny will be marginal, to say the least. That's why I've made it very clear to the government that if it has any regard whatsoever for process in this matter, the time for committee hearings is in September, when there can be a focused, careful, studied approach, when we can host those committee hearings at Queen's Park in a very, very public way without fear of the hottest, most humid days of the year frustrating the best efforts of any number of members of the public who would want to have input.

I'm concerned as well about the premise, and part of it is the development of the mythology around the commission because, while everybody agrees that there are some serious delay issues, the reality is that the commission itself resolves over 57% of all cases, all complaints, within an average time frame of 12.4 months.

So I say to my colleague from the Liberal backbenches, I don't envy you having to defend this legislation. I appreciate that boilerplate sort of defences are the easiest ones, but to merely say that something's 40 years old and should be changed is probably offensive to a whole bunch of your colleagues, being at least my age, if not older. Perhaps we should apply this to this Legislature. "Forty years and you're out" would be a most interesting result, wouldn't it, Mr. Berardinetti?

The Acting Speaker: Further debate.

Ms. Deborah Matthews (London North Centre): I will be sharing my time with my colleague the member from Willowdale.

I am very, very proud to rise in the House today to speak in support of Bill 107, the Human Rights Code Amendment Act. This opportunity stands out among the many opportunities I've had to speak on behalf of my constituents in London North Centre as a special chance to recognize our government's move forward in the area of human rights. This bill will have a significant, positive and proactive impact on the rights of all Ontarians.

We are at an exciting crossroads in Ontario. We are here in the process of modernizing and improving our current human rights legislation. We are fixing what is a very broken system, and it is a system that protects the rights of all of us. We can't underestimate what this change means for everyone—for minority groups, for disadvantaged people and for the general public's awareness. We are debating, for the first time in over 40 years in this Legislature, a bill that finally recognizes the importance of entrenching and protecting the rights of all Ontarians.

I expect to hear many voices in the House today supporting—maybe not all, but many voices will be supporting the much-needed and comprehensive modernization that can occur and will occur with this bill. I'm looking forward to hearing what my colleagues will add to this debate. Although I do enjoy hearing from my Queen's Park colleagues, I would like to begin by saying that the merits of this bill have already been articulated by a long list of experts in this field. We've received very positive feedback on this legislation from a wide variety of sources and interest groups.

I'd like to draw your attention to a quote from Barbara Hall, who is actually with us this afternoon in the Legislature. Welcome. Barbara, of course, is the chief commissioner of the Ontario Human Rights Commission, a position for which she is wonderfully qualified. She states that, "The commission will continue to work with the government to build a renewed human rights system that maintains Ontario's position as an international leader in human rights." This is a position that we must protect and continue to improve. Her remarks are clear

and concise. She sums it up perfectly. We are, in Ontario, international leaders in human rights. But we can't just rest on our laurels; we must continue to continually improve and advance the cause of human rights to maintain our place, to be world leaders in this field.

In the same vein as the very respected Ms. Hall, Michael Gottheil, chair of the Human Rights Tribunal of Ontario, has said, "Under this legislation, Ontarians would be able to have their human rights complaints resolved quickly, efficiently and effectively.

"I look forward to working with the government on implementation."

I can assure Mr. Gottheil that we all look forward to working with him in the months ahead.

I'd also like to quote from Bob Sexsmith from London, someone with whom I've worked on a number of issues. He says, "We want to applaud the undertaking ... made in the Legislature to establish a new human rights legal support centre that would provide legal assistance to claimants at each stage of the new process, regardless of level of income." Mr. Sexsmith is the secretary of the board of directors of the Advocacy Centre for Tenants Ontario and is a strong advocate on social issues.

So I look forward to seeing this legislation through the process. We're now at second reading. We're debating the merits of the bill. It will go to committee. We will hear from the public through the committee process, and then back here for third reading debate.

We want to ensure that this bill will address those in need of assistance. We are committed to building a new human rights system that works for its clients and doesn't impose unnecessary barriers, waits, fees or administrative hassles.

This bill has an organic approach to modernizing Ontario's human rights system. We're not simply applying window dressing to the process; we're completely updating the way Ontarians receive assistance and education about their rights. We're moving to a model where all complaints move to the tribunal. We're moving to a model where those in need of legal assistance will receive publicly funded legal supports. Most importantly, we're moving to a model where the commission can be proactive and focus on the systemic discrimination issues, focus on its long-term vision, which is improved public education campaigns and resources. There are human rights violations that we know exist; they are systemic. We need to improve public education on those issues. We need to do more research. This legislation will allow expanded research capabilities and strengthened advocacy roles—this important work that needs to be done. And for the people who are accessing the system, this will allow a timely approach to addressing complaints.

Those are the four vital elements—education, research, advocacy and timeliness—that this bill addresses.

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I know first-hand from discussions with the Attorney General, from my research into this bill and from the

feedback I receive from constituents that this is the right path to take. I'm very proud today to speak in support of a bill that will make Ontario a leader in protecting the rights of citizens. This is the right thing to do, and this is the right time to do it.

I know a member of the opposition stated that the bill is simply a move to privatize the human rights system. I think that he may have mixed up the government of the day. We are not a pro-privatize government. This bill brings forth modernizing, expanding and strengthening tools to our Ontario human rights system. It is the furthest possible thing from privatization or a two-tiered system. There is no simpler way to put it. We believe in accessibility, universality and equity, and this bill reflects just that. They are core values for us and this bill articulates them.

I think this government can be proud of our record. We consult with stakeholders, we research policy options and we follow through with comprehensive, modern and responsive policy. We heard that the system wasn't working effectively and we acted. I'm proud of that. The Attorney General has addressed head-on a system that was grinding to a halt. It's not always the most popular decision, but it is the right thing to do and a long, long overdue change.

Any system where only 6% of the complaints received were making it through to the tribunal stage is flawed, bogged down and in need of streamlining and updating. I don't think anyone argues that the current system is working the way it should. Any system that takes, on average, three to four years to investigate a complaint obviously needs better resources and better-defined goals. Ontarians deserve better, and through this bill, they will be getting just that.

Last year, over 2,400 complaints were lodged. That's a significant number. People bringing forth complaints deserve their day in court. Legal action is a demanding, draining process for anyone to endure. We don't want this process to be prolonged or delayed for people who are bringing those cases forward.

This proposed model brings an unprecedented level of transparency to human rights decisions. It's going to maintain Ontario's place and improve access to justice for those who face discrimination.

Under our proposed model, the tribunal will be significantly stronger. It will have the power to compel witnesses, to retrieve documents and to get the answers it needs to make a fair judgment. We won't waste years of people's lives.

Let's not underestimate the toll that takes: years of their lives, tying them up in courts, delaying decisions and adding unnecessary layers to the process.

This bill allows the potential to bring justice to people with legitimate human rights concerns. I'm very proud of the long-term vision of this bill. It addresses the underlying and latent challenges that remain to be resolved in Ontario. We have yet to completely eliminate racism, sexism and all other kinds of discrimination in this province. But with the two new secretariats that

would be established within the Ontario Human Rights Commission, we can begin a new era of research and public policy development for equity. Focusing on anti-racism and disability, these two secretariats will tell us how we can serve Ontarians better.

Once again, I would like to emphasize that I'm proud of the Attorney General's work in providing the people of Ontario with better human rights protection through this bill, and I look forward to the continuation of the process: the consultations, the input that we will receive at the committee process.

Any legislation can be improved. I'm sure this will be improved, and I encourage anyone who has comments on this bill to participate in the public consultation that will follow second reading.

Mr. Zimmer: I'm pleased to take part in this debate. Since the early 1990s, successive provincial governments have talked about changes to the human rights system and have commissioned and undertaken studies, reports and reviews, but this is the first time a government has taken that final step, the next step, the most meaningful step of actually introducing legislation to make significant positive change to Ontario's human rights system.

Reports urging reform for the last 15 years have sat on the shelf despite calls for change. Reviews, consultations and report after report have concluded that our human rights system was broken. The Ontario Human Rights Commission itself has been pressing for changes for at least a decade. Over the last year, we held meetings and consultations with over 30 individuals and groups, including many community groups, legal practitioners, legal clinics, academics, employer and labour organizations, and business groups. Here is what some of them had to say:

"I applaud the Attorney General's legislation to reform the human rights system. Human rights and community groups have asked for this for many years. We welcome this government's commitment to human rights." That's Ruth Carey, executive director of the HIV and AIDS Legal Clinic.

John Fraser, executive director of the Centre for Equality Rights in Accommodation, said in a letter to the Toronto Star, "Direct access to a human rights hearing is critical if the human rights of people in Ontario are to be adequately protected and promoted.... The Attorney General should be commended for taking these important steps to reform Ontario's human rights process to allow claimants direct access to a hearing."

Mary O'Donoghue, constitutional, civil liberties and human rights chair of the Ontario Bar Association, said, "The changes proposed are timely and well-designed to solve the current system problems.... Ontario will reap long-term benefits from these changes. We applaud the plan to permit direct access for complainants to the Human Rights Tribunal, as we believe that this will greatly enhance access to justice for those who believe that their human rights have not been respected. Respondents will be provided with a timely, fair and balanced hearing process."

In the Hamilton Spectator, Hugh Tye, executive director of Hamilton Mountain Legal and Community Services, said, "This human rights reform is something numerous community groups have asked for for too long. We all recognize the problems. Let's get on with fixing them."

Recently, the Canadian Jewish Congress said, "The Canadian Jewish Congress applauds the government for the proposed creation of an anti-racism secretariat and a disability-rights secretariat within the commission. We look forward to working with the Ontario government on the key details in this new legislation and subsequent regulations, ensuring continued access to a practical remedy in human rights cases for everyone in this province."

On May 2, the Ottawa Citizen published an opinion piece by University of Toronto law professor Lorne Sossin, in which he said, "Reform of the human rights system is long overdue.... Given the discussions that gave rise to this set of proposals and the many studies and consultations that have preceded this round, it is difficult to imagine any views on this matter which will remain hidden.... The government's current proposal is ... a necessary and a positive step. The government should be lauded for not simply adding more reports on the subject of human rights reform but for acting."

This government is resolved to act on calls for change to our human rights system that have been heard for over a decade now. Change has been too long in coming. It's time for action.

Currently, the Ontario Human Rights Commission spends 85% of its resources on processing, investigating and litigating individual complaints of discrimination, one complaint at a time. If a settlement is not reached, the commission may decide to refer a complaint to the Human Rights Tribunal for a hearing. Currently, the Human Rights Tribunal of Ontario only deals with cases referred by the commission, which average about 100 a year. It hears evidence and decides whether or not discrimination occurred and what needs to be done to remedy the situation and prevent further discrimination. This process can take up to five years to complete.

The proposed Human Rights Code Amendment Act would free up the commission's resources so it could focus on working to prevent discrimination and take a strategic approach to dealing with the most pressing human rights issues in a proactive way, instead of waiting to act until actual complaints have been filed.

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The commission would have the ability to file a complaint on its own behalf or to intervene in any case before the tribunal where there are significant issues affecting the public interest—disability issues, for instance. However, the commission's primary role would focus on proactive measures to address systemic discrimination in Ontario, including racism and barriers to people with disabilities. Currently, 50% of the commission's caseload is disability-related.

To provide the commissioner with recommendations and advice on these issues, an anti-racism secretariat and

a disability rights secretariat would be established within the commission. The commission has long been recognized internationally for its past work and this change will allow it to build on this past success. A strengthened and invigorated human rights commission would signal Ontario's commitment to workplace, housing and services that are free from discrimination.

Under the proposed legislation, the human rights tribunal would provide a modern, streamlining and efficient way of resolving disputes, by allowing individuals or groups to file claims directly with the tribunal. Direct access would speed up the complaints process by eliminating duplication that exists between the commission's work and the tribunal's work. We believe it is more efficient to have one body, the tribunal, responsible for enforcing rights under the code, and the other body, the commission, responsible for preventing discrimination.

For the past 40 years, the two pillars of our human rights system have been the commission and the tribunal. With this bill, we would add a third pillar to the human rights system: access to legal assistance. We would establish a new human rights support centre. We would ensure that, regardless of levels of income, abilities or disabilities or personal circumstances, all Ontarians would be entitled to receive equal and effective protection of human rights. Under these proposals, these bodies would work together in one system for the protection and promotion of human rights.

This province led the way in supporting human rights back in 1962, 44 years ago, when Ontario enacted the first Human Rights Code in Canada. We are continuing to lead the way by strengthening our human rights system and by improving access to justice for those who face discrimination. The proposed Human Rights Code Amendment Act, 2006, would, if passed, benefit all Ontarians. It would maintain Ontario's international leadership in promoting human rights, equality, diversity and tolerance. Mr. Speaker, and to all my colleagues in this Legislature, I urge you to support this legislation.

The Acting Speaker: Questions and comments?

Mrs. Elliott: The point has been made by my colleagues from London North Centre and Willowdale that the human rights system needs to be fixed and is in need of modernization. I think that from all the comments we've heard from the speakers here today, no one is disagreeing that we do need to make some changes to the human rights system, but I think what we really need to do is to slow down and make sure that those changes are thoughtful and meaningful. If there haven't been any changes in the last 40 years, we need to make sure we do it properly and we need to be listening to all the people who are involved in this.

That's why I think it's important that we've had a lot of discussion about whether there has been meaningful consultation with the disability rights groups and with the racialized minorities, and numerous other groups and individuals, about whether their concerns have been heard or not. I think that, for whatever reason, the bill has

proceeded to this point, but all is not lost. We still have time for meaningful change to be made. In order for that to be done, it's important for all the parties involved to have full participation and input into this legislation. By that, I mean all the parties in this House and all the interested groups and individuals who want to speak to this issue and want to have input. More particularly, we need to have a commitment from the Attorney General to listen to those concerns and to make those changes so that we'll end up with human rights legislation that is modern and meaningful and fixes the problems that we're facing. I would urge the Attorney General again to make sure that he listens and commits to making the necessary changes along the way.

The Acting Speaker: The member for Toronto-Danforth.

Mr. Tabuns: It's been useful to hear the comments from the members from London North Centre and from Willowdale, but they haven't given me any assurance. I'm fundamentally concerned by this move that will in some ways treat those who come asking for assistance in dealing with human rights discrimination the way others are treated for criminal injuries or criminal victimization.

In the last week, constituency week, I had an opportunity to talk to people in my riding in community legal clinics. What did they tell me about the state of law for those who are outside the Ontario legal aid plan, for those people who are relying on the government to provide them with support and assistance; frankly, people who will be very much in the same situation after this bill is passed, as I expect it will be? The Criminal Injuries Compensation Board: There is tremendous difficulty getting access to that board to have hearings. People are even being denied application forms to go forward to the board to have their criminal injury cases heard. Today we had people from the Ontario Association of Police Services Boards talking to us, saying that with the VCARS program, for victims of criminal activities, that office, the money going to those people has not changed in 20 years. The need to support victims of crime, something that should be paid for out of this central fund, has increasingly shifted onto police departments, and services are provided by police officers who shouldn't be doing that work, who should be out on the beat in the community. So I don't have confidence that when this commission is dismantled, there actually will be support in place for those who need that support.

Mr. Mario G. Racco (Thornhill): Of course I'm pleased to speak on second reading of Bill 107. I want to compliment the Attorney General for bringing these amendments here in front of the House. After all, the Human Rights Code has not been updated in the last 40 years, and I believe it's important, because of so many changes that have taken place, that we do update the code. Again, Bill 107 is going to do that.

We are dealing with second reading. This bill is going to go for public input, and surely if there are comments that the opposition or the community will bring to the attention of the committee when the committee will start hearing the comments, those comments can be brought to

the attention of the Attorney General, and I suspect that the minister will make the proper adjustments.

What the bill does, among a number of other things, is it would establish within the Ontario Human Rights Commission two new secretariats to conduct research and develop public policy. One of the two secretariats would be an anti-racism secretariat, and the other would be a disabilities secretariat. I believe they will certainly be able to respond much better to the needs of Ontarians, who have not seen a change in an area which quite frankly has changed significantly in the last 40 years. Imagine.

It is something that we all should support. I trust that this honourable House will do the right thing at the right time and support it so that the proper change can take place.

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Mr. Norman W. Sterling (Lanark–Carleton): I couldn't get a petition in today, so I thought I'd speak now.

This particular process draws me back to the days when I was parliamentary assistant to the Attorney General a long, long time ago, 1978-79. At that time, we were in a minority Parliament. We dealt with many, many bills to reform laws which had been laid to rest for a long period of time. We brought in, at that time, the new Provincial Offences Act for the first time. We brought forward the new Family Law Reform Act, which was the first time that we had actually put into statute much of the common law that had been developed by our courts and put it into law. One of the great parts about a minority Parliament was that all parties knew that when it went to committee, there would be an even debate about what was going to be included in these very important law statutes.

Generally speaking, issues like this should not bear a lot of partisanship. They should be dealt with in honest terms, where delegations in front of committees would have a real chance to influence the outcome of the legislation, and any kind of amendments put forward would be seriously considered. Unfortunately, this government has a very, very poor record about listening and about changing and amending, even though there's a lot of sense associated with it. So it leaves us in the opposition somewhat skeptical of what's going to be a very important piece of legislation in the end.

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

Mr. Zimmer: I thought I would take some of my time and introduce the chief commissioner and the eight commissioners who will be undertaking these very heavy responsibilities, should this legislation pass. They are the front-line soldiers and generals in working this legislation through after it passes in this body, and I'll ask them to stand: Chief Commissioner Barbara Hall.

Applause.

Mr. Zimmer: I'll ask folks to hold their applause so they don't cut into my two minutes.

Commissioner Vivian Jarvis, Commissioner Christiane Rabier, Commissioner Jeanette Case, Commissioner

Bhagat Taggar, Commissioner Fernand Lalonde, Commissioner Richard Théberge, Commissioner Ghulam Sajan, and Commissioner Pierre Charron.

Applause.

Mr. Zimmer: The three pillars of this legislation—I'll leave that as the final thought with the members here—are the commission itself, dealing with systemic issues of discrimination; the tribunal, which will deal with particular incidents and complaints of discrimination; and the access to a legal system which will allow all Ontarians to access the commission, either at the tribunal level or at the commission level. With this legislation, Ontario will continue its leadership role first established in 1962, 44 years ago.

The Acting Speaker: Further debate?

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): I'm very pleased to join in the debate for the 15 minutes that are left in the session today, and I'll deal with the bill as best I can.

I think it's certainly an important piece of legislation. Obviously, the members who have debated this bill today are very passionate about human rights and certainly the evolution of human rights protection in this province, which was started by the Progressive Conservative Party in the 1960s and which evolved under Premier Davis in terms of changes that were made to the Human Rights Code over time. It certainly has evolved into a system that protects basic rights in this province, and we're all proud.

The problem that has been debated at length here today is the mechanism to ensure that those basic human rights and freedoms are litigated in a manner that will provide the claimant with due process and a remedy that deals with their concerns, at the same time balancing the rights of the accused, be they individuals, corporations, a landlord or someone else who provides a public service in this province.

The problem—and I have some experience in this area—has been getting to that point. I don't think it's uncommon, in terms of the criminal justice system, and especially in terms of the youth justice system, that the action, the wrongdoing, occurs just too far from the point when the person is dealt with in the court system and the sentence or the penalty is levied. I think that's the biggest problem we face with respect to the Ontario Human Rights Commission and the work they have done and have tried to do.

As you deal with it, the commission's role currently is to take the complaint, process it, put it forth to mediation and try to deal with that complaint before they get into investigation and come up with a decision whether to put it forth to the tribunal. As everybody knows, at one time there were boards of inquiry that were part of the commission, and those were split up to separate the commission from the Ontario Human Rights Tribunal as a matter of, some people felt, fairness, as a matter of due process to keep the two entities separate. This bill is not going to do anything to change that.

What the bill is proposing to do is eliminate the investigation phase, which, in my opinion, is fraught with

difficulties in terms of not only fairness but also, because it can become very subjective, in terms of the investigator who is dealing with the matter and in terms of the time it takes to investigate the matter.

I think the model being proposed by the minister is somewhat similar, in ways, to the Ontario Labour Relations Board, where a person puts in a complaint, there's a process where they try to resolve the complaint through a labour relations officer, and if it's not resolved, then it goes to a hearing in an expeditious manner to try to resolve it and bring an end to the litigious matter. That's what it is, in essence: A complaint becomes a litigious matter.

I don't have a problem with respect to speeding up the process to make sure the complainant and the people who are accused, the respondents in this matter, get the process over with so they can get on with their lives. If a remedy should be coming forth in the public interest, if someone is at fault, then that's what the process should be about. You may have some rights, but the thing is, do you have any remedies? That's been the biggest problem with the Human Rights Code in this province.

The one area that's problematic here is dealing with the legal costs for a complainant to deal with this. Not every complainant has the ability to process a complaint all the way through the system, although when they did get it into the system, with respect to the Ontario Human Rights Tribunal, there was always Ministry of the Attorney General legal staff there to carry the complaint to fruition through a hearing. Prior to that, it was the human rights officers who were in a position to assist the complainant in terms of dealing with the investigation, but they have to be hands-off because they're making a statutory decision with respect to this. That has been the problem for complainants. As we know, the legal aid system does not provide funding for human rights complaints. That's something that maybe the Attorney General should be considering in terms of dealing with providing complainants who are in financial need with the ability to get legal aid for human rights. I do know there are some sections in here that are dealing with new section 46.1, which allows the minister to "enter into agreements ... for the purposes of providing legal services and such other services ... to ... parties to a proceeding before the tribunal." But that's before the tribunal. We're not talking about dealing with the process with respect to getting your complaint launched and whatever. So you're going to be in a situation where there's going to be some poorly drafted complaints, and perhaps the person doesn't do the job that's necessary to make sure that their complaint covers the basic facts that are set out by the rules and the basic requirements for the remedy they're seeking. That's a big question mark in terms of dealing with this.

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What we're trying to find out here is a mechanism that's sort of inside the box we're dealing with at the Ontario Human Rights Commission. I know when we changed the Employment Standards Act, we set out a procedure where you could have a choice if you were

terminated, were looking for termination and severance pay and decided, "I'm going to go to the ministry, I'm going to use their services and I'm going to get my severance and termination pay, but I'm not going to go—because of the way the act was drafted, I can't also go civilly." This is one area where the United States is a little different than Canada. They use the courts to enforce their civil rights. We haven't used that because of the Supreme Court of Canada decision saying that if there's a mechanism in place, you can't use the courts to enforce human rights in this province, though there are varying degrees of how lawyers use it with respect to wrongful dismissal cases when they go after punitive damages. But the principle is in place that you can't use the courts because we have a human rights process in this province.

That's something I think the Attorney General should look at. I think, to be fair to people who want to protect their rights and if we really believe in human rights in this province, we should be looking at a system not dissimilar to the Employment Standards Act, where you make the choice: "I'm going to use the ministry services to get my termination and severance pay, or I'm not. I'm going to go to the courts and I'm going to go after the payments that I think are fair arising from a wrongful dismissal." That's something that maybe the Attorney General should be looking at. If this process doesn't work in terms of what they're trying to accomplish, which I think is to protect human rights and to provide a mechanism that will protect them in real time and in a real way, then perhaps we should be looking at allowing a complainant to either go to the commission or be able to go to the courts and enforce their rights with respect to human rights in the province.

I don't see any difficulties with that. They're saying, "Where would you get the lawyers?" Well, lawyers now in this province put through to the Attorney General, they work through contingency fees, they work under other mechanisms where they can charge at the end of the case or where there's a settlement. So there's definitely counsel out there that would be available to people in terms of dealing with these particular types of cases. Or you could bring back human rights types for the legal aid system so people who are of limited financial means could use that.

I think people should be given a choice and we should think outside the box. I've talked to a number of lawyers who are in this area and they would welcome being able to enforce human rights through the civil courts, to bring some reality in terms of dealing with human rights in this province. That's not anything against the work that could be done by the commission in terms of promoting human rights. That's something they should be doing, because it's important for people to have knowledge that that's not tolerated in this province, dealing with people who are going to discriminate against others. That's the role of the commission, and I don't have a problem with that.

What I have a problem with is the litigation end of it in terms of what we should be looking at here: a role for the Human Rights Tribunal to allow people to get due

process, to intelligently make a decision and go forth. But I can see very clearly that that Human Rights Tribunal is going to get bogged down in litigation very quickly. Certainly mediation plays a role. The Ontario Labour Relations Board is probably a model in terms of how they deal with their complaints. But let's be frank: The hearing dates are getting longer and longer at the Labour Relations Board, and they're starting to mirror what you can find in the civil court system—not necessarily in Toronto, but outside of Toronto, because Toronto is under case management and it's a much quicker litigation process.

That's something that I think the Attorney General should think about. I don't think he'd accept that. I don't think he's thought around that type of model in terms of bringing in the civil system to enforce human rights in this province. But it's something that I want to talk about, because I believe that's something that should be looked at to bring some real meaning to what human rights are in this province. Certainly, the people who are going to be involved—I have a lot of respect for Barbara Hall. I think she's going to be a good commissioner. But she has her hands full in terms of where she's going to be taking the law and where we're going to go with human rights in this province.

This is a method that certainly, in the short run, will provide complainants with a system where they can get their rights enforced more quickly. In the long run, I'm

not so sure how this is going to work, because you're going to have to have complainants being able to file intelligent briefs and complaints. As anyone knows, individuals who go after unions for duty of fair representation—they're probably some of the more poorly drafted types of complaints that are put out there, and many times they don't go anywhere because they don't say anything in terms of what the real facts are; they don't even look for a remedy that fits the facts. That's going to be a big challenge, in terms of how to allow complainants to file properly, but at the same time, employers and individuals who are accused of this have rights too. I wouldn't want to see the Human Rights Tribunal turning into a whipping type of situation, where people are going to be forced into settlements because they could be facing some severe penalties in terms of hearing times and they have to pay for their legal counsel, whereas the complainant doesn't have to pay for theirs. There's got to be some balance in terms of the system, in terms of fairness for both, that the tribunal isn't just used as a collection agency to go after employers and individuals that are accused, whether it's falsely or fairly. That's where the litigation process comes in.

I think my time is up. I really appreciate being able to speak on this bill.

The Acting Speaker: It being 6 of the clock, this House stands adjourned until tomorrow at 1:30 p.m.

The House adjourned at 1758.

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